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PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 11 OCTOBER 2006

APPL NO: **UTT/0719/06/FUL**
PARISH: **HATFIELD HEATH**
DEVELOPMENT: Replace existing bungalow with three bedroom chalet bungalow with double garage
APPLICANT: Northdale Service Ltd
LOCATION: 5 Lea Hall Bungalows Dunmow Road
D.C. CTTE: 20 September 2006 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: Refusal
Case Officer: Mrs A Howells 01799 510468
Expiry Date: 05/10/2006

APPL NO: **UTT/1336/06/DC**
PARISH: **WIMBISH**
DEVELOPMENT: Vehicular crossovers and hardstanding for off street parking
APPLICANT: Uttlesford District Council
LOCATION: 26, 27, 28, 29, 30, 31, 32, 33 Tye Green
D.C. CTTE: 20 September 2006 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: Approval
Case Officer: Madeleine Jones 01799 510606
Expiry Date: 29/09/2006

UTT/0719/06/FUL - HATFIELD HEATH
(Referred by Cllr. Lemon) & (Revised report)

Replace existing bungalow with three bedroom chalet bungalow with double garage.
Location: 5 Lea Hall Bungalows Dunmow Road. GR/TL 528-155
Applicant: Northdale Services Ltd.
Agent: B Flanagan
Case Officer: Mrs A Howells 01799 510468
Expiry Date: 05/10/2006
ODPM Classification: OTHER

NOTATION: Within Metropolitan Green Belt/ TPO's on boundary.

DESCRIPTION OF SITE: The site is located approximately 680m northeast of the junction of the A1060 and the B183 in Hatfield Heath. There is a detached bungalow with a room in the roof located on the site. The bungalow is one of five properties in a group which appear to be former farm workers cottages. The other bungalows have been altered and extended over a number of years. The dwelling on the site covers an area of 104m² and has a maximum ridge height of 5m. It also has an attached flat roofed garage.

DESCRIPTION OF PROPOSAL: This application relates to the replacement of the existing dwelling with another bungalow with room in the roof. The proposed dwelling would be relocated within the site away from the side boundary. It would have a maximum ridge height of 5.6m and would cover an area of 155m².

APPLICANT'S CASE: Letter dated 21 April 2006 submitted as part of application. The existing building includes:

POOR LAYOUT - The layout of rooms is poor with bedrooms access from the living Room and stair to upper rooms discharging to escape route.

ASBESTOS IN CONSTRUCTION - The construction includes asbestos panels which could be a health risk.

SOUND INSULATION - The house lies in the Stansted Airport area and a new building would enable the use of appropriate sound resting materials.

The proposed replacement house has been designed with the following aim: improve layout, replace flat roofs with pitched, reposition and hand the plan to increase space between adjoining building (no.4) and retain the route of the existing access road and drive.

The proposed building will be 15-20% larger resulting from the improvement of layout.

RELEVANT HISTORY: Replace existing 2 bed bungalow with 5 bed chalet bungalow with double garage - refused October 2005

CONSULTATIONS: Water Authority: To be reported (due 31 August 2006).

Environment Agency: To be reported (due 31 August 2006).

English Nature: No objection to the proposed development in respect of legally protected species, provided the mitigation as outlined in the report is incorporated into a permission or part of a suitably worded agreement or planning condition, if necessary.

Essex Wildlife Trust: To be reported (due 31 August 2006).

Landscaping: To be reported (due 24 August 2006).

PARISH COUNCIL COMMENTS: No objections and consider the new location in the centre of the plot is an improvement. The council hopes that the materials and rendered walls are in keeping with the surrounding properties.

REPRESENTATIONS: None. Notification period expired 31st August 2006.

COMMENTS ON REPRESENTATIONS: Please see planning considerations

PLANNING CONSIDERATIONS: The main issues are whether the proposal complies with policies relating to development within the Green Belt, replacement dwellings and design (PPG2 – Green Belts, ERSP Policy C2 and ULP Policies H7 & GEN2). The authority has draft Supplementary Planning Guidance on replacement dwellings.

No Design and Access Statement has been submitted as the application was received on 9th August 2006 which is prior to the requirement to supply one.

There is no objection in principle to the erection of replacement dwellings within the Metropolitan Green Belt (MGB) subject to them not being materially larger than the existing dwelling and not having a detrimental impact on the open and rural character of the MGB. This application proposes to replace a modest dwelling with one which would cover an area approximately 32% more than that of the existing dwelling and with a higher ridge height which is spread across the whole of the built form. The bulk of the proposed dwelling would also be greater than the existing due to the increased area covered by more pitched roof.

*When dismissing a recent appeal in the Metropolitan Green Belt at Stansted – UTT/1203/05/FUL – the Inspector states amongst other things: “PPG2 Paragraph 3.6 defines a limited extension as not resulting in disproportionate additions over and above the size of the original dwelling. It does not take account of neighbouring dwellings.” “I accept that the dwelling is well screened, and note that the extensions could be physically accommodated on the site and would not be particularly visible from the public domain, but I do not consider that these are good arguments in principle as they could be repeated too often to the overall detriment to the openness of the green belt.” In response to comparisons with other ‘similar cases’ she pointed out that they may pre date the current edition of PPG2 but in **any event** she was required to consider the proposal on its merits. Although that appeal refers to a proposal to extend rather than replace a dwelling the same objections should be raised against this proposal. The replacement dwelling would be in the Metropolitan Green Belt which has a general presumption against inappropriate development. Members will be aware that green belts are nationally important and backed by very strong national and local policy. The inspector also mentioned *the limited benefit of the smaller footprint of the appeal proposal would be outweighed by the significantly bulkier roof structure and higher ridgeline*. This application has an increased footprint than the original dwelling and also has a significantly bulkier roof structure and higher ridgeline.*

ERSP Policy C2 provides that there is a general presumption against inappropriate development in the Metropolitan Green Belt. Except in very special circumstances, planning permission will not be granted unless for a form of development listed in the policy, including the limited extension, alteration or replacement of existing dwellings. Development which may be permitted under this policy should preserve the openness of the green belt and should not conflict with the main purposes of including land within it – the applicant has submitted information which agrees that a replacement dwelling is suitable on this site. To approve a scheme which is contrary to green belt policy it is necessary to demonstrate very special circumstances. No such very special circumstances have been demonstrated.

The increase in the size of the new dwelling would result in additional built form within the MGB which would be detrimental to the open and rural characteristics of the MGB and would be contrary to PPG2 – Green Belts and ERSP Policy C2 – Green Belts.

ULP Policy H7 relating to replacement dwellings specifies that a replacement dwelling will be permitted if it is in scale and character with neighbouring properties however the site is

located outside Development limits it must also protect or enhance the particular character of the countryside in which it is set. With regard to this application, the site is outside Development Limits and within the MGB. As considered above, the increase in built form is detrimental to the characteristics of the MGB and as a result cannot be considered to protect or enhance the MGB. The proposal is therefore contrary to provisions of ULP Policy H7. The design of the proposed dwelling is broadly considered to be acceptable and is similar to existing, neighbouring properties. The relocation of the dwelling on the site and the position of the proposed windows would not result in any loss of amenity in terms of overlooking or loss of privacy to neighbouring properties and due to the position to the north of the closest neighbouring property no loss of light or overshadowing would occur. The proposal would therefore comply with ULP Policy GEN2.

Supplementary Planning Guidance – Replacement Dwellings (Draft August 2006). The Council will allow a replacement dwelling in the MGB but only if the new dwelling is not materially larger than the one being replaced in terms of volume, height and floorspace; the footprint of the existing should normally be followed. The Council may make an exception if it can be shown that the new building in a different place will reduce the impact and outside development limits the replacement dwelling shall be in scale and character with the neighbouring properties, in terms of height and volume.

The surrounding bungalows are of various shapes; the roofs, none of which are higher than that of the existing application site bungalow, are all varying heights giving the bungalows character and they appear less bulky. The proposed bungalow has the same roof height across the whole bungalow which gives the appearance of bulk and would be detrimental to the Metropolitan Green and would not be in accordance with the Supplementary Planning Guidance. Both the volume and the height are proposed to be increased quite significantly which would mean that the proposed bungalow would not be of the same scale and character as the surrounding bungalows. However, the proposed footprint of the bungalow is to be moved slightly to the north. By moving the footprint the effect on the neighbouring property would be less and would therefore be encouraged and Officer support would be favourable.

The proposal is considered extensive and if an approval were to be granted, permitted development rights would be removed because of overdevelopment of the site and the effect on the MGB, an extension is therefore unlikely to be acceptable.

CONCLUSIONS: Although the floor area of the proposal has been reduced to that of the recently refused application, the height across the whole dwelling remains the same and the reasons for refusal have not been adequately addressed. The application is therefore recommended for refusal.

RECOMMENDATION: REFUSAL REASONS

1. The proposed dwelling would be materially larger than the existing dwelling on the site and resultant increase in built form within the Metropolitan Green Belt due to the size and bulk of the dwelling would be detrimental to the open and rural characteristics of the MGB and would be contrary to PPG2 – Green Belts and ERSP C2 – Green Belts
2. The increase in the built form on the site resulting from the proposed dwelling would fail to protect or enhance the open and rural characteristics of the countryside in which it is set and would therefore be contrary to the requirements of ULP Policy H7.

Background papers: see application file.

UTT/1336/06/DC - WIMBISH

Vehicular crossovers and hardstanding for off street parking.

Location: 26,27,28,29,30,31,32,33 Tye Green. GR/TL 590-353.

Applicant: Uttlesford District Council

Agent: Uttlesford District Council

Case Officer: *Madeleine Jones 01799 510606*

Expiry Date: 29/09/2006

ODPM Classification: OTHER

Note: Amendment to previous report:

All residents were written to and only one reply was received.

Responding to this residents recommendation, revised plans have been received which reduce the number of crossovers from 8 to 6.

Essex County Council policy does not permit the use of grass crete in vehicular crossovers. The grass verge is in the ownership of Essex County Council.

NOTATION: ULP: Outside Development Limits.

DESCRIPTION OF SITE: The site is located in the central part of the village of Tye Green on Mill Road which is a class III road. The site comprises of eight houses that back onto the recreation ground. The houses all have front gardens that are separated from the pavement by a grass verge and each garden in turn is separated from the grass verge by a mixture of hedging and wire fencing. The verge increases in depth towards number 26 and the houses are set lower than the road. At present the only parking provision for these properties is along the roadside. The village hall is opposite the application site and has limited parking facilities and as such when the farmers market, bowling etc and other events are held the parking for the village hall events spills onto the road outside the houses to which this application relates. The recreational ground to the rear has parking for several vehicles.

DESCRIPTION OF PROPOSAL: The proposal is for the creation of vehicular crossovers and hard standings for properties numbers 26- 33 to provide off street parking. This would involve removing the hedges to the front of properties 33, 32 and 31.

CONSULTATIONS: English Nature: Objects to the proposed development because the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. The concern relates specifically to the likely impact upon great crested newt and native reptiles.

PARISH COUNCIL COMMENTS: To be reported (due 6 September 2006).

REPRESENTATIONS: None received. Notification period expired 28 August 2006.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS 20 SEPTEMBER 2006: 1 letter has been received:

I object to the plans to create hardstanding for cars on the pretty gardens in Tye Green for the following reasons:

1: I think the proposals are inappropriate in this rural setting and will damage the village scene.

2: Cars already travel at speeds exceeding the speed limit through the village and I believe that the current on-road parking acts as a sort 'traffic-calming' measure. By removing parked cars from the road I fear that cars will have a 'clear run' travel faster through the village.

3: I think that cars reversing in and out of the new parking spaces will make this stretch of road more dangerous.

PLANNING CONSIDERATIONS: The main issues are Road safety issues, nature conservation and impact on the character of the countryside (ULP Policies S7, GEN1, GEN2, GEN8, GEN7);

- 1) In view of current parking problems, and that the location is just after a bend in the road when entering the village, it is considered that the proposal would improve road safety issues. At present the vehicles of these houses park in the road and this forces traffic coming into the village onto the wrong side of the road.
- 2) English Nature's comments relate to the ponds at Maypole Farm which are located some distance away and as there are many barriers between the application site and these ponds it is unlikely that protected species will be visiting these properties. A condition that in the event of a protected species being discovered all construction work shall cease until a licence has been obtained shall be imposed.
- 3) Policy S7 states that 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. In view of the road safety issues it is considered there is a special reason for this proposal to take place. As other properties along Mill Road have driveways onto the road, the visual effect on the character of the countryside of this proposal would be minimal.

CONCLUSIONS: The proposal is considered to be appropriate for the reasons given in the body of this report.

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 10.7 Visibility splays for crossover access.
4. C20.3. If protected species discovered get licence from DEFRA.

Background papers: see application file.

UTT/1197/06/DFO - LITTLE CANFIELD

Details following outline Planning Permission (UTT/0816/00/OP) for erection of 38 no. dwellings including associated parking/garages. Alternative application with revised reserved matters (UTT/1065/05/DFO).

Location: Phase 3B Priors Green. GR/TL 572-212.
Applicant: Countryside Properties
Agent: Countryside Properties
Case Officer: *Mr M Ranner 01799 510556*
Expiry Date: 13/10/2006
ODPM Classification: MAJOR

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

DESCRIPTION OF SITE: The area subject to this application comprises a parcel of land located within the Priors Green development area. It is identified on the approved Phasing Plan as phase 3B and occupies an area of just over a hectare either side of Clarendon Road. The site is open in nature, having been cleared in the last twelve months to allow for archaeological investigations to take place although trees and hedgerows remain along the southern and western boundaries. It is largely encapsulated by the Priors Green development area except to the south which abuts existing residential properties fronting Dunmow Road. An 'island site' property also abuts part of the northern boundary to the site.

DESCRIPTION OF PROPOSAL: The application seeks the approval of those matters reserved under the outline planning permission for the site for 38 dwellings including associated parking and garages. It represents a revised scheme following an earlier reserved matters approval on the site also for 38 dwellings. Most of the alterations to the approved scheme are relatively minor although the most notable change relates to the substitution of a curved terrace of three dwellings with a more formal layout of two detached dwellings. The general layout however and number of dwellings proposed remains the same.

APPLICANT'S CASE: A supporting letter accompanies the application, a section of which has been duplicated as follows:

"The curved terrace element continues to be omitted from the revised scheme however it is considered that there are still elements of informality retained within the scheme to break up the theme of the more formal layout. Overall it is submitted that the revised scheme complies with the principles set out in the master plan and the outline application approved by the District Council, and is acceptable in all other respects."

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

Members may recall, that subsequent to this, reserved matters approval was granted at the Development Control Committee held on 21 September 2005 for 38 dwellings including parking/garaging at phase 3B (UTT/1065/05/DFO).

CONSULTATIONS: ECC Highways: No objection subject to the following conditions:

“The vehicular access to plot 108 should be straight and not angled onto the radii of the turning head.

Prior to occupation of each property, each vehicular access shall be provided on both sides a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary. 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.

No unbound material shall be used in the surface finish of the driveway within 6metres of the highway boundary of the site.

The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from the occupation of such dwelling.”

Thames Water: No objections with regard to sewerage infrastructure.

Essex Police: No objections with regard to secure by design.

Environment Agency: No objections.

PARISH COUNCIL COMMENTS: Takeley Parish Council: No objections. Comment that the changes relate to small alterations to the layout and style of housing in the phase and the number of dwellings remains at 38.

Little Canfield Parish Council: Comment that twenty one of the thirty eight dwellings have four bedrooms. They question whether this is appropriate given that their understanding is that the development is airport related. Also they question whether there is adequate storage out of sight for three bin recycling, especially for type A houses.

REPRESENTATIONS: None received.

COMMENTS ON REPRESENTATIONS: N/A.

PLANNING CONSIDERATIONS: The main issue for consideration in this case is whether the revisions to the previously approved scheme, as now proposed, are acceptable in terms of design.(ULP Policies GEN1, GEN2, GEN8, H10 & Policy 3 – Priors Green).

