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**PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 31 JANUARY 2007**

APPL NO: **UTT/1810/06/FUL**  
PARISH: **BROXTED**  
DEVELOPMENT: Proposed erection of two number triple garages  
APPLICANT: Mr N Eastaway  
LOCATION: Wood Farm Pledgdon Green  
D.C. CTTE: 10 January 2007 (see report copy attached)  
REMARKS: Deferred for negotiations about siting as it had out of time because of the previous deferral for a Site Visit.  
**RECOMMENDATION: Refuse**  
*Case Officer: Mrs A Howells 01799 510468*  
Expiry Date: 27/12/2006

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APPL NO: **UTT/1944/06/FUL**  
PARISH: **WENDENS AMBO**  
DEVELOPMENT: Erection of detached dwelling and carport  
APPLICANT: Mr Keith Usher  
LOCATION: Loxley Nats Lane  
D.C. CTTE: 10 January 2007 (see amended report attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Refuse**  
*Case Officer: Mr H Laird 01799 510464*  
Expiry Date: 22/01/2007

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## **UTT/1810/06/FUL - BROXTED**

*(Referred by Cllr Morson)*

Proposed erection of two number triple garages  
Location: Wood Farm Pledgdon Green. GR/TL 565-265.  
Applicant: Mr N Eastaway  
Agent: BRD Tech Ltd  
Case Officer: Mrs A Howells 01799 510468  
Expiry Date: 27/12/2006  
ODPM Classification: OTHER

**NOTATION:** Outside Development Limits.

**DESCRIPTION OF SITE:** The site lies in the countryside to the north of the airport, approximately in the centre of the district. The application site comprises land that is heavily overgrown and immediately to the north of a detached and isolated former farmhouse and its curtilage. That dwelling has a number of outbuildings including a listed barn which presently is not any use, stables, workshop and games room.

**DESCRIPTION OF PROPOSAL:** The proposal is for the erection of two triple garages in the north of the site adjacent to a tennis court. The proposed garages would measure 14.85metres wide by 7.65metres in depth and 4.35metres to the pitch. Internally the garages would have 3 generous bays measuring 7.65m x 4.6m. They would be set at 90degree angle and about 2 ½m to each other and accessed via an existing access from the west of the application site.

**APPLICANT'S CASE:** Applicants have an extensive collection of vintage and classic cars that need to be stored in a controlled environment. The proposal is to erect free standing garage buildings. The buildings will be clad in feather edged boarding with a site roof. There are existing outbuildings on the site and those that are suitable will also be used to store other cars in the collection. The other buildings will be used as ancillary uses such as garden stores and a workshop. Applicants current property has been compulsory purchased and would like to continue to live in the area.

**RELEVANT HISTORY:** Previous applications for two triple garages 2006 – withdrawn by applicant; Certificate of lawfulness for land for residential use and incorporating a tennis court – refused August 2006 (evidence failed to demonstrate on the balance of probability that this land was lawful cartilage).

**CONSULTATIONS:** English Heritage: To be reported (due 2 December 2006).  
Council for British Archaeology: To be reported (due 2 December 2006).  
The Georgian Group: To be reported (due 2 December 2006).  
Society for the Protection of Ancient Buildings: To be reported (due 2 December 2006).  
Victorian Society: To be reported (due 2 December 2006).  
English Heritage: We do not wish to offer any comments on this occasion.

Recommendation: The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**PARISH COUNCIL COMMENTS:** No objection.

**REPRESENTATIONS:** This application has been advertised and 2 representations have been received. Period expires 20 December 2006.

1. No objection to application
2. Object on the following grounds; loss of countryside; hedges and trees have already been cut down and a new access has been created. The representation letter then goes on to list conditions which would be acceptable if the Council is minded to approve the application.

**COMMENTS ON REPRESENTATIONS:** Please see planning considerations.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposal meets the requirements of Essex and Southend-on-Sea Replacement Structure Plan Policies CS2, C5, HC3 and BE1; Uttlesford Local Plan Policies S7, ENV2, GEN2, H8 and GEN4 and National Policy PPS7.

- 1) With regard to countryside protection, in determining this application the main consideration is ULP Policy S7 and PPS7 which contains a clear presumption against development within the countryside, except for development that needs to take place there, or is appropriate to a rural area.

Although extensions to dwellings, and/or outbuildings, are often considered acceptable in the countryside they are more strictly controlled than within settlements. Furthermore, regard must be had to the defined curtilage of the existing dwelling. In this case, it is concluded that by way of the visual condition of the land, its physical separation from the main farmhouse, and the clear garden area to the original farmhouse, the land the subject of the present application is beyond the curtilage of the existing dwelling. A recent application to establish the use of this land as curtilage was refused as the evidence submitted an absence of the normal information of dates periods of time and persons involved together with the unkempt condition of the land was insufficient to gain certificate. However, this application is not to ascertain the use of the land but the proposal for permission to erect two triple garages on land that the applicant has not been able to demonstrate forms part of the curtilage of the farmhouse.

The applicants, as part of their supporting statement, have explained that their previous house has been compulsory purchased and they are in need of a new property within the area which is capable of supporting their interests and requirements. In these circumstances, it is considered that although an unusual situation, the proposal represents inappropriate and visually intrusive development that is harmful to the low key open and rural character of the countryside. The harm would be compounded by the associated intensification in the use of an existing access and the introduction of an excessive amount of hard standing. This harm is not mitigated by the applicant's personal desires or needs. In these circumstances Planning Inspectors frequently point out that the impact of the proposal will remain long after the personal circumstances have ceased.

Even if the applicant could prove this site within the lawful curtilage of the dwelling. The proposed garages would still require permission as the dwelling is listed and due to the position relative to the road and height of the proposed building. They would be in excess of what would be reasonably necessary for the parking of cars in connection with a normal residential use. There would be six garage spaces each are being a generous 7.5m by 4.6m. There maybe scope to use other buildings within the curtilage of the dwelling as garages. Therefore, in these circumstances, even if the application site was within the curtilage of the dwelling, these buildings would none the less of an excessive scale and would be harmful to the character and appearance of the countryside.

- 2) In terms of detailed design, in the right location there is nothing intrinsically wrong with the design proposed. However, by way of the excessive size and scale, it would also be seriously harmful to the setting of the listed barn as it would be overly dominant, and

undermine the spacious setting for this building, and in particular adversely affect its subordinate relationship with the main dwelling.

3) No neighbours would be affected, and possible future commercial use could be conditioned out or would become a matter for enforcement should that arise.

**CONCLUSIONS:** In summary the application should be refused because it is harmful to the character of the countryside and it would be harmful to the setting of the listed barn.

**RECOMMENDATION: REFUSAL REASON**

The proposed garage buildings, by way of their position, height and footprint would result in the introduction of substantial and excessive amount of additional built form at this site, which would be harmful to the open and rural countryside. As such, the development would be contrary to policies CS2 and C5 of the Essex and Southend-on-Sea Structure Plan; Policy S7 of the Uttlesford Local Plan and PPS7. The proposed garage buildings, by way of their position, height and footprint would result in the creation of a dominant element of built form, harmful to the spacious setting of the Grade II Listed Barn. As such, the development would be contrary to policy HC3 of the Essex and Southend-on-Sea Structure Plan and Policy ENV2 of the Uttlesford Local Plan.

*Background papers: see application file.*

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**UTT/1944/06/FUL - WENDENS AMBO**

*(Referred by Cllr Menell)*

Erection of detached dwelling and carport  
Location: Loxley Nats Lane. GR/TL 515-365  
Applicant: Mr Keith Usher  
Agent: Mr S Hayhurst  
Case Officer: Mr H Laird 01799 510464  
Expiry Date: 22/01/2007  
ODPM Classification: MINOR

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

**DESCRIPTION OF SITE:** The site comprises a 1½-storey bungalow set back from the roadway at the head of a cul-de-sac to Nats Lane. It stands behind 5-bar wooden gates with a wooden shed/gazebo to the side adjacent to the railway. A detached double garage stands in front of the bungalow on the plot. A raised flower bed stands adjacent to the entrance gates and abuts a tall hedge that runs the length of the sites western boundary with the detached residential properties of 'Weald' and 'Silver Beech'. The eastern site boundary comprises a fence and shrubs to the railway cutting. The railway runs at a lower level in a cutting relative to the site, which lies some 250m north of Audley End Station. The western site boundary adjacent to the railway is marked by a 1.2m high fence, whilst the banks of the cutting are screened with small trees and shrubs.

On the site immediately to the north bounded by the railway and Petresa, outline planning permission for a new dwelling was granted in 2005, with a full application for the siting and design of the 1½-storey dwelling with detached garage being approved in October 2006

The surroundings are mainly characterised by a low density of differing styles of dwelling. Agricultural land lies to the north beyond the newly permitted plot opposite the site Nats Lane that serves the development is a private road.

**DESCRIPTION OF PROPOSAL:** The proposal is to erect a two storey detached dwelling (plus basement) and car port. Two storeys of the dwelling would be above ground with the upper storey contained within a 'mansard' roof. The roof is proposed to be 'hollowed out' to form a well which is proposed to contain 19.2m<sup>2</sup> of Photovoltaic Cells to provide most of the electricity used by the dwelling; and 4.7m<sup>2</sup> of evacuated tubes to supplement the heating of hot water. A basement is included as part of the proposal dwelling. A single storey side projection on the northern side of the dwelling would allow for a detached double garage in the present front garden of 'Loxley', to the north of Loxley's garage. The new dwelling would be served by the same access as 'Loxley', which would be moved eastward on site to allow for the dwelling and would involve the removal of the existing garage/store adjacent the site entrance.

The accommodation to be provided comprises:

Basement: For clothes drying; Ground Source Heat Pump and HRV ventilation system equipment.

Ground floor: Entrance Hall; Kitchen/Dining Room; W/C; Coat store (future lift shaft); Living Room; Study/Bedroom; stairs to first floor;

First Floor: Three bedrooms – all with en-suite facilities. The smallest bedrooms en-suite could be converted to a lift shaft as it lines up with the coat store below.

The proposed dwelling measures;

3.2m to the eaves;

6.9m to the ridge;  
8.6m to the chimney pot top;  
16.4m long (west elevation) facing Weald House;  
12.7m long (east elevation) facing the railway;  
7.8m wide.  
Footprint = 117.39m<sup>2</sup>  
Floor area = 217.23 m<sup>2</sup> (excl. basement). 317.07m<sup>2</sup> (inc. basement)

87.72m<sup>2</sup> garden area to south side of dwelling

A Car Port for two vehicles under pyramid roof with open side to the east and north to be sited to the south of the garden nearest Loxley.

Proposed materials are walls of 'Olde Farndale' Multi-stock Bricks, laid in Flemish Bond using Lime Mortar under a Redland Richmond Slate roof. The dwelling is designed to meet the Council's adopted 'Lifetimes Homes' standards to accommodate a person with special needs and includes scope for the provision of a lift between the ground and first floors.

The dwelling is also designed to be as close to 'Carbon Neutral' as possible.

**APPLICANT'S CASE:** A covering letter submitted with the application advises that the dwelling has been redesigned following the withdrawal of the previous application to show a three bedroom house significantly reduced in height and plan form. It would be well-spaced between Loxley and the recently approved dwelling to the north of the site. There would be no overlooking of The Weald, and the outlook from this property would be satisfactory. The submitted Arboricultural Assessment indicates that trees and hedgerow within the garden of, and on the boundary with The Weald would not be affected by the development.

Vehicles visiting the site would use the turning area at the head of Nats Lane, and the building would have a traditional appearance with materials to match Loxley. The mansard roof would conceal solar panels that would assist the dwelling in achieving the 'Advanced Design standard' for energy efficiency. The dwelling would also meet the 16 criteria for 'Lifetime Homes'.

The proposal would comply with Policies S3, H3, H4, GEN1, GEN2 and ENV3 of the Adopted local Plan.

**RELEVANT HISTORY:** UTT/1004/88 Appeal/Allowed 22/9/89 – 1 dwelling to r/o The Pantiles. UTT/1078/92 Res Matters approved 5/11/92 for a bungalow. This became Loxley.

UTT/0583/06/FUL – Erection of detached dwelling and garage. Land at Loxley, Nats lane – Withdrawn by applicant 22/5/06.

**Adjacent site to north**

UTT/1533/05/OP - Outline Planning Permission for erection of a dwelling with all matters reserved except landscaping and means of access. Land adj. Petresa, Nats Lane – approved – 18/11/05.

UTT/1384/06/FUL - Planning Permission for erection of a dwelling and garage. Land adj. Petresa, Nats Lane – approved – 18/11/05.

**Site to rear of Newerne**

UTT/1544/06/FUL – Erection of a dwelling – Refused 7/11/06.

**CONSULTATIONS:** Landscaping (oral comments): The submitted Arboricultural Assessment is acceptable. Neither, the Horse Chestnut or Sycamore trees within the garden

of Weald House close to the site boundary, or the boundary hedgerow trees would be compromised as a result of the proposed development provided the recommended actions in the Report are adhered to. These can be conditioned.

ECC Highways: No objections. A note is attached to advise that under the building regulations a fire engine turning check should be made.

Thames Water: No comments received at the Report drafting stage. Any that are will be reported at the meeting.

Environment Agency: No objection subject to advice relating to development within Source Protection Zone II of the Environment Agency's groundwater protection policy.

Network Rail (formerly Railtrack): Comments (due date 11/1/07). Any comments received will be reported at the meeting.

With regard to the dwelling approved on the site to the north under Ref: UTT/1533/05/OP Network Rail made the following comments:

*'Network Rail – comments in relation to Outline Application were that Network rail is not aware whether any PPG24 noise and vibration assessment has been carried out for this location. Residential amenity shall need to be addressed. Makes comments in relation to plant and scaffolding, excavations of footings, drainage, fencing and encroachment onto the railway line. Copy of comments to be sent with DN.'*

Environmental Services: Raises concerns regarding the proximity of the railway line and consequently its potential for noise/vibration problems to occur at the property. It is recommended that a condition requiring a scheme of noise insulating measures be submitted to satisfy the requirements of PPG 24 in relation to noise exposure for railway noise.

Building Surveying: No adverse comments.

**CONSULTATIONS:** Environment Agency:

**PARISH COUNCIL COMMENTS:** Wendens Ambo Parish Council: Concerns over the impact of the planned development on the trees and hedgerows which currently provide a screen to the adjoining property. Should the development proceed it is likely that both the hedgerow and the trees will suffer and possibly die. Any existing screening would therefore be lost. Great concerns over the increased volume of traffic within a narrow lane. There are no passing points traffic often has to reverse onto the main Royston Road to let vehicles out. Concerns raised over the difficulty in access in this lane, particularly at the junction with Royston Road. Concerns over the provision of statutory services and the impact of this work on traffic flow in the lane.

The Parish Council and residents of Nats Lane would wish for a restriction to be placed on the consent, restricting the use of any new dwelling, including the current property Loxley, to private residential use only. Concerns that there is commercial intent for the land and both or either property.

**REPRESENTATIONS:** 11 letters posted to neighbours. Comments due back by 18/12/06.

**Site Notice** Posted: 1/12/06. Expires 22/12/06.

Letters received from Weald (Weald House), Newerne, and Kenmore Lodge objecting to the proposals.

Weald House objections are the same as for the previously withdrawn application which are:

- Loss of amenity space to Loxley.
- Traffic flows along Nats Lane are already excessive. The increase in these flows will be unacceptable and will give rise to noise and inconvenience.
- New dwelling permitted opposite in Nov 2005. It is unfair and unreasonable that two dwellings should be permitted, especially within such a short time frame of each other.



- The proposal will set a precedent for further applications for dwellings from Nats lane residents.
- West wall of the dwelling has a height of over 5m above ground level. The wall and roof will overlook our rear garden and seriously reduce our privacy and the ambience of our garden.
- Application should be refused. Alternatively, it could be relocated so that it is built on the east boundary with windows facing east across the railway and thereby, improving the amenities of Weald House.
- Hedge and horse chestnut is on The Weald site will be compromised especially through the digging out of the site to provide the basement.
- Concern that the facilities in the house are solely designed for the disabled. It can only be assumed that the new residence will be for commercial purposes.
- The proposal does not respect the need for affordable housing.

