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1) UTT/0308/07/OP & 2) UTT/0310/07/OP - TAKELEY

(Joint report)

1) & 2) Outline application for construction of a hotel with associated parking, landscaping, servicing and ancillary works and operations

Location 1): Southgate Hotel West Site (Plots 5, 6, and 7 South Gate Site) Thremhall Avenue London Stansted Airport. GR/TL 546-220

Location 2): Southgate Hotel East Site (Plot 3 South Gate Site) Thremhall Avenue London Stansted Airport. GR/TL 549-221

Applicant: Airport Property Partnership

Agent: RPS Planning

Case Officer: Mr J Pine 01799 510460

Expiry Date: 13 weeks: 24 May 2007.

Classification: MAJOR

NOTATION: Within Southern Ancillary Area in ULP (Policy AIR3 relates).

DESCRIPTION OF SITE: The South Gate site is located to the south of Bassingbourn roundabout, immediately southwest of the mid stay car park. Thremhall roundabout lies to the northwest, with the new A120 to the south. To the east, feeding off the Bassingbourn roundabout is a local distributor roundabout which serves the mid stay car park and the South Gate site, as well as providing a link into the airport road system from the A120 for motorists coming from and going to the east. The link also serves the balancing pond.

The South Gate site is roughly triangular in shape, measuring approximately 470m along the A120 boundary and 200m in depth from the same boundary towards Bassingbourn roundabout. The total site area is 5.6 hectares (13.85 acres). The site rises gently from south to north and is at a lower level than Thremhall Avenue, from which it is separated by a planted embankment established in 1990. The new A120 is at the same level as the southern part of the site, but separated from it by recent copse planting undertaken as part of the A120 road improvements. On the southern side of the A120 there is a planted bund giving some screening towards Takeley. Following reserved matters approvals granted in 2003, the main site access road has been constructed, as have the Express by Holiday Inn and BP petrol filling stations on the central part of the South Gate site.

DESCRIPTION OF PROPOSALS:

1) UTT/0308/07/OP – mid market hotel (South Gate West)

This is an outline application for planning permission, submitted to establish the principle of the development. Means of access only is not reserved for subsequent approval. Illustrative layout plans and site sections have been submitted.

A mid market hotel of approximately 250 bedrooms would be erected on South Gate West, which is a rectangular shaped parcel of land of 2.25 hectares (5.6 acres) in area located immediately to the west of the Express by Holiday Inn and the petrol filling station.

The illustrative ground floor plan shows that the new hotel would have separate café, bar and restaurant areas with 2 conference rooms and external veranda areas. The new hotel would be served by a continuation of the existing site access, giving internal circulation to car parking and a service yard. Parking for cars, motorcycles and bicycles would be provided to the Council's standards, including spaces for people with disabilities. Parking would be controlled for hotel users only, and there would be appropriate provision of courtesy bus links.

The illustrative site layout plan shows an "L" shaped building with its main axis running west – east across the centre of the site. The illustrative plans show a new hotel of 4 storeys, with part of the

land to the south allocated for a Phase II extension in courtyard style providing a further 184 bedrooms at a later date. The Phase II extension does not form part of this outline application. The main elevation of the hotel would be north facing, i.e. towards Thremhall Avenue. Details of elevations have not been provided at this stage, as these would require discussion with the chosen tenant in due course prior to the submission of any reserved matters. The illustrative site sections show that the building would be lower than the Express by Holiday Inn (which is approximately 14m including roof enclosures). The illustrative site layout plan shows that the hotel would require removal of part of an ancient hedgerow which runs from north – south across the site. Specimens from the hedgerow would be translocated to other locations along the northern and southern boundaries of the site. The Landscaping Supporting Statement and illustrative plans show that planting would be undertaken along the southern boundary, primarily to enhance the existing screening from the south. All planting would, of course, need to comply with aerodrome safeguarding requirements.

2) UTT/0310/07/OP – budget hotel (South Gate East)

This is an outline application for planning permission, submitted to establish the principle of the development. Means of access only is not reserved for subsequent approval. Illustrative layout plans and site sections have been submitted.

A budget hotel of approximately 100 bedrooms would be erected on South Gate East, which is an irregular shaped parcel of land of 0.5 hectares (1.25 acres) in area located immediately to the east of the Express by Holiday Inn and to the north of the main site access road. To the south of the main site access road and east of the petrol filling station is a further vacant plot which (subject to planning permission) BAA has earmarked for a restaurant.

The illustrative ground floor plan shows that the new hotel would have a café area, but there would be no formal restaurant or conference facilities. The new hotel would use the existing access which serves the Express by Holiday Inn, giving internal circulation to car parking and a service yard. Parking for cars, motorcycles and bicycles would be provided to the Council's standards, including spaces for people with disabilities. Parking would be controlled for hotel users only, and there would be appropriate provision of courtesy bus links.

The illustrative site layout plan shows a “V” shaped building located on the northeastern part of the site and running parallel to recent copse planting undertaken along the link road. The illustrative plans show a new hotel of 4 storeys, with part of the land on the northwestern elevation allocated for a Phase II extension in linear style providing a further 58 bedrooms at a later date. The Phase II extension does not form part of this outline application. The main elevation of the hotel would be southwest facing, i.e. towards the main part of the site. Details of elevations have not been provided at this stage, as these would require discussion with the chosen tenant in due course prior to the submission of any reserved matters. The illustrative site sections show that the building would be no higher than the Express by Holiday Inn, and could indeed be lower subject to no conflict with services.

APPLICANT'S CASE including Design and Access Statement:

A number of documents have been submitted in support of both applications. These are:

Planning Statement

Ecology and Nature Conservation Assessment

Landscape Supporting Statement

Traffic and Travel Plan Statement (and further information to the Highways Agency)

Design, Accessibility and Sustainability Statement

Archaeology Statement

Design, Accessibility and Sustainability Statement, Water Services

Need Case for the Provision of Hotel Bedrooms at Stansted Airport

RELEVANT HISTORY: Outline planning permission granted subject to conditions in 1985 by the Secretaries of State for the Environment and for Transport for the expansion of Stansted Airport to about 15 million passengers per annum (mppa). The permission included a new passenger terminal, cargo handling and general aviation facilities, hotel accommodation, taxiways (including the widening of a proposed taxiway to be used as an emergency runway), associated facilities (including infrastructure for aircraft maintenance and other tenants' developments) and related road access. A condition of the outline permission required that the reserved matters be submitted within 20 years (i.e. by 5/6/05).

Further conditions of the outline planning permission required, *inter alia*, that the location of hotels within the site be agreed via general layout plans for 8 & about 15mppa phases (approved 9/4/86) and that the height of any hotels within the terminal area not exceed 3 storeys in height except with the written agreement of the local planning authority.

Reserved matters submissions relating to Phase 1 airport expansion to 8mppa were made and approved during the late 1980's and early 1990's. Phase 2 expansion from 8 to about 15mppa was approved in 1999. The reserved matters for the access road, petrol filling station and hotel (Express by Holiday Inn) on the South Gate site were approved in 2003. Reserved matters applications for development of the remainder of the South Gate site could also have been made by 5/6/05, but that deadline has now lapsed. The Express by Holiday Inn was opened in 2005 with 183 bedrooms. It is currently being extended to a total of 256 bedrooms, due to be completed by June 2007.

Outline planning permission for airport expansion from about 15mppa to 25mppa was granted in May 2003 subject to conditions and a Section 106 Agreement. In the Environmental Statement that accompanied that application, the development of the South Gate site (including any proposed restaurant on land to the east of the petrol filling station) was taken as being part of the cumulative impact at about 15mppa against which further expansion to 25mppa was assessed.

In 2006, planning permission was refused for the removal of one condition and the variation of another to allow the expansion of Stansted Airport (Generation 1) to about 35mppa (BAA's estimation) in 2014. The public inquiry into this refusal of planning permission starts on 30/5/07. In the Environmental Statement that accompanied that application, hotels on South Gate West and East were assumed to be brought forward to support 35mppa in 2014, with construction taking place in 2008-10 and 2011-13 respectively. However, these outline applications have been submitted because of a current perceived need for extra hotel bedroom accommodation on the airport.

Members visited both sites on 4 April 2007, when they also considered an advanced issues report.

CONSULTATIONS:

UTT/0308/07/OP (South Gate West)

Highways Agency: Directs that the planning authority shall not grant permission for this application (direction valid until 11/10/07). There is insufficient information presently available to the Secretary of State to determine whether the proposed development would generate traffic on the trunk road to an extent that would be incompatible with the use of the trunk road as part of the national system of routes for through traffic in accordance with Section 102 of the Highways Act 1980, and with safety of traffic on the trunk road.

The Agency's covering letter states: "The information supplied in the form of a Transport Statement briefly discusses the traffic generation. However, it makes assumptions that Stansted G1 has been granted planning permission. Subsequently, the TS indicates that the junctions close to the application site have spare capacity then there is no need for any further analysis. However, it fails to recognise the possibility that Stansted G1 might not go ahead through the planning stage and could be rejected".

ECC Transportation and Highways: Remain concerned about prematurity to the outcome of Generation 1, but given the nature of the road network in this area and providing the Highways Agency have been satisfied, no objections are raised subject to conditions.

ECC Archaeological Advice: Archaeological evaluation one excavation of the existing hotel and petrol filling station sites revealed significant evidence of Neolithic activity as well as continued land division and other associated activity dating from the Iron Age to the Saxo Norman period. Recommend trial trenching followed by open area excavation.

Police Architectural Liaison Officer: No objections, but requests that the hotels be required to achieve "Secured By Design" and "Safer Parking Award – Park Mark" standards as per the Express By Holiday Inn.

Environment Agency: Object unless conditions are imposed requiring:

- Submission and agreement of a scheme for the provision and implementation of pollution control
- Submission and agreement of a scheme for the provision and implementation of foul drainage disposal

Also request the imposition of conditions requiring the submission and agreement of schemes for the provision and implementation of schemes of i) water, and ii) energy and resource efficiency.

Thames Water: No objections with regard to sewerage infrastructure.

Natural England: No objections based on the evidence provided, so long as the mitigation outlined in the report is incorporated either into a planning condition or agreement. Note that a badger sett in the southern part of the site appears to have been disused since 2003, but there is evidence of badger activity within the site. Recommend that a watching brief be maintained and that a further assessment of the status of the sett is undertaken prior to any development taking place.

Essex Wildlife Trust: No objections based on the ecological information available. Whilst it is acknowledged that there will be an adverse impact on an ancient species-rich hedgerow and loss of some species-rich grassland (of recent origin), are satisfied that the mitigation and compensatory measures will offset any harm to features of nature conservation importance. (See letter dated 22 March 2007, attached at the end of this report).

BAA Safeguarding: Could conflict with aerodrome safeguarding criteria unless conditions relating to the following are imposed:

- Submission of landscaping scheme compliant with CAA advice
- Submission of a bird hazard management plan
- Height limitation on buildings and structures
- Height limitation on trees and shrubs.

Advice also given on use of cranes and the design of lighting. Requests consultation at the reserved matters stage.

UDC Building Surveying: Need to comply with Part M of the Building Regulations re access for people with disabilities. As this is an application for outline planning permission, detailed sustainability requirements should not be set, but an overall target should. Suggest BREEAM "excellent" or "very good" as a minimum.

UDC Environmental Health: No concerns.

UTT/0310/07/OP (South Gate East)

Highways Agency: Directs that the planning authority shall not grant permission for this application (Direction valid until 11/10/07). There is insufficient information presently available to the Secretary of State to determine whether the proposed development would generate traffic on the trunk road to an extent that would be incompatible with the use of the trunk road as part of the national system of routes for through traffic in accordance with Section 102 of the Highways Act 1980, and with safety of traffic on the trunk road.

The Agency's covering letter states: "The information supplied in the form of a Transport Statement briefly discusses the traffic generation. However, it makes assumptions that Stansted G1 has been granted planning permission. Subsequently, the TS indicates that the junctions close to the application site have spare capacity then there is no need for any further analysis."

However, it fails to recognise the possibility that Stansted G1 might not go ahead through the planning stage and could be rejected”.