As members will be aware the land subject to these applications, benefits from outline planning permission for residential development pursuant to application UTT/0816/00/OP. This permission followed the Committees approval of the Priors Green Master Plan in November 2000. The site also benefits from reserved matters approval for 38 dwellings (UTT/1065/05/DFO) and it forms part of the Priors Green development area wherein Local Plan Policies S2 and Policy 3 apply. The principle of developing the site for market housing comprising 38 dwellings has therefore already been accepted on this site and so matters such as density and affordable housing will not be addressed as part of the considerations to this report. Also matters such as the sites ecology and archaeology have also already been addressed whilst determining the previous proposal for the site and so will not be revisited whilst considering the revised scheme now before committee.

Turning to design, the application proposes seven house types, which represents a reduction of two from the nine house types approved under the previous approval for the

site. House types characterised by more simple designs have also been substituted for some of the previously approved designs, which includes the substitution of a curved terrace with a more formal layout of detached dwellings. Officers acknowledge that these changes are regrettable due to the loss of more interesting design features, however consider that the resultant scheme still demonstrates acceptable standards of design that is neither inappropriate nor incongruous with other development approved on the adjoining phases. It should be recognised that, the fact that the previous scheme is preferred to that of the revised scheme now for consideration, is insufficient reason alone to warrant the refusal of planning permission.

Following the grant of permission for the previous scheme, Supplementary Planning Document 'Accessible Homes and Play Space' has been formally adopted by the Council and so is material to the consideration of this application. It is apparent from the submitted drawings that the scheme does not comply in all respects to the lifetime homes standards as set out in Appendix 1 of the SPD. A condition is suggested however to ensure that some minor amendments are made to the scheme to ensure that the development is improved in this respect. The extant planning permission pertaining to the site could be implemented by the applicant without complying with lifetime home standards which is also material to the consideration of this revised scheme.

Turning to housing mix, 17 of the total of 38 dwellings will comprise of smaller two and three bedroom properties which represents a significant proportion of the total, in accordance with the requirements of Policy H10 of the local plan. This is very similar to the approved scheme which comprises a mix of 18 smaller two and three properties of the total of 38 dwellings.

The layout incorporates a very similar parking arrangement to that already approved and the parking provision remains unchanged averaging a total of 2.5 spaces per dwelling. The positions of the service roads also remain unchanged and in the interests of highway and pedestrian safety the conditions advised by the County Council Highways Department have been suggested at the end of this report.

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

Turning to residential amenity the layout and position of dwellings and their relationship with existing neighbouring dwellings is very similar to the scheme already approved and is considered acceptable in this case. Similarly the standard of amenity afforded to the new dwellings is considered acceptable and will be similar to the scheme already approved on site.

Finally, the revised scheme benefits from an access that has been designed into the layout between plots 114 and 115, which will allow access to the drainage ditch that runs to the rear of these properties for maintenance purposes in order to prevent possible flooding. This was omitted from the previously approved scheme.

CONCLUSIONS: In light of the above considerations, and taking into account the proposals similarities with the extant permission that exists on the site (Ref: UTT/1065/05/DFO) officers recommend that the application is approved subject to the conditions as set out below.

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.10.5. Carriageways of estate roads.

4. C.10.17. No occupation until spaces laid out.
5. C.11.11. Cycle parking provision.
6. C.20.3. If Protected Species discovered get licence from DEFRA.
7. All flood risk management measures identified in the approved Flood Risk Assessment shall be incorporated into the development prior to the first occupation of the development hereby permitted, unless otherwise agreed in writing by the local planning authority.
REASON: To reduce the risk and effect of flooding to the development and ensure neighbouring property is not put at greater risk as a result of the development.
8. C.8.29. Details of sustainable construction required.
9. C.8.30. Provision of bin storage.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission), freestanding buildings erected on any part of the site or an access/hard standings created without the prior written permission of the local planning authority.
REASON: To ensure the local planning authority retains control over any future development as specified in the condition in the interests of amenity.
11. There shall be no beneficial use made of the dwellings within the limits of this application until the estate roads included as part of the adjacent phase 1 has been constructed to at least base level which ensures that each dwelling proposed as part of any future phases have a properly consolidated and appropriately surfaced carriageway prior to occupation, between the site and an existing highway.
REASON: In the interests of highway and pedestrian safety.
12. Details of all other proposed finished surface independent footpaths, shall be submitted to and approved in writing by the local planning authority, and thereafter constructed in accordance with such approved details. All statutory undertakers equipment and services shall be laid prior to the commencement of any works within the access way and thereafter the footpaths shall be constructed up to and including base course surfacing in order to ensure that prior to occupation each dwelling has a properly consolidated and surfaced access between the dwellings and an existing highway which shall thereafter be maintained in good repair until the final surface is laid. The final finished surface of the footpath, as approved by the local planning authority shall be laid within twelve months of the completion of all the dwelling units intended to take access there from or within any such extended period that may be agreed by the local planning authority.
REASON: In the interests of highway and pedestrian safety.
13. C.10.7. Visibility splays for crossover access.
14. C.10.8. Unbound materials/surface dressing.
15. The vehicular access to plot 108 as shown on drawing no. N00170/3B/P/01 revision C shall be amended so that it is of a straight alignment along its full length.
REASON: In the interests of highway safety.
16. The development shall accord with the criteria listed for 'Lifetime Home' in Supplementary Planning Document 'Accessible Homes and Play space', unless otherwise agreed in writing by the local planning authority. Detailed drawings depicting the necessary revisions to the scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.
REASON: To ensure that the development provides effective and practical lifetime homes.
17. C.19.1. Avoidance of overlooking.

Background papers: see application file.

UTT/1351/06/FUL - HIGH EASTER

(Referred by Councillor Flack)

Change of use of land and two buildings for seasonal Christmas retail outlet.

Location: Easter Hall. GR/TL 611-151
Applicant: Ambershire Limited
Agent: Marguerite Livingstone Associates
Case Officer: Mr M Ranner 01799 510556
Expiry Date: 03/10/2006
ODPM Classification: MINOR

NOTATION: Outside of development limits.

DESCRIPTION OF SITE: The application site comprises a group of five agricultural buildings facing a concrete yard, which is accessed via a narrow lane on its eastern edge. Beyond this lies a gravelled parking area, with further parking located immediately to the north beyond a small tree nursery. To the west lies the old farmhouse and beyond this open agricultural land which characterises the surrounding area.

DESCRIPTION OF PROPOSAL: The application seeks permanent permission to continue trading from the site as a seasonal retail outlet. The business operates under the name of 'Christmas Wrapped Up at the Easters' and retails Christmas trees, and other Christmas products such as tree decorations, tree lights, wreaths, Christmas cards, wrapping paper, fireworks etc. The business operates from two farm buildings, one of which is temporarily converted to a sales area and grotto and the other to sell garlands, wreaths and tree decorations. Both buildings are physically linked with a temporary marquee, which is used to store and sell Christmas trees. The business is seasonal taking place at Easter Hall between 31 October and 24 December each year between the hours of 9am and 6pm seven days a week. As part of this application the applicant proposes to extend the opening of the business until the 9 January in order to provide the opportunity to sell off excess goods. Opening hours are however proposed to be reduced from 9am to 5pm Monday to Saturday and 10am to 4pm on Sundays. A gravelled parking area located just to the east of the buildings provides parking for upwards of 100 cars.

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

- "The use of the site for a retail outlet is ancillary to the main business of growing Christmas trees
- The planning permission sought for the retail operation is only for a very short time period and as such has little impact on the amenity of residents in the area or the countryside in general.
- As the Council are aware from the previous representations received the use of these buildings is very popular with established customers who even without the retail element would still visit the site to purchase their trees.
- The highway report which forms part of this application demonstrates that there is not an unacceptable level of traffic generated by the use of the site and that there is no issue regarding highway safety.
- In respect of the highway verges it is noted in the previous planning officer's report that "there is no direct evidence that attributes damage to the seasonal use of Easter Hall for retail purposes." It is noted in fact through hedge cutting and verge cutting in the spring undertaken by the Council is likely to be more damaging and harmful than winter traffic using the lanes. As is use of the lanes by agricultural farm machinery."

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

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

Planning permission was sought earlier this year (UTT/0404/06/FUL) for part change of use of land and buildings to a seasonal (Christmas) retail outlet although this was withdrawn by the applicant on 2 June 2006.

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

Experience has shown that informal one-way systems, as is now proposed by the applicants, would be difficult to enforce. The only way that a one-way system would work would be a temporary Traffic Regulation Order with associated signs in place. However this would depend upon support of Essex Police which is unlikely to be forthcoming.”

English Nature: No objections.

Saffron Walden Museum: ‘Special Verges’ object to the proposal and state the following: “The application site of Easter Hall is at the east end of Special Roadside Verge UTT28 Aythorpe Roding/High Easter TL604158-TL612153, please refer to the attached map. Policy ENV7 on Special Verges applies and the road is also a Protected Lane, Policy ENV8. The verge on the north side of the road supports notable plants Sulphur Clover, Cowslip, Meadow Vetchling, Birds-Foot Trefoil, Restharrow, Common Knapweed, Agrimony, Meadowsweet, Field Scabious, Hoary Plantain, Clustered Bellflower, Hairy Violet. Salad Burnet was not found in 2006, however, it was present in 2004 and 2001. The verge on the south side of the road supports Cowslip, Meadow Vetchling, Common Knapweed, Agrimony, Meadowsweet, Field Scabious, Hoary Planain.

I object to the application for the following reasons. These verges have suffered from erosion due to the volume of traffic and size of vehicles travelling along the narrow lane where there are no passing places. Rutting and loss of verge width was evident on my visits during 2004 and 2005, and noted by the Planning Inspector in 2004 (appeal APP/C1570/A/04/1142385). It is my opinion that the volume of traffic generated by “Christmas Wrapped up at the Easters” during winter, when verges are soft and more vulnerable to rutting will cause damage to the special verges and reduce the seed reserve of chalky boulder clay plant species. The 2006 ecological survey found that Greater Plantain was ‘frequent’ on the north and south verges and this plant grows where the ground has been subject to erosion.

I am disappointed that Boreham Consulting Engineers Limited consider that the Protected Lane noted above is a road suitable for accessing the site at Easter Hall, their drawing No.206163/01. This road is too narrow and as noted above the verges will be subject to

damage as vehicles pass each other. I consider that the alternative one-way circulation route, their drawing No 206163/02, is the route most likely to avoid damage to the Special Verges and could be adopted for the whole time that the retail outlet is in operation. Subject of course, to UDC Planning Committee and ECC Highways Authority approval.

In regard to the Supporting Statement submitted by Marguerite Livingstone Associates Ltd., I have the following comments:

I feel that the use of internet selling, reduction in opening hours by 9 hours per week, provision of increased parking, provision of parking attendants at weekends and discounts for midweek purchases will help to reduce the impact of the enterprise. However, given that 6,000 vehicle movements are anticipated and that the site is still to be accessed along the narrow Protected Lane during week days I feel that this activity will still result in damage to the Special Verges.

In response to points 3.20 and 3.31 in the statement. Use of weed killer on sites of nature conservation interest is not authorised. ECC Highways only use herbicide to spray roadside curb stones. Any spraying of weed killer should have been reported to a Countryside & Ecology Officer at Essex County Council, using the telephone number given on the plaques on the verge marker posts. It is ECC Highways policy that all verges, including special verges. These particular special verges will also receive full width cuts in October and March to benefit the flora growing there. The cutting of hedgerows alongside verges is the responsibility of the adjacent landowner. The verges will be vulnerable to damage from agricultural vehicles during the summer, however during summer months the plants will have a chance to grow back. In winter erosion by vehicles will turn damp verges into mud and thereby destroy some of the verge area, as noted previously. I was not consulted about the planning application for paintball activity at Loves Farm. If I had been consulted I would have objected to the application.”

The Countryside and Ecology Officer at Essex County Council has also responded to consultation and endorses the comments made above from Saffron Walden Museum ‘Special Verges’.

Campaign to Protect Rural Essex: Object and make the following comments:

“We consider that this farm diversification does not meet the criteria set in Policies E4 and E5. The proposal would have an adverse effect on rural amenity around the site. In particular, the increase in traffic would place undue pressure on the surrounding network of narrow rural lanes. This in turn would be detrimental to other users, including pedestrians, cyclists and horse riders. Larger delivery vehicles and customer vehicles needing to overtake would damage the verges of these lanes, many of which have a special designation as Protected Lanes and Special verges and are recognised by the Essex Wildlife Trust as County Wildlife site G87. Existing damage to verges during the 5 year temporary period of retail use was noted by the Inspector in 2004 dismissing APP/C1570/A/04/1142385 (UTT/1399/03/FUL) at the same site.”

PARISH COUNCIL COMMENTS: Easter Parish Council has responded to consultation and asks that their comments made in respect of the earlier withdrawn application are repeated. These are as follows:

1. The Parish Council are inclined to support the application provided Essex County Council, Highways Department, will allow a greater number of signs be used directing vehicles to the site and to the correct parking area. We understand that in past years the applicant has been restricted to a total of 13 signs only thus causing congestion in certain areas.
2. That far greater attempts must be made by the applicant to prevent vehicles parking on verges close to the site.

3. That the existing car park be increased in size in a northerly direction to accommodate vehicles and the provision of a separate entrance and exit to said car park.
4. That during the hours of trading there will be adequate staff on duty to ensure vehicles are parked correctly in the car park and not on verges.
5. All verges within a reasonable area of the site to be repaired/maintained by the applicant at their cost. This to commence in January of each year and to be completed as soon as possible in the same year.

REPRESENTATIONS: Five letters of objection have been received from three local households. A single letter of support has also been received. The main points of objection/concern are summarised as follows:

- District Plan Policy T1, draft Local Plan Policies E3 and Gen1: the proposal would lead to an unacceptable and dangerous increase in traffic on the narrow and constrained rural road network around the site. This is the view of the Highways Authority
- District Plan Policy C3, draft Local Plan Policy ENV7: the increase in traffic would be likely to have a damaging effect on the verges of those roads in the vicinity of the site designated as Protected Lanes/Special verges.
- District Plan Policy DC14, draft Local Plan Policy GEN4: increased activity on the site would have an adverse effect on the residential amenity of nearby residents.
- The economic success of a venture, and support expressed by its customer base does not absolve the Local Council of its obligation to protect an ancient network of Protected Lanes, Specially Protected Verges and Wildlife Sites, or the amenity of local residents.
- Information supplied regarding cutting and spraying of the protected verges is misleading and incorrect. Management has been in compliance with special guidelines. Despite “erosion by vehicles” (Essex Wildlife Trust), the protected plants are still in existence and should continue to be safeguarded, and allowed to increase.
- Traffic survey done in June – not in run-up to Christmas – which would have removed the need for ‘projected traffic volume’ and would have provided truly accurate figures. Traffic movements regularly exceed 100 movements per hour. On the weekend of 6/7 December 2003, 137 and 140 movements per hour were logged on two different hours. Up to 212 vehicle movements per hour have been logged.
- Photographic evidence has been produced to show the damage to the verges.
- The roads are narrow and unsuitable for large volumes of traffic. The width of the lanes is incorrectly described. Two cars cannot pass without, of necessity, having to mount the verges.
- Overspill parking occurs in the lanes. Parking already exists for 200 cars.
- Information supplied on staff headcount is inconsistent.
- Business is drawn not only from the immediate locale, but via the limitless reach of the internet, making the future expansion of the business and increase in traffic volume totally uncontrollable.
- Policy NR5 of the Essex Replacement Structure Plan states that any proposals which would give rise to a material increase in the amount of traffic using protected lanes will not be permitted.
- Suggestions of reducing hours of operation would not reduce the volume of business, but would simply condense the volume of traffic into a shorter period of time, thereby exacerbating the damaging effects to the Protected Verges and amenity of local residents.
- The view of the Planning Inspector, remains relevant and sums up the incongruity of such a successful retail business in such a rural location,

“I am satisfied that the narrow protected lanes leading to the farm are wholly inappropriate for anything other than local traffic. There are no footpaths and hardly any

formal passing places, and I saw for myself evidence of vehicles having mounted the verges to avoid oncoming traffic.”

The supporter of the application comments that the one way system is a good idea which will hopefully go along way towards addressing questions of emergency vehicle access and damage to the protected verges.

COMMENTS ON REPRESENTATIONS: Those matters of material importance will be addressed in the ‘considerations’ that follow.