Newerne objections are:

- It is unclear if the development infringes or alters the existing turning space outside the entrance to Loxley. See Ref: UTT/1004/88 for the Inspectors decision of 22/9/89 which considered a turning space at the head of Nats Lane necessary. Its retention will certainly be considered necessary now and the Council should be satisfied that this application will leave a sufficient turning area as required by the Inspector in respect of the Loxley appeal approval.
- Object to a commercial development being run from the site. Applicant is a director of the firm WECARE LIMITED providing care and support for the elderly, disabled and others within their own homes. It is not considered appropriate for commercial uses of this nature to be located within Nats lane with the inevitable disproportionate rise in traffic caused by patient arrivals and departures, staff, deliveries and medical waste collections. In order to avoid that situation arising the Council should prohibit a commercial use if it is minded to approve the application.

Kenmore Lodge objections are:

- Main concern is that Nats Lane is described in the application as 'a single track road with informal passing places'. This means residents driveways. There is no footpath, and problems have arisen from the Refuse Truck accessing properties due to the introduction of the 3-bin wheelie bin system. Other problems arise from oil tankers (heating oil) and septic tank emptying units visiting properties. This gives rise to excessive fumes and noise which will be exacerbated by the addition of a further dwelling in the Lane.
- Other concern is that a care Business is registered at the site, and a Care Home at the end of the very narrow Nats Lane with no passing places is an entirely unsuitable location. Traffic generation would be excessive with visits from nurse doctor ambulance relatives and changeover of patients.
- The Lane is surfaced and maintained at residents expense, and there has been considerable disruption due to a water main and electricity supply cable being laid under Nats lane. It is often the case that vehicles have to reverse back to the main road to allow another vehicle to exit.

2 further letters received on 8 and 10 January 2007 from Spinnakers and Latimers:

Spinnakers observations:

1) The lane, which is very narrow is at saturation point with respect to traffic, I have noted 70-plus movements in a day of resident's vehicles, tradesmen's vehicles, oil and gas lorries and visitors to the various properties. The residents of the land own 23 cars.

- 2) It is claimed that the proposed dwelling is for occupation of the applicant and no business use is proposed. It is the declared aim of the applicant to run a "care home" type operation from the Loxley site and a business known as "We Care" is being organised from the site at present. Either the new building or Loxley could easily be modified to serve as a care home. It is a most inappropriate location for such an operation.
- 3) Concern at the provision of water and electricity services.
- 4) The plans appear to show a reduction in the area of the "hammer head" turning at the top of the lane. Granting of the Loxley development was conditional on the provision of this feature.
- 5) The proposed building is exceedingly close to the boundary with "Weald" and any building work, in spite of the elaborate arboricultural report's claim, will destroy the root system of the trees and hedges at this boundary.

Latimers comments:

I write to correct the impression given that the Wendens Ambo Parish Council did not give proper consideration to the application. Five Parish Councillors out of a total of seven, attended the meeting together with six residents of Nats Lane. Before any discussion took place a Councillor, Marion Macdonald, excused herself from the meeting on conflict of interest grounds. During consideration of the above application all remaining councillors and the public fully discussed all aspects of it for a period of twenty-five minutes. More than long enough to enable all present to make informed decisions on the merits of the application.

Whilst the energy saving and the Lifetime living characteristics of the proposed dwelling are admirable the proposed site is within a site area that was the subject of a planning inquiry in 1989. Although the appeal was successful, the Inspector granted permission for the development of a bungalow only. The substantial detached dwelling in this new application would breach this condition. The applicant appears determined to provide some form of respite care services from the proposed new dwelling or from the existing property, Loxley. He is actively involved with the company "We Care", which has its registered address at Loxley. Development of such care services would cause considerable inconvenience and intrusion to nearby residents.

This application represents inappropriate development on a restricted site.

### **REPRESENTATIONS ON BEHALF OF THE APPLICANT**

The applicant has written to advise that he is extremely disappointed at the way the Parish Council conducted its meeting when the application was discussed. The meeting was 'a bit rushed', and some Parish Council Members were not aware of the Design & Access Statement and its importance in the overall context of the proposals. The applicant, therefore, considers that the Parish Council's decision regarding the application was made in haste without fully taking into account the importance of the Design & Access Statement.

Object to building an additional dwelling at the end of Nats Lane, albeit a scaled down version of the previous design, which suspiciously resembled a lay out for a care home. If, as stated, there is no commercial intent for this new application, as the applicant would move to the new property what would happen to Loxley? Loxley was originally granted under appeal. The property has never been used for such a use. For this reason if the Council saw fit to approve this application we would request a restriction be attached to such approval requesting that both properties are only to be used for private residential use. The arguments put forward for the current application do not detract from the fact that there are already more than enough properties along this very narrow lane, with no footway.

1. Including Loxley and the granted new property at "Petresa", there are 12 houses accessing the lane with 23 cars and the applicant's "builder's truck" between them.

2. Added to this vehicular movement there are regular visits to Loxley from the applicant's workmen, "We Care" vehicle, together with normal delivery and service vehicles to all residents in the lane.
3. To achieve the quoted density would justify a double vehicle width carriage way and footpaths.
4. There are no passing points, vehicles use our privately owned driveway with consequent wear and tear and exhaust fumes.
5. Because of the narrow entrance to the lane incoming vehicles have to reverse into the main road on meeting exiting vehicles.
6. Earlier this month the lane was blocked for half an hour while a broken down car was recovered, this also happens with delivery vehicles e.g. oil tankers, which does not give any confidence that emergency vehicles would be able to get through if needed.

This is a narrow lane, maintained at the residents' expense and is entirely unsuitable for further development whether on back land or not.

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

- 1) **the proposed new dwelling would be compatible with the scale, form, layout, appearance and materials of surrounding buildings; and, whether it would have a materially adverse effect on the reasonable occupation and enjoyment of a residential or otherwise sensitive property as a result of a loss of privacy, loss of daylight, overbearing impact or overshadowing. (ULP Policy GEN2);**
- 2) **the proposed development would be compatible with the character of the settlement and, if located on the edge of the built up area, its countryside setting. (ERSP Policy BE1 and ULP Policy S1);**
- 3) **access to the main road network would be capable of carrying the traffic generated by the development safely, and whether access to this development would cause disturbance to nearby properties. (ULP Policies GEN1 and H4) and**
- 4) **other material planning considerations.**

(See Structure Plan Policies CS4, BE1, H2 and H3 & Uttlesford Local Plan Policies GEN1, GEN2, GEN8, ENV10, ENV15, H3, and H4)

1. It is considered that the proposed dwelling is not compatible with the scale of surrounding dwellings, both in terms of the dwelling size and form, its relationship to its plot, which is cramped; and, its position relative to adjoining properties. The proposed dwelling would be visually prominent when viewed from the rear aspect of the adjacent dwelling The Weald. Accordingly the development would be detrimental to the amenities of this property and would be contrary to Local Plan Policy GEN2.

The proposed dwelling would result in a cramped form of development that would be wholly inappropriate in this edge of village location where it would be sited in the front garden of an existing dwelling resulting in vehicles going to that dwelling traversing across its frontage. In respect of the dwelling footprint 117.39m<sup>2</sup>, this is unacceptably large in relation to the proposed garden area of 87.72m<sup>2</sup>; and, is also poorly related to the dwelling in that it is sited solely to the south of the dwelling. This would result in a lot of the built form of the dwelling being close to the carriageway of the Lane and to the access way serving the Car Port for the dwelling and for Loxley. This relationship is particularly poor in an edge of settlement location where the site is accessed by a narrow Lane, and where the spacious quality of development and the settings of buildings within their respective plots and the space around them define the character of the area.

2. Although there is no objection in principle to the design, it is considered inappropriate for this site in terms of scale and impact given that would result in Loxley becoming a

backland dwelling, and due to its overbearing impact on the neighbouring dwelling at Weald House. The scale, length, height, and siting close to the boundary of Wealds Rear garden of the proposed dwelling is unacceptable. It is considered that its presence would be overbearing in relation to Weald House due to its close proximity to this adjoining dwelling. Whilst there would be no loss of privacy to occupants of Weald House, or to the recently approved dwelling to the north of the site, the presence of the application dwelling would be visually intrusive in this edge of village location.

3. If approved, the proposal would generate additional traffic in Nats Lane, and being sited at the head of the Lane, all traffic going to the site would pass every other property along the way. Nats Lane is a very narrow single track carriageway that is partially gravelled. There are no formal turning areas on the Lane. The sole opportunities for turning are on privately owned land or at the Lane's terminus. Both sides of the Lane are bounded by dense vegetation and fences along most of its length. The local highway Authority has raised no objection to the proposal, and the principle of residential development has been accepted on the site to the north on the opposite side of the Lane. Therefore, whilst neighbours concerns in this regard are noted, the issue of traffic generation on its own is not sufficient to be a reason for refusal.

4. Other material considerations are the impact of noise disturbance from trains passing on the railway on the amenities of occupants of the dwelling; and, the concerns raised regarding the applicants care business which is run from Loxley.

Whilst the comments from Network Rail are awaited, its response to the application for a dwelling on the adjoining site to the north which also bounds the railway should be considered. These comments are backed up by those received from Environmental services in that noise and vibration could be issues in this case. If an approval is considered appropriate, a condition covering these requirements along the lines of the Model Condition in Annex 4 of PPG24 Planning and Noise should be applied to any permission granted.

With regard to the concerns raised regarding the possible use of the dwelling for care purposes, this does not form any part of the proposal. Under Class C3 of the Town & Country Planning (Use Classes) Order, 2005, the permitted use of a dwelling includes 'Communal Housing of the Elderly and Handicapped' with a limit of 6 persons being allowed to occupy a dwelling sharing all facilities with or without an element of care. A Nursing Home falls within Class C2 of the same Order and there is no Permitted Change between Classes C2 and C3 or vice versa without a specific planning permission being granted. It is considered that such a change of use would be inappropriate, however, a condition could be applied to any permission restricting the use of the dwelling to a single unit of residential accommodation with no trade or business carried on therefrom without the prior written approval of the local planning authority.

**CONCLUSIONS:** The application for a dwelling on this site should be refused because it represents a cramped form of development poorly related to its plot size and private amenity space, and to adjoining properties at Weald House and Loxley, and to the sites surroundings. This would result in an unacceptable form of town cramming in a semi-rural location with poor vehicular, which would exacerbate the inappropriateness of the proposed development.

The proposal would also result in Loxley becoming a backland form of development which would fail to satisfy the requirements of Local Plan Policy H4. It would also result in a poor level of amenity for occupants of the application dwelling as a result of this relationship given the need for vehicles accessing Loxley being required to pass to and fro in front of the new dwelling resulting in noise disturbance to its occupants.

**RECOMMENDATION: REFUSAL REASONS**

1. The size, two-storey form and height of the proposed dwelling are considered excessive and visually intrusive in this sensitive location on the edge of the settlement, and would be out of keeping with adjacent properties. This is emphasised by the tight constraints of the plot; the inadequate garden area proposed; and, the hard edge that development of the plot in the manner proposed would present to this semi-rural location. As such a dwelling of the size and form proposed in this location would appear unacceptably dominant in the street scene and would be visually overbearing as a backdrop to the existing property at Weald House. The proposed dwelling is considered to be incompatible with its surroundings and contrary to the advice contained in ERSP Policy BE1, and ULP Policies GEN2 and H4.
2. The proposed development would result in an overbearing relationship with Weald House, and would harm the amenities of occupants of this dwelling through its loss of outlook and shadowing of their garden due to the close proximity of the proposed dwelling to the common boundary with Weald House. As such, the proposal would be contrary to the provisions of ERSP Policies BE1 and H4, and ULP Policies GEN2 and H3.
3. The proposal would result in Loxley becoming a backland form of development which would fail to satisfy the requirements of Local Plan Policy H4. It would also result in a poor level of amenity for occupants of the application dwelling as a result of this relationship given the need for vehicles accessing Loxley being required to pass to and fro in front of the new dwelling resulting in noise disturbance to its occupants.

*Background papers: see application file.*

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## UTT/1814/06/DFO - TAKELEY

Details following approved outline planning permission UTT/0816/00/OP for the erection of 57 No. dwellings and associated works

Location: Phases 7 & 8 (Lot 1) | Priors Green Dunmow Road. GR/TL 567-212.  
Applicant: David Wilson Homes  
Agent: David Wilson Homes  
Case Officer: Mr M Ranner 01799 510556  
Expiry Date: 01/02/2007  
ODPM Classification: MAJOR

**NOTATION:** Within Takeley / Little Canfield Local Policy 3 Priors Green limits and the Master Plan area for Priors Green.

**DESCRIPTION OF SITE:** The application site comprises two parcels of former agricultural land (1.9 hectares in total) located within the extreme western end of the Priors Green development area, on the eastern side of the hamlet of Smith's Green. The larger of the two parcels forms a T-shape and fronts Dunmow Road on its southern boundary and Smiths Green and Warren Close, just to the south of Jacks Lane, on its western and northern boundaries respectively. The smaller parcel of land also fronts Dunmow Road on its southern boundary but then extends northwards along the western boundaries of a property known as 'The Laurels' and a former builder's yard, which lies to the rear of the Laurels. The relief of the site is relatively flat with hedgerow and scattered trees forming some of the sites boundaries, including a drainage ditch that runs part of the length of the eastern boundary of the smaller of the two parcels of land. At the northern end of this ditch a line of hedging including a mature Oak Tree bisects the main body of the site along a line that continues on from the rear boundary with the property known as 'Chadhurst'. Both parcels of land are physically separated by a strip of land that will eventually accommodate the main spine road, which will link the western section of the Priors Green development to the main body of the development to the east beyond Broadfield Wood.

**DESCRIPTION OF PROPOSAL:** The application before Members seeks approval of all matters reserved pursuant to outline planning permission for the Priors Green site (UTT/0816/00/OP) for 57 dwellings with associated infrastructure. All matters pursuant to the outline permission were reserved.

The proposed layout of the development has been largely dictated by the road network established by the approved Master Plan for the development. Properties will face onto Dunmow Road and will then extend northwards along the main spine road, with further dwellings clustered around smaller cul-de-sacs leading off the main spine road. The development has a net density of 29 dwellings per hectare, although the density varies across the site with a lower density of 20 units per hectare on the northern section of the site. The dwellings comprise a variety of designs, which are largely traditional in appearance, comprising simple cottage style dwellings, larger dwellings with gable projections, dormer windows etc and three storey town house style dwellings located centrally within the site. Materials are proposed to comprise a variety of bricks including multi red, plain red and yellows in addition to elements of weather boarding and render, with plain tiles to include browns and reds and artificial slates. The development comprises a mix of approximately 3% of 2 bedroom dwellings, 39% of 3 bedroom dwellings, 46% of 4 bedroom dwellings and 12% of 5 bedroom dwellings.

Following discussions between the applicants and Council officers, the applicants have submitted revised drawings. In summary the revisions made to the original drawings are as follows:

1. The removal of one unit (plot 51) reducing the number of dwellings proposed from 58 to 57 in order to allow for a maintenance strip to the drainage ditch along the eastern boundary of Lot 1.
2. Provision of a 6 metre deep landscape buffer strip along the western and northern boundaries of Lot 1, in accordance with the recent approval by the district council of details submitted for condition C90E pursuant to reserved matters approval UTT/0555/06/DFO.
3. Shared access drive to Plots 1 to 5 set back 20 metres from the main junction.
4. Provision of turning facilities for plots accessing the Type 2 section of the main spine road.
5. Buildings moved away from the boundary with the landscape buffer strip, with at least 1 metre between garages and the boundary with the buffer strip.
6. Plot 39 moved to a position at least 2 metres from its boundary with the buffer strip.
7. House types for plots 38 and 39 swapped.
8. Two terraced rows to be provided along part of the western side of the spine road.
9. Shared surface roads straightened for the first 15 metres.
10. Six metres clear distance and 6 metre parking space provided in front of the garage to Plot 10 and the opposite edge of the carriageway.
11. 10.5 metre radius to be provided at the entrance to plots 10 to 20.
12. A size 3 turning head provided.
13. Bin storage locations shown, with collection points located within 25 metres of the highway.
14. Additional landscaping introduced to the rear of Plots 55 and 56.
15. Plot 11 relocated.
16. Plots 16, 26, 37 and 45 – First floor gable end projection incorporated into the design of each of these units.
17. Differing materials introduced on Plots 29 and 36.
18. Plot 28 re-orientated at right angles to the southern boundary.