ECC Transportation and Highways: Remain concerned about prematurity to the outcome of Generation 1, but given the nature of the road network in this area and providing the Highways Agency have been satisfied, no objections are raised subject to conditions.

ECC Archaeological Advice: Full excavation programme previously undertaken. No recommendations are made.

Police Architectural Liaison Officer: No objections, but requests that the hotels be required to achieve “Secured By Design” and “Safer Parking Award – Park Mark” standards as per the Express By Holiday Inn.

Environment Agency: Object unless conditions are imposed requiring:

- Submission and agreement of a scheme for the provision and implementation of pollution control
- Submission and agreement of a scheme for the provision and implementation of foul drainage disposal

Also request the imposition of conditions requiring the submission and agreement of schemes for the provision and implementation of schemes of i) water, and ii) energy and resource efficiency.

Natural England: No objections in respect of legally protected species, as are not aware that they are likely to be adversely affected by the proposal. A further survey before determining the application should be requested if representations from other parties indicate the possible presence of a protected or BAP species.

Essex Wildlife Trust: No objections. The site is of little ecological value, being largely disturbed and recently re-seeded land. There are no boundary hedgerows and no significant internal features.

BAA Safeguarding: Could conflict with aerodrome safeguarding criteria unless conditions relating to the following are imposed:

- Submission of landscaping scheme compliant with CAA advice
- Submission of a bird hazard management plan
- Height limitation on buildings and structures
- Height limitation on trees and shrubs.

Advice also given on use of cranes and the design of lighting. Requests consultation at the reserved matters stage.

UDC Building Surveying: Need to comply with Part M of the Building Regulations re access for people with disabilities. As this is an application for outline planning permission, detailed sustainability requirements should not be set, but an overall target should. Suggest BREEAM “excellent” or “very good” as a minimum.

UDC Environmental Health: No concerns.

PARISH COUNCILS’ COMMENTS:

Takeley:

UTT/0308/07/OP (South Gate West)

Object:

- The proposed damage to the ancient hedgerow running north – south through the site is not acceptable
- The proposed landscaping and planting is insufficient and must provide a mature and dense screen along the entire southern and eastern boundary to protect views from Takeley and across the open countryside. Immediate impact is required using semi mature trees (min height 20ft) and mature deciduous and evergreen shrubs and bushes. The planting must also extend to screen the existing petrol filling station along the southern border.
- Additional light pollution from car park lighting, advertising signs (yet to be specified) and general ambient lighting associated with the hotel.

UTT/0308/07/OP (South Gate East)

Object:

- The proposed landscaping and planting is insufficient and must provide a mature and dense screen along the entire southern and eastern boundary to protect views from Takeley and across the open countryside. Immediate impact is required using semi mature trees (min height 20ft) and mature deciduous and evergreen shrubs and bushes. The planting must also extend to screen the existing petrol filling station along the southern border.
- Additional light pollution from car park lighting, advertising signs (yet to be specified) and general ambient lighting associated with the hotel.

Stansted:

UTT/0308/07/OP (South Gate West) and UTT/0310/07/OP (South Gate East)

No comment.

REPRESENTATIONS: These applications have been advertised, and 1 letter has been received on behalf of Saffron Walden Friends of the Earth objecting to both applications. Advertisement expired 20/3/07.

Within easy reach of the airport, there are hotels only 60-70% full. No account taken of accommodation in either Dunmow or Bishop's Stortford.

Report states that the hotels will need 103m³ of water each day and will contribute a considerable amount of foul water into the Bishop's Stortford sewage works which, according to the Environment Agency, is already struggling to maintain a satisfactory discharge into the River Stort. Are figures for water and traffic included in the Generation 1 ES?

Application premature – impact on water supplies and foul water discharge is unclear.

BAA should actively encourage passengers to use local hotels if it wants to encourage economic development.

Doubtful about the desirability of allowing so much residential and conference accommodation within the airport itself. Air quality monitoring has not been carried out in the hotel areas, and the A120 is adjacent. Hotel management have a duty to staff to ensure Health and Safety regulations are not breached and BAA have a duty to ensure that the public is not exposed to air pollutants above limit values.

PLANNING CONSIDERATIONS: The main issues are whether:

- 1) **The use of South Gate West and East for hotels would be acceptable in principle (ERSP Policies BIW7 and BIW9 and ULP Policies S4, AIR3 and LC5).**
- 2) **Sufficient information has been submitted with the outline applications to indicate that:**
 - i) the hotels would be compatible with surrounding buildings (ERSP Policy LRT10 and ULP Policies S4, GEN2, ENV13 and LC5)***
 - ii) important environmental features would be safeguarded, including ecology, nature conservation and archaeology (ERSP Policies NR6, HC5 and HC6 and ULP Policies GEN2, GEN7, ENV4 and ENV7)***
 - iii) visual impact would be reduced, including the effect of lighting and landscaping (ERSP Policy NR1 and ULP Policies GEN2 and GEN5)***
 - iv) the needs of people with disabilities has been taken into account (ULP Policy GEN1)***
 - v) the potential for crime has been reduced (ULP Policy GEN2)***
 - vi) water and energy consumption would be minimised (ERSP Policy EG4 and ULP Policy GEN2)***

vii) waste production would be reduced and recycling and reuse encouraged (ULP Policy GEN2)

viii) adopted Supplementary Planning Guidance on design has been taken into account

- 3) Access and parking would be convenient and safe (ERSP Policies BIW9, T3, T6 and T12 and ULP Policies GEN1 and GEN8)**
- 4) Drainage would be satisfactory and flood risk would not increase (ULP Policy GEN3)**
- 5) There are any airport safeguarding issues that require mitigation or which necessitate refusal of outline planning permission**
- 6) Need is proven (ERSP Policies BIW7 and 9 and ULP Policies S4 and AIR3)**
- 7) There are any overriding issues of prematurity relating to the refusal of Generation 1 that necessitate refusal of outline planning permission**

(In this section, comments in italics relate to queries that Members raised after their site visit at the advanced issues report stage).

- 1) The hotels would be located within the Southern Ancillary Area, which under ULP Policy AIR3 is principally reserved for activities directly related to, or associated with the airport. Hotels would so qualify. There is an established precedent for hotel development on the South Gate site following the granting of outline planning permission in 1985 and reserved matters in 2003.
- 2) Although these applications are in outline only, Officers consider that there is sufficient information to enable them to be determined. In particular:
 - i) In both applications, layout and appearance of the hotels (including elevations) are reserved matters for subsequent approval, although indicative layouts have been provided. In relation to South Gate West, the height of the new hotel would be in keeping with the Express by Holiday Inn, and would be read against the backdrop of structural landscaping along Thremhall Avenue. In relation to South Gate East, the hotel would be erected on land that is at a lower level than that the Express by Holiday Inn, and would be orientated to reduce its impact from the south.

Members expressed concern about the impact that Phase II of South Gate West would have from the south, especially if it were to be 4 storeys in height. Officers share this concern, but Phase II is not the subject of this current outline application. Granting outline planning permission for Phase I would not oblige Members to grant Phase II if they felt the details were unsatisfactory by way of height or any other issue. Members also noted that when outline planning permission was granted for 15mppa in 1985, a condition was imposed limiting the height of hotels outside the terminal area to 3 storeys without the written agreement of the local planning authority. The Express by Holiday Inn is 4 storeys. In any case, the wording of the outline condition is somewhat ambivalent as no reference is made to the height of each storey.

Members expressed concern about the proximity of the new hotels to the petrol filling station and the main airport road system. Concerns related to both safety and air quality, reflecting comments made by Saffron Walden Friends of the Earth. The applicant's agent has contacted the Health and Safety Executive, which has subsequently raised no concerns on safety grounds, (air quality is not within the HSE's remit). The petrol filling station on the South Gate site is a modern one, complying with standards relating to bunding of fuel tanks and vapour capture technology. Many existing petrol filling stations are located in residential areas.

ULP Policy ENV13 states that development that would involve users being exposed on a long-term basis to poor air quality outdoors near ground level will not be permitted. Hotel guests would be transitory in nature, and would not experience long-term exposure. Staff

would inevitably experience more exposure, but the applicant's agent has confirmed that it would be standard operating practice for the hotels to be provided with sealed windows and air conditioning to limit exposure to noise and poor air quality. This would not, of course, mitigate against air quality outdoors, but it is not considered that staff would spend long periods outdoors during working hours. One of the obligations of the 2003 S106 Agreement for expansion to 25mppa requires BAA to monitor air quality in the vicinity of the airport.

ii) South Gate East consists of land described by the Essex Wildlife Trust as being largely disturbed and reseeded. It possesses little ecological value and has previously been subject to archaeological evaluation. In relation to South Gate West there are 3 main issues, namely the breaking through in part of the species-rich hedgerow, loss of species-rich grassland (albeit of modern origin) and the status of the badger sett. All 3 issues are covered in the Essex Wildlife Trust's letter of 22/3/07, raising no objections. Key mitigation would involve translocation of suitable rootstock from the existing hedgerow to create new hedgerow extensions at the northern and southern ends, re-creation of grassland elsewhere and the maintenance of a watching brief and further badger survey before development starts. This mitigation can be secured by conditions. Trial trenching can also be secured by condition to establish the extent of archaeological deposits.

Members queried the pile of cut vegetation that was on the South Gate West site at the time of their site visit. Officers have been informed that the pile consisted of dead wood resulting from the maintenance of the hedgerow last September to stop spreading, and the trimming of the northern boundary hedging last autumn.

iii) Visual impact of the hotels would be reduced as per point i) above, particularly in relation to views from Takeley. The Landscape Supporting Statement indicates that there would be some new planting along the southern boundary of South Gate West where it abuts the A120 and along the southern boundary of South Gate East where it abuts the internal access road.

Members expressed concern about the adequacy of landscaping and the effect of lighting, as have Takeley Parish Council. Detailed landscaping is a reserved matter for subsequent approval. It is the case, however, that the bunding on the south side of the new A120 and the recent copse planting on the bank on the northern side of the road would be the main constituent of the screening of the South Gate site. There are no details of lighting at this stage. It is standard practice for lighting to be controlled by condition to minimise vertical and horizontal spillage in the interests of both visual amenity and aircraft safety.

iv) The Design, Accessibility and Sustainability Statements confirm that the buildings and wider sites would be designed to Building Regulations Part M. Lifts suitable for wheelchair use would be provided, and there would be 5% provision of bedrooms and car parking spaces for people with disabilities.

v) The applicant's agent has confirmed that, as with the Express by Holiday Inn, the operators would seek "Secured by Design" and "Safer Parking Award – Park Mark" accreditations.

vi)and vii) Whilst these are outline applications, the Design, Accessibility and Sustainability Statements set out the specific measures for consideration and further development prior to the submission of the reserved matters. These include grey water collection and recycling, and thermal insulation to minimise emissions due to the need for heating and cooling. The principles of ERSP Policy EG4 and ULP Policy GEN2 are reflected in STAL's Sustainable Energy Management and Waste Management Strategies,

which were agreed with the Council in 2004 under two of the S106 Agreement obligations.

viii) The Council has adopted the Essex Design Guide for Residential and Mixed Use Areas as supplementary planning guidance. Whilst not exclusively relevant, there are some important principles in the Guide which can be taken into account in the preparation of reserved matters submissions, such as access for people with disabilities.

3) At the time of writing this report, both applications are the subject of holding directions from the Highways Agency for the reasons set out in the Consultations section. Since the directions were issued, discussions have taken place between the Highways Agency and the applicant's highway consultants. As a result of clarification that has been given to the Highways Agency, Officers understand that the holding directions are to be withdrawn. An update will be given at the meeting, as this will affect how Members can determine the applications. *Members queried the capacity of the local distributor roundabout to deal with the extra traffic generated by the new hotels. This is a matter that will be covered by the Highway's Agency's formal response.*

In relation to car parking, both sites would have sufficient spaces to meet the Council's standards. *Members queried whether the number of car parking spaces shown on the layout plans were sufficient for both Phases I and II, should planning permission subsequently be granted for Phase II. The applicant's agent has confirmed that the number of spaces would be sufficient, and on-site provision would be phased accordingly.* On-site provision would be made for motorcycles and bicycles.

On-site parking for hotel guests would be limited to when they are staying at the hotels. If guests are going on holiday from the airport, they would be required to move their cars into one of the on-airport car parks prior to departure.