PLANNING CONSIDERATIONS: The main issues are

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

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

1) Policy S7 of the Local Plan stipulates that in the countryside, development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. The change of use of rural buildings for commercial uses can be appropriate within the countryside provided that the proposal complies with the specific criteria as set out in policy E5. In this respect the proposal satisfies part a) in that the buildings appear to be of permanent and substantial construction. With regard to part b) a marquee is erected between the two buildings, however as this does not represent a permanent extension to the buildings and is not considered critical to the use operating from the site, officers consider that the proposal does not prejudice the policy in this respect. Part c) of the policy however requires that the development protects or enhances the character of the countryside, its amenity value and its biodiversity and not result in a significant increase in noise levels or other adverse impacts. Part d) also requires that development should not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety, countryside character and amenity). Officers are of the view that the proposal fails in both these respects. It is clear that the use generates a significant amount of traffic from the site increasing the flow of traffic in the surrounding rural lanes that serve the site during the period of operation in November and December. The lanes are particularly narrow which often necessitates vehicles having to mount the verges in order to pass each other. This is compounded by the fact that the lanes that serve the site have been designated as ‘Protected Lanes’ and ‘Special verges’ which are of importance due to the scarce plants they accommodate and the contribution they make to the local historic landscape. As a consequence there is a presumption to safeguard these features in the form of specific Local Plan Policies ENV8 and ENV9. It has become clear from officer site inspections and from information submitted by local residents that the lanes serving the site have become damaged by vehicles repeatedly mounting the verges. Officers acknowledge that there is no direct evidence that attributes this damage to the seasonal use of Easter Hall for retail purposes, although considers that it is not unreasonable to propose that the significant traffic movements likely to be associated with Easter Hall, greatly exacerbates this problem and the resultant harm to the lanes. The time of the year at which the business operates from the site, which is during the wettest winter months, also exacerbates the impacts that vehicles have on the lanes and verges. Comments concerning the lanes that serve the site made by an Inspector whilst determining an appeal for the installation of an ice rink at Easter Hall in August 2004 (UTT/1399/03/FUL) are of material importance to the consideration of this proposal. The Inspector stated that ...”I am satisfied that the narrow,

protected lanes leading to the farm are wholly inappropriate for anything other than local traffic. There are no footpaths and hardly any formal passing places, and I saw for myself evidence of vehicles having mounted the verges to avoid on coming traffic.”

The applicant has proposed to reduce the hours of trading as detailed earlier in this report in order to reduce the impact of traffic movements to and from the site. Officers consider however that this will merely concentrate traffic movements to certain periods during the day which is likely to result in vehicles passing each other more frequently and thus increasing the likelihood of damage to the verges. The one way system proposed by the applicant in order to reduce instances of passing vehicles from mounting the verges is not supported by the Highway Authority who states that such informal arrangements (by means of directional signage) are difficult to enforce. Officers agree as vehicles will still be free to access the site from whatever direction they choose. It was clear from the supporting letters received from customers as part of the previous application that people travel from a wide variety of locations and so as a consequence vehicles are likely to approach the site from different directions. In such cases people are unlikely in many cases to follow a longer route when a shorter one is available to them which may be clear by map, in car navigation systems etc. It was also apparent that significant numbers of visitors are return customers and so are more likely to be already familiar with the shortest routes to the site and are thus less likely to be persuaded to use another perhaps less convenient route.

In addition to the problems associated with vehicles movements, significant numbers of Cars park at the site and neighbours comment that vehicles park on the lanes when parking capacity at the site has been exceeded. Additional overspill parking has been proposed as well as parking attendants being present at busy times; however even if parking on site is now sufficient, the presence of large numbers of cars visiting and parking at the farm is not typical of such a rural area and as such neither enhances nor protects the appearance/character of the countryside or is compatible with the sites countryside setting.

The applicant argues that the use of the site for a retail outlet is ancillary to the main business of growing Christmas trees. It was apparent from the officer's inspection of the site during the last trading period that it was the Christmas decorations and other associated items that formed the bulk of the sales area, with the trees occupying part of the temporary marquee erected between the buildings. Without the sale of decorations and other items it is very likely that the numbers of customers visiting the site would reduce significantly. It is apparent that the business attracts people from well outside the local area who are likely to travel some distance because of the variety of goods on sale which allows customers to purchase all of their Christmas goods in one go. This is reflected in the businesses name 'Christmas Wrapped up at the Easters'. With only trees available to purchase, the business is likely to attract a reduced level of predominantly local custom. The sale of trees grown on the farm does not in itself require planning permission, however for the aforementioned reasons this fact alone does not justify approving this application

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

3) Turning to issues of sustainability, greater emphasis has been placed on the sustainability of developments and uses following the emergence of Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7), which was introduced after the initial grant of temporary permission at Easter Hall in August 2002. Policy GEN1 of the Local Plan reflects this guidance when it stipulates that development will be permitted only if it encourages movement by means other than by car. In this case the site is located in a relatively isolated rural location away from any larger settlements and served only by narrow lanes. In this respect the site is considered to be unsustainable in terms of its location and thus inappropriate to accommodate a commercial use that generates a significant number of car journeys. The traffic survey carried out by the applicants was only undertaken during a single week in June 2006 and its findings are thus of limited value. Officers recognise that PPS7 encourages farm diversification; however it is clear that this should only be encouraged where diversification schemes contribute to sustainable objectives and are consistent in their scale with their rural location. For the aforementioned reasons officers consider that the proposal fails in this respect. Again the Inspector commented on this particular issue whilst determining the aforementioned appeal and commented that. "There can be no argument that the location of the appeal site is wholly unsustainable, from the point of view of its accessibility by means other than the car, or private coach."

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

RECOMMENDATION: REFUSAL REASONS

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

Background papers: see application file.

UTT/1387/06/FUL - DEBDEN
(Referred by Councillor Knight)

Conversion and change of use of redundant agricultural building to class A1 (farm shop).
Location: Land opp Newport Lodge Newport Road. GR/TL 548-340.
Applicant: Bradley & Tetlow Partnership
Agent: Hibbs & Walsh Associates
Case Officer: Mr T Morton 01799 510654
Expiry Date: 09/10/2006
ODPM Classification: MINOR

NOTATION: Outside Development Limit.

DESCRIPTION OF SITE: The application concerns an existing disused agricultural building, sited to the north side of Newport Road, nearly opposite Newport Lodge. The single storey building is timber clad over a part concrete and part timber frame. It has a concrete walled yard enclosure on its west side. It is approached from the road along a farm track, single vehicle width and part metalled in gravel.

DESCRIPTION OF PROPOSAL: The application proposes the conversion and extension of the building with change of use to a farm shop. The produce would initially be from sources outside the farm, but eventually would sell produce grown on the surrounding farm land, though craft products would also be sold.

APPLICANT'S CASE: A supporting statement has been provided. This describes the site and proposal, and reviews planning policies affecting the site. The applicants have entered into a partnership with the landowner of the adjacent fields, where the produce will be grown, and will run the shop themselves, and provide employment. A delivery service will be provided making one trip per day. Fruit and vegetables will be grown on an area of 5 acres including poly tunnels, (though it is not stated where exactly this will be). They will sow 16 acres to grass for the raising of livestock. Initially the shop will sell predominantly local produce until the livestock are reared and the fruit and vegetables are grown. Over a 3 year period this will become a farm shop where over 70% of produce sold will be produced on the farm. By years 3 / 4 home produced chicken, lamb, pork and beef will be sold through the shop, with eggs and a wide selection of fruit and vegetables. The statement reviews Local Plan policy, and the conclusion drawn is that policy supports the application proposals. The applicant has also made three further submissions in support of the proposal, to demonstrate the point that supply of produce through a local shop such as this is far more sustainable than buying food from supermarkets, which will have high embodied 'food miles'. Customers will, they believe, be primarily drawn from those who regularly drive past the site on this well used road, on their way to the rail station in Newport perhaps.

A survey of the building for the possible presence of Bats has been carried out and concludes that whilst bats may be present in the area they do not use the building as a roost site.

RELEVANT HISTORY: UTT/0413/92 Conversion and change of use of redundant agricultural buildings to light industrial B1 use. Approved 9 June 1992. It should be noted that there is no evidence that any of the building work was carried out, nor that the industrial use was ever commenced. For those reasons the Council does not accept Class B1 use as the authorised use of this building, and regards it as a long disused agricultural building. In addition condition C.91A of the consent required the submission for approval of detailed

drawings for the car parking layout before commencement of the use. Such details were not submitted and the development therefore could not have been lawfully commenced.

UTT/2070/04/FUL Conversion and change of use of redundant barn with B1 use to farm shop. Withdrawn.

UTT/1328/05/FUL Conversion of redundant agricultural building into a farm shop. Refused 24 November 2005.

CONSULTATIONS: ECC Highways: The Highway Authority would not wish to raise an objection to this proposal subject to the following conditions: Prior to development the proposed new vehicle access and clear to ground level sight lines onto Debden Road as indicated on drawing DEBSRVO1 shall be provided and constructed to include radius kerbs of 6m with an opening width of 5.5m tapering back down to 4.8m and thereafter maintained to the reasonable satisfaction of the local planning authority. (in the interests of highway safety)

The existing access from the site to the county road should be permanently closed to vehicle access, retaining access for the public rights of way, only in a manner and at a time agreed with the Local Planning Authority after consultation with the Highway Authority. (in the interests of highway safety)

The manner of connecting the proposed accessway to the public right of way and the surfacing of both should be done in a manner and at a time agreed with the Local Planning Authority after consultation with the Highway Authority. (in the interests of highway safety)

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

Where the surface finish of a private access is intended to remain in unbound materials, the first 6m as measured from the highway boundary, should be treated with an approved bound material to prevent any loose material from entering the highway. (in the interests of highway safety)

Arrangements should be made whereby surface water run-off from the accessway is intercepted within the site thereby avoiding water entering the highway. (in the interests of highway safety)

NOTE The above conditions are required to ensure that the development conforms to ECC Structure Plan policy T8 Safety & Efficiency.

PARISH COUNCIL COMMENTS: No objection.

REPRESENTATIONS: One. Notification period expired 14 September 2006.

Debden Village Shop have written to express concern about the impact of the proposal upon the viability of the village shop, and whilst issues of competition are not material to planning it is a legitimate planning aim to secure the viable proviso of services to a designated settlement. They also raise concern about traffic levels on the road and the safety aspects of the new access.

COMMENTS ON REPRESENTATIONS: Noted. These issues are discussed in the following sections.

PLANNING CONSIDERATIONS: The main issues are:

- 1) **Countryside policy, re-use of an existing building and sustainability (Planning Policy Statement 7, ERSP Policies CS1, CS2, C5, RE2, and ULP Policy S1, S2, S3, S7, E5),**
- 2) **Farm Diversification (PPS7, ULP Policy E4),**
- 3) **Shopping Policy (PPG6, ERSP TCR2, TCR4, ULP RS2, RS3) and**
- 4) **Highway access and safety (ERSP T3, T7, T8, LRT5: ULP GEN1).**

1) This application is essentially identical to the application that was refused in 2005. The applicant has begun growing vegetables on land nearby, about 1 Km to the east close to Debden Manor on land that forms a part of the land holding of Tetlow Farm. The produce is however not grown on the arable fields immediately adjacent to the building that is the subject of this application. The applicant has submitted a drawing indicating that they intend to take a lease of the area adjacent to the building for the grazing of livestock, though this area is currently part of an open arable field.

The intent of the applicant is to provide locally grown produce and reduce “food miles” associated with the import of such produce often by air from abroad. This is a worthy aim, and as a society we do need such local production of food to become more sustainable. However, we need such produce to be supplied through ‘normal’ distribution chains to shops in existing settlements where people live, rather than produce being sold through a remote location. The food miles saved on transporting the food are lost by the customers having to transport themselves to the shop.

In terms of planning policy, the proposed development is located in the countryside beyond development limits where strict control is placed upon development. PPS7 sets out the Governments support for the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building.

PPS 7 raises the issues of whether this building is appropriately located – This is a remote location, well outside any designated settlement, with no public transport. This is not a location where a wholly new development would be considered acceptable, and must be seen as contrary to the provisions of Policy RE2 of the ERSP for the conversion of existing buildings, and well down the hierarchy of the sequential test for development and aims of Policies CS1 and CS4 of the ERSP. suitably constructed – The application does not contain a structural engineers report, but the applicant contends that the conversion works are minimal. The term ‘suitably constructed’ may not be the same as ‘structurally sound’ however. The building is suitably constructed to be a farm store or shed, but this is not suitably constructed to be a shop, since considerable alteration and extension is envisaged on the submitted drawings. would meet sustainable development objectives – There is guidance on this in both PPS1 and PPS7. The emphasis is on sustainable communities, which appears to militate against isolated development, preferring the development of land within urban areas before considering the development of countryside sites. Development which can only be serviced by use of the private car is not regarded as sustainably located. Structure Plan Policies CS1 and CS4 set the policy framework for sustainable patterns of new development, favouring development within urban areas and development accessible by a choice of sustainable means of transport.

Policy E5 of the Local Plan allows for the conversion of rural buildings to business use, including small scale retail outlets, providing certain criteria are met, i.e. buildings are of permanent and substantial construction, and capable of conversion without major reconstruction or significant extension. Development should also protect or enhance the character of the countryside and not place unacceptable pressures on the surrounding rural road network.

Key considerations are whether:

- Farm shops are acceptable in principle in the countryside

- There is any impact upon vitality or viability of existing shopping centres; it is accepted that there will be no material impact upon Saffron Walden but there is a community shop at Debden which is accessible to people in the village, and this proposal may have an adverse effect upon the viability of this
- The building is capable of being used as a farm shop without significant extension; however, it is not clear whether the extent of the work required would constitute major reconstruction.
- The location is remote from any settlement; all trips are entirely to be car borne and this does not make the location sustainable.

The additional activity, physical changes to the building and the new access track will result in a change of character which is considered detrimental to the character of the countryside and therefore contrary to policy. It should be noted that Policy E5 was drafted under the guidance contained in PPG7, now replaced by PPS7, and there are changes in Government policy that place a greater emphasis on sustainability than at the time Policy E5 was drafted. PPS7 makes clear that the aim of policy is to build "Sustainable communities" where people can live within walking or cycling distance of facilities like shops, schools and so forth. The other side of the coin is to resist proposals to provide shops remote from existing settlements, and in this case there are effectively no customers within reasonable walking distance of the site. If approved it would undoubtedly generate additional car borne traffic, and that is contrary to policy aims.

The building currently has a limited visual impact upon the countryside, but the proposal would extend the building and provide a car park, and both the enlarged building and the vehicles associated with this would be a greater visual intrusion into the countryside, and thus the proposed development can only be seen as harmful to the aims of countryside policy to protect the countryside for its own sake.

2) The application as being from a partnership of Tetlow Farms and Mr and Mrs Bradley, called the Four Seasons partnership, to grow fruit and vegetables and sell them in the local area through a home box delivery scheme and local farmers markets. The crops are grown on land currently rented from the Tetlow family at Debden. The business is operated out of a small business unit leased a Wrights yard in Wimbish, where the weekly boxes are packed.

PPS7 paragraph 30 about Farm Diversification tells us:

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

- (i) set out in their LDDs the criteria to be applied to planning applications for farm diversification projects;
- (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

The Uttlesford Local Plan contains 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 advice in PPS7 refers to, “business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise”. It is clear that this is not a sustainable location and therefore does not contribute overall to sustainable development objectives. The relationship to the agricultural enterprise would appear to be one of merely paying rent for the land used, and it is therefore considered that it cannot be regarded as diversification of the existing agricultural enterprise.

3) PPG6 Planning for Town Centres, is effectively the Government’s guidance on retailing, and is concerned with improving accessibility, ensuring that existing or new development is, or will be, accessible and well-served by a choice of means of transport. It requires a sequential approach to be followed, beginning with town centre locations and leaving until last out-of-centre locations that are not accessible by a range of means of transport. The Structure Plan Policy TCR2 sets a strategic hierarchy of urban centres and a sequential approach within which retail development will take place, while Policy TCR4 requires retail development proposals to be accessible by a choice of means of transport. Local Plan Policies RS2 and RS3 follow the approach of providing and maintaining retail facilities in a hierarchy of settlements, and do not envisage the creation of retail units outside of that network.