**APPLICANT'S CASE including Design & Access statement:** The original submission was accompanied by a Design and Access Statement the conclusion of which is replicated as follows:

“The proposed scheme that has been designed by David Wilson Homes has taken into account the local character of the area and design advice contained within the Essex Design guide, and also complies with the Council’s SPD on Accessible Homes. A development is proposed that has been arrived at through understanding the constraints of the site, access requirements, and opportunities that exist. The resulting development is therefore one that blends in with local vernacular, without appearing out of place, and achieves a high quality designed finish in terms of external appearance, layout, and a sense of place. The impact on neighbours amenity and privacy has been a key consideration in the design of the development, ensuring that they are not unacceptably affected by the proposals. A permeable layout and clearly defined routes through the site meet the accessibility requirements for the site. The scheme therefore promotes alternative forms of transport other than by car through its permeability and sustainable location near to local services.”

**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<sup>th</sup> August 2000 for the Priors Green site. Members may recall the recent approval of reserved matters for the Phase 5 spine road and open space (UTT/0555/06/DFO), which will serve the dwellings now for consideration and is shown on the submitted layout drawings.

**CONSULTATIONS:** The following consultation responses have been received in respect of the original submitted drawings. Any comments received concerning the submitted revised drawings will be reported to Members.

Essex County Council: advises that archaeological trial trenching has been undertaken across the site and no archaeological deposits have been identified which would require any further archaeological work.

Natural England: has no objection to the proposed development in respect of legally protected species as they are not aware that they are likely to be adversely affected by the proposal. This response is given however on the basis that the trapping and relocation of reptile populations as described in the July 2005 Ecology Strategy are implemented.

The Environment Agency: has raised no objections to the applications, although following correspondence with officers have indicated that they would wish to see a buffer strip included into the design of the development that runs along the drainage ditch along the sites eastern boundary.

Thames Water: has advised that the developer should consult them to determine the ability of the local sewers to dispose of foul and surface water. They recommend the imposition of the following condition: "Development shall not commence until details of on site drainage works have been submitted to, and approved by, the local planning authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed".

ECC Highways and Transportation: make the following comments:

"The private drive plots 1 – 5 has an access too close to the junction with the major road the access should be located a minimum of 20m from the junction.

Egress from all accesses on the Type 2 section of the road must be in forward gear so turning is required in each property.

The roads onto the Type 2 road should also have minimum 10.5 m radii.

I assume that the three adoptable roads are intended to be type 5, shared surface roads.

They must be straight for the first 15 metres from the channel of the main road. The junction must also be constructed and narrowed as detailed in the attached sk/1.

Plot 10 does not have the required clear distance of 6m between the 6 m parking space required in front of a garage and the opposite edge of the carriageway.

A size 3 turning head is also required with a length of 27m.

A number of conditions are recommended requiring 1.5 m x 1.5 m pedestrian visibility splays be provided on both sides of vehicular accesses to each property, no unbound material to be used on driveways within 6 metres of the highway boundaries and gates to open inwards and set back a minimum of 4.8 metres from the near side edge of the carriageway.

**PARISH COUNCIL COMMENTS:** Original plans: Object and make the following comments. The Parish Council has been re-consulted with regard to the revised drawings and any comments received will be reported to Members.

"These plans are the initial submission from David Wilson Homes. Overall the density appears to be quite satisfactory but the style, height, scale and form of most of the proposed properties is totally inappropriate and incompatible for this rural and attractive location. In particular most of the designs consist of 2.5 to 3 storey high structures. The proximity of these buildings especially with regard to existing properties in Warren Close and Smiths Green is totally unacceptable and would result in a significant and detrimental effect on the



amenity, privacy etc., of existing residents. The planting scheme for public open spaces, frontages and alongside the pathways and roads requires clarification and details. Furthermore detail of colour and type of external finishing for each property also needs clarification and detail.

The Parish Council object to the application on the following specific grounds:

- The size, scale and form of most of the proposed properties on this particular plot is totally inappropriate and incompatible with this rural location. The tallest buildings should not be located on the edge of such an estate and would be detrimental to the local skyline. To propose 3 storey Edwardian houses in this location is totally inconsistent with the surroundings.
- Such tall buildings will have the potential for causing the noise generated from Stansted Airport to echo back across Warren Close and Smiths Green.
- The new buildings are too close to existing properties, predominantly bungalows, in Warren Close and Smiths Green and will result in significant and detrimental effect on existing amenity, privacy etc.,
- The design of the rear elevations of the new dwellings is featureless, stark and unattractive. Resultant views from the existing properties will be particularly unattractive and austere.
- Insufficient detail has been provided for each property regarding the proposed external finishes and colours.
- Majority of the proposed dwellings appear to be finished in brick which is contrary to the Essex Design Guidelines. No account appears to have been taken with regard to the rural location. A better 'traditional' mix of exterior finishes is required with the majority of dwellings having a smooth render finish complemented by other properties finished in either horizontal weather boarding or local Essex red brick. These requirements are more in line with the Essex Design Guidelines and are essential for this particular location. Furthermore roof finishes should be a mix of traditional slate or clay tiles.
- All properties must have chimney stacks as a functional requirement or alternatively as a design feature to protect and enhance the local views and skyline. Furthermore some of the proposed chimney stacks should be upgraded to be more in proportion with the size of the house.
- Insufficient details to determine whether there is a difference in the ground levels between this part of the Priors Green Development and the properties in Warren Close and Smiths Green.
- The potential for dormer windows to be introduced to the rear of these new properties in the future is of great concern and must be protected against. Some form of protective covenant to continue to protect amenity and privacy of the existing residents and their properties in perpetuity will be needed.
- There are no detailed plans for the landscaping and planting scheme for this particular phase of the development. Selection of the appropriate tree and shrub species for the open spaces, frontages, roadside and walkways is critical to a successful estate design. Furthermore quantity, maturity, size and colour can be as important to the success of the development as the detailing of the buildings. There must be a genuine commitment to planting semi and mature trees and shrubs in all areas."

**REPRESENTATIONS:** Original plans: Five letters of objection have been received. The main points of concern are summarised as follows. Local residents have been consulted with regard to the submission of revised drawings and Members will be made aware of any comments that are subsequently received.

- Plot 39 is proposed to be positioned only 6 metres from the south facing boundary of 'The Laurels' with the consequence that it would overshadow and compromise light to the agreed planted buffer zone and south easterly and southern aspects of the property.
- The new dwellings are too high at 10 metres (effectively 3 storeys) and are inappropriate abutting Warren Close as most of the properties in Warren Close are single storey bungalows with only short garden lengths.
- The proposed development is off the B1256 and not the A120 as stated by the developer.
- The current position of house/plot 28 will result in direct overlooking and loss of privacy to the 'Gages', Smiths Green. The building should be turned on its axis to prevent overlooking and plot 27 also requires similar amendment.
- Plots 22, 23, 29 – 31, and 46 – 51 are totally out of keeping with the location, local architecture and surrounding countryside. The designs should be scaled down.
- The tallest buildings should not be located on the edge of the estate and would be detrimental to the local skyline and vista's,
- Such tall structures will cause aircraft noise operating from Stansted to echo back across Smiths Green especially in winter months.
- The designs of the rear elevations are poor and unimaginative resulting in featureless, stark and unattractive views from existing properties.
- Insufficient detail has been provided on each property regarding external finishes and colours. The chosen materials, which appear to comprise of some form of brick are inappropriate for the rural location.
- All properties must have chimney stacks in order to protect and enhance the local views and skyline. Some Chimney stacks are not in proportion with the dwellings.
- No details of levels are given in order to ascertain the full impact of the development on the local area.
- A restriction should be placed on the properties in order to prevent the later introduction of dormer windows and safeguard existing amenity and privacy of existing residents.
- No detailed plans have been submitted for the landscaping of the development which is critical to successful estate design.
- The distance of 27 m between plot 43 (lot 1) and 'Martelle', Warren Close is not large enough to ensure that privacy of the existing residence can be protected, particularly as the proposed dwelling will be much higher than the existing residence as a bungalow.
- No mention is made of the existing drainage ditches on the site and who would be responsible for their maintenance.
- The brick paving on the roads will have to be strong enough in able to accommodate refuse vehicles.

**COMMENTS ON REPRESENTATIONS:** The main points of material consideration to the proposal at hand will be addressed in the considerations to this report.

**PLANNING CONSIDERATIONS including Design & Access statement:**

**The main issues are whether:**

- 1) the proposal provides a form of housing development which accords with the requirements of the Priors Green Master Plan and Local Plan Policy 3 in terms of providing comprehensive residential development. (ULP Policies S2 & Policy 3 – Priors Green).**

The land subject to this application, benefits from outline planning permission for residential development pursuant to main Prior's Green permission UTT/0816/00/OP. This permission

followed the Committees approval of the Priors Green Master Plan in 2000, which provides a basis for considering subsequent planning applications and Section 106 agreements. The proposed layout of the development in respect of the general areas of housing, size and location of open space and inclusion of structural landscaping closely follows the approved details of the Master Plan and is therefore considered by officers to be consistent with the anticipated planning of the site.

Turning firstly to policy S2 of the adopted Local Plan, this identifies the development limits/policy areas of the proposed Priors Green development in Takeley and Little Canfield as defined on the proposals map, wherein development will be permitted if it is in accordance with the Plan. Reference therefore has to be made to policy 3, which lists a number of criteria that development proposals must satisfy. Some of these criteria relate to matters that will be considered following the submission of further reserved matters applications such as the provision of the local centre and primary school and so need not be addressed in detail as part of the consideration of this application. Turning to part a) officers are satisfied that the phases now for consideration provide for a mixed and balanced community. Due to the close proximity of phase 8 to existing residential properties it has always been anticipated that this part of the development would accommodate fewer and therefore larger properties in accordance with the agreed phasing plan for the site. Phase 7 however provides a significant number of smaller properties as defined within paragraph 6.30 of the Local Plan (2 & 3 bedroom properties) with 22 three bedroom dwellings and 2 two bedroom units equating to 59% and 5% of the total of phase 7 respectively, which officers consider will provide an adequate mix of smaller market housing in accordance with Local Plan Policy H10. It should also be remembered that elsewhere on the development significant numbers of smaller 1, 2 & 3 bedroom units have already been approved as part of the overall development.

With regard to part c) of policy 3, which concerns landscaping, the outline planning permission contains a landscaping condition requiring planting details to be approved by the Council in respect of each phase before development can be commenced. In addition a landscape strategy has been approved for the development, which will have to be adhered to by the applicants. As Members will no doubt recall the development of phases 7 and 8 will also have to accord with the conditional requirements of the permission pertaining to the phase 5 spine road (UTT/0555/06/DFO), which concerns a 6 metre wide landscaped buffer zone along the western and northern boundaries of both phases. Upon recent discussions with Countryside Properties, Officers have been assured that planting will commence during the coming weeks in February. Existing trees and hedging contained along parts of the eastern boundary of the site have been designed into the layout and as such are intended to be retained. This accords with the Priors Green Master Plan which requires the hedges and trees along these boundaries to be retained where possible.

Turning to part d), it is acknowledged that a development of this scale will impact on existing residential and community interests. In terms of existing residential amenity, residents will undoubtedly experience a change to their local environment with the development of a large residential development in close proximity to their properties as many of them presently border and overlook open undeveloped land. Officers have liaised closely with local residents concerning the development and also with regard to the design of the aforementioned landscape buffer. Amendments have been made to the original drawings to try to limit the impact of the development on neighbouring residential amenity as much as possible by substituting house types nearest to the development with those characterised by lower ridge lines. Gable ends have been hipped, reducing massing and bulk and buildings have been drawn away from the landscaped buffer zone and further from existing boundaries. Despite continued local opposition, officers are satisfied that the scheme has been designed in order to mitigate the effects on residential amenity as much as possible. Limited overlooking of existing dwellings may occur, but not to a degree that will be enough

to warrant the refusal of the application. Similarly officers are satisfied that the proposals are acceptable in terms of outlook, sunlight/daylight etc.

With regard to the wider community, the aforementioned section 106 legal agreement will mitigate the wider impacts on the existing community by the provisions it secures. These include a new 3500sq.m community hall, a financial contribution for the enhancement of local sports and/or community facilities, the provision of land, 0.8 hectares in extent, for local retail commercial and health facility and/or day nursery at the local centre on site, the provision of a school site, an index link contribution for transport enhancement, works to Jacks Lane, the enhancement of existing bus stops and the provision of a new bus service between Bishop's Stortford and Priors Green.

**2) these applications provide an appropriate density of development taking into account Government advice contained in PPS3 and the conditional requirements of outline planning permission UTT/0816/00/OP.**

The application covers an overall site area of approximately 1.9 hectares, which is to accommodate infrastructure and areas of soft landscaping. This equates to an overall density of 29 dwellings per hectare. PPS 3 advocates that local planning authorities should avoid development which makes inefficient use of land and sets 30 dwellings per hectare as a national indicative minimum to guide policy development and decision making, until local density policies are in place. In this respect, the development falls just short of the minimum, however taking into account the sensitive nature of site in respect of its relationship with existing neighbouring residential properties, a lower density is considered more adequate in this case. The PPS recognises that density is not to be pursued regardless of local context. These lower densities also accord with the densities as advocated by the phasing plan (forms part of the outline planning permission) for this particular part of the site. Planning condition C.90C of the outline planning permission requires that in order to comply with government advice, an overall net density of 30 dwellings per hectare shall be achieved within the site defined by the planning application. The density will however vary greatly across the development area with certain phases well in excess of the 30 units with others, as in this case, lower. The consequence of this is that the density of the development should be assessed as a whole and the initial phases not considered against density criteria in isolation. The existing density can therefore be balanced with future phases of the development. The phasing plan that has been submitted by the applicants in response to the conditional requirements of the outline permission, suggests at this stage that the overall development will satisfy the requirements of condition C.90C by providing a density of 30 dwellings per hectare when measured across the entire Priors Green site. This will however have to be monitored and assessed as details of the later phases are submitted.

**3) the scale, form, design, layout, appearance and proposed materials of the dwellings accord with the character of the area and surrounding buildings (ULP Policy GEN2);**

Officers have had discussions with the applicants during the course of the application and the revised scheme now put before Members is considered to be acceptable by officers in terms of policy GEN2 and 'The Essex Design Guide' taking into account the context of the site and its surroundings.

The site will have a relatively small frontage onto the Dunmow Road and views of the development from the main highway will be largely influenced by the detached dwellings that will form the southern part of phase 7. These will be set back from the highway and will be partly screened and softened by existing and proposed landscaping. In general the development is likely to appear spacious and loose knit from views within Dunmow Road, which officers consider will respect the rural character and appearance of the existing form

of development within the vicinity of the site. The remainder of the layout has been guided by the Master Plan, with an area of public open space located within the centre of the development and the main spine road has already been approved by virtue of planning permission UTT/0555/05/DFO. The development does propose some taller three storey buildings within the centre of the site facing both the main spine road and the public open space. At 11.6 metres in height these exceed the scale of existing development located within the local area, although as they are located more centrally within the development their impact on the local area will be minimised and officers consider that they will not appear out of context with the development to which they will form part. They will also be consistent with other parts of the overall development in terms of building scale as Members may recall that buildings of a similar height (i.e. 11 m) have been approved within phase 4A of the development. The design detailing across the development is characterised in general by simple design and traditional proportions incorporating a varied use of external materials. Articulation varies between house types and detailing includes the use of sash type windows on some house types, bay windows, pitched and flat roof canopy porches, pitched and flat roof dormer windows, gables and traditional brick detailing. A number of dwellings notably plot's 29 and 36 act as focal points within the development and the central open space feature will help to provide a sense of place and identity.