The hotel operators will be required either to sign up to the airport's existing site wide travel plan, or to produce one of their own. Courtesy buses would run from the hotels to the terminal building.

4) Subject to the conditions requested by the Environment Agency, it is not considered that either hotel would result in increased flood risk.

5) Subject to the conditions requested by the Safeguarding Authority, there would be no outstanding safeguarding issues that merit disapproval of either set of reserved matters.

6) Consultants acting for the applicant have submitted a need case for the provision of additional hotel bedrooms at Stansted Airport. As part of the need case, a micro analysis has been carried out. This quantifies current airport hotel supply and conducts an analysis of potential future supply and using comments derived from interviews held with general managers of hotels in the vicinity. Secondly is a macro analysis, which looks at the number of passengers relative to the hotel bedroom supply for the airport and determines the appropriate number of bedrooms that should be provided at the airport. 12 European and UK airports have been examined for comparison purposes.

The conclusions are that, during very busy periods, travellers are forced off airport to find accommodation due to the limited on-airport supply. The need case states that the introduction of a number of hotels to the airport supply in recent years has merely served frustrated demand through a long period of no new room provision at the airport and is clearly demonstrated in the remarkable penetration of the market that these hotels have experienced". This market penetration is well illustrated by the Express by Holiday Inn, which experienced 90%+ occupancy levels in its first trading year. This high level of occupancy has resulted in the Phase II extension being built 18 months ahead of schedule.

The need case also states that the introduction of further on-airport bedrooms would reduce the

risk of severe undersupply that may take up to 2 years to correct as the rooms are being developed. Severe undersupply may have the effect of increasing room rates and negatively affecting the airport's ability to offer accommodation within the airport boundary forcing people to travel off the airport to seek accommodation. Correcting the shortage of rooms will have the effect of competitively maintaining hotel room rates, reducing the number of nights that hotels are fully booked at the airport, particularly during peak periods and offering a wider variety of choice.

Officers have looked at the need case using the Council's own in-house resources. It is an important principle established in ERSP Policy BIW7 and ULP Policy S4 that airport related development should be within the airport development boundary. It is therefore appropriate for additional hotels to be on airport, where they can benefit from courtesy bus links to the terminal rather than adding to journeys on the local road network. There is no doubt that additional on airport provision would have some knock-on effect on hotel, guesthouse and bed and breakfast accommodation beyond the airport, but it is not considered that this knock-on effect outweighs the advantages of on airport provision.

7) These are outline applications which have been submitted separately to Generation 1, based on BAA's assessment of a current need for additional hotel bedrooms. Accordingly, the applications must be determined on their own merits irrespective of the outcome of Generation 1. The principle of using land within the airport boundary for hotels has already been established.

COMMENTS ON REPRESENTATIONS: See italicised parts of the Planning Considerations section.

CONCLUSIONS: Subject to withdrawal of the holding directions imposed by the Highways Agency, it is considered that the erection of hotels on South Gate West and East would be an appropriate form of airport-related development within the airport development boundary.

RECOMMENDATIONS: (BOTH APPLICATIONS) APPROVAL WITH CONDITIONS, SUBJECT TO WITHDRAWAL OF HOLDING DIRECTIONS BY THE HIGHWAYS AGENCY

UTT/0308/07/OP (South Gate West)

1. C.1.1. Submission of reserved matters.
2. C.1.2. Submission of reserved matters.
3. C.1.3. Time limit for submission of reserved.
4. C.1.4. Time limit for commencement of development.
5. C.7.1. Details of external ground and internal floor levels to be submitted, agreed and implemented.
6. C.4.1. Scheme of landscaping to be submitted and agreed.
7. The planting plans to be submitted under Condition 5 shall comply with Advice Note 3 "Potential Bird Hazards from Amenity Landscaping & Building Design" available at www.caa.co.uk/srg/aerodrome No subsequent alterations to the approved planting plans shall be made unless they have previously been submitted to and approved in writing by the local planning authority.
Reason: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application.
8. C.4.2. Implementation of landscaping.
9. C.4.4. Retention/replacement of trees.
10. C.4.5. Retention of hedges.
11. Details of protective measures for the sections of hedges retained under the preceding condition shall be submitted to and approved in writing by the local planning authority. The measures as approved shall be implemented in full prior to the commencement of

- development and retained for the duration.
- Reason: To protect the existing hedgerow in the interests of visual amenity.
12. No development shall commence until details of a scheme for the replacement of the species-rich grassland that would be lost have been submitted to and approved in writing by the local planning authority. The submitted scheme shall include a timetable for the establishment of the replacement grassland. The scheme shall subsequently be implemented in accordance with the approved timetable.
- Reason: To retain the ecological richness of the airport.
13. Prior to the commencement of development, a further survey shall be undertaken to ascertain whether the badger sett on the site remains disused. If the sett is not disused, measures for the protection of badgers using the sett shall subsequently be submitted to and approved in writing by the local planning authority and implemented prior to the commencement of development.
- Reason: To protect badgers
14. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the local planning authority. The submitted plan shall include details of the management of any roofs on buildings within the site which may be attractive to nesting, roosting and loafing birds. The Bird Hazard Management Plan shall be implemented as approved on completion of the development. No subsequent alterations to the plan shall take place without the prior written approval of the local planning authority.
- Reason: To minimise attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport.
15. No building or structure hereby permitted shall exceed 143.56 AOD.
16. No existing individual trees, shrubs or stands of trees on the application site and no trees and shrubs planted on the application site as part of the approved landscaping scheme shall be permitted to grow above a height of 143.56 AOD
- Reason for 14 and 15: To avoid penetration of the Obstacle Limitation Surface surrounding Stansted Airport which could endanger aircraft movements and the safe operation of the aerodrome.
17. 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 planning authority. The development shall be constructed and completed in accordance with the approved scheme at such time(s) as may be specified in the approved scheme.
- Reason: To ensure a satisfactory method of pollution control.
18. Prior to the commencement of development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the local planning authority. The scheme shall be constructed and completed before any discharge is generated.
- Reason: To ensure a satisfactory method of water drainage.
19. Prior to the commencement of development a scheme for the provision and implementation of water resource efficiency based on the Design, Accessibility and Sustainability Statement shall be submitted to and agreed in writing with the local planning authority. The development shall be constructed and completed in accordance with the approved scheme at such time(s) as may be specified in the approved scheme.
20. Prior to the commencement of development a scheme for the provision and implementation of energy and resource efficiency based on the Design, Accessibility and Sustainability Statement shall be submitted to and agreed in writing with the local planning authority. The development shall be constructed and completed in accordance with the approved scheme at such time(s) as may be specified in the approved scheme.
- Reason for 19 and 20: To enhance the sustainability of the development through better efficiency.
21. No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the

applicant and approved by the local planning authority.

Reason: To retain the archaeological richness of the site.

22. Details of all external lighting shall be submitted to and approved in writing by the local planning authority prior to installation. The details as submitted shall minimise vertical light pollution and shall minimise visual impact by use of horizontal cut-off to avoid light spill. Subsequently, the approved lighting shall not be altered without the prior written approval of the local planning authority.

Reason: In the interests of visual amenity and aircraft safety.

23. The detailing and positioning of any signs facing the A120 shall be submitted to and approved in writing by the local planning authority prior to their erection. Subsequently, no alterations shall be made to those signs (except removal) without the further written consent of the local planning authority.

Reason: In the interests of highway safety.

24. No development shall commence until details of measures to achieve Secured by Design certification and the Safer Parking Award – Park Mark have been submitted to and approved in writing by the local planning authority. The measures shall be implemented prior to the opening of the hotel to guests.

Reason: To enhance public and staff safety.

25. C.28.1. Implementation of scheme.

26. C.10.23 Travel plan.

27. Before the hotel is first used by guests, the area(s) set aside for car parking shall be laid out and surfaced in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority. Subsequently, the parking area(s) shall be retained for use by staff, guests and authorised visitors and shall not be used for any other purpose. The parking area(s) shall include spaces for people with disabilities and for powered two wheelers in accordance with the Essex Planning Officers' Association document "Vehicle Parking Standards".

Reason: To prevent parking on the highway in the interests of highway safety.

28. C.11.9 Disabled parking provision.

29. Before the hotel is first used by guests, secure cycle parking for staff, along with changing / showering and locker facilities shall be provided in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority.

Subsequently, the approved parking and facilities shall be retained.

Reason: To provide a realistic alternative to car travel.

UTT/0310/07/OP (South Gate East)

1. C.1.1. Submission of reserved matters.

2. C.1.2. Submission of reserved matters.

3. C.1.3. Time limit for submission of reserved matters.

4. C.1.4. Time limit for commencement of development.

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

6. C.4.1. Scheme of landscaping to be submitted and agreed.

7. The planting plans to be submitted under Condition 5 shall comply with Advice Note 3 "Potential Bird Hazards from Amenity Landscaping & Building Design" available at www.caa.co.uk/srg/aerodrome No subsequent alterations to the approved planting plans shall be made unless they have previously been submitted to and approved in writing by the local planning authority.

Reason: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application.

8. C.4.2. Implementation of landscaping.

9. C.4.4. Retention/replacement of trees.

10. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the local planning authority. The submitted plan shall include details of the management of any roofs on buildings within the site which may be attractive to nesting, roosting and loafing birds. The Bird Hazard Management Plan shall be implemented as approved on completion of the development. No subsequent alterations to the plan shall take place without the prior written approval of the local planning authority.
Reason: To minimise attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport.
11. No building or structure hereby permitted shall exceed 143.56 AOD.
12. No existing individual trees, shrubs or stands of trees on the application site and no trees and shrubs planted on the application site as part of the approved landscaping scheme shall be permitted to grow above a height of 143.56 AOD
Reason for 14 and 15: To avoid penetration of the Obstacle Limitation Surface surrounding Stansted Airport which could endanger aircraft movements and the safe operation of the aerodrome.
13. 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 planning authority. The development shall be constructed and completed in accordance with the approved scheme at such time(s) as may be specified in the approved scheme.
Reason: To ensure a satisfactory method of pollution control.
14. Prior to the commencement of development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the local planning authority. The scheme shall be constructed and completed before any discharge is generated.
Reason: To ensure a satisfactory method of water drainage.
15. Prior to the commencement of development a scheme for the provision and implementation of water resource efficiency based on the Design, Accessibility and Sustainability Statement shall be submitted to and agreed in writing with the local planning authority. The development shall be constructed and completed in accordance with the approved scheme at such time(s) as may be specified in the approved scheme.
16. Prior to the commencement of development a scheme for the provision and implementation of energy and resource efficiency based on the Design, Accessibility and Sustainability Statement shall be submitted to and agreed in writing with the local planning authority. The development shall be constructed and completed in accordance with the approved scheme at such time(s) as may be specified in the approved scheme.
Reason for 19 and 20: To enhance the sustainability of the development through better efficiency.
17. Details of all external lighting shall be submitted to and approved in writing by the local planning authority prior to installation. The details as submitted shall minimise vertical light pollution and shall minimise visual impact by use of horizontal cut-off to avoid light spill. Subsequently, the approved lighting shall not be altered without the prior written approval of the local planning authority.
Reason: In the interests of visual amenity and aircraft safety.
18. No development shall commence until details of measures to achieve Secured by Design certification and the Safer Parking Award – Park Mark have been submitted to and approved in writing by the local planning authority. The measures shall be implemented prior to the opening of the hotel to guests.
Reason: To enhance public and staff safety.
19. C.28.1. Implementation of scheme.
20. C.10.23. Travel plan.
21. Before the hotel is first used by guests, the area(s) set aside for car parking shall be laid out and surfaced in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority. Subsequently, the parking area(s) shall be retained for use by staff, guests and authorised visitors and shall not be used for any

other purpose. The parking area(s) shall include spaces for people with disabilities and for powered two wheelers in accordance with the Essex Planning Officers' Association document "Vehicle Parking Standards".

Reason: To prevent parking on the highway in the interests of highway safety.

22. C.11.9. Disabled parking provision.

23. Before the hotel is first used by guests, secure cycle parking for staff, along with changing / showering and locker facilities shall be provided in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority. Subsequently, the approved parking and facilities shall be retained.