It is noted that planning law allows a farming enterprise to sell its own produce from the land where it is grown without the need for planning permission. Whilst this may be the long-term objective of the application here, in the short term the produce is not grown on the lands where the building is sited, and other produce may also be bought in from elsewhere, hence the need for this planning application. The operation of a farm shop normally implies the pre-existence of a farm, together with the necessary buildings and house that would be associated with such an enterprise. In the case of this proposal there is no existing farmstead here, and the produce does not come from the land immediately adjacent to this application site, so that the proposal can only be viewed as a pure retail use with all produce imported.

This site could only be readily accessed by use of the car, and in terms of sustainability it must be the case that it is more sustainable to take produce to a centre of population, rather than bring the people individually to a relatively remote shop.

A further concern is the effect upon the village shop within the Defined Settlement at Debden. Local Plan Policy RS3 is concerned with maintaining the facility of a village shop, and any development which might have a negative effect upon the viability of such a service would be contrary to the aim of this policy. It is considered that any new retail unit should be located within a Defined Settlement.

4) The recommendations of the Highway Authority are noted. The recommendation of this report is for refusal for reasons other than the highway comments that have been raised.

CONCLUSIONS: The proposed development is considered to be contrary to planning policy detrimental to highway safety, to the character and appearance of the countryside, to the viability of the nearby Debden village retail facilities, and to aims to promote sustainable forms of development.

RECOMMENDATION: REFUSAL REASONS

1. The site is located within countryside beyond development limits as defined in the adopted Uttlesford Local Plan. The proposal is considered to be contrary to the aims of Planning Policy Statement 7, and Essex & Southend on Sea Replacement Structure Plan Policy C5 and Policy RE2 that aim to protect the countryside for its own sake 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. It is considered that the criteria set out in Policy RE2 are not met, and the proposal is not considered to meet the aims of paragraph 17 of PPS7 for conversion of existing buildings. The proposed development is considered unacceptable because of the extent of the works, involving the conversion and enlargement of a building, together with expansion into the countryside by the construction of a car park, an additional length of roadway and a new access junction in a visually prominent location contrary to the aims of policy to protect the countryside, the proposal is not covered by any of the specified exceptions within the policy, and would detract from the open character of the countryside by virtue of increasing the footprint of the developed area and increasing the presence of development and activity on the site.
2. The proposed development is considered to be contrary to the principles set out in Planning Policy Statements 1 and 7 to promote more sustainable patterns of development. Similarly it is considered to be contrary to the principles of the Essex & Southend on Sea Replacement Structure Plan Policies CS1, CS2 and T3, and the objectives in paragraph 8.1 of the Uttlesford Local Plan, to further sustainable patterns and forms of development.
3. The proposal is contrary to the aims of PPG6, to Essex & Southend on Sea Replacement Structure Plan Policies TCR2 and TCR4, and to Local Plan policies RS2 and RS3, to establish a hierarchy of locations where retail services will be available, favouring locations within existing settlements. The creation of a retail unit in a location outside of this hierarchy is contrary to the sequential approach required by policy, and a shop in this location would be prejudicial to the vitality and continuing existence of the existing retail facilities in the nearby Defined Settlements.
4. The proposal would introduce vehicle movements likely to have a negative impact upon the users of the public right of way / bridleway which runs adjacent to the site and through the proposed car park, to the detriment of highway safety, contrary to the aims of Policy T3 of the Essex & Southend on Sea Replacement Structure Plan.

Background papers: see application file.

UTT/1341/06/DFO - GREAT DUNMOW

Reserved matters application for erection of 27 bedroom extension (approved under ref UTT/1591/01/OP dated 04/05/04)

Location: Land at Hoblongs Industrial Estate Chelmsford Road.
GR/TL 635-206.

Applicant: Travel Lodge Hotels Ltd

Agent: HFP Architects

Case Officer: Mr M Ranner 01799 510556

Expiry Date: 08/11/2006

ODPM Classification: MINOR

NOTATION: Within Development Limits and within part of an Industrial Estate covered by ULP policy GD7 – Safeguarding of Existing Employment Areas.

DESCRIPTION OF SITE: The application site is located on the southeastern edge of the town of Great Dunmow, to the west of the old Chelmsford Road, now a cul-de-sac. The eastern part of the site was formerly used as a distribution depot until 1999 with the remainder of the site occupied by industrial units. These buildings have been demolished during the last year and a sixty three bedroom Travel Lodge Hotel has been developed on the site which is now reaching the final stages of construction. The area to the north and west comprises industrial units associated with Hoblongs Industrial Estate. A garage/car showroom and petrol filling station is located immediately to the north of the eastern end of the site and an ambulance station and three dwellings occupy a position on the opposite boundary immediately to the south. The site extends to about 0.6 ha (1.5 acres).

DESCRIPTION OF PROPOSAL: The application seeks approval of matters reserved under outline planning permission ref: UTT/1591/01/OP, pertaining to the erection of a 90-bedroom hotel. These matters relate to details of siting, design and external appearance of the building, the means of access thereto and the landscaping of the site. Reserved matters has already been granted pursuant to application UTT/1441/05/DFO for a 63 bedroom hotel, which as mentioned above is now nearing completion. This application would extend the approved building to provide an additional 27 bedrooms, which will increase the accommodation to 90 bedrooms as granted under the aforementioned outline application pertaining to the site. The extension would occupy the western flank elevation of the existing building and comprise a foot print of approximately 19 metres in length by 14 metres in depth. Design and choice of external materials matches the existing building as does the height with the ridge of the main roof standing at just over 13 metres above ground level. Also, as with the existing building, accommodation would be arranged over three floors. A total of 75 spaces would be provided for the extended hotel five of which will be for the disabled.

As with the previous application, the north-eastern part of the site has been excluded from the application and is depicted on the plan as a 'site for possible future restaurant 465m²'.

APPLICANT'S CASE: A comprehensive supporting statement accompanies the application, part of which is replicated as follows:

"The proposed extension in keeping with the approved building represents a high quality (traditional) design, which will be entirely in keeping with its surroundings and will help provide a new and exciting development in this area. The development will be compatible with the scale, form, layout, appearance and materials of surrounding buildings, will retain important environmental features and will in turn, help improve the character and quality of the area. Accordingly, it is considered that the design of the current proposals entirely

accords with the criteria contained within Policy GEN2 together with national design advice contained within PPS1.”

RELEVANT HISTORY: There have been a number of industrial permissions granted over a long period; however of more relevance to this application was the Outline planning permission (UTT/1591/01/OP) which was granted for a ninety bedroom hotel on the site on 4th May 2004. This permission is subject to a Section 106 Legal Agreement for a financial contribution to be made by the developers to fund road improvement works at the junction of the A130 and Chelmsford Road. Other applications have followed including a proposal for a 120 bed hotel on five floors with parking for 120 cars and 260m² fast food drive thru outlet (UTT/1952/03/OP). This application was appealed against non – determination although this was subsequently dismissed. This was followed by a second outline application (UTT/1781/04/OP), which sought outline permission for a 120-bed hotel, although this was refused on 20th December 2004. The site is also subject to a current outline application (UTT/1496/04/OP) for a single storey family restaurant, comprising 465m² with 23 car parking spaces with all matters reserved. It has been resolved to grant outline planning permission however this is subject to the applicants entering into a Section 106 legal agreement, which has yet to be signed.

Members will recall that a reserved matters application for a 63 bedroom hotel, ref UTT/0399/05/DFO, was refused on grounds of poor design at the committee meeting on 18th May 2005. Following this a revised scheme for a 63 bedroom hotel (UTT/14441/05/DFO) was approved at Committee at the meeting on 23rd November 2005.

CONSULTATIONS: Building Surveying: No comments as the scheme is been administered by private approval inspectors.

Essex Police: No objections but request 1.8 m perimeter fencing around the site by way of a planning condition.

Essex County Council: Advises that the Historic Environment Record shows that archaeological evaluation and watching briefs in the immediate vicinity of this site have found no surviving archaeological deposits and so make no archaeological recommendations.

Environment Agency: No objections.

Environmental Services: Advises that GGP contaminated land ref: 985 applies.

ECC Highways & Transportation Group: No objections subject to the following conditions:

1. The provision of the access onto Chelmsford Road as shown in principle on drawing PD01 to include footway links into the site from the existing footway network.
2. There should be no obstruction above 600mm in height within the area shown hatched on the attached plan.
3. A financial contribution towards the investigation and improvement of capacity and safety at the B184 Chelmsford Road/A130 Junction.
4. The extension of the footway to the northwest along the southern side of Chelmsford Road to a road crossing point to be provided with dropped kerbs details of which to be agreed by the Local Planning Authority in consultation with the Highway Authority.
5. The provision of bus stop facilities on Chelmsford road for southeast and northwest bound buses to include raised kerbs, bus shelter and timetable information details of which to be agreed with the Local Planning Authority in consultation with the highway authority.
6. The provision of secure parking for powered two wheeler vehicles in accordance with the Essex Planning Officers Association Vehicle Parking Standards dated August 2001.
7. The provision of secure and covered cycle parking on site in accordance with Essex Planning Officers Association Vehicle Parking Standards dated August 2001.

Further advice is offered, the most relevant of which is as follows:

- Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- Recently there have been various applications made for a hotel and restaurant facility on the above site. Individually the developments are unlikely to exceed 50 employees but it is likely that the combined workforce of a hotel and restaurant will exceed 50 people and require the submission and implementation of a multi site Travel Plan. The content of the Travel Plan should be agreed with the Local Planning Authority in consultation with the Highway Authority. The County Council will require a fee of £2500 for checking and monitoring of the Travel Plan.
- Steps should be taken to ensure that the developer provides sufficient turning and off loading facilities for the construction delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

TOWN COUNCIL COMMENTS: Opposed to the application and comment that the restaurant should be for seated “china service” only and not a takeaway, which would create significant traffic, parking and litter problems.

REPRESENTATIONS: Three letters of objection have been received from local commercial occupiers. Their main concerns are summarised as follows:

- Due to construction works currently taking place on site, in the absence of any enforcement restrictions, has resulted in vehicles parking around the entrance to the industrial estate, which makes access to the highway difficult for emergency vehicles moving to and from the ambulance station.
- The extension will mean that members of the public will be brought into close contact with the neighbouring commercial users which will give rise to Health and Safety issues. Adequate fencing should therefore be erected in the interests of safety.

COMMENTS ON REPRESENTATIONS: Matters of material importance will be addressed during the considerations to his report.

PLANNING CONSIDERATIONS: The main issues for consideration in this case are: -

- 1) **the appropriateness of the design and layout of the proposed development (ULP Policy GEN2),**
- 2) **matters of highway safety (ERSP Policies T3, T6 and T11 & ULP Policies GEN1, and GEN8) &**
- 3) **any other matters of material importance.**

It should firstly be recognised that the principle of developing a hotel up to a size of 90 bedrooms has been accepted on this site by the granting of outline planning permission (UTT/1591/01/OP). Details of design have also been agreed under (UTT/1441/05/DFO) for the 63 bed element of the hotel to which the current application seeks to extend in order to provide the full compliment of 90 bedrooms.

- 1) The proposed extension has been designed to match the massing, form and design of the existing building, which is articulated by the use of gable projections, applied gables, false dovecots and contrasting external materials, which results in a building of traditional design. The extension does however extend the already considerable length of the building which on plan form results in a building that would benefit visually from further articulation by ‘breaking up’ its footprint. If however this were to be done only with the extension it would tend to visually unbalance the building. It is also material to the consideration of this application that the width of the building will only be readily apparent from the access

driveway into the industrial estate when directly opposite the building. Views from the main highway to the east will be largely of the flank elevation of the building and to the south the existing screen of trees provides welcome screening from the A120. Officers are of the view therefore that the resultant enlarged building will cause no demonstrable harm to the appearance/character of the surrounding area.

The layout of the development remains largely the same as previously approved except for the parking layout. This has resulted in the loss of area available for soft landscaping adjacent to part of the central section of the southern boundary however a larger area has been made available on the more prominent part of the site adjacent to the southern boundary, which is beneficial to the overall scheme.

2) Turning to matters of highway safety, Essex County Council, Highways and Transportation Group raise no objections to the proposal, subject to the compliance with a number of conditions. The vehicular access to the site remains unchanged from the details approved under the previous scheme in terms of position, alignment; width etc. There is no need to repeat certain conditions imposed on the previous permission which were required to be adhered to following the implementation of the earlier approval. Some additional provisions have been included in the Highways response to consultation, namely the provision of a footway, road crossing and bus stop facilities in Chelmsford Road. These provisions were not however requested at the outline stage when permission was granted for hotel accommodation for up to 90 bedrooms on the site or during the reserved matters stage for the initial 63 bedroom phase. It is not considered reasonable by officers therefore to stipulate in the permission that these provisions are made. 'Grampian Conditions' could however be imposed with regard to these matters if members consider they are necessary. The Highways Authority also requests a financial contribution towards the improvement of capacity and safety at the B184 Chelmsford Road/A130 junction. Officers also consider this unnecessary as the Section 106 Legal Agreement pertaining to the outline planning permission for the site already requires the applicant to make an index linked financial contribution to the aforementioned road improvements. To request an additional contribution by a further agreement would be unreasonable taking into account the additional bedrooms proposed would merely equal the 90 bedrooms approved under the outline permission to which the legal agreement pertains. Also the current outline application pertaining to the family restaurant on the site (UTT/1496/04/OP) is also subject to a Section 106 Legal Agreement which requires a further financial contribution towards improvements to the A130/Chelmsford Road junction; the carrying out of specified highway works and the preparation and implementation of a Travel Plan.

With regard to parking, 102 spaces were approved on the site under the previous reserved matters approval, which included the future provision of spaces for the possible future restaurant planned on the site. The revised parking layout proposed as part of the current application increases the number of spaces to 106 spaces which also includes possible parking provision for the restaurant. Of this total 75 spaces are to serve the hotel in its entirety comprising of 90 bedrooms. The local plan standards dictate a 'maximum' of 90 parking spaces for a hotel of this size. This is of course a maximum standard and the provision of 75 spaces is considered adequate in this case. Any additional parking provision will be at the expense of proposed soft landscaping and as a consequence is likely to be detrimental to the appearance of the site and the development itself, resulting in a parking dominated scheme. The Highways Authority also raises no objections to parking provision.

3) Turning to other matters of material importance, the development will be located in close proximity to a number of industrial users and so there is potential that occupants of the building could be subject to noise disturbance. This can be overcome however by the use of effective noise insulation within the building and the use of double or triple glazed windows. The physical separation of the site from neighbouring commercial users by a 1.8 metres high

chain link fence is considered adequate to contain hotel guests within the site and away from the neighbouring commercial users.

In terms of neighbouring residential amenity, the nearest residential properties are located approximately 60 metres to the south and 40 metres to the north east of the proposed building, which is sufficient in the view of officers to ensure that the development does not give rise to any significant overlooking, overshadowing etc.

With regard to archaeology, the County Council have confirmed that the archaeological evaluation and watching brief have identified no surviving archaeological deposits and so therefore the proposed development is unlikely to have any implications in this respect. With regard to soil contamination, a detailed site investigation has been carried out by the applicants in response to a condition imposed on the previous reserved matters approval for the site, which was satisfactory to the local planning authority.

Finally, turning to the Town Councils comments, the restaurant referred to does not form part of the current application now for consideration and so will not be addressed by this report.

CONCLUSIONS: For the above reasons officers consider the proposed extension to be acceptable and in accordance with the earlier outline planning permission pertaining to the site.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.5.3. Matching materials.
2. The hotel extension hereby permitted shall not be occupied until the vehicular access onto Chelmsford Road, as shown on drawing PD40 has been completed, to include footway links into the site from the existing footway.
REASON: In the interests of highway safety.
3. The hotel extension hereby permitted shall not be occupied until details of secure parking for powered two wheeler vehicles have been submitted to, approved in writing and made available for use.
REASON: To ensure satisfactory facilities are available in accordance with the Council's standards.
4. C.11.7.Prior implementation of residential parking.
5. C.25.1.Ban on airport related parking – 1.
6. Adequate space for the parking of construction workers vehicles, and for the delivery and storage of materials, shall be provided within the site, prior to the commencement of construction works, and the use of such areas shall not interfere with the public highway.
REASON: To ensure adequate off-street parking facilities in the interests of highway safety and traffic flows.
7. The parking spaces shown cross hatched on approved drawing ref: PD40, shall only be provided in association with the 'possible future restaurant' as depicted on the same drawing, unless otherwise agreed in writing by the local planning authority.
REASON: To prevent the over provision of parking for the hotel in the interests of sustainability.
8. C.8.29.Flood risk management measures.