With regard to secure by design Essex Police have been consulted but no representations have been received. Officers are satisfied with the proposal in this respect however in the event that any comments are received subsequent to the completion of this report, then these will be reported to the Committee.

Turning to matters of water and energy efficiency and waste production, the development will not be solely reliant on the car, with the provision of bus services and footway/cycleway links planned in close proximity to the site as part of the Priors Green development. This will aid in significantly limiting the emissions of carbon dioxide. With regard to building layout, the housing is generally laid and orientated in ways that will result in good levels of sunlight being received by main habitable rooms. This will also ensure that buildings are passively heated by the winter sun which should significantly benefit energy use for heating. Other matters that are not apparent as part of the submission that could be employed include the use of high-mass materials inside space (masonry internal wall, stone tile flooring), that could act as overheating controls in summer and other measures such as grey water recycling and rain water capture. An appropriately worded condition has been recommended at the end of this report in order to ensure that the developer constructs the buildings with energy and water efficiency in mind.

The submission has been designed with lifetime homes standards in mind as set out in the Supplementary Planning Document (SPD). None of the dwellings on site have however been designed to be wheel chair accessible. Five units have been proposed as part of the neighbouring Laurels development, which has been submitted by the same developer and is also put before today's Committee for determination, This equates to 11% of the total number of units proposed on the Laurels site but 5% of the total of both the proposals if read together. As both developments adjoin each other officers are prepared to accept the proposal in this respect as the 5% provision will meet the minimum requirements of the SPD. A condition is recommended to ensure that some minor amendments are made to the scheme to ensure that the development accords with the life time homes criteria in full.

**4) there is appropriate parking and access in accordance with ULP Policies GEN1 and GEN8.**

Firstly with regard to parking, policy GEN8 dictates that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location. Appendix 1 indicates a maximum of 2 spaces per properties up to 3 bedrooms

and a maximum of 3 spaces for properties with 4 bedrooms or more. The scheme provides a minimum of one space for two bedroom properties, 2 spaces for three and four bedroom properties and 4 spaces for five bedroom properties. In total parking provision equates to 150 spaces for the 57 dwellings. From these figures it can be seen that there is some variance with the parking provisions for the different house types, when compared with the Appendix 1 figures. These figures are exceeded on occasions although with an average parking provision in total of 2.6 spaces per dwelling these levels of provision are commensurate with the levels of parking provision that has been accepted by the Council elsewhere on the Priors Green development.

The layout design largely incorporates the parking between houses with garaging to the rear in order to reduce its visual prominence wherever possible within the development and parking can in the majority of cases be readily adaptable to accord with lifetime homes standards.

With regard to access and highway safety, the scheme has been revised to take into account the Highway Authorities advice. The amended drawings have been forwarded to the Highway Authority for further comment and if these are received these will be reported to Members.

#### **5) Other material planning considerations.**

Turning firstly to the phasing of the development, the application compromises phases 7 and 8. This does fall out of sequence with the phasing plan agreed by the conditional requirements of the main outline planning permission. This is so, as to date, phases 1 to 5 have been approved in detail and phases 5a and 6 relating to the school site and the community facilities has yet to be received. It the understanding of officers however that Countryside Properties are currently in discussion with Essex County Council concerning the school site and hope to complete these discussions and submit the necessary applications in the near future. Officers are satisfied that the approval of phases 7 and 8 will not prejudice the overall planning of the site, although recognise that the approval of any further subsequent phases prior to the determination of phases 5a and 6 will be premature.

With regard to surface water run off and the potential of the site to flood, the Environment Agency has raised no objections to the proposal and following discussions with the applicants a scheme of maintenance and works has been drawn up with regard to the drainage ditches that border the site. This shall ensure that the surface water drainage to the site is not compromised. A condition is recommended to ensure that the submitted scheme is adhered to in full. Thames Water requires that the applicants liaise with them in order to determine the ability of the local sewers to dispose of foul and surface water. If the capacity is insufficient Thames Water has indicated that they would provide the additional capacity however recommend the imposition of a condition requiring further details from the applicants concerning on and off site drainage works. A condition to this effect has already been imposed on the outline planning permission for Priors Green.

Natural England raises no objections to the application with regard to ecology. The outline application for the overall development was accompanied by an Environmental Impact Assessment (EIA), which provided an assessment of the impact of the development on flora and fauna. Using the EIA as a basis, an ecological strategy was subsequently formulated for the whole Priors Green site, as a response to the conditional requirements of the outline planning permission. This set out a programme of mitigation works for the resident flora and fauna and a plan for future management and programme of works. This information has been considered by officers and the mitigation measures that it established has been accepted by the relevant ecological groups. A condition is recommended however in accordance with Natural England advice in order to ensure that the mitigation measures

established by the ecology strategy have been carried out to the satisfaction of the Council prior to construction works commencing.

Essex County Council advises that archaeological trial trenching has been undertaken across the site and no archaeological deposits have been identified which would require any further archaeological work.

With regard to air noise, a degree of noise will be apparent from over flying aircraft associated with nearby Stansted Airport; however this is not considered to be to a degree that could not be overcome by the use of such measures as sound insulation and double glazing to the properties

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

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.3.1. To be implemented in accordance with approved plans.
2. No development shall take place until the screen planting has been implemented in accordance with the details approved under condition C.90E of permission UTT/0555/06/DFO.  
REASON: In the interests of neighbouring residential amenity.
3. C.5.1. Samples of materials to be submitted agreed and implemented.
4. C.6.7. Excluding conversion of garages.
5. Prior to the construction of the dwellings hereby approved, details of the energy and water saving measures to be used in both the internal and external construction of the dwellings shall be submitted to and agreed in writing by the local planning authority.  
REASON: To ensure that the dwellings are energy efficient, in the interests of the environment.
6. C.8.30. Provision of bin storage.
7. C.10.7. Visibility splays for crossover access.
8. C.10.18. Unbound material/surface dressing.
9. The dwellings hereby approved shall not be occupied until the car parking spaces shown on the approved plans attached have been hard surfaced and laid out. Such spaces shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety.
10. C.10.5. Carriageways of estate roads.
11. Any gates provided at the vehicular accesses shall only open inwards and shall be set back a minimum of 4.8 metres from the nearside edge of the carriageway.  
REASON: To enable vehicles using the accesses to stand clear of the carriageway/footway whilst gates are being opened and closed.
12. Cycle facilities shall be provided, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.  
REASON: To encourage the use of cycles as means of transport.
13. The development shall accord fully with the criteria listed for 'Lifetime Homes' in Supplementary Planning Document 'Accessible Homes and Playspace', unless otherwise agreed in writing by the local planning authority. Detailed drawings depicting the necessary revisions to the scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.  
REASON: To ensure that the development provides effective and practical lifetime homes.

14. No roof lights or dormer windows shall be inserted into the west facing roof slopes to plots 28, 29, 30 and 31 and the north facing roof slopes to plots 32, 39, 40, 41, 42 and 43 without the prior written consent of the local planning authority.  
REASON: To avoid excessive overlooking of the adjacent property in the interests of residential amenity.
15. No further windows or other forms of opening shall be inserted at first floor level on the north facing flank elevations of plots 31, 32 & 39 without the prior written consent of the local planning authority.  
REASON: To avoid excessive overlooking of the adjacent property in the interests of residential amenity.
16. The first floor window positioned within the north facing flank elevation on house type 421 on plot 39 shall be fixed shut in perpetuity and fitted with obscure glazing, which shall also be retained in perpetuity.  
REASON: To avoid overlooking of the adjacent property in the interests of residential amenity.
17. The mitigation measures approved as part of the ecology strategy for the site shall have been undertaken and completed in full to the satisfaction of the local planning authority prior to the commencement of the development hereby approved.  
REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern.

*Background papers: see application file.*

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## UTT/1809/06/DFO - TAKELEY

Details following approved outline planning permission UTT/0518/02/OP for erection of 44 no. new dwellings and associated works.

Location: Land at The Laurels (Lot 2) Priors Green Dunmow Road.  
GR/TL 569-212

Applicant: David Wilson Homes

Agent: David Wilson Homes

Case Officer: Mr M Ranner 01799 510556

Expiry Date: 31/01/2007

ODPM Classification: MAJOR

**NOTATION:** Within Takeley / Little Canfield Local Policy 3 Priors Green limits. Outside of the approved Master Plan area for Priors Green.

**DESCRIPTION OF SITE:** The application site has an area of approximately 1.3ha, is irregularly shaped and has a frontage of 47m to the north side of the B1256 between Wayside Cottage and Broadfield Villas. It extends to a depth of approximately 145 m with a maximum width of approximately 114 m. The site is now vacant and has been cleared of all buildings and associated built form. It was until recent years used for the sorting, storage and sale of a range of scrap items.

The approved phase 5 spine road (UTT/0555/06/DFO) for the Priors Green development will abut the northern boundary of the site beyond which are likely to be further new residential properties associated with Phase 9 of the same development. Further new dwellings are proposed on land immediately to the west associated with phases 7 and 8 and are currently subject to application UTT/1814/06/DFO. Existing residential properties are located adjacent to the southern section of the site fronting Dunmow Road, whereas mature trees, which form part of the adjacent Broadfield Wood, border the sites eastern boundary.

**DESCRIPTION OF PROPOSAL:** The application before Members seeks approval of all matters reserved pursuant to outline planning permission for the site (UTT/0518/02/OP) for 44 dwellings with associated infrastructure. All matters pursuant to the outline permission were reserved.

The proposed layout incorporates a single vehicular access into the development from the phase 5 spine road adjacent to the sites northern boundary. A pedestrian footway also provides access into the development from Dunmow Road through the southern boundary of the site. Both lead to a central square around which a number of the dwellings are sited. Many of the properties will face the main service road that runs north to south through the development, with further dwellings clustered around smaller cul-de-sacs leading off of this road. The development has a net density of 34 dwellings per hectare and comprises a variety of designs, which are largely traditional in appearance, comprising simple cottage style dwellings, larger dwellings with gable projections, dormer windows etc. Materials are proposed to comprise of a variety of bricks including multi red, plain red and yellows in addition to elements of weather boarding and render, with plain tiles to include browns and reds and artificial slates. The development comprises a mix of approximately 20% of 2 bedroom units, 30% of 3 bedroom dwellings, 43% of 4 bedroom dwellings and 7% of 5 bedroom dwellings. Eleven units equating to 25% of the total provision are proposed to comprise of affordable housing (the required level of provision on this site).

Following discussions between the applicants and the Councils Officers a number of revisions have been made to the original submitted drawings. These revisions are summarised as follows:

1. The shared access drives to Plots 59 – 61 and Plots 99 – 102 have been set back 20m from the main junction of the Priors Green spine road. Access drives have also been provided to the rear of plots 99 – 102.
2. The junction detail between plots 63 and 72 has been amended and the main access road width has been reduced to 4.8m.
3. Turning heads and kerb radiuses have been altered to 27m and a minimum of 6m respectively.
4. The affordable housing has been redesigned.
5. Parking at the front of plot 85 has been amended with one of the carports relocated adjacent to plot 77.
6. Plots 69 and 70 have been re-orientated.

**APPLICANT'S CASE including Design & Access statement:** The original submission was accompanied by a Design and Access Statement the conclusion of which is replicated as follows:

“The proposed scheme that has been designed by David Wilson Homes has taken into account the local character of the area and design advice contained within the Essex Design guide, and also complies with the Council’s SPD on Accessible Homes. A development is proposed that has been arrived at through understanding the constraints of the site, access requirements, and opportunities that exist. The resulting development is therefore one that blends in with local vernacular, without appearing out of place, and achieves a high quality designed finish in terms of external appearance, layout, and a sense of place. The impact on neighbours amenity and privacy has been a key consideration in the design of the development, ensuring that they are not unacceptably affected by the proposals. A permeable layout and clearly defined routes through the site meet the accessibility requirements for the site. The scheme therefore promotes alternative forms of transport other than by car through its permeability and sustainable location near to local services.”

**RELEVANT HISTORY:** The site benefits from outline planning permission, with all matters reserved, for residential development, which was granted on 29 September 2006 pursuant to application UTT/0518/02/OP. The permission is subject to a Section 106 legal agreement which requires financial contributions in respect of transportation, community facilities and education. As Members are no doubt aware outline planning permission was granted for the adjacent Priors Green development on 23 June 2005 pursuant to application UTT/0816/00/OP. Committee has also approved a Master Plan dated 10 August 2000 for the Priors Green site, which bounds the application site on three sides. Members may also recall the recent approval of reserved matters for the Phase 5 spine road and open space (UTT/0555/06/DFO), from which the access into the proposed development will be gained.

**CONSULTATIONS: Original plans:** The following consultation responses have been received in respect of the original submitted drawings. Any comments received concerning the submitted revised drawings will be reported to Members.

**Essex County Council:** Archaeological trial trenching has been undertaken across the site and no archaeological deposits have been identified which would require any further archaeological work.

**Natural England:** No objection to the proposed development in respect of legally protected species as they are not aware that they are likely to be adversely affected by the proposal.

**Environment Agency:** No objections to the applications, although following correspondence with officers have indicated that they would wish to see a buffer strips included into the design of the development adjacent to any drainage ditches.

Thames Water: Advised that developer should consult them to determine the ability of the local sewers to dispose of foul and surface water. Recommend the imposition of the following condition: "Development shall not commence until details of on site drainage works have been submitted to, and approved by, the local planning authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed".

ECC Highways and Transportation: Comment as follows:

"The two private plots 59-61 and 99-102 have accesses too close to the junction with the major road the accesses should be located a minimum of 20m from the junction.

The roads onto the Type 3 road should also have minimum 6 m radii.

I assume that the road with access between plots 63 and 72 is intended to be a shared surface type 5 road. The junction must be constructed and narrowed as detailed in the attached sketch 1.

A size 3 turning head is also required with a length of 27m."

A number of conditions are recommended requiring 1.5 m x 1.5 m pedestrian visibility splays be provided on both sides of vehicular accesses to each property, no unbound material to be used on driveways within 6m of the highway boundaries, the carriageways and footways to be constructed up to and including at least road base level, footpaths to be a minimum of 2m wide and planting within the highway must be agreed with the Highway Authority.

**PARISH COUNCIL COMMENTS:** Original plans: Takeley Parish Council objects to the application and make the following comments. The Parish Council has been re-consulted with regard to the revised drawings and any comments received will be reported to Members.

"These plans are the initial submission from David Wilson Homes. Overall the density appears to be quite satisfactory. In most cases the style, size and form of the proposed properties appear to be consistent with those dwellings to be built on the main part of the Priors Green Development by Countryside Properties. The planting scheme for public open spaces, frontages and alongside the pathways and roads requires clarification and detail. Furthermore detail of colour and type of external finishes for each property also needs clarification and detail.

The Parish Council object to the application on the following specific grounds:

- Insufficient detail has been provided for each property regarding the proposed external finishes and colours.
- Majority of the proposed dwellings appear to be finished in brick which is contrary to the Essex Design Guidelines. No account appears to have been taken with regard to the rural location. A better 'traditional' mix of exterior finishes is required with the majority of dwellings having a smooth render finish complemented by other properties finished in either horizontal weather boarding or local Essex red brick. These requirements are more in line with the Essex Design Guidelines and are particularly necessary for this location. Furthermore roof finishes should be a mix of traditional slate and clay tiles.
- All properties must have chimney stacks as a functional requirement or alternatively as a design feature to protect and enhance the local views and skyline. Furthermore some of the proposed chimney stacks should be upgraded to be more in proportion with the size of house.
- Insufficient detail has been provided for the planting scheme alongside roads, walkways, public spaces and frontages. Selection of the appropriate tree and shrub species for planting in these areas is critical to a successful estate design. Furthermore quantity, size, maturity and colour can be as important to the success of the development as the detailing of the buildings. There must be a genuine commitment to the planting of semi and mature trees and shrubs in all areas.

**REPRESENTATIONS: Original plans:** Four letters have been received from two local households in respect of the original drawings. The letters neither raise objections nor support for the proposal although the main points raised are summarised as follows. Local residents have been consulted with regard to the submission of revised drawings and Members will be made aware of any comments that are subsequently received.