Reason: To provide a realistic alternative to car travel.

Background papers: see application file.

UTT/0658/07/DFO - DEBDEN

Reserved matters planning application for demolition of existing dwelling, erection of 2 No. detached and 2 No. semi-detached dwellings and three detached double cartlodges. Construction of a new vehicular and pedestrian access. (Outline permission allowed under Appeal reference APP/C1570/A/06/2016677)

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

Applicant: Cromwell New Homes Ltd

Agent: Roderick Lee Design Associates

Case Officer: Mr N Ford 01799 510464

Expiry Date: 11/06/2007

Classification: MINOR

NOTATION: Within Development Limits.

DESCRIPTION OF SITE: The site comprises a detached, double-fronted bungalow with flat-roofed, double garage to the rear served by a single vehicular access from Thaxted Road. The bungalow is sited adjacent to the eastern site boundary hedge that screens the neighbouring dwelling 'Kyalami' from the site. The rest of the site is garden, previously used for the growing of fruit and vegetables. A number of garden sheds stand adjacent to the eastern site boundary hedge. The northern site boundary is marked by a Leylandii hedge that screens the neighbouring dwelling 'Selkirk' from the site. Selkirk is a one-and-a-half storey, red brick, chalet dwelling that has a first floor bedroom window in the gable elevation facing the site. A mature, well-kept hedge marks the western site boundary with Thaxted Road. The surroundings are mainly comprised of residential dwellings. To the east of the site on the opposite side of the boundary hedge, lies agricultural land. The site slopes gently downward from north to south (side to side), and from east to west (rear to front).

DESCRIPTION OF PROPOSAL: This is a reserved matters application seeking to approve the detailed design of four dwellings granted outline planning permission at appeal on 18 October 2006 (See Relevant History below).

Two of the dwellings would be detached (plots 3 and 4) and adjacent to the existing single storey dwelling named Kyalami with a pair of semi detached dwellings adjacent to Selkirk (plots 1 and 2). The dwellings would be of two storey design with projecting gables to the detached houses and plot 1, with dormer windows in the eaves.

Plots 3 and 4 have detached double garages to the back of their gardens with two spaces in front of these (four car spaces for each dwelling). Plot 3 would have a detached double garage between the house and the highway and plot 1 would have two parking spaces to the front of the house.

All four dwellings would have forward elevations projecting to the front of the existing dwellings adjacent the application site named Selkirk and Kyalami.

Plot 4 has four bedrooms, one of which is in the roof space to the rear elevation. Plot 3 has five bedrooms, one of which is in the roof space to the rear elevation. Plot 2 has three bedrooms but also accommodation in the roof space annotated as a study. Plot 1 has three bedrooms and room in the roof space for two rooms annotated as a play room and a study.

Materials proposed consist of red bricks to the plinths of the houses, colour wash smooth render, feather edge boarding with clay plain tiles to the roofs of the houses and slates to the garages.

APPLICANT'S CASE including Design & Access statement: See Design and Access Statement received 16 April 2007.

RELEVANT HISTORY: On 18 October 2006 planning permission was granted on appeal against refusal of planning permission UTT/0201/06/OP for the demolition of dwelling and erection of four dwellings (APP/C1570/06/OP). All matters were reserved for future consideration at reserved matters stage but a layout drawing and street scene were submitted with the application demonstrating how four dwellings might be accommodated on the site.

On 27 July 2006 outline planning permission was granted for the erection of three detached dwellings with all matters reserved for future consideration (UTT/0769/06/OP).

CONSULTATIONS: Highway Authority: No objection subject to conditions.

Water Authority: To be reported.

Environment Agency: To be reported.

NAT (Debden Safeguarding): No safeguarding objections.

English Nature: To be reported.

Essex Wildlife Trust: To be reported.

Building Surveying: To be reported.

PARISH COUNCIL COMMENTS: To be reported.

REPRESENTATIONS: None received. Notification period expired 7 May 2007.

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

- 1) the development would be compatible with the character of the settlement and if the houses would be compatible with the scale, form, layout, appearance (ESRP Policy BE1, ULP Policies H3, and SPD 'Replacement Dwellings');
- 2) the development would include a significant proportion of market housing comprising small properties (ULP Policy H10);
- 3) there would be any harm to amenity as a result of the development to the occupants of adjacent dwellings and the occupants of the new dwellings (ULP Policy GEN2);
- 4) there is a satisfactory means of access and parking (ULP Policy GEN1 and GEN8);
- 5) the development accords with Supplementary Planning Guidance relating to Accessible Homes and Playspace (SPD).

1) The site lies within the defined settlement boundaries of Debden and therefore, in principle, development is acceptable under policy H3 of the Local Plan, subject to meeting other policy requirements of the plan. The principle of development for four dwellings has been established by the grant of outline planning permission on appeal which reserved all matters of detail for later consideration i.e. this reserved matters application.

The information submitted with the aforementioned outline application only provided an indicative layout and street scene showing how four dwellings, their parking and turning might be accommodated on the site.

The Inspector considered that the indicative layout showed that the site is capable of accommodating four dwellings and did not support the Council's concerns that the narrow plot widths would be out of character with the area adding that this diversity would form an individual group that would reinforce the diversity of the wider street scene. Although the Inspector recognised that the siting and scale of the dwellings were reserved for future approval she was satisfied that the siting and scale would not cause harm to the character and appearance of the street scene. It is therefore considered unreasonable to object to the development in so far as the

proposed dwellings do not respect the forward building line of adjacent properties. Similarly, the scale and height indicated is similar to the indicative drawings presented to the Inspector and therefore no objection is raised to this and their height.

The dwellings are considered to have adequate size gardens for family size homes. The parking provision for plots 3 and 4 is four spaces each, which is over the maximum standard allowed by Policy GEN8, however, Debden is an area considered to have poor public transport availability and as such it is not considered reasonable to object to this provision in this instance additionally given that they are provided unobtrusively in the street scene at the rear of plots 3 and 4.

Plots 3 and 4 proposed garages that are located to the rear of those dwellings and therefore have no visual impact on the street scene. However, plot 2 has a detached garage to its front adjacent to the highway. Such a feature is considered to be obtrusive and would harm views in the street and is therefore contrary to Policy GEN2 of the Local Plan. There appears to be no need for it because plot 1 has no garage but two hard standing spaces.

2) Policy H10 of the Local Plan is applicable in this case. It requires that "All development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties". The supporting preamble to this policy states that all developments on sites of 3 or more homes must include an element of small 2 and 3 bed homes, which must represent a significant proportion of the total for those households who are able to meet their needs in the market and would like to live in a new home. This, in order to create mixed and balanced communities. In allowing the appeal, the Inspector considered that the housing mix could be dealt with at the reserved matters stage and will therefore be considered here.

The mix (as annotated by the applicant on the drawings) consists of a five bed (Plot 3), four bed (Plot 4) and 2 no. three bed homes (Plots 1 and 2). There are no two bedroom dwellings.

With particular regard to the three bedroom homes, whilst this would normally be considered to satisfy Policy H10 there is accommodation in the roof space that is considered to undermine the objectives of this policy.

Plot 2 has accommodation in its roof space that is annotated as a study. This room is of a size that could readily be used as a fourth bedroom. Furthermore, plot 1 has two rooms in the roof space annotated as a playroom and a study. Again, these could easily be used by an occupier as bedrooms resulting in a five bedroom dwelling.

The use of a condition to ensure that these rooms are not used as bedrooms would not be appropriate. It would be very difficult for the Council to successfully monitor such a condition within an occupied dwelling where a breach might occur and ultimately enforce against it as the occupants might ultimately become immune from enforcement action. Such a condition would therefore fail the tests of Circular 11/95 'The Use of Conditions in Planning Permissions'. In such circumstances the proposed houses are considered to fail Policy H10 because the accommodation provided results in homes that do not provide for small 2 and 3 bed homes in the interests of creating mixed and balanced communities.

3) There is a first floor window in the side elevation of the dwelling adjacent the site to the north named Selkirk. This window faces directly toward the application site. The proposed layout shows that this window will overlook the rear garden of plot 1. This would result in harm to the amenity of the occupiers of that dwelling because their ability to enjoy their garden in privacy would be detrimentally harmed. This would be contrary to Policy GEN2 of the Local Plan that seeks to prevent a materially adverse effect on the reasonable occupation and enjoyment of a residential property by way of, amongst other amenity concerns, loss of privacy.

4) The Highway Authority has commented on the proposal and has no objections subject to a number of conditions relating to the technical details of access in the interests of highway safety.

5) The applicant has submitted an accessibility drawing. Building Control will assess this information against the requirements of the Supplementary Planning Document – ‘Accessible Homes and Playspace’. This will be reported to Members.

CONCLUSIONS: The details submitted would result in dwellings of a size that would not meet the requirements of Policy H10 by providing smaller homes in order to create mixed and balanced communities, would result in loss of amenity to the occupiers of plot 1 and would harm the street scene by virtue of the double garage in front of plot 2 and is therefore recommended for refusal.

RECOMMENDATION: REFUSAL REASONS

1. The proposed development is unacceptable because it would not include a significant proportion of market housing comprising small properties in the interests of achieving mixed and balanced communities in accordance with Policy H10 of the Uttlesford Local Plan adopted 2005.
2. The proposed development is unacceptable because the layout and scale in relation to the garage to plot 2 would produce an obtrusive feature in the street scene that would harm the visual qualities of the area contrary to Policy GEN2 of the Uttlesford Local Plan adopted 2005.
3. The proposed development is unacceptable because it would have a materially adverse effect on the reasonable occupation and enjoyment of the dwelling on plot 1 by way of a loss of privacy resulting from overlooking from the adjacent dwelling ‘Selkirk’ contrary to Policy GEN2 of the Uttlesford Local Plan adopted 2005.

Background papers: see application file.

UTT/0382/07/FUL - LEADEN RODING

Construction of 10 affordable rural dwellings with access road and parking

Location: Dunmow Road. GR/TL 592-137

Applicant: RHT Developments

Agent: George F Johnson Associates

Case Officer: *Mr M Ovenden 01799 510476*

Expiry Date: 04/06/2007

Classification: MAJOR

NOTATION: Outside development limit / rural area (outside of Greenbelt).

DESCRIPTION OF SITE: The site is located immediately adjacent to the Leaden Roding primary school on the northern tip of the village. It has a road frontage to the Dunmow Road (B184) which passes through Aythorpe Roding and High Roding. The site is largely flat and is currently part of an arable field, well screened from the road by a mature field hedgerow. Along its southern boundary with the school is a patchy hedgerow and a public footpath which is reached from the road by an agricultural access. This access would provide the location of the vehicular access to the development.

DESCRIPTION OF PROPOSAL: The proposal is to erect ten affordable dwellings accessed from an upgraded and widened agricultural access at the south eastern corner of the site. The site covers an area of 0.28 hectares and the development's density would be just over 36 dwellings per hectare (comfortably over the Government's advised minimum of 30 dwellings per hectare). The dwellings would be of three designs in a mixture of two bedroom (two types totaling 7 dwellings) and three bedroom (3) dwellings and would be arranged as a pair of semi detached dwellings facing the public footpath near the school boundary, which will be maintained, a terrace of five dwellings and a further terrace of three dwellings, both terraces being arranged in a line running approximately north-south across the site.

The design of the dwellings is a blend of traditional forms – two storeys with narrow gable spans with good pitched roofs; lean-to roofs on single storey elements; chimneys – and more contemporary forms – mono pitched roofs; small second floors on the three Type A houses; small balconies on each of the three house types. The dwellings would use a mixture of materials including slate, facing brick, boarding and render. Each dwelling is shown to have an adequate private garden, with some being quite generous, and car parking either within each plot or in the case of plot nine very close by. A small shared open space would be provided behind the retained frontage hedge. Between the two terraces there is a turning head leading to an area which could provide access to a future phase. Such a phase forms no part of this proposal and would need to be considered in the light of prevailing policies if it ever came forward as an application. Along the rear and northern edges of the site it is proposed to plant a new hedgerow to enclose the site.

APPLICANT'S CASE: See summary on page 20 at attached of the end report.