Background papers: see application file.

UTT/1046/06/FUL - TAKELEY

Demolition of existing property and erection of 2 pairs of semi-detached dwellings with associated parking and 1 no detached dwelling with garage. Construction of new vehicular and pedestrian access.

Location: Runnacles The Street. GR/TL 541-212
Applicant: Mr & Mrs Yates
Agent: Lindy Livings & Howes
Case Officer: Mr M Ranner 01799 510556
Expiry Date: 16/08/2006
ODPM Classification: MINOR

NOTATION: Within Development Limits.

DESCRIPTION OF SITE: The application site comprises a square shaped parcel of land of 40m x 45m in size. It accommodates a single detached redbrick bungalow with a slate hipped roof set within a mature landscaped plot comprising hedging to the borders and a number of mature trees, most notably within the southern boundary of the site fronting the road. An open grassed area adjacent to an existing access track to a nearby builder's yard forms the eastern part of the site.

DESCRIPTION OF PROPOSAL: The application seeks full planning permission to demolish the existing bungalow and replace it with two pairs of 3 bed semi detached dwellings and a single four bed detached dwelling. The existing vehicular access is to be blocked up and a new central access created, which will serve the four semi detached dwellings, accessing two disabled and drop off parking spaces to the front of the dwellings and a parking area comprising eight spaces to the rear, which is accessed via a central driveway located between the two pairs of semi's. The detached dwelling to be sited adjacent to the eastern boundary of the site is to be accessed by the existing builder's yard driveway with a single disabled/drop off parking bay to the front of the dwelling and a double garage to the rear. The dwellings are characterised by simple design, which varies between the dwellings. Plot one is of one and a half storey construction with two dormers within the front roof plane, a single dormer to the rear in addition to a two storey gable. The adjoining dwelling at plot two has a simple gabled frontage with part double gabled arrangement to the rear. Plots two and three, which comprise the central two semi's are of simple cottage style design and the detached dwelling has a partly gabled frontage. All of the dwellings have a ridge height of 8.5m.

APPLICANT'S CASE: A brief supporting letter dated 19 June accompanied the application and is kept on file.

RELEVANT HISTORY: UTT/1528/04/OP: Outline application with all matters reserved for demolition of dwelling and garage and erection of 2 no. dwellings with garages and creation of new vehicular access. Conditional Approval. 03/12/2004.

CONSULTATIONS: Environment Agency: Responded and issued the applicant with standard guidance letters concerning residential development.

English Nature: Advises not likely to affect a site of Special Scientific Interest.

ECC Highways and Transportation: No objections subject to the following condition:

1. Adequate car parking and turning facilities to be provided within the curtilage of the site.

BAA Safeguarding: Examined the proposed development from an aerodrome safeguarding perspective and advise the proposal does not conflict with safeguarding criteria. No objections have therefore been raised.

PARISH COUNCIL COMMENTS: Object on the following grounds:

- Demolition of the existing dwelling and erection of 5 houses and garages dramatically and detrimentally affects the existing mix, style, spacing and character of the existing street scene.
- The exclusion of chimney stacks in the design spoils and is incompatible with the roof line of properties in the area.
- The height, style and properties of the designs results in an austere and stark development in a cramped space and totally incompatible with adjacent properties.

REPRESENTATIONS: None. Notification period expired 14 July 2006.

COMMENTS ON REPRESENTATIONS: N/A.

PLANNING CONSIDERATIONS: The main issues are

- 1) **the appropriateness of the form and design of the proposed development and its effects on the character and appearance of the surrounding area (ULP Policies S3, GEN2, ENV3 & H3);**
- 2) **neighbouring residential amenity (ULP Policy GEN2);**
- 3) **highway safety (ULP Policies GEN2 & GEN8) &**
- 4) **other material planning considerations.**

1) The site already benefits from outline planning permission for the demolition of the existing bungalow and the development of part of the site for two dwellings. It is also located within the development limits of Takeley where the principal of residential development is acceptable.

At 41m in width by 46m in depth the site is generous in size and its development with 5 dwellings as proposed would represent a density of approximately 25 dwellings per hectare, which is below the 30 to 50 dwellings per hectare densities advocated by PPG3. A lower density is considered acceptable by officers in this particular case taking into account the village setting of the site and the density of existing development in the locality. This comprises a variety of dwellings and dwelling types with dwellings directly opposite (south) and to the west of the site of similar densities to that proposed. The density and form of development does tend to change further to the east with a more loose knit pattern of historic development prevailing. Never less in the context of the locality officers are of the view that the proposed five dwellings will sit comfortably within the site without appearing incongruous or out of context with existing development surrounding the site. The proposed dwellings are characterised by different designs that helps to articulate the scheme and add interest to the street scene. The Parish Council raise concerns regarding the absence of chimneys, although officers consider that their omission from the designs are not harmful. A condition requiring their inclusion could however be imposed on any planning permission if Members thought this was necessary. Building heights are similar to surrounding properties and the development follows the building line of existing dwellings neighbouring the site. The majority of parking for the development has been discretely designed into the rear part of the site and generous levels of landscaping have been retained to the front of the dwellings facing the road. This is of particular importance as this will allow the majority of mature trees located along the road frontage to be retained. This along with the implementation of additional soft landscaping will aid in softening the development and reducing its prominence within the street scene in the interests of the countryside setting the village.

2) With regard to neighbouring residential amenity, officers are satisfied that the proposed development will not cause any significant harm. The dwellings will sit generally in

line with the foot print of the existing neighbouring dwelling house known as 'Romany House' and so will not project significantly beyond either the front or rear elevations of this dwelling. This will ensure that the effects of the development on the neighbouring property in terms of loss of sunlight/daylight, outlook or similar are kept to a minimum. A ground floor kitchen window within the ground floor flank elevation of plot one will face this property; however the use of appropriate boundary treatment and landscaping should ensure that existing levels of privacy will remain unaffected. The development is unlikely to have any significant affects on the neighbouring property located on the opposite flank boundary known as 'Gables' as this is screened by tall hedging, is separated by an existing vehicular access track and is set within its plot in a position away from the boundary facing the site. The impact of the development on other properties in the vicinity of the site will be minimal.

3) Turning to highway safety, the Highway Authority has raised no objections to the application and officers consider the application to be acceptable in this respect. Parking provision meets the maximum requirements as set out in the Local Plan and In accordance with Highway authority advice, a condition is recommended to ensure that adequate parking and turning is provided within the site to serve the development.

4) A number of trees will be removed to accommodate the development. These are located largely to the rear of the property although these are not considered of sufficient merit to warrant the refusal of this application. A landscaping condition is suggested to ensure that compensatory planting is undertaken. The more prominent trees at the front of the site comprising a number of mature Silver Birch trees are shown to be retained. A public right of way crosses the site which will be obstructed by the new dwellings. In such circumstances, the loss or diversion of footpaths is subject to legal controls other than those in the planning acts, and as such the granting of planning permission gives no entitlement to affect the aforementioned right of way. The diversion of a public right of way needs its own legal authority before any works affecting the right of way can be commenced.

CONCLUSIONS: In light of the above considerations, officers recommend that planning permission is granted subject to the following conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.4.1. Scheme of landscaping to be submitted and agreed.
3. C.4.2. Implementation of landscaping.
4. C.4.6. Retention and protection of trees and shrubs for the duration of development.
5. C.5.1. Samples of materials to be submitted agreed and implemented.
6. C.6.5. Excluding fences and walls without further permission.
7. C.6.7. Excluding conversion of garages.
8. C.8.29. Details of sustainable construction required.
9. C.8.30. Provision of bin storage.
10. C.8.31. Demolition recycling of materials.
11. C.10.15. Domestic vehicle turning space.
12. C.10.22. Stopping up/diversion of highway.
13. C.11.7. Prior implementation of residential parking.
14. C.11.10. Secure cycle storage.
15. C.19.1 Avoidance of overlooking.
16. C.20.3. If Protected Species discovered get licence from DEFRA.

Background papers: see application file.

UTT/1448/06/FUL - BERDEN
(Referred by Councillor Loughlin)

Erection of two storey side and rear extensions.
Location: Harrolds Farm Dewes Green. GR/TL 456-301.
Applicant: Mr & Mrs J Palmer
Agent: Cowper Griffith Associates
Case Officer: Mr T Morton 01799 510654
Expiry Date: 18/10/2006
ODPM Classification: OTHER

NOTATION: Outside Development Limit

DESCRIPTION OF SITE: Harrolds Farm forms part of a cluster of dwellings at Dewes Green, located approximately one mile North West of the village of Berden. The original house dates from approximately C19 with major additions to the west completed in the 1970s.

DESCRIPTION OF PROPOSAL: Proposed two storey side and rear extension.

APPLICANT'S CASE including Design & Access statement: This is a re-application following submission of a scheme in 2005 that was withdrawn when recommended for refusal. The site lies in the countryside and is one of a group of three houses around Dewes Green. This house dates from the eighteenth century with a major addition to the south and west before 1948. A modern conservatory was added to the front of the house and will be demolished. An open cart shed garage was completed in 2005, but was sited more than 5m from the house and is therefore an outbuilding not an extension. Other outbuildings form a range within the curtilage of the house. The revised design significantly reduces the scale of the extension by omitting the previous extension to the outbuildings and solid link to the house. The proposed extension wraps around the original house to create a compact footprint, at 110sq.m the extensions would be in scale with the 290sq.m of the existing building. The large plot means there are no adverse effects on other property. The design complies with advice on home extensions SPD. The design is to improve the form of the house which suffers from an imbalanced appearance, and includes replacing inappropriate windows with traditional sash windows. A light and transparent link is shown between the proposed extension and the outbuilding range.

RELEVANT HISTORY: Erection of glazed porch/conservatory approved 1997. Proposed triple garage with loft room, external staircase and dormer window approved 2004. Conversion of existing barn into garden room for study and leisure activities approved 1977. UTT/2113/05/FUL Proposed two storey side and rear extensions. Conversion and extension of outbuildings for domestic use. Withdrawn 21.02.06

PARISH COUNCIL COMMENTS: The Council have no objections to these proposals, provided that the immediate neighbours are in agreement. Having made enquiries I can confirm that the neighbours also have no objections, and the Parish Council would therefore urge that the Planning Application be approved.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 22 September 2006. .

COMMENTS ON REPRESENTATIONS: None.

PLANNING CONSIDERATIONS including Design & Access statement: The main issues are

- 1) development in the countryside (ERSP Policy C5, & ULP Policy S7);**
- 2) whether the extension will respect the scale, design and external materials of the original building. (ULP Policy H8 & [SPD](#) on extension of dwelling houses);**
- 3) other material planning considerations.**

1) The property lies outside of development limits where planning policy seeks to restrict development to that required to support agriculture, forestry or other rural uses that have to be located there.

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 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.

Both policies accept that existing buildings may in principle be extended, but that any such proposal has to be of a scale, siting and design sympathetic to the rural landscape character, and will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set. The house currently has a compact form with an original central section and a later projecting wing on the southern side. The proposal would add a new projecting wing on the northern side of the building, making the western elevation read as a significantly longer building, with the addition of a further projecting gabled wing on the centre of this elevation, all adding to the architectural “weight” of the building. This would be clearly seen from the public right of way that runs about 120m to the west along the property boundary. This is compounded by the new glazed link to the range of outbuildings, and the overall effect would be of a continuous range of buildings with a significantly increased visual bulk and impact upon the openness of the countryside, and it is therefore considered contrary to the aims of planning policies to protect the appearance of the countryside.

It should be noted that once connected to the house, the range of outbuildings could then be converted into habitable accommodation without the need for further planning application and permission, thereby achieving the same result as the previously submitted, and

withdrawn, scheme that was recommended for refusal as harmful to the open and rural character of the countryside.

2) The proposed two storey extensions would measure 4m x 8m, and 9.5m x 6m. They would in part replace a previous extension on the west side of the property, and are essentially unchanged from the previous submission. The manner of linking the house to the outbuilding range has been changed, but a link is still provided, and as mentioned above would enable the further growth of accommodation here.

The Council has adopted a Supplementary Planning Document to give guidance on the extension of houses, and this advises that;

“In the local plan development limits are drawn around certain settlements and a different view may be taken of your proposal depending whether your house is within or outside the development limit. In the countryside, the same principles will apply but development will only be allowed if the Council is satisfied that the extension will protect or enhance the particular character of the part of the countryside where the extension is being proposed. This will include any historic landscape features in the area.

The three main issues that the Council will look at when dealing with proposals for extending existing homes, are:

- the appearance of the proposal and the impact on the original building - this will be even more important if your property is in a Conservation Area or is near a Listed Building.
- the effect on neighbouring properties
- the highest quality design “

The concern is that the house has a fundamentally compact shape, with a nearly square plan form ‘central section’ with a south wing that was a later addition. However to extend the house on the north side with another projecting wing breaks with the compact plan form, and makes the west elevation substantially larger. This can be seen from the nearby public footpath, and would be contrary to the aim of policy, to “protect or enhance the particular character of the part of the countryside where the extension is being proposed”.

3) No other issues are considered to arise.

CONCLUSIONS: This amended submission has made no fundamental change to the earlier proposals, and would result in a significantly larger house that would be detrimental to the appearance of the countryside. Refusal is recommended.

RECOMMENDATION: REFUSAL REASON

The proposal, by reason of the resultant size of the dwelling, and the height bulk and design of the proposed extensions, would be harmful to the character and appearance of the dwelling and the low key rural character of the house causing excessive intrusion of built form into open countryside which would therefore be harmful to the rural and spacious character of the immediate locality, lending it a more built up and residential character. As such, the development would be contrary to policy CS2 and C5 of the Essex and Southend-on-Sea Structure Plan and policies H8 and S7 of the Uttlesford Local Plan.

Background papers: see application file.

UTT/1259/06/FUL - THAXTED

Erection of 10 houses and 2 flats, new vehicular and pedestrian access. Change of use of land from agricultural to residential.

Location: Land at Newbiggen Street/Walden Road adj. Clare Court. GR/TL 610-314.

Applicant: Hastoe Housing Association

Agent: George F Johnson Associates

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 25/10/2006

ODPM Classification: MAJOR

NOTATION: Outside Development Limits

DESCRIPTION OF SITE: The site is located adjacent to Clare Court on the northern edge of Thaxted, approximately 500m to the northwest of the centre of the village. It covers an area of 0.32ha and currently comprises agricultural land. The boundaries to Clare Court (south) and Newbiggen Street (east) consist of hedges and mature vegetation. To the north and west of the site there is currently no defined boundary to the site as the land is used for arable farming.

Opposite the site on the eastern side of Newbiggen Street, the character of the area comprises a terrace of properties and some detached and semi-detached dwellings. To the south on Clare Court there is a detached property adjacent to the southwestern corner of the site and a single storey garage block adjacent to the southeastern corner.

DESCRIPTION OF PROPOSAL: This application relates to the erection affordable rural housing comprising 10 houses and 2 flats, new vehicular and pedestrian access and change of use from agricultural land to residential.

APPLICANT'S CASE: Copy of Housing Needs survey and Protected Species Survey. Page 11 of Housing Needs Survey to be attached at end of report. Email dated 24 August confirms the omission of the gates to the parking spaces for Plots 1 and 12.

CONSULTATIONS: English Nature: No objections. If permission is granted operations should not be begun before 21 days after notice of the decision has been given to English Nature.

Building Surveying: No adverse comments.

Environment Agency: Provides guidance relating to foul sewer drainage.

Engineer: Looking for sustainable drainage on this site. Recommend a condition requiring no commencement of development until details of the surface water disposal arrangements have been approved in writing by the local planning authority.