- No objections provided that the properties are in keeping with Wayside Cottage, which is a listed building.
- The applicants wrongly state that the homes are to be built fronting onto the A120. It has been declassified to the B1256.
- Will the ditch adjacent to 2 Broadfield Villas be maintained and a buffer strip formed.
- The proposed layout will allow access into the adjacent development site at Broadfield Villas (UTT/1157/05/OP).

**COMMENTS ON REPRESENTATIONS:** The main points of material consideration to the proposal at hand will be addressed in the considerations to this report.

**PLANNING CONSIDERATIONS including Design & Access statement:**

**The main issues are whether:**

- 1) the proposal provides a form of housing development which accords with the requirements of Local Plan Policy 3 and integrates successfully with the Priors Green development and the provision of the Priors Green Master Plan. (ULP Policies S2 & Policy 3 – Priors Green).**

The application site is situated outside of the approved Master Plan area for the Priors Green development although it is bounded on three sides by the plan area. It is also excluded from the supplementary planning guidance for the 'island sites' which was adopted in July 2003. The site is however located within the Priors Green development limits as identified by policy S2 of the Adopted Local Plan, wherein development will be permitted if it is in accordance with the Plan. Reference therefore has to be made to policy 3, which lists a number of criteria that development proposals must satisfy. Some of these criteria relate to matters that will be considered following the submission of further reserved matters applications such as the provision of a local centre and primary school and the management of Broadfield Wood for example, which although of importance to the planning of the new neighbourhood as a whole, are not of direct relevance to the consideration of the application now at hand.

Turning to part a) officers are satisfied that the proposed development provides for a mixed and balanced community. A variety of dwelling types and sizes will be accommodated within confines of the site including a significant number of smaller two and three bedroom units. The overall mix will equate to approximately 20% two bed, 30% three bed and 43% four bed and 7% five bed houses, which officers consider will provide an adequate mix of smaller market housing in accordance also with Local Plan Policy H10. 25% of the total number of dwellings is also proposed to comprise of affordable housing. Consequently it is hoped that the development will attract a diverse mix of residents and encourage the establishment of a mixed and balanced community.

With regard to part c) of policy 3, which concerns landscaping, existing trees and hedging contained along parts of the eastern and western boundaries of the site have been designed into the layout and as such are intended to be retained. This accords with the Priors Green Master Plan which requires the hedges and trees along these boundaries to be retained where possible. Minimal details' concerning proposed planting accompanies the application,

although officers recognise the importance of soft landscaping and the contribution it makes to the overall appearance of a development. This can however be controlled and adequately dealt with by the imposition of appropriately worded conditions and to this effect a landscaping condition already forms part of the outline planning permission for the site. This would be consistent with the approach taken by the Council on the neighbouring Priors Green development.

Turning to part d), it is acknowledged that a development of this scale will inevitably affect existing residential and community interests in some way. In terms of existing residential amenity, residents will undoubtedly experience a change to their local environment with the development of a large residential development in close proximity to their dwellings. It would be reasonable however to suggest in this case that this would represent a positive change as only until relatively recently, the site was commercially used as scrap storage and sale area. A number of points have been raised by local residents although perhaps because of the site historical use no firm objections have been received. Officers are satisfied in this case that the scheme has been designed in order to mitigate the effects on residential amenity as much as possible. Overlooking of existing dwellings will occur, which will inevitably reduce levels of privacy; however officers consider that the degree of overlooking will not be to a significant enough degree to warrant the refusal of the application. Also following discussions with officers, the dwellings at plots 69 and 70 have been re-orientated in order to reduce overlooking as much as possible. Similarly officers are satisfied that the proposals are acceptable in terms of outlook, sunlight/daylight and similar. The outlook from plots 85 and 86 (affordable housing unit) has been improved by relocating one of the car ports adjacent to plot 77. With regard to the wider community, the aforementioned Section 106 legal agreement that accompanies the outline planning permission for the site will mitigate the wider impacts on the existing community by the provisions it secures. These include financial contributions towards education, community facilities and transportation measures.

Officers are satisfied therefore that the proposal satisfies Policy 3. Furthermore the layout of the development, which gains access from the internal road network of the Priors Green development, and the design of dwellings in terms of scale and detailing, are similar to those already approved and proposed on the neighbouring Priors Green development. This will enable the development to integrate successfully with the development of the surrounding area providing a comprehensive development which accords with the principle established by the Master Plan for the area and the SPD relating to the 'island sites'.

**2) these applications provide an appropriate density of development taking into account Government advice contained in Planning Policy Statement 3 (PPS3) and the conditional requirements of outline planning permission UTT/0518/02/OP.**

The application covers an overall site area of approximately 1.3 hectares, which is to accommodate a total of 44 residential units. This equates to a density of 34 dwellings per hectare. PPS 3 advocates that local planning authorities should avoid development which makes inefficient use of land and sets 30 dwellings per hectare as a national indicative minimum to guide policy development and decision making, until local density policies are in place. At 34 dwellings per hectare, the development accords with the densities approved on the Priors Green development, which although is conditioned to achieve a net density of 30 dwellings per hectare varies from phase to phase within the development, with some phases achieving significantly less than 30 with other significantly more depending upon the house types proposed within the respective phases. The outline planning permission for the site contains a condition which requires that no more than 44 dwellings are erected on the site and that an overall net density of 30 dwellings per hectare is achieved. The proposal accords with the former proposing 44 units but there is a discrepancy in that the density

requirement is exceeded by 4 units. This can be explained by the fact that the site area for the outline permission extended fractionally further to the north to include the area which will accommodate the phase 5 spine road. Officers do not therefore consider that the proposal prejudices the outline planning permission for the site and are satisfied that the density is acceptable in this case.

**3) the scale, form, design, layout, appearance and proposed materials of the dwellings accord with the character of the area and surrounding buildings (ULP Policy GEN2);**

Officers have had discussions with the applicants during the course of the application and the revised scheme now put before Members is considered to be acceptable by officers in terms of policy GEN2 and 'The Essex Design Guide' taking into the context of the site and its surroundings.

The site will have a relatively small frontage onto the Dunmow Road and so views of the development from the main highway will be limited, particularly as the vehicular access into the site will be achieved from the internal road network on the site's northern boundary. The properties side onto Dunmow Road with the effect that the frontage should appear spacious and loose knit respecting the setting and rural character of existing neighbouring development and the street scene in general, which comprises a variety of house styles of varying periods including 'Wayside Cottage' which is grade II listed. The layout of the development is conventional in nature and the dwellings are characterised by simple design and traditional proportions incorporating a varied use of external materials. Articulation varies between house types and detailing includes the use of sash type windows on some house types, bay windows, pitched and flat roof canopy porches, pitched and flat roof dormer windows, gables and traditional brick detailing. A number of dwellings notably plots 67 and 78 act as focal points within the development and a square has been incorporated into the layout which terminates the main service road and adds interest. As the applicant also has control of the land immediately to the west, forming phases 7 and 8 of Priors Green, the proposed layout and design of the development will be similar to and thus integrate successfully with the neighbouring new development associated with Priors Green.

With regard to secure by design Essex Police have been consulted but no representations have been received. Officers are satisfied with the proposal in this respect however in the event that any comments are received subsequent to the completion of this report, then these will be reported to the Committee.

Turning to matters of water and energy efficiency and waste production, the development will not be solely reliant on the car, with the provision of bus services and footway/cycleway links planned in close proximity to the site as part of the Priors Green development. This will aid in significantly limiting the emissions of carbon dioxide. With regard to building layout, the housing is generally laid and orientated in ways that will result in good levels of sunlight being received by main habitable rooms. This will also ensure that buildings are passively heated by the winter sun which should significantly benefit energy use for heating. Other matters that are not apparent as part of the submission that could be employed include the use of high-mass materials inside space (masonry internal wall, stone tile flooring), that could act as overheating controls in summer and other measures such as grey water recycling and rain water capture. An appropriately worded condition has been recommended at the end of this report in order to ensure that the developer constructs the buildings with energy and water efficiency in mind.

The submission has been designed with lifetime homes standards in mind as set out in the Supplementary Planning Document (SPD) and 5 units on the site have been designed to be wheel chair accessible, which equates to 11% of the total number of units proposed. The

SPD requires that a minimum of 5% are designed to be wheel chair accessible. A condition is recommended to ensure that some minor amendments are made to the scheme to ensure that the development accords with the life time homes criteria in full.

**4) the proposed developments provide an adequate proportion of affordable housing in accordance with ULP Policy H9 and the provisions established by the outline planning permission for the site.**

The proposed development will provide 11 affordable dwellings comprising 8 no. two bed and 3 no. three bed dwellings which equates to 25% of the total number of units proposed for the site. This falls significantly short of that required by policy H9 which dictates that the Council should seek to negotiate on a site by site basis an element of affordable housing of 40% of the total provision of housing. This is however a relatively new policy, which forms part of the current Local Plan, as adopted in January 2005. The resolution to grant outline planning permission for the site was made in 2003 and so pre-dates the current policy and its requirement for a 40% provision. The approved Master Plan and the conditional requirements of the Outline Permission pertaining to the neighbouring Priors Green development also reflect the prevalent policies concerning affordable housing at the time and have required a provision of only 25%. It would in the view of officers be unreasonable to request 40% at this reserved matters stage taking into account the provisions of the outline planning permission for the site.

With regard to the mix of affordable dwellings, it is clear from the approach taken by the Council's Housing Department on the Priors Green development whilst considering affordable housing that a local need exists in the area for predominantly smaller units. The proposed mix satisfies this need.

The affordable housing has been grouped within a single area within the development rather than being interspersed throughout the site area, however this arrangement accords with the planning of Priors Green established by the approved Master Plan, which indicates that "small groups" of affordable housing are dispersed throughout the development, rather than integrated individually.

**5) there is appropriate parking and access in accordance with ULP Policies GEN1 and GEN8.**

Firstly with regard to parking, policy GEN8 dictates that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location. Appendix 1 indicates a maximum of 2 spaces per properties up to 3 bedrooms and a maximum of 3 spaces for properties with 4 bedrooms or more. The scheme provides a minimum of one space for two bedroom properties, 2 spaces for three bedroom properties and 4 spaces for four and five bedroom properties. In total parking provision equates to 93 spaces for the 44 dwellings. From these figures it can be seen that there is some variance with the parking provisions for the different house types, when compared with the Appendix 1 figures. These figures are exceeded on occasions although with an average parking provision in total of just over 2 spaces per dwelling this matches levels of parking provision that has been accepted by the Council elsewhere on the neighbouring Priors Green development.

The layout design largely incorporates the parking between houses with garaging to the rear in order to reduce its visual prominence wherever possible within the development. Parking can in the majority of cases be readily adaptable to accord with lifetime homes and parking within the southern courtyard provides spaces of 3.6m in width to serve the five properties to be built to wheel chair accessible standards.

With regard to access and highway safety, the scheme has been revised to take into account the Highway Authorities advice. The amended drawings have been forwarded to the Highway Authority for further comment and if received these will be reported to Members.

**6) Other matters of material importance are acceptable in light of the submission.**

Turning firstly to surface water run off and the potential of the site to flood, the Environment Agency has raised no objections to the proposal and following discussions with the applicants a scheme of maintenance and works has been drawn up with regard to the drainage ditches that border the site. This shall ensure that the surface water drainage to the site is not compromised. A condition is recommended to ensure that the submitted scheme is adhered to in full. Thames Water requires that the applicants liaise with them in order to determine the ability of the local sewers to dispose of foul and surface water. If the capacity is insufficient Thames Water has indicated that they would provide the additional capacity however recommend the imposition of a condition requiring further details from the applicants concerning on and off site drainage works. A condition to this effect has already been imposed on the outline planning permission for the site.

With regard to ecology, Natural England raises no objections to the application. The outline planning permission for the site is subject to a condition that requires that a landscape and ecology strategy for the site is undertaken and approved by the Council. This shall contain an agreed programme of mitigation works for the resident flora and fauna and a plan for the future maintenance and protection thereof.

Essex County Council advises that archaeological trial trenching has been undertaken across the site and no archaeological deposits have been identified which would require any further archaeological work.

With regard to air noise, a degree of noise will be apparent from over flying aircraft associated with nearby Stansted Airport; however this is not considered to be to a degree that could not be overcome by the use of such measures as sound insulation and double glazing to the properties

**CONCLUSIONS:** In light of the above considerations the details of the proposed development are considered to accord with the outline permission for the site (UTT/0518/02/OP), Policy 3 pertaining to Priors Green and all other matters of material importance. The application is therefore recommended for approval subject to the following conditions.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.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.6.7. Excluding conversion of garages.
4. Prior to the construction of the dwellings hereby approved, details of the energy and water saving measures to be used in both the internal and external construction of the dwellings shall be submitted to and agreed in writing by the local planning authority.  
REASON: To ensure that the dwellings are energy efficient, in the interests of the environment.
5. C.8.30. Provision of bin storage.
6. C.10.7. Visibility splays for crossover access.
7. C.10.18. Unbound material/surface dressing.
8. The dwellings hereby approved shall not be occupied until the car parking spaces shown on the approved plans attached have been hard surfaced and laid out. Such



spaces shall not thereafter be used for any purpose other than the parking of vehicles. REASON: In the interests of highway safety.

9. C.10.5. Carriageways of estate roads. Reason: In the interests of highway safety.

10. Cycle facilities shall be provided, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development. REASON: To encourage the use of cycles as means of transport.

11. The development shall accord fully with the criteria listed for 'Lifetime Homes' in Supplementary Planning Document 'Accessible Homes and Playspace', unless otherwise agreed in writing by the local planning authority. Detailed drawings depicting the necessary revisions to the scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. REASON: To ensure that the development provides effective and practical lifetime homes.

*Background papers: see application file.*

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## **1) UTT/0951/06/FUL & 2) UTT/0952/06/LB - ELSENHAM**

1) Redevelopment of redundant farm buildings (phase 1) comprising of 12 No. light industrial units, 5 No. office units, 3 No. workshops and associated parking. Widening of access road

2) Restoration and Renovation of Essex Barn to provide 4 no self contained office units (class B1 use) inclusive of demolition of single storey brick addition to north elevation

Location: Home Farm Gaunts End. GR/TL 550-255.

Applicant: D & D Property Services Ltd

Agent: Wakefield Poyser Partnership

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 15/09/2006

ODPM Classification: UTT/0951/06/FUL: MAJOR

UTT/0952/06/LB: OTHER

**NOTATION:** Within Countryside Protection Zone / Grade II Listed Building.

**DESCRIPTION OF SITE:** The site is located in Gaunts End approximately 1km to the southeast of Elsenham. It covers an area of 0.86ha and is part of a former farmyard. There are a number of agricultural buildings adjacent to the site.

The buildings that this application relates to are a cattle shed which has been used for storing vehicles and plant, a Grade II listed Essex Barn, a range of single storey buildings brick and timber buildings, an open sided hay barn and a small cattle shed to the south of the listed barn. A number of containers and tanks have been sited to the north of the large cattle shed and beyond the rear of the site is open countryside.

To the west of the site is a hotel and on the opposite side of the road is the Elsenham Industrial Estate. There are three residential properties in the vicinity of the site, two of which are located approximately 55m to the southeast of the site and one to the south of the site which shares a boundary.

**DESCRIPTION OF PROPOSAL:** This application relates to the demolition of the existing large cattle barn to north of site, hay barn to the northeast of the site, cattle shed to the south of the listed barn and two single storey buildings adjacent to the southwest boundary of the site. It is proposed that the listed Essex Barn and the three storey granary building would be retained and converted for B1 (Office use).

A purpose built B2 (General Industry use – although the plans are annotated as “Light Industrial” which is in fact a B1 use) building providing 12 units would be constructed to the rear of the listed barn, in addition to covered parking to the rear of the site and single storey B2 workshops adjacent to the granary building to the south of the site. An electricity substation is also proposed at a distance of 18m from single storey workshop buildings and approximately 29m from the closest residential property. The purpose built 12 unit B2 building has been revised since receipt of the original plans and is now proposed to be a more traditional style building.

Open courtyard parking would also be provided within the site and in total, 65 parking spaces would be provided in addition to cycle storage facilities.