CONSULTATIONS: County Highways: No objections subject to conditions

PARISH COUNCIL COMMENTS: To be reported (due 4.April 2007).

REPRESENTATIONS: This application has been advertised and 1 representation has been received. This letter supports the scheme. Period expired 26.3.07.

COMMENTS ON REPRESENTATIONS: See comments below.

PLANNING CONSIDERATIONS: The main issues relate to

- 1) whether the proposal is acceptable in principle (ERSP Policy C5 & ULP Policies S7 and H11 (Affordable Housing on “Exceptions sites”));
- 2) general layout, design and parking (ERSP Policy T8 & ULP Policies GEN1, GEN2, GEN8;
- 3) accessible homes (ULP Policy GEN2 and adopted Supplementary Planning Document);
- 4) energy conservation (ULP Policy GEN2 and adopted Supplementary Planning Document) and
- 5) highway safety.

1) The site lies outside of the development limit where policies seek to protect the countryside for its own sake and therefore new development is not normally permitted. However one of the few exceptions to this policy is the provision of a scheme of 100% affordable housing through a Registered Social Landlord (RSL) to meet identified local need. The involvement of an RSL is necessary to ensure that the benefits of affordability are retained within the scheme for future occupiers.

The applicant is an RSL and the scheme is the result of a housing needs survey which identified a requirement in the locality for two and three bedroom family accommodation. In addition to the normal difficulty in finding sites that can be acquired sufficiently cheaply to be viable for affordable housing the search for a site has been further complicated because Leaden Roding is almost totally surrounded by the greenbelt where development is even more tightly controlled than in other rural areas. This has restricted the range of site where such a scheme could be justified. This site is the first site north of the settlement which is not within the greenbelt and yet immediately abuts the school site. Leaden Roding has a limited range of services but less limited than most settlements in that corner of the District. On balance it is considered that the fundamental requirements of an acceptable affordable housing scheme have been met, subject to other planning requirements. A S106 Agreement will be required to secure the future retention of the dwellings as affordable dwellings.

2) The design of the properties is an attractive mix of styles and two and three storey buildings. The proposal meets the Council’s parking and garden area standards.

3) Further information is required to show compliance with the Council’s adopted requirements on Lifetime Homes. This can be covered by conditions.

4) The applicant has stated that the energy assessment of the scheme would achieve ‘Very good’ on the Building Research Establishment’s five class ranking of energy efficiency. The applicant also states that if it were not for the site’s rural location which is taken into account when grading the development for overall sustainability, the scheme would achieve the top ‘Excellent’ rating. Details of such measures to be incorporated into the design will be required by condition.

5) County Highways have no objections subject to conditions relating to matters of detail. It has also requested that a pavement be provided from the site to connect to the existing pavement on the west side of the road. Further details of this request have been sought.

CONCLUSIONS: The proposal represents an appropriate scheme to provide affordable housing to meet an identified housing need.

RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO A S106 AGREEMENT TO SECURE THE OCCUPATION OF THE DWELLINGS AS AFFORDABLE DWELLINGS

1. C.2.1. Time limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.4.6. Retention and protection of trees and shrubs for the duration of development.
6. C.8.29. Details of sustainable construction for new residential or commercial development.
7. C.8.30. Provision of bin storage.
8. C.11.11. Cycle parking provision.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), within a 2.0 metre wide planting strip along the north and west boundaries of the site no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.
REASON: To retain the planting strip referred to in condition C4.1 free from impediment.
10. C.28.2. Accessibility – further submission.
11. No occupation of the development shall take place until such time as the following has been completed to the satisfaction of the Highway Authority. Provision of a 5.5 metres wide access with a 7.5 metres radius, details of which to be agreed with the Highway Authority.
REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner.
12. Prior to the access being constructed the ditch beneath the proposed access shall be piped or bridged and retained at all times as approved in writing by the Local Planning Authority.
REASON: To ensure uninterrupted flow of water and reduce the risk of flooding of the highway. In accordance with policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.
13. The internal estate road should be 5.5metre wide from the junction of Dunmow Road with a 2metre wide footway. The footway should then continue after the private drive to the north. After the bend the road should narrow to a Type 5 shared surface. The attached sketch (SK2) shows how the road should be narrow: the footway must be located on the side of the properties. REASON: In the interests of highway safety.
14. Due to the centre radius of the bend, a mountable shoulder should be provided to enable larger vehicles to overrun. REASON: In the interests of highway safety.
15. The turning head provided should be Size 3 in accordance with the Essex Design Guide.
REASON: In the interests of highway safety.
20. The public right of way (Public Footpath 3) to be stopped up and diverted to ensure the route of the right of way does run along any new footpath, details of which to be agreed with the District Council in conjunction with the Highway's Authority.
REASON: To ensure the safeguarding of the right of way and is not contrary to Policy LRT5).
21. Herras fencing to a height of no less than 2m to be provided along the edge of the public right of way 3 during construction and maintained through out the works.
REASON: In the interests of safety for all users of the right of way.

Background papers: see application file.

UTT/0629/07/FUL - HADSTOCK

Erection of detached dwelling and garage. Construction of new vehicular access

Location: Land adj. Sargents Lane. GR/TL 557-446

Applicant: Messrs D T C & G Rowlandson

Agent: Bird & Tyler Associates

Case Officer: *Mr N Ford 01799 510464*

Expiry Date: 05/06/2007

Classification: MINOR

REPORT TO FOLLOW

UTT/0598/07/FUL - FELSTED

Demolition of existing dwelling and erection of 4 no. dwellings (revised scheme to that approved under UTT/0289/05/FUL)

Location: Moana Braintree Road. GR/TL 688-210

Applicant: Mr D Nicolic

Agent: Andrew Stevenson Associates

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 07/06/2007

Classification: MINOR

NOTATION: Within Development Limits

DESCRIPTION OF SITE: A row of four terraced dwellings have recently been erected on this site and are nearing completion.

DESCRIPTION OF PROPOSAL: Permission was granted in 2005 for the demolition of the existing dwelling and its replacement with 4 no. two bedroom dwellings set in a terrace. This application seeks retrospective planning permission for variations to that scheme. The changes are relatively minor. The overall dimensions are very similar and the terrace would be in the same position as approved. The changes mostly relate to changes in eaves height and to changes in the design of dormer windows.

APPLICANT'S CASE including Design & Access statement:

The application for four dwellings has been approved subject to conditions and all the matters subject to conditions have been addressed and discharged.

There has been a departure from the approved plans, where the pitch angle of the gabled elevations to plots one and four have been shallowed to match the pitch angle of those roofs employed elsewhere on the development. The variation was done without consent from the site owner/developer/contractor's representative responsible for carrying out this work has been cautioned and removed from the employment of the developer.

The proposal seeks determination to affect retention of a minor revision to the previously approved scheme that is nearing completion.

There is no adverse affect on adjoining residences and the well being of neighbouring buildings have been protected by the careful placement of windows at first floor level. Furthermore, a shallowing of the roof pitches to the gable facing elevations to plots one and four reduce the opportunity for overlooking from the velux rooflights that are on boundary facing roofslopes. The properties have been lowered in to the ground thereby creating an impression that the ridge height are now some 300mm lower from the properties lying East of the application site.

RELEVANT HISTORY: In 2005 planning permission was granted for the proposed demolition of existing dwelling and erection of four no. Two bedroom cottages. Alteration to existing access. This was after a previous application was refused by members for a pair of four bedroom detached chalet style bungalows due to scale and appearance.

CONSULTATIONS: County Highways: No objections to the revised proposal subject to those conditions contained in our previous recommendations dated 8 and 23 March 2005 relating to the same site.

Environment Agency: Low environmental risk

Anglian Water: To be reported (due 4 May 2007).

Three Valleys Water: To be reported (due 4 May 2007).

Building Surveyors: No adverse comments.

PARISH COUNCIL COMMENTS: The change of the roof pitches, though less attractive is acceptable. However the change of the finish to the central two houses, removing the door lintels and replacing the render above the doors with cladding, leaves these houses looking unfinished.

REPRESENTATIONS: Six. Notification period expired 4 May 2007.

1. Minor change would not make any real difference, nice accommodation and gardens
2. Full support of amendments
3. Nothing displeasing, 100% support
4. Hope Council will approve application
5. Pitch of roof will no longer present an overlooking issue
6. Keen to move in. Hope the Council will consider the application favourably.

COMMENTS ON REPRESENTATIONS: Consideration of the representations can be viewed within the Planning Considerations.

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

- 1) **whether the development of this site is in character with its surroundings (ULP Policy H3, GEN3) and**
- 2) **Other material considerations.**

1) The principle of development has previously been accepted and permission was granted in 2005. This application is for the retention of amendments which occurred during construction of the four dwellings. The amendments include flat roof dormers opposed to the approved cat slide (monopitched) dormers. The modest increase in height across the whole of the development does not impact significantly due to the setting in of the dwellings. The pitch of the gable roof to each end is shallower which gives the building a bulkier appearance. The height of the windows within the dormers to the rear elevation and the rooflights to both side elevations have been moved higher. The rooflights should be an improvement as this would mean that overlooking of the neighbouring properties would be much more difficult.

There is a mixture of dwelling types in the locality and the proposal is well within the range of existing sizes and designs. Adjacent to the site is a development of modern houses sharing similar characteristics, sufficient parking and garden areas are proposed to meet adopted standards.

2) It is material to the determination of this application that there is an extant permission for a very similar development. There have been no material changes in planning circumstances since the previous permission was granted and it is likely that had the original application proposed this scheme it would have been granted permission.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.3.1. To be implemented in accordance with approved plans.
2. C.4.1. Scheme of landscaping to be submitted and agreed.
3. C.4.2. Implementation of landscaping.
4. C.5.1. Samples of materials to be submitted agreed and implemented.
5. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
7. There should be no obstruction above 0.6m in height within the area of a 2.0m parallel band visibility splay across the site frontage.
REASON: In the interests of highway safety.

8. Space should be provided 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, details of which shall be submitted to and approved in writing by the local planning authority and such space should be maintained thereafter free of any impediment to its designated use.
REASONS: In the interests of highway safety.
9. The access should be 5.0 m wide and formed by way of a dropped kerb vehicle crossing. Where the surface finish of a private access is intended to remain in unbound materials, the first 6.0 m as measured from the highway boundary should be treated with an approved bound material to prevent any loose material from entering the highway.
REASON: In the interests of highway safety.
10. The existing access to the site from the county road should be permanently closed in a manner and at a time to be agreed in writing by the local planning authority after consultation with the highway authority.
REASON: In the interests of highway safety.
11. The lower half of the dormer windows to the side (south west and north east) elevations marked X on the approved plan shall be obscure glazed of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall be retained in those windows in perpetuity.
REASON: In order to protect the amenity of adjacent dwellings from overlooking.

Background papers: see application file.

UTT/0390/07/FUL - LITTLE BARDFIELD

(Referred at request of Cllr Foley)

(Reasons: concern from Parish Council and residents – for further comments and discussion from community)

Change of use from grounds associated with Little Bardfield Hall to be used to hold concerts twice a year & weddings/social/parish events ten times a year. Erection of marquees, stage and toilets and use of land for car parking for the events

Location: Little Bardfield Hall. GR/TL 653-304

Applicant: Mr A Goldsmith

Agent: Lucy Carpenter

Case Officer: Mr T Morton 01799 510654

Expiry Date: 31/05/2007

Classification: OTHER

NOTATION: Outside Development Limit.

DESCRIPTION OF SITE: The land is open 'paddocks' to the front of the parish church and Little Bardfield Hall, laid to grass and with a considerable number of mature trees scattered within it. A large lake stands in the centre of the area proposed for concerts.

DESCRIPTION OF PROPOSAL: The proposal is for the field adjacent to the church to be used for marquees for weddings, and for associated car parking up to 10 times per year with access from the church access road, and secondly for the larger area to the front of the Hall to be used for stages and marquees for concerts and associated car parking twice a year, with access through an existing gate directly onto the highway.

APPLICANT'S CASE including Design & Access statement: The statement is available in full on file. It describes the site and surroundings and the proposal. The principal supporting concept is that an Entertainments License has already been granted by the Council, so all issues must have already been considered and found acceptable. Comparison is made to the concerts at Audley End house which have operated for many years, and which have never been the subject of a planning application.