Landscaping: Existing road frontage hedge prominent feature provides visual continuity in the approach to the village. Hedge consists of a mixture of native species however Blackthorn is predominant. Hedge has not been maintained for some time and has spread outwards to a width of some 5m. As part of any approved development recommend that existing frontage planting is grubbed out and replaced with a mixed native hedge planted along the line of the original hedge. There is a mature Hawthorn tree on the southern boundary to the site and the junction of the main road and Clare Court. This is a fine specimen and should be retained with the proposal.

Any approval should be made subject to a scheme of landscaping, including the provision of native hedge planting to the boundaries with agricultural land.

Housing Services: No objections.

Essex Wildlife Trust: To be reported (due 16 August).

Water Authority: To be reported (due 16 August).

ECC TOPS: No objections subject to conditions.

PARISH COUNCIL COMMENTS: No objection to this planning application but request that the hedge between the proposed development and Clare Court be native species to protect both developments from overlooking. Also that there be some provision for disabled occupation.

REPRESENTATIONS: This application has been advertised and 13 representations have been received. Period expired 12 September.

Main points:

- The proposal would result in a loss of views
- Will devalue existing properties and make them harder to sell
- Is not in keeping with the existing properties and surrounding area
- Will result in increased traffic on a dangerous road – highway safety issues
- There will be noise pollution from construction traffic and then the residents on the site
- Would result in the potential for more houses adjacent to this site and set a precedent for more development outside Development Limits
- Concerns regarding drainage of the site
- Proposal is contrary to ULP Policy S7 – there are other sites available on brownfield land that should be used rather than areas of Green Belt in an area of special landscape value
- Will result in on-street parking
- Bins will be left on the pavement
- The development will damage hedgerows and subsequently affect wildlife in the area
- Site is located within the 57 Leq noise contours where residents would suffer from noise and air pollution from aircraft
- New access would be required on a road where they have previously been resisted
- Parking to the rear of the site is unsuitable and encourages crime
- Bellrope Meadow should be reclassified and used instead of this site.

COMMENTS ON REPRESENTATIONS: The loss of a view and impact on property prices as a result of a development are not material considerations which can be taken into account when determining planning applications. Parking to the rear is not unacceptable in principle and allows for natural surveillance of the parking area by the occupiers of the dwellings. It is not possible to reallocate Bellrope Meadow for use for affordable housing and this would also rely on the landowner being prepared to sell the land for this use.

See also Planning Considerations below.

PLANNING CONSIDERATIONS: The main issues are whether the proposal would comply with policies relating to:

- 1) **The Countryside and Affordable Housing on “Exception Sites” (ERSP Policy C5, H5 & ULP Policies S7, H11);**
- 2) **Access, Design and Vehicle Parking Standards (ERSP Policies T8, T12 & ULP Policies GEN1, GEN2 & GEN8);**
- 3) **Protected species (ERSP Policy NR7 & ULP Policy GEN7) and**
- 4) **other material planning considerations.**

1) The site is located outside the Development Limits for Thaxted where ULP Policy S7 applies. This specifies that planning permission will only be given for development that needs to take place there or is appropriate to a rural area. In addition, 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. In order to comply with this policy, the proposal would need to protect or enhance the character of the surrounding countryside or need to take place in this location.

Notwithstanding the requirements of the above policy which aims to prevent new building in the countryside, ULP Policy H11 allows for the construction of affordable housing on sites outside the defined Development Limits, subject to proposals complying with specified criteria contained in the policy. These criteria are that:

- a) 100% of the dwellings are affordable and provided through a Registered Social Landlord (RSL)
- b) the development will meet a particular local need that cannot be met in any other way
- c) the development is of a scale appropriate to the size, facilities and character of the settlement; and
- d) the site adjoins the settlement.

This application has been submitted by a registered social landlord and all 12 units would be affordable. A housing needs survey for Thaxted has also been submitted with the application which indicates that there is a need for housing within Thaxted and that first time buyers will have little chance of purchasing locally bearing in mind the current market conditions. Overall the survey concluded that there is a definite need for new rented and shared ownership housing in Thaxted for existing residents and those with close connections to the village.

Thaxted is a large village with a number of services including a primary school and a range of shops. It has a large proportion of listed and historical properties with traditional characteristics. The proposed development of 12 units is considered to be appropriate compared to the size of the settlement and has been well designed with traditional features and proportions which reflect the character and appearance of the village. The location of the proposal is also considered to be acceptable and is well related to Clare Court and the existing properties opposite the site, to the east of Newbiggen St.

Hastoe Housing Association has provided additional information regarding the procedure for finding a suitable site for the proposal. This information indicates that Hastoe have been working with the Parish Council for a number of years in order to try and identify suitable sites within Thaxted. However, this site is the only one that it was possible to bring forward which they felt complied with the criteria and where the landowner was willing to sell.

As this site is located outside the Development Limits for Thaxted and is only acceptable for affordable housing in association with a Registered Social Landlord, it will be necessary for the applicants to enter into a S106 legal agreement to ensure the housing remains as 'affordable' housing and is not offered for sale on the open market.

2) The highways authority has been consulted with regard to this application and has no objections subject to the imposition of conditions. Therefore it is considered that the proposal would not have a detrimental impact on highway safety if the conditions are imposed and the proposal complies with the requirements of ULP Policy GEN1.

The issue of the overall design of the proposal has been considered in section 1 above and has been found to be acceptable due to the traditional design and form of the buildings. In addition, it is not considered that the proposal would result in any material loss of privacy, loss of daylight, overbearing impact or overshadowing. This is due to windows in the southern elevation being designed out and because the development is located to the north of the existing properties on Clare Court. In addition, the proposed dwellings would be

located adjacent to the single storey garage block rather than dwellings which would prevent an overbearing impact when viewed from the south.

With regard to minimising water and energy consumption, Hastoe have confirmed that they will be achieving a BREEAM Eco Homes rating of at least Very Good. Therefore it is considered that the proposal would comply with the requirements of ULP Policy GEN2.

The adopted vehicle parking standards require a maximum number of spaces per dwelling. These specify that properties with up to and including 3 bedrooms, a maximum of 2 spaces should be provided. 24 spaces are indicated on the layout for this application which would adequately meet the requirements of the adopted standards. The layout of the parking to the rear of the dwellings is also considered to be acceptable. It is considered that the proposed parking complies with the requirements of ULP Policy GEN8.

3) A protected species assessment has been submitted with the application, this states that a desk study and survey of the site have been undertaken. No protected species have been found on the site however the eastern boundary hedge may be ecologically important. The recommendations of the assessment are that site clearance should be undertaken between September and February to avoid the nesting season alternatively additional surveys should be undertaken by suitably trained and experienced ecologists in order to avoid and protect and nests. Included in the report are details of possible enhancement for biodiversity which could be incorporated into the scheme and Hastoe have confirmed that they will be undertaking these enhancements as part of the development.

It is considered that sufficient information has been provided to ensure that the proposal would not have a detrimental impact on any protected species and complies with ULP Policy GEN7.

CONCLUSIONS: The proposal complies with the Development Plan policies is considered to be acceptable subject to the imposition of conditions and the applicants entering into a S106 agreement preventing the sale of the housing on the open market.

RECOMMENDATIONS:

1) SECTION 106 AGREEMENT TO SECURE SITE FOR AFFORDABLE HOUSING
2) APPROVAL WITH CONDITIONS

1. C.1.2. Standard time limit.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and approved.
4. C.4.2. Implementation of landscaping,
5. C.4.4. Retention of tree.
6. C.5.1. Samples of materials to be submitted agreed and implemented.
7. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
8. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented – buildings.
9. C.8.27. Drainage details to be submitted agreed and implemented.
10. The drainage details to be submitted in relation to condition C.8.27. shall incorporate a scheme of sustainable drainage.
REASON: To protect the surrounding countryside and prevent pollution of the water environment.
11. C.8.29. Details of sustainable construction required.
12. C.8.30. Provision of bin storage.

- 13. C.8.32. Accessibility – Implementation.
- 14. The proposed junction bellmouth with the County road B184 shall be provided with radius kerbs of 10.5m returned to an access width of 5.5m for the first 10m within the site.
REASON: In the interests of highway safety.
- 15. There shall be no obstruction above ground level within the area of 4.5m x 70m visibility splay and a 2.0m parallel band visibility splay across the entire site frontage.
REASON: In the interests of highway safety.
- 16. C.10.26. Prevention of runoff from access.
- 17. C.10.19. Access gradient.
- 18. C.10.18. Unbound material/surface dressing.
- 19. The gates to the parking areas for Plots 1 and 12 shown on the site layout (1:500) plan shall be omitted from the approved scheme.
REASON: In the interest of improving the accessibility of the parking layout and because the applicant has confirmed that this detail has been included in error.

Background papers: see application file.

UTT/1470/06/FUL - LEADEN RODING

Change of use from Class B1 (Business) to Class D1 (Day Nursery) and land to rear from agricultural to play area

Location: Units 2-6 Parklands Business Centre and land to rear Stortford Road
GR/TL 588-131

Applicant: Barry & Janise Bloomfield

Agent: Barry & Janise Bloomfield

Case Officer: Mr J Mitchell

Expiry Date: 26/10/2006

ODPM Classification: OTHER

REPORT TO FOLLOW

UTT/1270/06/OP - LITTLE CANFIELD

Outline application for erection of 4 no dwellings with all matters reserved except siting and means of access. Alteration of existing vehicular and pedestrian access.

Location: 8 Hamilton Road. GR/TL 576-213.
Applicant: Mr C Humphries
Agent: Mr P R Livings
Case Officer: Miss K Benjafield 01799 510494
Expiry Date: 22/09/2006
ODPM Classification: MINOR

NOTATION: Within Takeley / Little Canfield Local Policy 3 – Prior's Green Site.

DESCRIPTION OF SITE: The site covers an area of approximately 0.125ha and currently a detached bungalow to the front of the site. There is a garage to the rear and access is gained along the southern access of the site. The site is located at the end of a row of dwellings which are sporadically located along Hamilton Road. The land to the north and east of the site has been subject to planning applications for residential development by Countryside Properties as part of the Priors Green development.

DESCRIPTION OF PROPOSAL: This outline application is for the erection of four dwellings. The design, landscaping and external appearance of the proposal would all be determined at the reserved matters stage with the siting and means of access considered as part of the current application. The indicative plan shows a small terrace of three properties to the front of the site and one detached property located to the rear. The access to the site would follow the existing access adjacent to the southern boundary of the site. This site is identified in the Supplementary Planning Guidance (SPG) that covers the area as on "Island Site". The proposal would result in a density of 32 dwellings per hectare (dph).

APPLICANT'S CASE including Design & Access statement: None – no design and access statement required.

RELEVANT HISTORY: Proposed erection of detached dwelling to rear of existing property refused March 2006. Proposed single storey extension conditionally approved March 2006.

CONSULTATIONS: ECC Archaeology: The site lies immediately adjacent to a number of known sites. Large scale trenching has taken place for the Priors Green site which found extensive archaeological deposits. It is possible that further deposits of multi-period date will be identified in the development area. It is recommended following the guidance within PPG16 that a full archaeological condition be attached to any planning consent.

Environment Agency: Provides guidance for the applicant relating to sustainable drainage and discharge of surface water – copy of letter to go to Applicant for information.

Thames Water: No objections – copy of letter to go to Applicant for information.

PARISH COUNCIL COMMENTS: Little Canfield: The proposal would cause intrusion to neighbouring properties as a result of increased vehicular and pedestrian traffic and noise pollution. In respect of the large dwelling there has been no change since the previous application and it would fail to be compatible with the approved development adjacent to the site or the existing dwellings.

Building three houses along the front of the plot would not be in keeping with the character of Hamilton Road. Should the development be considered acceptable, the vehicular access

should be between two of the three houses thereby causing less aggravation to the neighbouring property.

Takeley: To be reported (due 30 August).

REPRESENTATIONS: This application has been advertised and 2 representations have been received. Period expired 29 August.

1. Object. Access for car parking unacceptable being the location of the access via the south side of the plot and next to 6 Hamilton Road. Residents of 6 Hamilton Road would have a vast increase in traffic flow next to their boundary; very unfair situation for them. Their health and safety due to the general increase in noise levels and vibration dust/pollution etc wholly unacceptable. Strongly oppose erection of a detached dwelling in the garden of 8 Hamilton Road as this is well behind the building line. Feel that a property in the rear garden, which would be at the very bottom of that garden well behind the building line of that road, would be too much of an intrusion on the neighbouring properties. Also concerned about the close proximity of these dwellings on the same plot which is wholly unacceptable and out of character with the rest of Hamilton Road.
2. Against them number of houses to be built at 8 Hamilton Road as they are not in line with the rest of Hamilton Road. The houses will overlook my property and not in keeping with other property.

COMMENTS ON REPRESENTATIONS: A landscaping scheme would be required for any approval on this site. This would include methods of increasing biodiversity within the site. For other issues see Planning Considerations.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) **the development would be compatible with the Master Plan, the Council's Supplementary Planning Guidance and policies relating to design and access (PPG3, ULP Policies GEN1, GEN2 & Local Policy 3) and**
- 2) **social, amenity and infrastructure contributions are required (ULP Policy GEN6).**

1) The Development Plan policies do not permit development of this site in isolation. Development of this site is however acceptable in principle provided it is contiguous with the development of the Prior's Green site overall.

The Supplementary Planning Guidance (SPG) emphasises that the principle of development of this and the other "island sites" is acceptable; that new development should gain access from the approved internal road network; that financial contributions should be made towards education, transport, sports, community and landscaping facilities; that affordable housing should be provided; and that no permissions should be granted on the island sites until UTT/0816/00/OP has outline planning permission.

As Members will be aware, that outline and some subsequent reserved matters applications have been approved. Of particular relevance to this application are the details of the approved development within Phases 3a and 4b which are located adjacent to the site. The layout of this application has been designed to take account of the approved Countryside schemes on adjacent sites. The dwelling to the rear of the plot would be located at a point adjacent to two blocks of affordable housing and would create a 'corner' plot in relation to those properties. The row of three properties to the front of the site would also reflect the approved development to the north by continuing a line of frontage development. However this would be set back slightly from the Countryside development resulting in a transition between the existing Hamilton Road properties and the approved Countryside development.

The siting of the proposed development would also allow for sufficient distance between the existing and proposed dwellings to prevent any material overlooking from occurring. The proposed parking areas would not result in any greater disturbance to existing neighbouring properties as the majority would be located away from the southern boundary. The minimal amount of parking and turning located to the south of the site is no greater than currently exists and therefore would not result in any additional harm. Furthermore, the presence of garaging in the centre of the site would create an element of screening between the existing and proposed dwellings.

The existing access to the site would be utilised as part of this development and due to the distance between the access and the adjacent property, it is not considered that this would result in any material loss of amenity or disturbance to the occupiers of that property. Any disturbance could also be mitigated through the use of appropriate boundary treatment and using bound materials for the access.

2) SPG requires that all the island sites other than the land adjacent to Takeley Nurseries should make appropriate and proportionate contributions to social, amenity and infrastructure requirements. These are based on an assessment of the costs of primary and secondary education, a contribution to transport enhancement and a contribution to the enhancement of local sports and/or community facilities, a contribution to fitting out, equipping and furnishing the on-site community centre. The total basic financial contribution for wider and longer-term benefits excluding affordable housing and any associated additional educational payments and landscape contributions totals £5,969 per dwelling at April 2002 (indexed) prices. Because this site is outside the Master Plan area these contributions would need to be made in full.

CONCLUSIONS: The development of this site is acceptable in principle provided it is developed contiguously with planning permission UTT/0816/00/OP and not in isolation. A Section 106 agreement will be necessary to ensure contributions to social, amenity and infrastructure requirements as set out above and to link this site with the larger development, preventing its development in isolation. The siting of the proposed dwellings would accord with the adjacent approved development within the main Prior's Green Site and is considered to be acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO A SECTION 106 OBLIGATION REQUIRING CONTRIBUTIONS IN ACCORDANCE WITH THE TAKELEY/LITTLE CANFIELD SPG AND ALSO COVERING THE ISSUES DETAILED ABOVE

1. C.1.1. Submission of reserved matter: 1. (exclude siting and means of access)
2. C.1.2. Submission of reserved matter: 2. (exclude siting and means of access)
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. The land the subject of this planning permission shall not be developed other than contiguous with planning permission UTT/0816/00/OP. The site shall be included within the approval of phasing and development densities set out in condition C.90A of planning permission UTT/0816/00/OP.
REASON: To secure appropriate phasing and densities in a comprehensive manner.
6. The development hereby permitted shall be carried out in accordance with the Master Plan, drawing no. 1071/MP/6 Rev A dated 10.08.00 unless otherwise agreed in writing by the local planning authority.
REASON: To ensure development proceeds in broad accordance with the principles set out in the approved Master Plan.
7. C.5.2. Details of materials.