The total area covered by the five buildings to be demolished would amount to 2614m<sup>2</sup> and it is proposed to erect new buildings which would cover a total area of 2190m<sup>2</sup>.

**APPLICANT'S CASE including Design & Access statement:** Submission of planning statement, budget estimate and travel plan. The application was submitted prior to the change in legislation requiring the submission of Design & Access statements. *Section 5.0 of the statement to be attached at end of report.*

**RELEVANT HISTORY:** Change of use of agricultural buildings and additions to form joinery works, storage of vintage vehicles and bulk timber storage refused 1988 and allowed at appeal 1990. Renovation of barn for the storage of vintage vehicles conditionally approved 1989. Change of elevational treatment and layout to former joinery works under activated consent appeal ref APP/C1570/A/89/127639/P2 withdrawn by applicant October 2005.

**CONSULTATIONS:**

Original Plans:

ECC TOPS: no objection subject to conditions requiring

- ground level visibility splays of 2.4m x 215m to be provided either side of the existing access onto the adjoining county road
- the access to be improved to 5.5m wide for the first 10m within the site and suitably hardened so as to avoid the displacement of loose material onto the adjoining highway
- space to be provided within the site to accommodate parking and turning of all vehicles visiting the site, clear of the highway.

Environment Agency: Makes advisory comments regarding pollution control and requests informatives are attached to any planning permission.

BAA Safeguarding: The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed relating to landscaping and lighting. We would also advise of guidance for the use of cranes.

Drainage Engineer: The development would not increase the area of the building and therefore no comments are made regarding drainage issues – has provided general surface water drainage information.

Essex Bat Group: We agree with the methodology and conclusions drawn in the survey. A further survey has been recommended for late June/July to ascertain the status of the bat roost in the buildings. We agree with this recommendation.

Whatever the result of this further survey, a DEFRA licence is required before any development proceeds on the site as stated in the bat survey summary.

Building Control: Advises of the need for fire service vehicle turning areas, means of escape from the galleried areas and disabled WC facilities.

English Nature: Objects. We recommend that the LPA refuse planning permission on the grounds that the application contains insufficient information to demonstrate whether or not the development would have an adverse effect on legally protected species. Our concerns relate specifically to the likely impact upon bats which as stated in the ecological report currently use the barn as a roosting site. Information should be submitted relating to the following prior to the application being determined:

- a. What is the species concerned?
- b. What is the population level at the site, or affected by the proposal?
- c. What impact is the proposal likely to have upon the species present?
- d. What can be done to mitigate against this impact?
- e. Is the impact necessary or acceptable?
- f. Is a licence required from English Nature/Defra?

Design Advice: The proposal subject of this application is for office and light industrial development within the curtilage of a historic farmstead. The farmstead contains two principal listed buildings, a C19 farmhouse and a C17 large timber framed barn. At one time these structures were supported by a selection of other historical timber framed structures, a number of which are now lost.

The large C17 timber framed and weatherboarded barn is built on an L shaped plan with a wing extending to the south at the west end and a gabled entrance bay on the south side. Till recent years the building has a hand made plain clay tiled roof which has been allowed to deteriorate. I understand that some of the original tiles have been stored for eventual reuse. The barn has been on the Council's Buildings At Risk register for many years. Following Officer's action, some periodical emergency repairs have taken place but the building is again in a very perilous state of repairs. Consequently it is essential that a new economically viable use is found so its future is secured.

It appears that the proposed office use would be an ideal solution. In theory it would result in a low key conversion. Three solid partitions would define the office units, with mezzanine floors and glass screen providing the necessary office space. Apart from the modest toilet/kitchen cubicles, the open volume of the barn would be well perceived within each vertical subdivision and the opening and glazed areas would be kept to a minimum.

My only concern is with the possible formation of a 'new envelope to the entire existing external structure of the barn'. This suggestion needs further clarification. Clearly the listed building must be converted within its present 'envelope'. A totally new external skin would alter the character, the overall dimensions and relationship of the openings to the frame of the building and would not be acceptable.

The conversion of the other existing building and the introduction of some new built elements I find acceptable and feel that in terms of design they would positively contribute to the setting of both the listed barn and the nearby Farmhouse.

Landscaping: To be reported (due 10 July 2006).

Thames Water: To be reported (due 10 July 2006).

Environmental Services: To be reported (due 3 July 2006).

Revised Plans:

Design Advice: No further comments.

Building Control: To be reported (due 21 December 2006).

Essex Bat Group: To be reported (due 23 December 2006).

Natural England (Formerly English Nature): No objection provided the mitigation outlined in the report is incorporated into the permission or part of a suitably worded agreement or planning condition.

Environment Agency: Requests condition relating to pollution prevention and informatives for the decision notice.

BAA Safeguarding: No objections subject to conditions controlling lighting and information regarding the use of cranes on the site and landscaping.

Thames Water: No objections.

Drainage Engineer: Recommends that a system of sustainable drainage is used on the site, details to be submitted and agreed prior to commencement of development.

Environmental Services: Recommends conditions regarding no outdoor working, that external doors are shut when machinery is used inside and external lighting is controlled to protect the amenity of nearby residential properties.

ECC TOPS: No objections subject to conditions.

Landscaping: no objections subject to protective measures to be put in place for the trees protected by TPOs adjacent to the front of the site.

**PARISH COUNCIL COMMENTS:** Original Plans: Large development near to a listed building. We appreciate this will create more jobs but we are concerned about the traffic and noise on this very busy road. Also concerned regarding the bats and barn owls.

Revised Plans: To be reported (due 28 December 2006).

**REPRESENTATIONS:** Original Plans: These applications have been advertised and two representations have been received. Period expired 7 August 2006.

1. We are particularly concerned about noise from the site. We would stress that with intention of providing parking for 68 parking spaces, the traffic entering and leaving the site must be screened by a landscaping belt between the existing access and out home. Workshop 2 is shown to back onto our property, without any landscape buffering to reduce noise. We would request that a better option would be for this Workshop to be removed from the specification and a wall built along the suggested internal perimeter of the courtyard. A landscaped row of trees and bushes could then be planted as a buffering against noise, between the wall and our property. There does not appear to be any sound buffering between the electricity sub-station and our property. To supply the amount of electricity required for a proposed site of this site, the sub-station would probably emanate noise. We would suggest that this is moved to the north of the property. We would also require assurance that light pollution will be kept to a minimum during the night.

2. I wish to lodge an official objection to the above applications on the grounds of it being an unnecessary widening of the farm entrance which would not be possible if a protected tree had not been felled. Permission has not been granted by the council for the felling of the tree and the on going matter is being dealt with by Mr. Theobald and lately by Mr Smeeden. The protected tree was felled for the sole reason to allow for the widening of farm entrance. Another cause for concern is to the fact of there enough visibility onto the road necessary for increased vehicles exiting the farm safety.

Revised Plans: These applications have been advertised and one representation has been received. Period expired 4 January 2007.

1. I would like to bring to you attention the drawing submitted for the hedges and verges. Please find attached my photographs and measurements which clearly conflict with the measurements given in the planning application. The hedge belongs to my property and on my deeds, I have not given permission for the removal or trimming of the hedge and boundary fence or agreed for the new opening to encroach on my property.

With reference to the adjacent side of the farm entrance, no account seems to have been made for the illegal chopping down and removal of a Listed Tree. This matter has been taken up by Uttlesford District Council enforcement department and I understand that they will be perusing legal action against the landowner for the replanting of a similar tree of a certain size to be put back into the same position.

Be advised that I strongly object to the revised application.

**COMMENTS ON REPRESENTATIONS:** See planning considerations. In relation to the felled TPO, this matter is the subject of ongoing enforcement investigations. However it is not certain that the felling of the tree was in order to provide the necessary access amendments to accommodate this application and the Council's Landscape Officer has no objections to the proposal, while being aware of the felled trees and the possibility of replanting, therefore it is not considered that this matter represents a material consideration which would warrant refusal of the application. The highways authority has no objections to the proposal and have included in their considerations regarding visibility and sight splays the presence of vegetation and verges adjacent to the site.

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

- 1) **Development within the countryside protection zone (ERSP Policy C5 & ULP Policy S8);**
- 2) **The re-use of rural buildings (ERSP Policy RE2 & ULP Policy E5);**
- 3) **Development affecting listed buildings (ERSP Policy HC3 & ULP Policy ENV2);**
- 4) **Access (ERSP Policy T8 & ULP Policy GEN1)**

- 5) **Vehicle parking (ERSP Policy T12 & ULP Policy GEN8);**
- 6) **Design (ULP Policy GEN2) and**
- 7) **Good neighbourliness (ULP Policy GEN4).**

1) Within the Countryside Protection Zone (CPZ) planning permission will only be granted for development that is required to be there or is appropriate to a rural area. In particular development will not be permitted if new buildings or uses would promote coalescence between the airport and existing development or it would adversely affect the open characteristics of the zone.

It is not normally acceptable to demolish existing buildings within the CPZ, or the wider countryside, in order to replace them with new buildings. In this instance there are existing buildings on the site which are not capable of conversion for alternative uses and some of these are modern agricultural buildings of industrial proportions which are not sympathetic to the setting of the adjacent listed barn. Furthermore, the listed barn has had periodic maintenance and if its retention is to be secured, a significant amount of funding will be required for repairs with a view to conversion to a new use which will safeguard its future. In order to obtain the funding for the repairs and conversion of the listed barn, it will be necessary for additional buildings and uses on the site to generate funds. Therefore the harm and policy conflict of erecting new built form on the site must be weighed against the need to repair and retain the listed barn.

Notwithstanding the policy objections, the proposed built form has been sympathetically designed in order to replicate the form and appearance of traditional rural buildings and the area of the site covered by new buildings would amount to approximately 424m<sup>2</sup> less than currently exists on the site. In relation to whether the proposed development would promote coalescence between the existing site and the airport, the new development would be located broadly on the footprint of existing buildings and would be well contained within the site. Parking provision for the uses would be located primarily within courtyard areas of the site with some limited provision located to the rear of the site. In light of the traditional form and appearance of the proposed built form, in this instance it is not considered that the new buildings would adversely affect the open characteristics of the CPZ.

In light of the above and the urgent need to secure funding in order to repair and retain the listed barn, it is considered that the proposal is acceptable in relation to the requirements of ULP Policy S8. However as there is a policy objection to new built form in the countryside it is considered necessary for the applicants to enter into a S106 agreement linking the proposed new build on the site to the repair and renovation of the listed Essex Barn in order to safeguard the future of the barn.

2) ULP Policy E5 specifies that the re-use of existing buildings for business uses will be permitted in the countryside provided that four criteria are met. These require the buildings to be of a permanent and substantial construction, capable of conversion without major reconstruction, protect or enhance the character of the countryside and not place unacceptable pressures on the surrounding rural road network. In this instance the two buildings to be retained are a granary building and the listed Essex barn.

It is considered that these buildings are structurally sound and capable of conversion without major reconstruction. The conversion and retention of these traditional agricultural buildings would also protect and enhance the character of the countryside. The Highways Authority have been consulted with regard these applications and have no objections from a highway safety perspective or in relation to the resultant traffic generated by the converted buildings.

3) ULP Policy ENV2 specifies that development affecting listed buildings should be in keeping with its scale, character and surroundings; proposals which adversely affect the

setting of a listed building will not be permitted. The Council's Conservation Officer has been consulted with regard to these applications and, with the exception of her concerns regarding the proposed envelope to the listed barn, has no objections to the proposed conversions and new building proposed on the site, subject to conditions being imposed.

The explanation for the envelope around the listed barn was that it would be required in order to provide sufficient insulation to meet the current Building Regulations requirements. However, following discussions with the Council's Building Control department it has been established that where listed buildings are concerned there are exemptions to the Building Regulations requirements. It is therefore proposed that if planning permission and listed building consent are granted, the envelope around the building is omitted and alternative methods of insulation are investigated.

4) ULP Policy GEN1 requires development to comply with five criteria. The access arrangements to the site have been the subject of discussion with the Highways Authority and they have confirmed that there is no objection from a highway safety point of view to the proposed development, subject to the imposition of conditions. The submitted travel plan details the public transport servicing this area, cycling facilities and the proposed car parking arrangements. There is some conceptual information relating to anticipated staff and visitor numbers although this is open to change subject to the particular occupiers of the buildings if permission is granted.

The site is accessed from a class III classified highway and it is considered that the surrounding road network would be capable of carrying the traffic generated by the proposal. Disabled parking spaces are proposed on the site within the parking provision in addition to provision for cycle storage and it is considered that the proposal would comply with the criteria contained in Policy GEN1.

5) With regard to ULP Policy GEN8 which requires appropriate vehicle parking in relation to the proposed development, a maximum of 69 spaces would be required to accommodate the B1 uses proposed in the granary building and the listed barn and B2 uses in the new build element of the proposal. A total of 65 spaces have been provided and as the parking standards are maximum requirements, it is considered that this shortfall of 4 spaces would be acceptable in this instance. However the applicants have indicated that they would like the flexibility of having B2 – General Industry uses or B1 – Light Industry uses in the 12 unit building. If B1 uses were to be located in these units, the adopted parking standards would require a higher provision of parking on the site which is unlikely to be acceptable in this rural location. However in light of the similar nature of B1 – Light Industry and B2 – General Industry, it is considered that it would be reasonable to allow B1 – Light Industry uses without providing additional parking on the site. Other B1 uses, such as office use, would not be acceptable as this would require additional parking and it is proposed to control this by condition if permission is granted.

6) As discussed in sections 1) and 3) above, the overall design of the proposed new build on the site is considered to be sympathetic to the rural character of the area and would have a traditional form and proportions. Any commercial new build will be subject to a condition requiring sustainable construction methods which would aim to minimise water and energy consumption within the development. Any approval would also require a satisfactory landscaping scheme to be submitted and agreed prior to the commencement of development and there is scope for enhanced landscaping along the site boundaries. This would provide a buffer between the site and the open countryside in addition to the residential properties within the vicinity of the site.

The single storey workshop proposed adjacent to the southern boundary to the site would be the building located closest to the residential property to the south. This building would have

a maximum ridge height of 5.7m and due to its location to the north of the residential property, it is not considered that it would result in any materially adverse effect as a result of loss of daylight or overshadowing. The roof to much of the southern elevation of this building would also slope away from the boundary which would reduce its impact when viewed from the south. Therefore, it is not considered that the proposed building would have an overbearing impact to the occupiers of the adjacent property. With regard to the possibility of loss of privacy, it is considered necessary to impose a condition on any approval requiring the south facing windows of the single storey workshops adjacent to the southern boundary of the site to be obscure glazed. This would ensure that it is not possible to overlook the adjacent property while allowing light into the workshops.

7) ULP Policy GEN4 specifies that development and uses will not be permitted where noise or vibrations are generated or smell, dust, light, fumes, electro magnetic radiation, or exposure to other pollutants would cause material disturbance or nuisance to occupiers of surrounding properties. The Council's Environmental Services Officers have been consulted with regard to this application and have recommended that conditions are imposed to any permission preventing outdoor working, the use of machinery when doors are open and the control of lighting on the site. Subject to these conditions being imposed, it is not considered that the proposed development would have a detrimental impact on the residential amenity of the occupiers of adjacent properties.

**CONCLUSIONS:** The proposed development is considered to generally comply with all relevant Development Plan policies however the construction of new built form in the countryside is contrary to policy and is only acceptable in this instance in order to secure the future of the listed barn. Therefore it is necessary for the applicants to enter into a S106 agreement to link the construction of the new build on the site with the repair and renovation of the barn.

### **RECOMMENDATIONS:**

1) **UTT/0951/06/FUL – S106 AGREEMENT TO LINK THE CONSTRUCTION OF THE NEW BUILD WITH THE REPAIR AND RENOVATION OF THE GRADE II LISTED ESSEX BARN**

1. C.2.1. Time limit for commencement of development.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. The erection of fencing for the protection of any tree protected by a tree preservation order or any retained tree, shrub or hedge shall be undertaken in accordance with details approved in writing by the local planning authority to comply with the recommendation of British Standard 1772 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs. In this condition "retained tree or shrub" means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars. REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity.
6. C.5.1. Samples of materials to be submitted agreed and implemented.
7. The external finishes to the new build element of the development hereby approved shall consist of materials in keeping with the historical tradition of Essex farm buildings.