The case is presented as being primarily for village events or charitable events, and the village has no village green on which such events might be held.

RELEVANT HISTORY: None.

CONSULTATIONS: Environmental Health: No adverse comments. Control of events which are the subject of the application is covered by the terms of the existing premises license. This requires a safety plan to be submitted for approval in advance of each event, which shall include the numbers attending. There is no specified limit within the license on the numbers of people who may attend an event however.

Conservation Officer: The proposal subject of this application is to seek planning permission for public functions and erection of incidental temporary structures or marquees connected with the functions. It is proposed that the suggested activities would take place 12 times a year and that the structures would be dismantled directly after a function.

In general, erection of marquees, stages, portaloos and such like in the foreground of listed buildings would unlikely positively contribute to their setting. However, there is a historical precedent for various annual gathering around rural churches or country houses. It could be said that such gatherings bring communities together and foster a sense of neighbourliness. It could

also be stipulated that today such events would improve the economical well being of a large country house, which would result in their appropriate upkeep.

In view of the temporary nature of the proposed development I feel that the setting of the listed Church and the Hall would not unduly suffer. I suggest approval of this application subject to all relevant planning conditions.

Highway Authority: Comments awaited.

PARISH COUNCIL COMMENTS: Consultation period expired 11 April 2007

The PC makes two comments, both dated 05 April 2007.

The first states there is no objection.

The second state there is no objection except in the impact to near neighbours of noise especially after the events are supposed to have finished.

The PC has clarified this with the following comment: The Parish Council has no objection but Cllrs will monitor noise and times that events finish. They will consult with Alan Goldsmith, proprietor of Lt Bardfield Hall.

REPRESENTATIONS: This application has been advertised and six representations making objections have been received. Two letters of support have also been received.
Period expired 10 April 2007.

The points in support are that it is refreshing to have some entertainment in the area as there is so little to do here generally. It is close to where the writer lives and so only a short journey home. The Parish priest refers to support that he has received from Mr Goldsmith including financial support from car parking fees at his concerts, and making marquees available on his field in aid of the church restoration fund.

The points raised in objection are;

Events of this nature are not conducive to the tranquil and peaceful village life of Little Bardfield

The village has no infrastructure to deal with these types of event

The events will be in close proximity to residential property.

Public and local resident safety is a concern due to vehicle access to the site at weekends when events will be held, as well as heavy goods vehicles and contractors delivering and collecting plant equipment and materials. The coffin lane giving access to the church is entirely unsuitable for any increased level of traffic whatsoever.

Noise pollution associated with events of this nature in an environmentally sensitive area. In 2006 a number of events were held in the grounds and music continued until well after midnight in breach of the current license, with little apparent management during the events to prevent such a breach.

Potential for rowdy behaviour as a result of alcohol being available.

Possibility of a tragic accident as a number of unlit lakes are located with the grounds.

Should approval be given a limit on size and number (two) events per year with attendees limited to 200 people and music not allowed after 10:30 p.m. with condition on noise levels and parking arrangements and professional marshalling.

On balance support is given to two events over one weekend to directly benefit Little Bardfield, but no support for profit making events over potentially 12 consecutive weekends.

The license granted limits events to 11:00 p.m. this application seeks consent to 11:30 p.m., last summers events went on until after midnight, with noise and speeches clearly audible in nearby houses. The license is restricted to 499 people, this application mentions 1000 people.

The afternoon before each event is taken up with the sounds of construction and testing which does not allow the peaceful enjoyment of our home.

The area is within the curtilage of a Listed Building. We believe the Council has the power to refuse commercial events in the curtilage if a Listed area.

The noise last year could be heard at Oxen End.

On Saturday August 19th 2006 a concert here generated a very high level of sound audible at our house 390 yards away. Complaints were made to Environmental Health and the Planning Enforcement Officer.

The proposal will be of no benefit to Little Bardfield and will seriously degrade the quality of life in the village by noise pollution and greatly increased traffic.

The District Council opposes expansion of Stansted Airport on environmental grounds and a similar approach should be adopted for this proposal.

This is a commercial venture inappropriately located.

The events held last year bear little resemblance to the case made out in the supporting statement and Design and Access statement which is sufficiently woolly to allow last summers events to be fully re-enacted.

The application effectively provides for every Saturday night throughout the entire summer. If so we could not continue to live here.

The supporting statement is substantially flawed and disingenuous.

Last summer's event took three days to assemble and two to remove – one week, so with 12 consecutive events the likelihood of them moving is remote. The statement that one day would be sufficient for erection and dismantling enters blatant fallacy.

The failure to provide an exact layout breaches the legal requirement for a Health & Safety Plan. How would emergency access be provided? With no risk assessment the proposal cannot be properly assessed.

Comparison with Audley End is misplaced, and is a clear attempt to use precedent rather than deal with the actuality of this application. At Kenwood House (London) where similar concerts have been held for many years without planning permission this summer's events have been forbidden due to unreasonable noise.

This proposal is not reasonable in our quiet rural village.

Does permission exist for access from the western exit? It is on a dangerous bend. Last summers events were publicised by roadside signs in at least three places between the village and Bishops Stortford.

COMMENTS ON REPRESENTATIONS: The comments are noted. The principal issues are discussed in the following 'considerations' section.

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

- 1) **Principle of the use/ development in the countryside (ERSP Policy S7, CS1, CS2, RE2, & ULP Policy C5);**
- 2) **Listed Building issues (ERSP Policy HC3 & ULP Policy ENV2);**
- 3) **Sustainability (PPS1, & PPS7; ERSP PolicyCS1);**
- 4) **Amenity (ERSP Policy RE2 & ULP Policies GEN2, GEN4);**
- 5) **Highways and Traffic issues (ERSP Policy T3 & ULP Policy GEN1) and**
- 6) **Biodiversity and Other material planning considerations.**

1) As a preamble, it is important to note that although a Premises License has been considered by the Council as Licensing Authority and approved, this has no direct relationship to the role of the Council as Local Planning Authority. In particular the Licensing Act 2006 only enables the following considerations;

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance (i.e. a statutory noise nuisance in an Environmental Health Acts sense)
- The protection of children from harm

The concerns of the Planning Acts are much wider in nature, and when the Licensing application was made, the Development Directorate was consulted for comments to be made, and none were

submitted as the concerns of the Local Planning Authority cannot be addressed through the very limited powers of the Licensing Act. It should also be noted that the Highway Authority was not consulted on the Licensing application.

The site lies in the open countryside beyond Development Limits, where planning policy seeks to protect the countryside from inappropriate development, in the interest of conserving countryside character, protecting the countryside for its own sake, for its landscapes, natural resources and areas of ecological, historic, archaeological, agricultural, and recreational value, by the restriction of new uses to those appropriate to a rural area.

The small hamlet of Little Bardfield does not have a defined Development Limit, and is a tranquil and remote settlement with no significant noise generators located within or near it. The lack of a Development Limit means that the only development that would normally be accepted here is that required to support agriculture, forestry or other rural uses that have to take place in the countryside. The applicant's premises are a private residential dwelling, albeit with very large grounds.

It is considered that the holding of entertainment events for people not resident in the immediate vicinity is not an appropriate form of use of land here in this rural area, and would be harmful to the appearance of the landscape, and the tranquility of the countryside.

A parallel may also be drawn with the concerns of Essex & Southend on Sea Replacement Structure Plan Policy RE2 for conversion of extant rural buildings to commercial uses, which are that such new uses should not damage the amenity of the countryside or introduce additional activity likely to adversely change the character of the local area or place unacceptable pressures on the surrounding rural road network. This proposal would not accord with those concerns.

The actual impact of such entertainment events here is not entirely a matter for conjecture, as such events have already taken place without planning consent in 2006, and resulted in considerable complaint to the local authority in terms of noise disturbance and negative impact upon amenity resulting in planning enforcement investigation, (resulting in the submission of this application) as well as the Licensing application. The use is demonstrably harmful and unacceptable to the aims of planning policy.

2) The comments of the Conservation Officer are set out above. The comments concerning the effect upon the setting of the Listed Building are noted, and it is accepted that this would not be the basis for a reason for refusal.

Although a comparison is made with 'traditional' village social events the comparison is not considered to be a good model, as these proposed events are not primarily aimed at the village community, but at a much wider public, as evidenced by the spread of publicity for last years events as far afield as Bishops Stortford. It is clear from the comments of objectors that the events actually cause disruption to the local community rather than support it.

This is a private residential dwelling not open to the public, and the introduction of public events on the scale envisaged would not normally be considered appropriate in a private residential house. Comparison made by the applicant to Audley End house and the events held there ignores the fact that Audley End is managed by English Heritage and open to the public on a regular basis. In effect it already offers a form of public entertainment in its normal operation. The Government Agency charged with its running, English Heritage, are instructed to make the property available to as wide a section of the public as possible, and see the provision of concerts as a way of displaying the property to a section of the public who might otherwise not visit it. This justification for public events can not be claimed for a private dwelling house.

3) The promotion of sustainable forms and patterns of development is now a major concern for planning policy as set out in PPS1, PPS7 and Essex & Southend on Sea Replacement Structure Plan Policy CS1. A key test of the sustainable location of development is how it is accessed, with principal reliance upon the private vehicle for access being considered a key failure and an indicator of unsustainable development.

This is a remote rural location with no public transport service, especially so at weekends when the events are planned to be held. In the absence of any viable public transport option it is clear that there would be almost total reliance upon access by the private vehicle, placing an additional load upon local network, causing disturbance to properties in the area, and imposing a carbon dioxide emission load on the wider environment. The proposed use can only be regarded as an unsustainably located proposal.

4) The objections submitted by nearby occupiers include a list of complaints about comparable concert events held at this site last year, from which it is apparent that the events have a very negative impact upon amenity over a long period while the stages and equipment are brought to site, set up and tested, then followed by the disturbance of the event itself, followed by the disturbance of dismantling the equipment and removing it from site. This disturbance could take place every weekend during the 12 week summer period if this proposed development were to be approved, and this is not considered to be a reasonable or acceptable use for a small residential hamlet in remote and otherwise peaceful countryside.

5) As with issue (3) above Policy T3 requires new development to make appropriate provision for access for both people and goods by all forms of transport, including to what extent the development will minimise the length, duration and number of journeys and how far the development will encourage a greater proportion of journeys by modes other than the car. In this remote rural location with no public transport alternative there is clearly no prospect at all of any other mode of transport than the private vehicle, and thus the impact can only be seen as wholly unsustainable, with no offsetting or redeeming public transport provision.

ERSP Policy T3 also calls for movement to be properly accommodated on the surrounding transport network and maintaining road safety and surrounding environmental conditions for the local community. The proposed access gate to the concert parking area is only the width of a single vehicle, posing conflict with traffic trying to enter and exit at the same time, and this would result in queuing back in the highway which would pose a traffic hazard. The sightlines from the existing access point are obstructed by both vertical and horizontal curves in the carriageway and the restricted visibility poses a traffic hazard. Traffic levels on this lane are normally low with vehicle movements being sparse and not continuous in nature. This leads drivers to the expectation that the road will normally be clear, free of much other traffic and free of obstruction. The peak flow of traffic arriving at or leaving from an entertainment event will be an unanticipated event, likely to lead to obstruction of the road interfering with its principal function of freely carrying traffic, and likely to exacerbate safety problems. There is no separate footway in this highway, so any additional traffic will conflict with pedestrian safety. These problems could not be overcome by marshalling.

6) There are no known Protected Species populations at the property, though as large rural buildings of traditional construction, there is a reasonable likelihood of the presence of bats in the house itself and its outbuildings, and in the church. Research on the disturbance caused to bats by light and noise is inconclusive and the impact of concert events is difficult to predict. On balance there is unlikely to be any proven harm to Protected Species entailed with the proposal.

No other issues are considered to arise.

CONCLUSIONS: The proposal is considered to be unsustainable, detrimental to local amenity, and detrimental to the maintenance of safe conditions on the highway.