8. C.4.1. Scheme of landscaping.
9. C.4.2. Implementation of landscaping.
10. C.4.6. Retention of trees and shrubs.
11. C.16.2. Full archaeological excavation and evaluation.
12. Construction noise associated with the development of the site shall not exceed 60LAeq measured as a 15 minutes LAeq at any point within 5 metres of the boundary of any occupied residential property existing within or adjacent to the site at the date of this permission, without the prior written consent of the local planning authority.
REASON: To protect the amenities of residents during construction.
13. Except in emergencies no deliveries of materials shall be made to and no construction works shall be carried out on the site during this period of construction of the development:
a) before 0730 or after 1800 hours on weekdays (i.e. Mondays to Fridays inclusive),
b) before 0800 or after 1300 on Saturdays,
c) on any Sunday or Bank or Public Holidays.
REASON: To safeguard the amenities of nearby residential properties.
14. No development shall take place until a program of works for the provision of foul and surface water drainage has been submitted to and approved in writing by the local planning authority, following consultation with Thames water. Subsequently the works shall be implemented as approved, including any phasing in relation to the occupation of buildings.
REASON: To ensure adequate surface and foul drainage systems are provided for the development and there are no adverse effects on the wider community.
15. C.8.30. Provision of bin storage
16. C.8.32. Accessibility – Implementation
REASON: To ensure that the District's housing stock is accessible to all.
17. C.8.29 Details of sustainable construction for new residential or commercial development

Background papers: see application file.

UTT/1431/06/FUL - SAFFRON WALDEN

(Close relationship with Member or Employee of Council)

Erection of a rear conservatory

Location: 12 Pleasant Valley. GR/TL 538-373.

Applicant: Mr D Richardson

Agent: Mr D Richardson

Case Officer: Miss F Lang 01799 510467

Expiry Date: 18/10/2006

ODPM Classification: OTHER

NOTATION: Within Development Limits.

DESCRIPTION OF SITE: The site is located on Pleasant Valley, south of Saffron Walden's town centre. The existing house comprises a single storey semi-detached house with a large rear garden. The dwelling is finished in brick and smooth render and features a clay tile roof.

DESCRIPTION OF PROPOSAL: The applicant proposes to construct a 3.2m x 3m single storey conservatory at the rear of the house. The conservatory would be accessed from the existing lounge and comprise of brick walls and double-glazed clear glass windows with the roof framed in white aluminium.

RELEVANT HISTORY: Council records indicate that previous extensions have been carried out to the dwelling. There is a historical building application (UBR/0492/85) for an extension approved in 1985. A single storey side extension (UTT/1576/01/FUL) was given conditional approval in 2002.

TOWN COUNCIL COMMENTS: No objections to the proposal.

REPRESENTATIONS: None received. Notification period expired 13 September 2006.

PLANNING CONSIDERATIONS: The main issues are whether the proposal:

- 1) **Is compatible with the scale, form, layout, appearance and materials of surrounding buildings; whether it minimises the environmental impact on neighbouring properties by appropriate mitigating measures; and whether it would have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. (ULP Policy GEN2 and H8) and**
- 2) **Other material planning considerations.**

1) The proposed conservatory is of a scale and design that is considered acceptable on the site and with respect to neighbouring properties. It is further considered that the proposed structure would not cause any material overshadowing or overlooking of neighbouring properties as it is single storey and, being screened by an existing brick wall and fencing, would not be visible from any adjoining sites.

2) Under its Local Development Framework, the Council has published a Supplementary Planning Document for Home Extensions. The Council uses this guidance when considering planning applications for extensions. In this case it is considered that the proposal is generally in accordance with the design guidelines for rear extensions presented in this document and retains sufficient garden space for the residents of the dwelling.

CONCLUSION: The proposal is of a minor scale and is not considered to have any adverse impact on adjoining properties or on the surrounding area. It is considered to be consistent with the relevant planning policies. On this basis it is recommended that the application be granted approval.

RECOMMENDATION: APPROVAL WITH CONDITIONS

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

Background papers: see application file.

UTT/1291/06/FUL - LITTLE CANFIELD

Temporary locker room facility.

Location: Windwards Bananas Stansted Ripening Centre High Cross Lane.
GR/TL 601-211
Applicant: Windwards Bananas
Agent: CTP Architects
Case Officer: Miss K Benjafield 01799 510494
Expiry Date: 31/10/2006
ODPM Classification: OTHER

NOTATION: Outside Development Limits

DESCRIPTION OF SITE: This site is located in the countryside approximately 3km west of Great Dunmow and 200m south of the B1256 (former A120) along High Cross Lane East. To the south are a range of existing and converted agricultural buildings known as the Claybury buildings and Hales Farm. The Claybury buildings are used for B1 (Business) and B8 (Storage and Distribution) use and Hales Farm is used for B2 (General Industrial) and B8 businesses such as John Walker Fabrications, Highcross Joinery and Camglass. Hales Farm House is also located to the south of this cluster of buildings. Beyond this is a scattering of dwellings. To the north of the site is the dismantled railway (Flich Way County Wildlife Site) and Grade II listed Easton Lodge (railway) Crossing Cottage and Greencrofts. Several dwellings are located adjacent the road as it curves west toward the B1256, which is near the junction with the new A120. To the west and east lies open agricultural land.

DESCRIPTION OF PROPOSAL: This application relates to the creation of a temporary locker room facility. The facility would be created through the siting of two portacabins adjacent to the northwestern elevation of the main factory building. The portacabins would be located side by side on the ground and would have a maximum height of 3m. The applicant is applying for a temporary permission for a period of 5 years.

APPLICANT'S CASE including Design & Access statement: A design and access statement has been submitted which explains the justification and reasoning behind the proposal. It does not raise any issues which need addressing. See copies attached at end of report.

RELEVANT HISTORY: Various applications dating from 1966 – 1997. Extension and change of use to accommodate additional banana ripening rooms and production space. Canopy to loading area of outbuilding conditionally approved 2005. Erection of new staff welfare building withdrawn by applicant July 2006.

CONSULTATIONS: English Nature: No objections.
Environmental Services: No concerns.

PARISH COUNCIL COMMENTS: No objections.

REPRESENTATIONS: None. Notification period expired 5 October.

COMMENTS ON REPRESENTATIONS: N/A

PLANNING CONSIDERATIONS including Design & Access statement: The main issues are whether the proposal complies with policies relating to:

- 1) **development in the countryside (ERSP Policy C5 & ULP Policy S7);**
- 2) **access and design (ULP Policies GEN1 & GEN2);**

1) This application relates to development within the open countryside for temporary locker room facilities. The provision of the proposed temporary facilities would allow the existing facilities in the main building to be used as ripening rooms until the previously approved extensions have been constructed.

Although the proposal does not strictly comply with the requirements of ULP Policy S7 in that it is not related to a use such as agriculture which cannot take place anywhere other than in the countryside, the short term need for the locker room facilities cannot be accommodated anywhere other than on the site. The portacabins themselves do not have a traditional appearance however they are low-key buildings and are proposed to be sited next to a very large existing building. In this respect, they would have little impact on the rural character of the countryside due to being screened by the existing building and being seen against the backdrop of that building from other view points. It should also be noted that due to the size and location of the existing building and the presence of mature boundary treatment, there would be limited views of the portacabins in any event.

It is therefore considered that due to the need for the locker room facilities, the limited impact that they would have on the open and rural character of the surrounding area and the fact that the portacabins are proposed to be sited for a temporary period only, this proposal is acceptable and complies with the requirements of ULP Policy S7 and ERSP Policy C5.

2) The proposal would have no impact on the existing access to the site and buildings. The main vehicular exit route and existing parking and turning facilities would not be affected by the location of the portacabins.

As considered in paragraph 1) above, the design of the portacabins would be low-key and have little impact on the character of the area. There are no close neighbouring properties which may be affected by the siting of the portacabins in the proposed location.

Therefore the proposal is considered to be acceptable and complies with ULP Policies GEN1 and GEN2.

CONCLUSIONS: The siting of the two proposed portacabins is acceptable for a temporary period of time in order to provide welfare facilities for staff and additional short term ripening rooms.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
2. C.3.1. To be implemented in accordance with approved plans.
3. The portacabins shall be removed from the site within 5 years of the date of this permission.
REASON: The proposal is only acceptable on this site within the open countryside, in order to meet the short term need for additional facilities on the site.
4. The portacabins shall be finished in colours to match the existing main building on the site.
REASON: In order to minimise the impact of the development within this area of open countryside.

Background papers: see application file.

UTT/1434/06/FUL - SAFFRON WALDEN

(Employee of Council)

Two storey side extension incorporating existing garage
Location: 48 Rowntree Way. GR/TL 536-374.
Applicant: Mr N Harvey & Miss H Swain
Agent: Mr N Harvey & Miss H Swain
Case Officer: Miss F Lang 01799 510467
Expiry Date: 19/10/2006
ODPM Classification: OTHER

NOTATION: Within Development Limits.

DESCRIPTION OF SITE: The site is located at 48 Rowntree Way, south-west of Saffron Walden town centre. The existing dwelling on site is a two storey semi-detached house with a single garage. The site features a front garden with some shrubs and a low brick wall.

DESCRIPTION OF PROPOSAL: The applicant proposes to carry out a side extension to the existing house. The extension would be constructed on the eastern side of the building and would incorporate the existing garage. On the ground floor, the extension would comprise a utility room at the back of the garage while at first floor level, the extension would incorporate a new master bedroom and ensuite.

TOWN COUNCIL COMMENTS: No objection to the proposal.

REPRESENTATIONS: None received. Notification period expired 14 September 2006.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the scale, design and external materials respect those of the existing building and whether there would be any overlooking or overshadowing of nearby properties (ULP Policies GEN2 and H8),**
- 2) **whether the relevant criteria set out in 'Supplementary Planning Document – Home Extensions' have been met and**
- 3) **other material planning considerations.**

1. The proposed extension would not cause any overlooking of the adjoining property to the west as its western elevation would not include any windows. It is further considered that the pair of semi-detached buildings at No's 48 (subject site) and 50 Rowntree way would not be adversely affected by the proposal. The proposal would act to provide symmetry and balance to the buildings as a pair, as the attached house at No. 50 Rowntree Way has already carried out a similar side extension above their garage.

2. The proposed extension would increase the floor area of the original house from approximately 115.4m² to approximately 150m². This represents an increase of approximately 23%. It is considered that the scale of the proposed extension would be in keeping with that of the original building.

3. It is noted that the proposal does not follow the criteria set out in Council's 'Supplementary Planning Document on Home Extensions'. This is because the extension would not be set back from the principal elevation of the house. However, achieving this would be difficult given that the extension would be constructed on top of the existing garage, which is set slightly forward from the front elevation of the house. Setting the extension back from the front elevation of the garage would result in a disjointed appearance

from the street. It is therefore considered to be acceptable to disregard the design criteria in this case.

4. There is concern that where a row of semi-detached houses are separated by regular gaps, infilling at the side of houses can eventually transform the appearance of the street from semi-detached to terraced. This process is well advanced along Rowntree Way and the street character has already been compromised in this regard. It is not considered that this possible effect should be a material reason for refusal of this application.

CONCLUSIONS: The proposal is for an extension of a scale that would be acceptable in terms of respecting the scale of the original building and surrounding buildings. The proposed development is similar to other development that has taken place along the same street. The proposal is considered to have no adverse effects on the existing street amenity.

RECOMMENDATION: APPROVAL WITH CONDITIONS

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

Background papers: see application file.

UTT/1330/06/FUL - FELSTED

Demolition of existing conservatory on 2 Bury Fields and erection of detached bungalow.

Location: Land adjoining and part of 2 Bury Fields. GR/TL 674-203.

Applicant: Aston Insurance Brokers Ltd.

Agent: David Butt Associates Ltd.

Case Officer: Miss G Perkins 01799 510467

Expiry Date: 04/10/2006

ODPM Classification: OTHER

NOTATION: Inside Development Limits / Tree Preservation Orders on land to the south / adjoins a Conservation Area.

DESCRIPTION OF SITE: The site is located on the corner of Bury Fields and Station Road in Felsted. The site is currently vacant however land in the same ownership immediately to the west of the site is developed with two single storey detached dwellings. There are a row of three garages which serve the existing dwellings to the west which have access off Bury Fields.

On the opposite side of Bury Fields there are double storey brick dwellings and across the road the dwellings are screened by extensive hedging along the road.

According to the GIS system, the land immediately to the south and south west of the site are affected by tree protection orders. However some of the trees identified do not appear on site and the front of the site is currently grassed and there is a public bench on the corner.

DESCRIPTION OF PROPOSAL: It is proposed to demolish the eastern portion of the adjoining attached unit and to construct a single storey bungalow on the eastern most section of the vacant land on the corner of the site.

The dwelling is proposed to comprise three bedrooms and living areas and will utilise one of the three garages at the rear of the site for car parking. The dwelling is proposed to front Station Road and there is 'hornbeam' hedging indicated around most of the perimeter of the site. Planting has also been nominated on the plans along the southern boundary of the site 'to be carried out by the local authority. The garden for the dwelling is proposed on the eastern side of the dwelling and no fences are proposed, however the low existing boundary fence is proposed to be retained.

It is noted that under the provisions of the General Permitted Development Order fences could be constructed that do not exceed 2m in height.

APPLICANT'S CASE: Refer to written submission on file. The submission responded to the grounds of refusal on the previous application (UTT/0757/06/FUL) and indicated that the Parish Council were supportive of the current application.

RELEVANT HISTORY:

- Planning Application UTT/0757/06/FUL was refused for a very similar development to which is proposed under this application. The previous application was refused on the grounds that the development would result in the loss of an attractive open corner, the dwelling would be sited in a forward location and there would be inadequate private open space on the site.
- Following the lodgement of this current application, officers sent the applicant a letter outlining some concerns with the current proposal. The applicant made some draft modifications to the proposal in an attempt to address the previous grounds of refusal, however the plans did not go far enough to overcome the previous issues. In a final conversation on 4 September 2006 the applicant advised that he wanted to proceed with the originally submitted plans.

Given the unsuccessful negotiations officer will proceed with the originally submitted plans.

CONSULTATIONS: Anglian Water: No comments. Period for a response expired 31 August 2006.

Environment Agency: Responded with standard letter 7 and 11 relating to small residential development.

Building Surveyor (internal): No adverse comments.

Landscaping (internal): To be reported (due 25 August 2006). Officers will advise the Development Control Committee if there are any comments received from Council's Landscaping officer on the replanting of the corner of the site if these are received before the meeting.

PARISH COUNCIL COMMENTS: No objections.

REPRESENTATIONS: This application has been advertised and three representations have been received. In summary the objectors raised the following concerns:

- How can the applicant resubmit the proposal when it was previously refused?
- Danger to trees
- The new bungalow would look out of place
- Too cramped making the entry into Felsted ugly and urban
- Given additional traffic from Oakwood Park the road is busy and not suitable for new development.
- Given proposals to 'green up' the sure this autumn development on this site would not be appropriate
- Sympathise with anyone with disabled relatives, however this is no reason to pave over a 'greenfield' site for financial gain.
- Council have already refused the application once
- The applicant should not use their personal circumstances to influence the planning decision
- The 'poorly sited addition' referred to in the application has already been demolished.
- The development will destroy the openness of the entry into Bury Fields.
- Some of the trees that were protected by Tree Preservation Orders- Section 211 Notice have not been replaced.
- The Land Registry states that 2 Bury Fields has 'restrictive covenants' placed upon it and its owners. We ask that this be investigated.