REASON: In order to protect and enhance the setting, character and appearance of the listed building and protect the rural character of the countryside.

8. The units marked on the approved plans as “B2” or “B2 Light Industrial” shall only be used for B2 General Industry uses or B1 Class III (c) – Light Industry uses and for no other purpose (including any other purposes in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: To ensure the development is compatible with the character of the surrounding area and sufficient parking provision is available within the site for the approved uses.

9. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented – buildings.

10. C.8.3. No outdoor working.

11. No machinery shall be used in the buildings with approved B2 or B1, Class III (c) uses while the external doors are open.

REASON: To protect the amenities of the occupiers of adjoining properties.

12. C.8.4. No deliveries except during hours specified.

13. C.8.15. Restriction of hours of operation.

14. C.8.22. Control of lighting.

15. C.8.27. Drainage Details to be submitted agreed and implemented.

16. C.8.29. Detail of sustainable construction for new residential or commercial development.

17. C.9.1. No outdoor storage.

18. The car parking areas shown on the approved plans shall be laid out and surfaced, prior to the first occupation of any of the buildings and shall be retained permanently thereafter for the vehicle parking of staff and visitors to the businesses located on the site and shall not be used for any other purpose.

REASON: To ensure a satisfactory standard of development in the interests of highway safety and because it is the policy of the Council that all parking required for Stansted Airport should be accommodated within the airport boundary, in order to protect the appearance of the countryside.

19. C.10.23. Travel plan.

20. C.13.7. Hours of use.

21. C.19.1. Avoidance of overlooking -1.

22. C.20.1. Acceptable survey and mitigation and management plan – Implementation of scheme.

23. C.20.2. Development not to proceed until a licence from Natural England is obtained.

24. Prior to the commencement of development a floor plan drawing showing the mezzanine floor to the Essex barn shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be implemented in accordance with the approved details.

REASON: For the avoidance of doubt because no floor plan has been submitted indicating this detail.

25. Prior to the commencement of development revised drawings shall be submitted to and approved in writing by the local planning authority showing the omission of the proposed “envelope” to the listed Essex barn. Subsequently the development shall be implemented in accordance with these approved drawings.

REASON: This aspect of the proposal is unacceptable and would be harmful to the appearance and character of the listed building.

26. The 12 units marked as “B2 – Light Industrial” within the new building to the north of the Listed barn shall remain as 12 units and shall not be separated into separate ground and first floor units or subdivided in any other manner.

REASON: To prevent intensification of the uses on the site which would give rise to additional parking provision and vehicle turning areas.

27. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control shall be submitted to, and agreed in writing with, the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.  
REASON: To ensure a satisfactory method of pollution control.
28. Clear to ground level visibility splay of a minimum of 2.4m x 160m shall be provided either side of the access on to the adjoining county road.  
REASON: In the interests of highway safety.
29. The access geometry shall to be constructed to the specification indicated in the Travel Plan 8.02.  
REASON: In the interests of highway safety.
30. Space shall be provide within the site to accommodate the parking and turning of all vehicles regularly visiting the site, clear of the highway and properly laid out and paved as may be agreed with the Local Planning Authority and such space should be maintained thereafter free of any impediment to its designated use.  
REASON: In the interests of highway safety.

**2) UTT/0952/06/LB – LISTED BUILDING WITH CONDITIONS**

1. C.2.2. Standard time limit and reason – listed buildings.
2. C.3.3. To be implemented in accordance with original and revised plans
3. Prior to the commencement of development a floor plan drawing showing the mezzanine floor to the Essex barn shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be implemented in accordance with the approved details.  
REASON: For the avoidance of doubt because no floor plan has been submitted indicating this detail.
4. Prior to the commencement of development revised drawings shall be submitted to and approved in writing by the local planning authority showing the omission of the proposed “envelope” to the listed Essex barn. Subsequently the development shall be implemented in accordance with these approved drawings.  
REASON: This aspect of the proposal is unacceptable and would be harmful to the appearance and character of the listed building.
5. C.5.1. Samples of materials to be submitted agreed and implemented
6. C.5.5. Clay plain tiles – hand made.
7. C.5.9. Painted wood.
8. All repairs to the listed barn shall be carried out using timber of matching type and cross sections.  
Reason: In the interests of preserving the historic character and appearance of the Listed Building and its setting.
9. C.5.16. No historic timbers to be cut.
10. All roof lights shall be of a conservation range, details of which shall be submitted to and approved in writing by the local planning authority prior to the commencement of works.  
REASON: In the interests of preserving the historic character and appearance of the Listed Building and its setting.

*Background papers: see application file.*

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**UTT/1777/06/FUL – FELSTED**  
***(Referred at Officers discretion)***

Demolition of existing conservatory on 2 Bury Fields and erection of detached bungalow  
Location: Land adjoining & 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 510458  
Expiry Date: 02/01/2007  
ODPM Classification: MINOR

**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 records the land immediately to the south and south west of the site are affected by tree protection orders. However some of the trees identified have been removed with the approval of the Council with replacements to be planted (see landscape comments under consultations). The front of the site is currently grassed and there is a public bench on the corner.

**DESCRIPTION OF PROPOSAL:** It is proposed 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 two 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 proposed around most of the perimeter of the site. Planting has also been indicated 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 1m in height (because adjacent to highway used for vehicular access) without the need for permission. (Please note that an error occurred in the report for application UTT/1330/06/FUL where this height was stated as 2m)

**APPLICANT'S CASE including Design and Access Statement:** Refer to written submission on file. The submission responded to the grounds of refusal on the previous application (UTT/0757/06/FUL and UTT/1330/06/FUL) and indicated that the Parish Council were supportive of the current application.

**RELEVANT HISTORY:**

- Planning Application UTT/0757/06/FUL 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.

- Planning Application UTT/1330/06/FUL was also refused for a development which was very similar to the proposal in UTT/0757/06/FUL as the previous grounds of refusal had not been overcome.

Following those previous decisions Council received this current application for a bungalow on the site. Council compared the plans for the current application and the changes between the current application and UTT/133/06/FUI include:

- Deletion of one bedroom
- Redesign of the floor plan to reduce the floor area overall and delete the part of the living room which was located closest to the corner of Bury Fields and Station Road.

**CONSULTATIONS:** Anglian Water and Three Valleys Water: None received. Period for a response expired 21 November 2006.

Environment Agency: Advised that the proposal fell outside matters for which they were a statutory consultee.

Building Surveyor (internal): Advised that they had no adverse comments.

Landscaping (internal): Advised that Uttlesford District Council intended to carry out a scheme of tree and hedge planting on the verge at the junction of Station Road and Bury Fields during the present planting season. The scheme of planting has been the subject of consultation with the Parish Council and interested local residents. I have been advised that the land on which the planting is proposed does fall within the adopted public highway and as a consequence a license is required from County Highways. The license is currently being sought.

**PARISH COUNCIL COMMENTS:** No comments.

**REPRESENTATIONS:** This application has been advertised and eight representations have been received (although two of these have been submitted by the same party). In summary the objectors raised the following concerns:

- Concern regarding the tone of the agent's supporting statement provided with the application and accuracy of some details on the plans (i.e. the reference to a conservatory 'to be demolished' that has already been removed).
- The dwelling will not necessarily be occupied by elderly residents
- The site has inadequate access for the building works to occur
- A report by Essex County Council implicated the trees on the site in subsidence on the site.
- There has been a failure to inform the neighbours of the application and the milestone dates on the internet are inaccurate.
- The 'no comment' by the Parish is not representative of the residents views
- The views of the residents should carry weight when Council makes their decision
- Council's commitment to provide additional housing should not be at the expense of the character of the rural nature of the village
- The building will impair the openness, appearance and amenity of Bury Fields
- The building will diminish the outlook from other dwellings in Bury Fields
- The bungalow will restrict views up the road
- Will set a precedent for people selling off their gardens
- Why do they need to persist with making applications when the previous applications have been refused
- Will cause increased traffic congestion and traffic in the village
- The further building of bungalows is undesirable and against guidelines
- The development is contrary to tree protection laws

**COMMENTS ON REPRESENTATIONS:** The matters that are material to the consideration of the application will be expanded upon in the planning considerations section of the report. In addition to that Council officers have provided a response to all the points listed above,

the concern has been restated and then the responses are provided in italics below the concern:

- Concern regarding the tone of the agent's supporting statement provided with the application and accuracy of some details on the plans (i.e. the reference to a conservatory 'to be demolished' that has already been removed).

*Council officers have noted the inaccuracy on the plan regarding the demolition when they inspected the site. In terms of the other information, this has been provided with the applicant and represents the agent's view of the proposal.*

- The dwelling will not necessarily be occupied by elderly residents  
*Elderly residents may not necessarily reside in the proposed bungalow and Council acknowledge this. As part of the considerations of the application Council needs to consider the Lifetime Home Standards. This does not stipulate that a dwelling must be used by a particular type of person but rather that the dwelling has been designed so that it is flexible and could be readily used by people with a range of needs.*

- The site has inadequate access for the building works to occur  
*The building works would occur over a short period of time and while there may be some disruption, there is an existing access point onto the site. The specifics of how the works are carried out are not considered under planning legislation.*

- A report by Essex County Council implicated the trees on the site in subsidence on the site.  
*The trees that this concern relates to have been removed and the new planting scheme has been prepared to ensure suitable species are selected.*

- There has been a failure to inform the neighbours of the application and the milestone dates on the internet are inaccurate.  
*Officers acknowledge that due to a clerical error some residents were not notified of the application in the first round of letters. As soon as the error was identified further letters were sent out and all residents have been provided with 21 days to comment. The milestone dates are to provide an indication of when a decision will be made. This application has not been determined within the 8 week milestone date in order to ensure that all the residents have the opportunity to comment on the application.*

- The 'no comment' by the Parish is not representative of the residents views  
*The comments by the Parish have been considered in conjunction with the views of the residents which have been submitted in response to this application.*

- The views of the residents should carry weight when Council makes their decision  
*Council officers have given consideration to the resident's views (as detailed in this section of the report and the planning considerations) and these have been taken into account as a material consideration.*

- Council's commitment to provide additional housing should not be at the expense of the character of the rural nature of the village  
*There is policy that requires additional housing to be provided while protecting the character of the area. A full assessment is provided in the planning considerations section of the report.*

- The building will impair the openness, appearance and amenity of Bury Fields and the building will diminish the outlook from other dwellings in Bury Fields  
*The impact of the building within the streetscape is required to be considered under policy. A full assessment is provided in the planning considerations section of the report.*

- The bungalow will restrict views up the road  
*The building is not located within the splay that is on highways land and therefore meets the standards for sightlines.*
- Will set a precedent for people selling off their gardens  
*Any application for redevelopment of land that was previously a garden must be considered on its merits and in the context of that particular site. Each application must be considered against current planning policy that applies to that site and does not depend on what may have happened on another site.*
- Why do they need to persist with making applications when the previous applications have been refused  
*Council have compared this current application with the previous applications and determined that they are materially different. Accordingly Council are obliged to accept the application and consider it on its merits...*
- Will cause increased traffic congestion and traffic in the village  
*A dwelling of this size is unlikely to generate significant additional vehicle movements within the town. The resident is unlikely to have more than one car and given the proximity to the village centre it is more likely that the resident would walk into the village. One of the principles of sustainable development is to provide new houses within existing settlement limits to reduce the need for vehicle movements.*
- The further building of bungalows is undesirable and against guidelines  
*The proposal will be considered against the relevant policy guidelines and a full assessment is provided in the planning considerations section of the report.*
- The development is contrary to tree protection laws  
*Trees have been removed from the site and replacement plantings are proposed. Refer to landscape officer's comments in consultations for further explanation.*

**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);**
- 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 on the entrance to the centre of Felsted and has an open appearance.

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.

Following two previous refusals for a development on the site, the applicant has scaled back the dwelling and reduced the amount of built form on the eastern part of the site. It is considered that given the presumption in favour of development within development limits and the fact that the revised design will maintain the openness of the corner. This will achieve the design objectives and requirement for provision of infill development in existing townships.

A condition is recommended to ensure a full landscape scheme is prepared that will ensure that the treatment of the area is appropriate and complements the Council planting proposed on that corner.

ULP Policy GEN2 requires that any new development must be suitable for a range of potential users. The proposed has included features recommended in the Lifetime Home standards. It is a single storey dwelling will pedestrian paths and is considered to be suitable for a range of people included those with a disability.

2) It is considered that the proposed modifications that reduce the scale of the dwelling from a three bedroom dwelling to a two bedroom dwelling and increase in the setback of the built form from Station Road and Bury Fields overcomes the previous grounds of refusal.

It is evident from the representations received in relation to this application that several of the surrounding residents are still concerned about the appearance of the bungalow on this site. ERSP Policy BE1, ULP Policy GEN2 and ULP Policy H3 require Council to balance policy objectives to provide more housing within settlement limits and also to ensure that the intensification of urban areas is in keeping with the character of existing development. It is considered in this instance that an appropriate balance has been struck, the bungalow is modest and will be setback a minimum of 6.5m and a maximum of 10.5m from Bury Fields to retain the open character of the site; also it will provides an alternative form of accommodation with the settlement limits.

**CONCLUSIONS:** It is considered that the modifications to the design have overcome the previous grounds for refusal which are a material consideration. The open character of the site will not be detrimentally affected by way of the siting of the dwelling. It is also considered that the siting of the dwelling will not unreasonably affect the amenity of the neighbouring properties.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.2. Details of materials to be submitted agreed and implemented.
6. C.8.29 Details of sustainable construction for new residential or commercial development.

*Background papers: see application file.*

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**UTT/2038/06/FUL - SAFFRON WALDEN**

*(Referred by Cllr Freeman)*

Erection of 14 floodlights mounted on 8 x 8m high columns  
Location: Saffron Walden Skateboard Park Thaxted Road. GR/TL 547-374  
Applicant: Saffron Walden Skateboard Group  
Agent: Mr D Demery  
Case Officer: Mrs K Hollitt 01799 510495  
Expiry Date: 06/02/2007  
ODPM Classification: MINOR

**NOTATION:** Outside Development Limits.

**DESCRIPTION OF SITE:** The application site is located to the south of Lord Butler Leisure Centre and Turpins Indoor Bowling Centre, adjacent to the car park. Along the southern and eastern boundaries of the site is hedging. To the south of the site is open fields used for agricultural purposes. The site has a few trees together with a few areas of concrete. Consent has been granted for a skateboard park on the land, with operating hours of 8am to 10pm, 7 days a week.

**DESCRIPTION OF PROPOSAL:** The proposal relates to the installation of 8 x 8m high columns supporting 14 no. floodlights to enable illumination of the skateboard park which was approved in March 2006.

**APPLICANT'S CASE including Design & Access statement:** Luminaires will provide shadowless light within bowls. Light will be directed down into skate park and intended to minimise light spillage. Luminaires will be switched on through movement detectors and will remain on when skate park is being used.

**RELEVANT HISTORY:** Planning permission granted for skate board park August 2004. Variation to condition restricting operating hours approved March 2006.

**CONSULTATIONS:** Environmental Services: If installed in accordance with the relevant British Standards, no objections.  
Essex Police: No objections.

**TOWN COUNCIL COMMENTS:** Recommend only temporary permission is granted to permit the effect of lighting on the edge of town to be assessed and accurately measured to ensure that there is minimum spillage. Lights should only work when park is being used and switch off by 10pm.

**REPRESENTATIONS:** 42 letters of representation received. Notification period expired 2 January 2007.

39 identical letters received from residents of Tukes Way:  
Object. Gross intrusion of our privacy and have a serious effect in terms of sleep for young children. Understood skateboard park was primarily to be used in daylight hours and nearby residents would not have their privacy disrupted too much in the evenings. Floodlighting means we will have extra disruption all year round. Height of columns is excessive and should be reconsidered, e.g. 5m. Would expect energy efficient lighting to be used. 14 floodlights is excessive and insensitive. Must ensure they do not cause nuisance to those who live nearby.