RECOMMENDATION: REFUSAL REASONS

1. The proposal is considered to be detrimental to the aims of planning policies C5, CS1, CS2 and RE2 of the Essex & Southend on Sea Replacement Structure Plan and Policy S7 of the Uttlesford Local Plan, where planning policy seeks to protect the countryside from inappropriate development, in the interest of conserving, among other aims, countryside character, protecting the countryside for its own sake, for its landscapes, areas of historic and archaeological value, by the restriction of new uses to those appropriate to a rural area. It is considered that the proposed uses would damage the amenity of the countryside and introduce additional activity likely to adversely change the character of the local area and place unacceptable pressures on the surrounding rural road network.
2. The proposal is contrary to the aims of Policy GEN2 and GEN4 of the Uttlesford Local Plan to protect the amenity of adjoining occupiers and is considered that it will seriously degrade the quality of life in the village by noise pollution and greatly increased traffic levels.
3. The proposed vehicular accesses to the site are considered inadequate to provide safe conditions on the adjacent highway due to the volume of vehicle movements on and off of the site, the restricted width of the access points and likelihood of traffic queuing back on the highway contrary to the aims of Essex & Southend on Sea Replacement Structure Plan Policy T3 and Uttlesford Local Plan Policy GEN1.
4. No traffic impact assessment has been provided to demonstrate that the local highway network is capable of accommodating the additional uses and vehicular activity at the site and that the proposed accesses would be acceptable in terms of the highway safety contrary to Essex & Southend on Sea Replacement Structure Plan Policies T3 and T12 Uttlesford Local Plan Policy GEN1.
5. There is no provision for visiting the site by any means other than the use of private vehicles, and the site is poorly served by public transport or cycleway. The proposal would significantly increase traffic to the site without providing alternative and more sustainable means of transport and the proposal would be contrary to Essex & Southend on Sea Replacement Structure Plan Policy CS1 and the general principles of sustainability contained in national and local policy.

Background papers: see application file.

UTT/0273/07/FUL - LINDSELL

(Referred at Member's request: Cllr. Cant – controversial within the Parish)

Change of use of egg storage and grading room to residential living room

Location: Templars Farm. GR/TL 639-280.

Applicant: Mr D R Stokes

Agent: Ms K Wood BA (Hons) MRTPI

Case Officer: Mr M Ranner 01799 510556

Expiry Date: 24/04/2007

Classification: OTHER

NOTATION: Outside Development Limits.

DESCRIPTION OF SITE: The application site comprises a parcel of land located on the northern edge of the rural village of Lindsell and accommodates the applicant's free range egg production business. It comprises two hen houses, an open fronted storage barn and the wooden clad building subject to this application, which provides a lounge, bedroom and bathroom at first floor, a kitchen, hall and toilet at ground floor in addition to a single room authorised for egg storage and grading. Vehicular access is gained via the site's western boundary and the site is screened by hedges which largely surround the site.

DESCRIPTION OF PROPOSAL: The application seeks full permission for the change of use of the egg storage and grading room to use as a living room. The application is retrospective, in that the room has been furnished and decorated for use as a living room.

APPLICANT'S CASE: The applicants state in support of the application that revised regulations have been put into place by DEFRA in light of the recent H5N1 Avian Flu outbreak in Norfolk, which they must comply with to be able to continue to operate the business. These stipulate that "all staff that work within the egg packing centre itself must not enter any part of the premises (pasture or any house) in which the birds are present, and staff working with the birds must not enter the egg packing centre." The location of the egg grading room within the agricultural workers dwelling adjacent to the chicken houses is not therefore considered practical or satisfactory in light of these guidelines.

The applicants also go on to state in their supporting letter that accompanies the application that the egg storage, grading and packing operation is to be relocated to the nearby open storage building, where it is proposed to enclose one of the bays. DEFRA regulations require that eggs should be stored at lower temperatures which the applicant's state is difficult to achieve in a building now used as a residence. This the applicants state, will free up more bedroom space upstairs by moving the living room downstairs into the egg packing room, which would be advantageous as the applicant has recruited a worker for the operation who has two children, a girl of 10 and a boy of 8. In the final paragraph of their letter the applicants state that:

"For the avoidance of doubt the Planning Unit will remain as a whole dwelling and the land, as edged red in the application, which is a requirement of condition C.90B of planning permission UTT/1889/05/FUL, and so as no operational development is proposed, nor new or separate dwelling, there will be no "domestication" of the site which the reason explains that condition sought to avoid."

RELEVANT HISTORY: The site has been subject to an extensive history of planning applications much of which is not directly relevant to this proposal.

Permission was granted on appeal in July 2003 to permit the occupation of the building by an agricultural worker in connection with the applicant's egg business. The appeal allowed for a

temporary period to enable the unit to become established over three years, in accordance with Government Policy. This scheme showed accommodation on the first and part of the ground floor. The remainder of the ground floor was excluded from the permission and identified as being retained for egg packing.

In late 2005 planning permission was sought (UTT/1889/05/REN) for the change of use of part of the barn to an agricultural workers permanent dwelling use. The Council was satisfied that there was a continued need for an agricultural worker to be resident on the site, and permanent permission was subsequently granted on 24 February 2006. This retained the approved layout including the ground floor egg packing room.

CONSULTATIONS: None.

PARISH COUNCIL COMMENTS: Lindsell Parish Meeting Planning Committee states that they are totally opposed to the application. The following comments were made:

“It was opposed to the original application in 2003 for change of use of the barn to residential, as was UDC, and then to the granting of permanent permission after the three year temporary permission, granted by the appeal judge in July 2003, had elapsed.

One of the judge’s concerns in 2003 was that there could be a considerable amount of domestic paraphernalia in the future if the flat had several occupants. This could presumably now become the case as it would then seem the whole building will be residential and will hardly be able to be referred to as a flat.

The judge was also concerned that the development could lead to a small but unacceptable consolidation of the sporadic development in the countryside which would be harmful to the character and appearance of the surrounding rural area. Although the outward appearance of the barn will be the same the fact that it will clearly be a house not a flat could produce the unacceptable effect.”

REPRESENTATIONS: None. Notification period expired 20/03/2007.

COMMENTS ON REPRESENTATIONS: N/A.

PLANNING CONSIDERATIONS: The main issue is the appropriateness of the proposed change of use within the countryside and its impact on the appearance and character of the countryside in which the site is set. (ULP Policies S7 & H12);

Following the grant of planning permission last year (UTT/1889/05/REN), the building subject to this application now benefits from permanent residential use for agricultural workers. The Council have recognised the need therefore for a permanent dwelling on the site to house workers associated with the running of the applicants business as a poultry farm. From the officer's inspection of the site there does not appear to have been any changes in circumstances at the site with regard to the continued running of the business and so officers consider that the need still exists as established by the previous application. The dwelling now comprises entirely residential accommodation, although this application seeks to regularise the present unauthorised use of egg packing room for use as a living room, which it is currently being used.

Officers accept the applicant’s arguments of the impracticalities and difficulties of utilising a single room within the building for commercial purposes, particularly in light of stringent guidelines under which these sorts of uses are required to comply. It makes sense in this respect to relocate the use to the existing open storage barn on the site and then utilise the room as residential accommodation in line with the remainder of the building. The building will then provide two bedrooms, however this is not considered excessive or unreasonable, with regard to providing

functional accommodation for a farm worker and his family. The Parish Meeting raises concerns that the building is evolving from a flat into a dwelling. The building's definition was debated previously at appeal; however the inspector effectively realised that it could be adjudged to be a dwelling when he recommended that permitted development rights pertaining to dwelling houses be removed by means of condition. Officers do not consider this point however to be an overriding material consideration in determining this application.

No physical alterations are proposed to the building or to the land around it and so the proposal shall not necessarily have any affect on the rural character or appearance of the locality in which it is set. The building is also subject to a number of restrictive planning conditions that restrict the future use of the building and prevent the site's domestication in the interests of the rural character of the locality. For avoidance of doubt a number of these conditions are recommended as set out at the end of this report. As a consequence officers are satisfied that the works give rise to no harm to the character of the countryside and so does not therefore conflict with the aims and objectives of policy S7 of the Local Plan.

CONCLUSIONS: In light of the above considerations, officers are satisfied that the application accords with relevant Development Plan Policies including polices S7 and H12 of the Local Plan and so recommend that the application is granted subject to the following conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.18.1.Agricultural occupancy.
2. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
3. The area of land forming the Templars Farm unit at the date of appeal decision ref. APP/C1570/A/02/1104500 shall remain as one planning unit and the dwelling hereby permitted shall remain part of that same planning unit.
REASON: To prevent domestication of the site and harmful effects on the character and appearance of the surrounding rural area.

Background papers: see application file.

UTT/0532/07/FUL - SAFFRON WALDEN
(Applicant related to member of Council Staff)

Single storey side extension
Location: 123 Little Walden Road. GR/TL 539-023.
Applicant: Mr & Mrs Kidman
Agent: Mr & Mrs Kidman
Case Officer: Mr T Morton 01799 510654
Expiry Date: 21/05/2007
Classification: OTHER

NOTATION: Inside Development Limit.

DESCRIPTION OF SITE: This is a two storey detached house with an integral single garage. The house is sited on the west side of the road and is the last in the row, with open farm fields to the north side, separated by a mature deciduous hedge.

DESCRIPTION OF PROPOSAL: Erection of a single storey side extension to provide a habitable room. Its width would range from 1.9m to 3m, and its overall depth would be 6.66m. It would be sited towards the rear of the dwelling.

RELEVANT HISTORY: The dwelling has previously been extended, including a 2-storey rear extension, first floor extension over the garage, and a front porch.

CONSULTATIONS: Government Pipelines and Storage System: Our apparatus is not located within the vicinity of the application and we therefore have no further comments to make

TOWN COUNCIL COMMENTS: No objections.

REPRESENTATIONS: None. Notification period expired 20 April 2007.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are;

- 1) Principle of development (ULP Policies S1 & H8);
- 2) Design (ULP Policy GEN2 & [SPD](#) Home extensions);
- 3) Amenity (ULP Policy GEN2 & [SPD](#) Home extensions) and
- 4) Other material planning considerations.

1) The house stands just within the Development Limit of Saffron Walden which follows the northern boundary of this property where it adjoins an agricultural field. Policy S1 accepts development within these boundaries, if compatible with the character of the settlement and in addition, for sites on the edge of the built up area, its countryside setting.

The proposed extension has been designed to fill the gap at the side of the house utilising space up to the boundary hedge and ditch to the adjacent agricultural field. If the hedge is retained this would provide screening and a landscaped edge to the site and settlement, however, if the hedge were to be lost due to the development resulting in the whole side wall of the extension being the boundary to the field, and open countryside, this would have an adverse impact upon its countryside setting. The hedge was planted by the householder in the past, and consists partially of evergreen conifers and partially of ageing Lilac, and it is this later section which may need to be removed in part.

The proposal has been discussed with the applicant to clarify the extent of the hedge that can be retained, and it is felt that most of it would survive, but the applicant was reluctant to set the main room within the extension any further away from the hedge. A small lobby section has been set away from the hedge as a compromise, and the applicant offers to accept a condition requiring replanting of the hedge should any of it be removed. Of course, as a garden boundary hedge it has no form of statutory protection and could be removed in the course of normal gardening without consent being required.

2) The roof pitch is slacker than that on the house, but this is an acceptable design feature on a subordinate extension to a house, and helps to reduce its prominence on the edge of the countryside.

3) The side extension has no amenity implications for neighbours. The single storey extension stands beside the existing hedge.

4) No other issues are considered to arise.

CONCLUSIONS: The proposal is considered acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.2. Details of materials to be submitted agreed and implemented.
4. C.4.5. Retention of hedges.
5. C.8.28. Energy Efficiency.

Background papers: see application file.

UTT/0142/07/FUL - HATFIELD HEATH

(Referred at Member's request: Cllr Lemon – controversial within the Parish)

Conversion of existing building into 4 No. apartments. Change of use from commercial to residential

Location: The Mill Stortford Road. GR/TL 518-152

Applicant: Square Deal Units Ltd

Agent: BRD Tech Ltd

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 16/04/2007

Classification: MINOR

NOTATION: Within Development Limits.