COMMENTS ON REPRESENTATIONS: The matters considered relevant to the consideration of the application will be discussed in the planning considerations. Officers would like to clarify the following two matters in particular:

- The grounds of the previous refusal (UTT/0757/06/FUL) must be overcome before Council could grant permission for development on the land, as these grounds are a material consideration.
- Demolition of the 'poorly sited addition' does not require planning permission and therefore the owners are not in breach of planning regulations by demolishing this section of the existing dwelling.
- Matters relating to restrictive covenants are not controlled under planning legislation and are a civil matter.
- Council's Landscape Officer has advised that he is not aware of any notices for replacement trees, however there are plans for Council to replant near the site as part of their planting programme. Council's Landscape officer has verbally advised planning officers that the replanting of a hedge and trees on Station Road are due to be planted this season.

PLANNING CONSIDERATIONS: The main issues are:

- 1) **whether the siting of the building is appropriate on the site within development limits and whether the open nature of the corner will be affected by the development (ERSP Policy BE1 & ULP Policies S3, GEN2, ENV3 and H3); and**
- 2) **if the revised plans has overcome the previous grounds of refusal.**

1) ULP Policy S3 and H3 and ERSP Policy BE1 encourage the provision of additional housing within development limits. However any new development is required to be designed in manner so that it respects the character of the area. The site is quite prominent as you enter Felsted and has an open appearance.

As per the previous grounds of refusal, the proposed dwelling is still not considered to be appropriately sited given the characteristics of the site. While hedging and plantings around the perimeter of the site will soften the appearance of the development, it is still considered that the dwelling will be too prominent and extends too far east on the lot.

Negotiations have been undertaken to attempt to scale back the dwelling however these discussions have been unsuccessful and therefore the siting is still considered unacceptable.

In terms of landscaping ULP Policy ENV3 aims to prevent the loss of open spaces and groups of trees. While there are currently no trees on the corner, there are plans proposed by Council for replanting the corner. Given the fact that the land is open it is considered that amount of building form would needs to be reduced to ensure that the corner retains an open appearance.

2) There have been some modifications to the design of the bungalow compared with the previous refusal. This includes an increased setback from the main road, deletion of a 1.8m high fence and additional hedge planting around most of the perimeter of the site. It is not considered that these design modifications have addressed the key issues. While there will be a slightly more open appearance on the front of the site, the side (eastern) wing of the bungalow needs to also be setback and reduced in volume.

CONCLUSIONS: It is considered that the minor modifications to the design have not overcome the previous grounds for refusal which are a material consideration. The open character of the site will be detrimentally affected by way of the siting of the dwelling. Despite negotiations in relation to a scaled back version of the bungalow, agreement could not be reached and therefore it is recommended that the application be refused.

RECOMMENDATION: REFUSAL REASON

The proposed development by virtue of the siting and scale of the bungalow would result in the loss of an open corner in a prominent location when viewed from both Station Road and Bury Fields. The proposal is considered to be out of keeping with the character of the location and the design does not overcome the grounds of the previous refusal UTT/757/06/FUL. Accordingly the proposal is contrary to ERSP Policy BE1 and ULP Policies S3, GEN2, ENV3 and H3.

Background papers: see application file.

UTT/1398/06/FUL - GREAT DUNMOW
(Council employee's application)

Erection of a cart-lodge

Location: 5 Westbury House (Garden Flat) Stortford Road. GR/TL 624-222
Applicant: Mr & Mrs M Lodder
Agent: John Baugh Ltd
Case Officer: Miss G Perkins 01799 510467
Expiry Date: 26/10/2006
ODPM Classification: OTHER

NOTATION: Inside Development Limits/ Inside Conservation Area/ within the curtilage of a Grade II Listed Building.

DESCRIPTION OF SITE: The site is located at the rear of 5 Westbury House which is a listed building. The land where the cart shed is proposed is currently an open gravel area which is used for car parking.

There is vegetation and open fencing around most of the perimeter of the parking area which defines the area clearly. Access to the site is via a shared gravel drive off Stortford Road, which services several other dwellings.

DESCRIPTION OF PROPOSAL: It is proposed to construct a cart shed in the open area where cars are currently parked. The cart shed is proposed to have a hipped roof with a ridge height of 4m and an open front. The cart shed will contain two car parking bays. The cart shed would be located approximately 200mm from the western boundary of the site and 5m from the access way (i.e. boundary of the lot). There is sufficient room to the east (front) of the cart shed to allow for cars to also park in that area and pull in off the common drive.

There is no requirement to remove any of the vegetation around the perimeter of the site.

APPLICANT'S CASE: A design and access statement was submitted with the application, received on 31 August 2006 (attached to file). The applicant has indicated that the reason for the application was to provide undercover parking for the residents in the dwelling at 5 Westbury House. The applicant has indicated that there will be two points of pedestrian access to the side, including an access off the shared drive and one from the car parking area. The applicant undertook preliminary discussions with Council's Landscape officer who raised no objection to the siting of the cart shed.

RELEVANT HISTORY: There have been two more recent applications on the site. Planning permission UTT/0867/99/LB was granted for the removal of porch and construction of verandah and planning permission UTT/0942/06/LB was granted for the installation of a flue. There are also some historical applications that relate to the site, however these are not considered relevant to this application.

There is a concurrent application under consideration on the site, UTT/1400/06/LB for the installation of an internal door in the listed building. This will be reported to the same Development Control Committee Meeting.

CONSULTATIONS: Design Advice (Internal): To be reported (due 25 September 2006).

TOWN COUNCIL COMMENTS: To be reported (due 1 October 2006).

REPRESENTATIONS: This application has been advertised and one representation has been received, in the form of two separate letters from the same party. Period for responses expired 28 September 2006. The concerns raised in the objections can be summarised as follows:

- Strongly object to the cart shed as there are issues with the drive and no cars can park on the drive.
- Understand that the drive is a civil matter however request that these issues with the width of drive could be considered
- Can't tell from the plans is there is any turning space, when there are other cars parked in the area. There are sometimes four or more cars parked these from the people that live there.
- The proposed building would look out of place
- The cart shed is far too large and would leave no room for parking of other vehicles
- There is inaccurate information on the application form as Mr Lodder works for Council
- Dwelling at Holm Oak was refused building regulations as there was no access for emergency vehicles. This is why the drive must be kept clear at all times. If additional cars are using the site then cars could park on the drive that Holm Oak own.

- Notice that there are also enquiries regarding the establishment of a bed and breakfast business. If this was to proceed then there would be insufficient parking. This is a privately owned drive with rights of access for the people who live there only

COMMENTS ON REPRESENTATIONS: The matters that are material to the consideration of this application will be discussed in the planning considerations section of this report. Officers would however like to respond to some of the points in particular:

- The final point of objection raised relates more to planning application UTT/1400/06/LB (concurrently under consideration). These comments will be discussed in the report that relates to that application. There is no reference to the establishment of a bed and breakfast business contained in this application.
- The width of the drive is not relevant for the consideration of this application, as there is no alteration to the width of the access proposed. Additionally there are not proposed to be additional cars parked in this part of the site, instead this is just an application to cover an existing area.

PLANNING CONSIDERATIONS: The main issues are:

- 1) **whether the proposed cart shed will be appropriate and conserve the character of the conservation area (ERSP Policy HC2 & ULP Policies ENV1 and GEN2) and**
- 2) **if there will be any adverse impacts on the provision of car parking for the existing dwelling (ULP Vehicle Parking Standards).**

1) ERSP Policy HC2 and ULP Policy ENV1 apply to land within conservation areas and ULP Policy GEN2 applies to the design of all development. In general any development within a conservation area should contribute to character of the area.

The land where the cart shed is proposed is situated behind the existing listed building and is not visible from the main entry to the site off Stortford Road. While the main focus of the conservation area relates to the buildings which front onto the main road, this part of the conservation area is characterised by a gravelled parking area that is well screened by vegetation.

It is considered that the design of the cart shed is simple enough to serve the purpose of sheltering cars, without being too visually prominent on the site. It will still leave an area

which would be 5m wide in front of the cart shed and vegetation would be retained. It is therefore considered that the design respects the particular characteristics of this part of the conservation area. A condition will require the protection of the trees on the site to ensure that the screening and character of the site is not altered by any tree removal that may occur during construction.

The design of the cart shed is also considered to be appropriate for its purpose and does not appear to be a building that is likely to be converted to a residential use.

2) The vehicle parking standards in the ULP require a maximum of 2 car parking bays for a 3 bedroom dwelling. There are two car parking bays provided within the cart shed and sufficient area to the east of the shed where additional cars could park if required. This exceeds the vehicle parking standards in the ULP and therefore is considered acceptable. While there have been concerns raised by the neighbour about insufficient parking the standards have been exceeded. This application does not intensify the use of the land and therefore simply covering part of the existing car parking area will not compromise the availability of parking. There is still room within the area for vehicles to manoeuvre in and out of the site.

CONCLUSIONS: It is considered that the scale and form of the cart shed is appropriate, both from a functional perspective and also in terms of protecting the character of the conservation area and listed building. There will still be ample area in the car parking area to serve the existing dwelling and it is considered that the application warrants support.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.6. Retention and protection of trees and shrubs.
4. C.5.2. Details of materials to be submitted and agreed.

Background papers: see application file.

UTT/1400/06/LB - GREAT DUNMOW
(Council employee's application)

Insertion of a new doorway between 5 Westbury House and The Garden Flat
Location: 5 Westbury House (& The Garden Flat) Stortford Road.
GR/TL 624-220.
Applicant: Mrs M Lodder
Agent: John Baugh Ltd
Case Officer: Miss G Perkins 01799 510467
Expiry Date: 26/10/2006
ODPM Classification: OTHER

NOTATION: Inside Development Limits/ Inside Conservation Area/ Grade II Listed Building.

DESCRIPTION OF SITE: The site is known as 5 Westbury House and is a Grade II Listed Building. The dwelling is a rendered double storey terrace with a garden room and conservatory. The dwelling has an elevation fronting Stortford Road however there is no entry off the main road. There are two points of pedestrian access to the site, one from the side off the shed drive and the other is from the rear car parking area. Vehicle access is via a shared drive and there is a parking area at the rear of the site.

DESCRIPTION OF PROPOSAL: It is proposed to insert an internal door into the building to enable access between the main house and the garden flat. The applicant has indicated that they may want to set up a bed and breakfast facility in the future, although officers emphasise that a change of use is not part of this application. The applicant has indicated that the internal alterations would potentially assist in making the dwelling more suitable for bed and breakfast use in the future.
A bed and breakfast business is likely to require planning permission for a material change of use. The requirement for planning permission would depend on the scale and nature of the business relative to the residential dwelling.

APPLICANT'S CASE: Refer to design and access statement submitted with the application, received on 31 August 2006 (attached to file).

RELEVANT HISTORY: There have been two more recent applications on the site (UTT/0867/99/LB) for removal of porch and construction of verandah and (UTT/0942/06/LB) for the installation of a flue.

There are also some historical applications that relate to the site, however these are not considered relevant to this application. There is a concurrent application UTT/1398/06/FUL for the construction of a cart shed in the rear parking application. This will be reported to the same Development Control Committee meeting.

CONSULTATIONS: Design Advice (Internal): To be reported (due 22 September 2006).

TOWN COUNCIL COMMENTS: To be reported (due 1 October 2006).

REPRESENTATIONS: None have been formally lodged however there was a reference to this application in a representation that was received for planning application UTT/1398/06/FUL (concurrently under consideration).

The concern was raised in regard to a future bed and breakfast use on the land. The neighbour was concerned that this would be a commercial use and increase car parking demand on the site.

Notification period expired 28 September 2006.

COMMENTS ON REPRESENTATIONS: The concerns raised in relation to a potential bed and breakfast use at the premises cannot be taken into consideration at this time. This is because this is not an application for the change of use; rather this is a Listed Building Consent application only and therefore only relates to the consideration of the physical impact on the listed building.

If the applicant intends to use the premises as a bed and breakfast use, and the business was of a sufficient scale to represent a material change of use, then an application would have to be lodged. It is at the point when an application is made for a change of use that Council would be able to consider matters relating to the commercial land use, amenity issues and provision of sufficient parking for such a use.

It is recommended that a note be placed on any listed building consent to ensure that the applicant is fully aware that they would need to apply for planning permission prior to changing the use on the site.

PLANNING CONSIDERATIONS: The main issue is whether the additional internal doorway will protect and enhance the character of the listed building (ERSP Policy HC3 and ULP Policy ENV2).

It is considered that the minor internal alterations to the dwelling will ensure that the character of the existing Listed Building will be protected and enhanced. It is considered that an internal door between the garden flat and the main dwelling are a normal feature.

Council's Conservation officer has not provided any comments at the time when this report was drafted. Any comments received prior to the Development Control Committee meeting will be forwarded to the Committee for their consideration.

In the absence of any comments, officers are still satisfied that the minor internal alterations will not detract from the character of the listed building. The internal room arrangement will not be materially altered; the works will simply include an additional doorway in the dwelling for access purposes. The doorway will not be visible from the entry into the dwelling. A condition is recommended for the details of the alterations to be submitted to ensure that it is in keeping with the internal features of the dwelling.

CONCLUSIONS: It is considered that the minor internal alterations will not affect the character of the listed building. The internal layout of the dwelling will not be materially affected and spaces within the dwelling remain basically as they exist, aside from the additional doorway.

While there are some concerns in relation to a future bed and breakfast use this is not applied for currently and the applicant will be made fully aware that they would be obliged to make an application. It is at that stage Council could consider the planning implications of a change of use.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time Limit for commencement.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.2. Details of materials to be submitted and agreed.

Background papers: see application file.

UTT/1457/06/FUL - GREAT DUNMOW
(Member of staff)

Single-storey rear extension with two roof lights.
Location: 30 Tenterfields. GR/TL 630-220.
Applicant: Mr & Mrs D Walls
Agent: Mr D Tuttlebury
Case Officer: Mrs A Howells 01799 510468
Expiry Date: 19/10/2006
ODPM Classification: OTHER

NOTATION: Within Development Limits S1.

DESCRIPTION OF SITE: The site is located to the north-east of High Street, Great Dunmow on the boundary of the Development Limits. The properties are two-storey semi-detached and this property is adjacent to a large open space. The property benefits from an attached single storey garage to the north. The site slopes down away from the house with the rear of the garden being significantly lower than the house.

DESCRIPTION OF PROPOSAL: The proposal is for the erection of a single-storey rear extension with the access from the house via existing patio doors leading from the lounge area. The proposal includes two velux roof windows, a solid wall facing the adjoining property, two windows facing the back of the garden and patio doors leading on to the patio area. The roof and facing bricks will be to match existing. The proposed extension would measure 4m wide by 3m depth and 3.5m to the highest point of the roof.

APPLICANT'S CASE: This application does not require a Design and Access Statement. There would be little overshadowing effect on the adjacent dwelling relative to aspect and the proposed extension profile. A party boundary screen would be maintained in position. Matching finish materials would be included. The site contains generous garden, parking and screen hedges. The proposal does not affect existing street scene.

RELEVANT HISTORY: Cloakroom extension – conditionally approved 1978.

CONSULTATIONS: Water Authority: To be reported (due 15 September 2006).
Environment Agency: To be reported (due 15 September 2006).

TOWN COUNCIL COMMENTS: Support.

REPRESENTATIONS: One. Notification period expired 15th September 2006. Object to the application – the height of the extension where it slopes down from the house would block the view from the patio window and dining room. The gardens are quite small so therefore the extension would make the garden feel even more enclosed. If the roof was flat, from the lowest point we would have no objection.

COMMENTS ON REPRESENTATIONS: The adjoining property benefits from a single storey rear extension behind the garage, which extends approx 3metres into their back garden; the extension is also 3metres high; allowed under permitted development rights – this development would have reduced the size of the garden.

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

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

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

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

1. be compatible with the scale, form, layout, appearance and materials of surrounding buildings; and
2. not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

In relation to this proposal, the extension would be of a modest size and would respect the scale and design of the original and surrounding dwellings. Matching materials are proposed to the roof of the extension and the external walls.

Due to the modest size of the extension and because the properties face northeast, it is not considered that the extension would result in any material overshadowing. In addition no overlooking would occur from the proposal and although the proposed extension will be higher than the existing fencing, no overbearing impact would result.

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

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.8.28. Energy Efficiency.

Background papers: see application file.