Other representations:

Concerned over proposed floodlights. Concerned about light invasion to our property. Already live in 'constant day' because of sports centre floodlights. Noise will impact on our property too.

14 floodlights will produce an unimaginable amount of light pollution to those living near the facility. With lights being on to early hours will encourage another pollution – noise. Current discussion regarding proposal to switch off town's lights after certain hour to save money and light pollution. Proposing to switch on lights for small minority of the community. Initially skateboard park was to be used in daylight hours – now potentially 24 hours a day.

Now floodlights will be on sensors – means noise on a 24 hour basis. Surely daylight hours is long enough and it keeps a balance of sorts.

Notice floodlights to be on sensors thereby giving 24 hours access. First we were told daylight hours, then till evening and now 24 hours.

**COMMENTS ON REPRESENTATIONS:** Applicant's response:

Distance to nearest house is approximately 100m. In context of the tennis courts, this distance is approximately 25m.

Lighting engineers briefed to find solution which was sensitive to possible neighbour concerns. Advise 8m high columns utilising directionally controlled luminaires directing light downwards provides optimum solution. Nearest housing stands approximately 7/8m above site, reducing further the impact of proposal.

Energy efficient luminaires have been specified.

Lights will be switched off at 10pm and will only be on when park is in use. Will be time controlled to switch off at that time which will override the sensors. Switch off will be gradual rather than instant for safety reasons, however all lights will be off by 10pm.

Skateboarding fraternity do not wish to be bad neighbours. Should at any time in the future the use of the park become antisocial and detrimental to the neighbourhood, the Town Council will, through its management facility, retain an ability to deal with such problems.

**PLANNING CONSIDERATIONS including Design & Access statement:**

**The main issues are whether the proposals would have an adverse impact on the character and setting of the rural area and residential amenity (ERSP Policy C5, ULP Policies S7, GEN2, GEN4 and GEN5).**

The application site is located on the southeastern edge of Saffron Walden, adjacent to the Lord Butler Leisure Centre. The site itself is located outside the development limits and forms part of the open space on the outskirts of the town. The land to the north of the site, adjacent to the B184, is used as car parking to serve Turpins Bowling Centre and further north is the car park to the leisure centre and the tennis courts. The car parking areas have lighting on 5m high poles whilst the tennis courts have floodlighting which is on 8m high poles. The floodlighting to the tennis courts is operated during the times when the tennis courts are in use. The lighting in this vicinity is directly related to the operational requirements of the existing facilities and is related to the urban environment, albeit on the edge of the built-up area of the town. The lighting to the car park is, in comparison to floodlighting, low level lighting and is relatively unobtrusive within the urban environment. However, the floodlighting to the tennis courts is intensive lighting and appears more visually intrusive, although this intrusion is reduced by other lighting within the vicinity.

The proposed floodlighting to the skateboard park would be located in a more rural setting, albeit adjacent to the built environment of the leisure centre and its car park. Due to the height of the lighting columns, the floodlights will be visible from the B184, which runs along the eastern boundary of the site. The floodlights will be taller than the existing buildings located to the north, and substantially higher than the lights to the car park. However, visibility from the south would be in conjunction with the car park lighting in front of Turpins

Bowling Centre. The residential properties in the immediate vicinity, Tukes Way, currently overlook a long expanse of public open space with no light pollution. Numbers 37-47 (odd numbers only) would be most affected by the proposals as their rear elevations overlook this area. It would appear that the rooms to the rear of the property are kitchens and bedrooms. There is limited screening along their rear boundaries and trees located within the open space have recently been removed. These properties are in an elevated position in relation to the skateboard park, around 6-8m higher. Additional landscaping, as required by a landscaping scheme, would be planted adjacent to the skateboard park, which would provide a degree of screening to the lighting, although this will take some time to mature to provide fully effectively screening.

The provision of sports and recreational facilities is promoted in PPG17, together with adopted Uttlesford Local Plan Policy LC4. The recreational facilities have already been approved and have been subject to a condition limiting the hours of use to between 8am and 10pm, seven days a week. However, this level of activity will only be possible during the summer months, and not at all during the rest of the year. After school activity, the time the facility is most likely to be used due to the age group which most commonly use such facilities, would not be possible in the winter months. The proposed floodlighting would increase the hours which would enable the facility to be used, within the hours permitted by the previous consent.

The proposed floodlighting would serve a purpose for a limited section of the community, in a similar way to the floodlighting around the tennis courts at the Lord Butler Leisure Centre. The lighting around the tennis courts has a closer relationship with the residential properties within the vicinity, although this is read in conjunction with the ancillary lighting around the building, street lighting and lighting serving the car parks. The floodlighting applied for here would not have the same relationship, although it will be seen in conjunction with the existing buildings and the car park lighting adjacent to Turpins when approached from the south. This would limit the potential impact on the character of the rural area. Additionally, it is understood that further street lighting will be introduced shortly from the residential development to the south and towards the Lord Butler Leisure Centre. This will also have an impact on the character of the rural area and would further reduce the potential impact of this additional lighting. The impact on the residents of Tukes Way would be limited to the few properties which directly overlook the proposed skatepark, although these would be approximately 100m from the lighting. The proposed lighting would be directed into the skatepark and glare should be minimised and the light spill should be minimal. It should be noted that the floodlighting at the Leisure Centre, which is older style and less efficient lighting, has minimal spread. The main issue with this lighting is the glare. The design of this proposed lighting should reduce the potential glare and, at a distance of 100m it is considered that the properties located in Tukes Way should not be affected to such a degree as to have an adverse impact on their residential amenity.

The issue of floodlighting is obviously a sensitive one and this is considered to be a finely balanced case. Due to the close relationship of the site with the highway, it is not considered that the impact of the proposals could be considered to be overly detrimental to the character of the area. Additionally, the impact on the residential amenity of the properties in Tukes Way should be limited, particularly as it is not proposed for the lights to be on permanently, only whilst the facility is being used. Members are therefore advised, that it is recommended that approval be given to these proposals.

**CONCLUSIONS:** The proposals represent a finely balanced case, but overall it is not considered that the potential impact on the amenity of residential properties or the character of the area is sufficient to warrant a refusal, and the proposal would enable greater use of the facility.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. The floodlighting hereby permitted shall be fitted with movement sensors to ensure that the floodlighting is only operational whilst the skateboard park facility is within use. In addition, the sensors should be fitted to a timing device which ensures that all floodlighting does not operate outside the hours of 8am to 10pm. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to work commencing on site. Subsequently the floodlighting shall be installed and thereafter maintained in accordance with the approved details.  
REASON: In order to minimise the impact of the lighting on the character of the rural area and the amenity of neighbouring residential properties.

*Background papers: see application file.*

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**UTT/2048/06/LB - SAFFRON WALDEN**  
***(District Council Proposal)***

Retrospective application for the construction of a fire escape lobby.  
Location: Saffron Walden Museum Museum Street. GR/TL 538-387.  
Applicant: Uttlesford District Council  
Agent: Mr Martin Stocks  
Case Officer: Madeleine Jones 01799 510606  
Expiry Date: 08/02/2007  
ODPM Classification: OTHER

**NOTATION:** ULP: within Development Limits. Conservation Area. Grade II Listed Building.

**DESCRIPTION OF SITE:** The property is a large detached red brick building, standing in the grounds of Walden Castle and is the second oldest purpose-built public museum in the country.

**DESCRIPTION OF PROPOSAL:** The application is for retrospective Listed Building consent for the construction of an internal fire escape lobby.

**APPLICANT'S CASE:** (Summary of Design and Access Statement) Uttlesford District Councils Building Control section reassessed the building in 2005 and this reassessment included recommendations and directives to comply with DDA and for "Means of Escape" in the case of fire. A solution to this was to provide a lobby that would enclose the entrance to the upper store room which already had a fire door in place and the existing fire exit from the mezzanine floor to the outside.

**RELEVANT HISTORY:** Fire escapes approved 1986.

**CONSULTATIONS:** Specialist Design Advice: The implemented work is not at all damaging to the character and appearance of the Listed Building.

**TOWN COUNCIL COMMENTS:** No objection.

**REPRESENTATIONS:** This application has been advertised and no representations have been received. Period expired 11 January 2006.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) **The effect on the historic character, appearance and fabric of the Listed Building and its setting within a Conservation Area (ULP Policies ENV2, ENV1).**

**CONCLUSIONS:** The building works have not had a detrimental effect on the character and appearance of the Listed Building and therefore are recommended for approval without conditions attached.

**RECOMMENDATION: LISTED BUILDING CONSENT - UNCONDITIONAL**

*Background papers: see application file.*

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## **UTT/2092/06/OP - SAFFRON WALDEN**

*(Referred by Cllr Freeman)*

Outline application (with all matters reserved except access) for dwelling and garage.

Erection of new boundary fences

Location: Site adjacent to 29 De Vigier Avenue. GR/TL 549-389

Applicant: V Wilkins

Agent: Mr B Christian

Case Officer: Consultant North 2 telephone 01799 510469/510478

Expiry Date: 16/02/2007

ODPM Classification: MINOR

**NOTATION:** Within settlement limits.

**DESCRIPTION OF SITE:** The application site comprises part of the rear garden of a semi-detached dwelling located at the head of a cul-de-sac of similar two-storey properties. As a result of its corner position, the dwelling has a large curtilage to the rear and to the side. Other dwellings adjoin all sides of the property. One of the main physical characteristics of the site is that the locality rises upward in a northerly direction so that the dwelling is elevated from the street.

**DESCRIPTION OF PROPOSAL:** The application seeks outline planning permission to erect a detached bungalow in the rear garden of this dwelling. The only matter for consideration at this stage is access, with layout, scale, landscaping and appearance all reserved for subsequent approval. Nonetheless, an indicative plan has been submitted to show the position of a dwelling, car parking area, including a garage, and private amenity space, and the layout for parking and garden for the existing dwelling. This would be accessed from a shared access, also leading to the car parking/cycle store for the original dwelling.

**APPLICANT'S CASE including Design & Access statement:** Statement included with application and available to view via the Council's website. In summary: The site is 'brownfield' garden land. The design objective is to create a development scheme which is sympathetic to the character of the local estate area and street scene by including vernacular design form and traditional building materials which reflect the shape, style, detailing and materials of traditional buildings in the wider locality. Site access is predetermined by the current location, and visibility is clear and safe. Ample amenity space is available for the proposed and existing dwellings. Construction will be sustainable, with renewable softwood timber, and high levels of insulation. Consideration will be given to grey water and rainwater recycling. Low-energy lighting will predominate. There will be no negative impact upon wildlife, and planting of more native trees and hedgerows will be beneficial.

**RELEVANT HISTORY:** None at application site, but at number 35 (on the opposite side of the head of this cul-de-sac):

0258/01/OP - outline planning application for detached single storey dwelling – approved.

0783/02/DFO - detailed consent pursuant to above permission -- approved.

**CONSULTATIONS:** ECC Highways: For local determination.

Water Authority: To be reported.

Environment Agency: To be reported.

SERCO: Pipelines not located within vicinity of site.

Three Valleys Water: To be reported.

Environmental Services: No comment

H and B Services: Access for fire services considered satisfactory, will need to comply with lifetime homes standard.

**PARISH COUNCIL COMMENTS:** Object: concerned if this site developed, flooding to areas at lower level would be exacerbated. In addition, considered that condition be imposed to ensure that all construction traffic only parks on-site and does not block the highway.

**REPRESENTATIONS:** Two. Period for representations expired 18 January 2007.

27 De Vigier Avenue: Object to increased use of access way, loss of garage and parking spaces; would cause problems for others using road; difficult access for building contractor and would cause disruption, similar to that which occurred when number 35 was developed. Squeezing in bungalows would upset the balance of the street scene given existing buildings; overdevelopment elsewhere nearby has resulted in flooding; urge members of Development Control committee to visit the site and note changes in ground level.

25 De Vigier Avenue: Object as overdevelopment of the road as a whole has led to flooding and this would make things worse, particularly following development of fields. Significant problems caused by building work in connection with new dwelling nearby, including heavy goods vehicles, mud on road and parking of contractors and builders cars, including at the weekend; plans are not accurate as site is not level and would request to visit by Development Control committee; access for building contractor would be difficult or impossible and cause considerable disruption.

**COMMENTS ON REPRESENTATIONS:** See report below

**PLANNING CONSIDERATIONS: including Design & Access statement:**

The main issues are

- 1) principle of new dwelling (ERSP Policies: CS1, BE1, H1, H2, H3, H4, and ULP Policies: S1, H1, H3);
- 2) layout, scale, landscaping and appearance, including impact on neighbours amenity (ERSP Policies CS2, BE1, ULP Policies: GEN2 and GEN4) and
- 3) flood risk (ERSP Policy NR12, ULP Policies GEN3).

1) As this site is within defined settlement limits, there is no objection to the principle of new housing. Government guidance (PPS3) is that local planning authorities should ensure the more efficient use of urban land by encouraging higher densities. The development of this site, which is within the defined settlement limit, and with access to essential local facilities, would make a contribution to securing more efficient use of land.

Nonetheless, it is essential that any new development pays close attention to ensuring that it is satisfactory with regard to matters of detail, including layout, size and design, with reference to adjoining built form. It is also essential to consider the impact on the amenities of adjoining occupiers and access to the site. Although this is an outline application, it is nonetheless important to consider whether or not the site is capable of accommodating a single dwelling having had regard to the size of the site and other site circumstances, including the impact upon neighbouring land.

The one matter for consideration at this stage is means of access. It is considered that although the layout would lead to a doubling in the amount of vehicular traffic on this half of the access way, this would not cause significant impact on highway safety or upon the amenity of adjoining occupiers. In particular, both the existing and new dwelling would be provided with some opportunity to enable vehicles to enter and leave the site in a forward gear, unlike the present arrangements where cars must reverse either onto or off the highway.

2) All other matters are reserved for subsequent approval. However, an indicative plan to show the position of a dwelling and proposed garage accompanies the planning application. It is considered that subject to consideration of detailed matters, there is scope to accommodate a detached dwelling on this site having had regard to the need to provide car parking and a usable amenity area for the proposed and existing dwelling. If conditioned to be a single-storey dwelling it would not cause overlooking to adjacent properties subject to the implementation and retention of appropriate screening. Furthermore, no significant shadowing would arise given the space about the proposed building in relation to adjacent properties.

It is significant that this dwelling would be in a position very similar to that recently erected at number 35 De Vigier Avenue. Although that dwelling has clearly resulted in additional built form in this locality, it is considered that it has not lead to an unduly cramped appearance. It therefore gives a reasonable indication that, although there would clearly be some impact upon the street scene, its character would be broadly preserved and therefore no significant harm arises in this regard.

A planning condition to require prior approval of slab levels is proposed having had regard to the sloping nature of the site, and to ensure the impact upon neighbours is minimised.

With regard to the impact of construction traffic, disturbance during building works is a matter normally controlled by Environmental Health legislation. Furthermore, it would not be possible to apply a planning condition restricting parking or movement of vehicles on the public highway. If obstruction is caused by vehicles in connection with the construction work, that would be a police matter.

3) With regard to potential for flooding, the comments of the neighbouring occupiers and Parish Council are carefully noted. However, this would be a matter to be dealt with under the Building Regulations.

**CONCLUSION:** It is considered that there is scope to accommodate one single-storey dwelling on this site and therefore it is recommended that outline planning permission should be granted.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.1.1. Submission of Reserved Matters: 1.
2. C.1.2. Submission of Reserved Matters 2.
3. C.1.3. Time Limit for submission of Reserved Matters.
4. C.1.4. Time Limit for commencement of Development.
5. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house
6. C.6.6. Single-storey dwelling.
7. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented – extension.
8. C.8.27. Drainage Details to be submitted agreed and implemented.
9. C.8.29. Details of sustainable construction required.
10. C.28.2. Accessibility – Further Submission.
11. C.10.10. Details of parking and surface materials.
12. C.10.17. No occupation until spaces laid out for the proposed and existing dwellings.
13. C.12.1. Boundary scheme details required.
14. Provision of bin storage for proposed and existing dwelling – details required.

*Background papers: see application file.*

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