DESCRIPTION OF SITE: This site covers an area of 488m² and is located to the southwest of the A1060 at the western end of Hatfield Heath. A four storey (inc. basement) former mill building of white painted brick to the ground and second floors, with black painted horizontal weatherboarding to the third floor is located on the site and was used as offices up until November 2006. Parking for the office use took place on site to the front and side of the building.

DESCRIPTION OF PROPOSAL: This application relates a change of use from commercial to residential and the conversion of the former mill to 4 x 2-bedroom apartments.

APPLICANT'S CASE including Design & Access statement: Advises that the proposal will contribute to the local economy by providing smaller dwellings to extend the mix of dwelling sizes available in the village. The proposals would also prevent the building from falling into disrepair.

The building has been used for over 30 years as a commercial let. In recent years the building has been allowed to deteriorate and the former office tenants have gradually left for more suitable premises. There is parking space for six cars plus one disabled space to the front of the building.

No private amenity space is proposed for the building as the site is adjacent to a large area of Manorial land.

It is proposed to re-clad the building in feather-edged weather boarding and it to be painted a soft white shade. New windows are to be introduced which would create a hierarchy of windows with those on the ground floor predominating. Those on the upper floors would be subservient in size to those below. The existing access will remain and the lower ground floor will be accessible to persons with disabilities, with access directly off the car parking area.

RELEVANT HISTORY: Change of use of existing storage building to offices at ground, first and second floors – lower ground floor to be part office and part storage refused 1986. Change of use of existing storage building to office use, part ground floor, 1st and 2nd floors – lower ground floor to be part storage, part office and construction of temporary car park conditionally approved 1986. Other history – there are three permissions on record for bulk storage and light engineering between 1966 and 1970.

CONSULTATIONS: Thames Water: No objection.

Natural England: Objects to the proposed development. We recommend that the local planning authority refuse planning permission on the grounds that the application contains insufficient survey 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 Great Crested Newts (GCN). GCN are known to have been present within a pond approximately 30m from the application site in the recent past. Further information should be sought from the applicant concerning the impact of the proposed development on this European protected species.

Building Surveying: To be reported (due 6 March 2007).

ECC TOPS: Concerns over the application as submitted regarding the following:

- On plan BRD/06/093/4 the visibility to the south of the western access will be obstructed by cars parked in the designated parking area to the front of the site.
- Was the area designated for parking on plan BRD/06/093/4 previously used for this purpose?
- Can the necessary sight lines across common land/village green along Stortford Road for the northern access be maintained to the north of the site?

Further consideration can be given to this application is an alternative design for parking that does not obstruct visibility and proof of the necessary sight lines across the land to the north of the site is submitted.

Essex Wildlife Trust: Objects to the development forming the subject of this application. This objection is made on the grounds that insufficient information has been provided with respect to Great Crested Newts (GCN), a European protected species. From the ecological information provided, we are satisfied that bats are not an issue at The Mill.

Essex Bat Group: Concerns that clearance work was underway at the time of the survey. This work was not detailed in the survey and should always cause concerns to any surveyor looking for signs of bats in a building.

We would also consider an emergence survey for bats should be carried out between April and September on all timber framed buildings as it is difficult to locate roosts and their entrances with a winter survey when bats are hibernating. We relied on the surveyor's description that there is a *tight seal* along the eaves and assume that this also applies to the timber cladding on the fourth floor.

We accept the surveyor's conclusions in the summary that bats are not using the building as a roost site.

Environment Agency: No objection subject to safeguarding measures in respect of sewage and drainage.

PARISH COUNCIL COMMENTS: The majority of the Council are opposed to the change of use as the loss of another place of employment further degrades the employment in the village and makes us less liable to support the other businesses in the village. The Mill is on a regular bus route, is in an excellent position for walking or cycling from within the village and since it has been bought there have been no advertisements to let the building for commercial use. Parking will be a major problem as the places earmarked for parking do not belong to the Mill but are on Village Green land.

The Council supported the proposed core strategy policy E2 which says 'safeguard existing employment sites where these remain appropriate'.

The appearance and character of the building is materially affected by the large number of windows which overlook the neighbouring existing properties and will detract from their existing enjoyment.

REPRESENTATIONS: This application has been advertised and 15 letters of representation OBJECTING to the application have been received. The period for representations expired on 22 March 2007. These are summarised as follows:

- Part of the parking spaces shown lie within an area of common land and has village green status.
- Owners of the land adjacent to the Mill have allowed car access to the Mill for business purposes only, and only during business hours.

- There is no legal precedent relating to claims for an easement by prescription on land with rights held in common (decision of the Court of Appeal in Hanning v Top Deck Travel Group Ltd, May 1993). This ruling prevents the validity of easement by prescription in the planning application.
- Parking in front of the Mill would lead to a hazard for parents of young children living in The Chestnuts who have to cross the road to the school.
- The record of Local Bats in the area detailed in the Bat report is not up to date.
- There are a high number of windows in the elevations that would overlook our property and reduce our level of privacy.
- The application proposes re-contouring of land outside the application site.
- The proposals would erode the character of the village and detrimentally change the appearance of the Mill.
- There is no area allocated for recreational use on the site.
- There is no right to use the adjoining Manorial Land for recreation/amenity purposes by future occupants of the proposed apartments.
- The south wall of the Mill is the boundary with Tudor Lodge and the Owl Box and any extra cladding would overhang the boundary. This is unacceptable.
- There would be overlooking of Tudor Lodge from the windows in the south side of the Mill.
- There is no justification provided to show that the Mill cannot be rented out as a commercial building. When the applicants acquired the building, the tenants were given notice to leave. Why was this?
- The proposal will involve an increase in the number of windows from 8 to 20 in the south-west elevation facing our property. Many of these are main windows serving living rooms as opposed to the obscure glazed stairwell and office accommodation windows that were only occupied when we were not at home. The increase in overlooking loss of privacy is unacceptable. Adjoining properties are in some cases less than 40 feet away.
- There will be additional noise generated by occupants of the flats – this did not occur when the Mill was occupied commercially on a 09.00 – 17.30 basis.
- Whilst the Mill, is not listed it is a building of considerable historic character and it would benefit from proper maintenance which does not necessarily involve conversion to flats.
- The use of the Mill for commercial purposes would be far more beneficial to the local economy than its use as flats.
- Provision of car parking in the basement of the Mill would improve vision and visibility for passers-by in the area of the Mill.
- There will be greater on-street parking in Chestnut Drive.
- The potential for a reduction in crime arising from the proposals will not arise as there had been no reported crimes arising from the commercial use of the Mill.

COMMENTS ON REPRESENTATIONS: The comments of the neighbours are noted and are dealt with below.

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

- 1) the principle of a change of use of the Mill from business use to residential use is acceptable. (ERSP Policies BE1, H4 and BIW4 & ULP Policy E2 and H3);
- 2) the design and appearance of the development will protect or enhance the particular character of the building and its surroundings. (ERSP Policy BE1, ULP Policy GEN2);
- 3) the development would have any harmful effect on neighbours' amenities. (ERSP Policies BE1 and H4 & ULP Policy GEN2);
- 4) the use of the existing access is acceptable and whether there is sufficient parking associated with the proposed development. (ERSP Policies T1, T3 and T12 and ULP Policy GEN1) and

5) there are any other material considerations.

1) The site lies outside any recognised key employment area and is located within the Development Limits for Hatfield Heath. Local Plan Policy E2 states that the development of employment land for other uses outside key employment areas will be permitted if the employment use has been abandoned or the present use harms the character of or amenities of the surrounding area. Policy H3 indicates that new housing within Development Limits will be acceptable in principle, provided that the site has reasonable accessibility to jobs, shops, and services by modes other than the car, or there is potential for improving such accessibility; and, the development would support local services and facilities.

The site was previously used for offices/light industry until November 2006. One of the representations from the occupant of Tudor Lodge advises that “a company of which the objector is a Director of, was advised that The Mill was to be sold and how much rent was being received on The Mill. The company was interested in the Mill and offered £350,000. This gave a good yield on the building from the rental business that was running. The Mill sold for £410,000 which would still give a reasonable renting yield, but tenants advised that they were given notice to leave. Our company now rents to former Mill tenants elsewhere”.

This evidence runs counter to the reasons provided by the applicants in their Design & Access Statement which advises:

“The building has been used for over 30 years as a commercial let. In recent years the building has been allowed to deteriorate and the former office tenants have gradually left for more suitable premises. The last tenants moved out in November 2006 just as the applicants were completing their purchase of the building.

The Mill could potentially be occupied by a less intensive commercial use such as document storage, but such a use would clearly not provide the revenue that is required to safeguard the future of this important local landmark. The proposed residential conversion would be much more in keeping with the predominant use of this part of the village which is residential”.

The Council is unaware of any complaints regarding the use of The Mill as business premises. Indeed, this use is favoured by local residents living in The Chestnuts because it operated whilst people were at work and there were no noise or other amenity issues arising at weekends when the dwellings tended to be fully occupied.

It is considered that the applicant’s case has not been made, and The Mill is capable for continued use for commercial purposes. It should be noted that Local Plan Policy E2 states that ‘the development of employment land for other uses outside key employment areas will be permitted if the employment use has been abandoned or the present use harms the character of or amenities of the surrounding area’. The proposal fails to satisfy the requirements of Local Plan Policy E2

2)& 3) Whilst The Mill is not a listed building and is not situated within a Conservation Area, it retains a unique character and is reflective of a continual employment/business use of the site since it was first constructed. Evidence from the representations on file suggests that it was formerly a brewery prior to its conversion to a Flour Mill circa. 1900.

Whilst no evidence of the structural viability of the Mill is presented with the application, there is no reason to doubt that it is capable of conversion to residential, or retention for business/employment uses. The application proposes the conversion of the building to four apartments, one on each floor. The front elevation of the present Mill building has 6 window openings and a pair of double entrance doors. This conversion would involve the insertion of 12 further windows and 8 rooflights. The rear elevation which faces dwellings in The Chestnuts presently has 8 window openings. This would change to 16 window openings and 4 rooflights.

This gives rise to two issues: The first is that the insertion of these windows to both front and rear elevations would result in an overly busy façade that would unacceptably alter the character and appearance of The Mill building. The second is that the windows proposed to be inserted in the rear elevation on the ground first and second floors would for 3 of the 4 windows serve either living rooms or bedrooms. The 4th window serving a bathroom on each floor which is likely to be obscure glazed. Furthermore, existing windows to the east side elevation would serve living rooms on the ground and first floors and would result in direct overlooking of Tudor Lodge, and The Annexe. This in conjunction with the additional windows to the rear elevation would give rise to an unacceptable loss of privacy and amenity to occupants of Tudor Lodge, The Annexe and 1 The Chestnuts.

A third issue raised is the lack of garden/amenity area that would form part of the development. The site edged red runs around the east side and rear of The Mill building, and aside from the car parking area and green spaces between the vehicle crossovers that provide access onto Stortford Road there is no amenity space accompanying the proposed development. This emphasises the poor quality of the proposal, and a lack of amenity space for sitting out or the drying of clothes in a development serving four residential units is considered unacceptable. Furthermore, there is no dedicated area shown for either refuse storage or cycle parking which are requirements for such developments as that proposed.

4) The use of the existing access points is considered acceptable. However, the Highway Authority has concerns over the application because the design for the parking layout obstructs visibility, and proof that the necessary sight lines across the land to the north of the site can be achieved has not been submitted. These concerns have also been raised by Local residents who state that the car parking to the front of the Mill would prove dangerous for children crossing the road to reach the school. It is considered that the lack of forward visibility is unacceptable in highway safety terms.

5) Local residents have raised the issue of land ownership. This is essentially a private matter. The applicants have served Notice on The Gosling Trust as part of the application that they intend to carry out the development. The Council can consider and decide the application on the basis of the submitted information. This does not convey upon the developer the right to develop third party land should the application be approved.

Concerns regarding protected species are covered in a Bat Report to which No objections have been raised by the Wildlife Trust or Natural England. The Essex Bat Group remains concerned regarding the proposals although it accepts that The Mill is not being used as a Bat Roost. If members are minded to approve the proposal, an advisory note relating to Bats should be attached to any Decision Notice.

In addition, the Wildlife Trust has objected on the grounds that the proposals may have a harmful effect on a known population of Great Crested Newts. As the application proposes a change of use of the building with no additional built development it is considered that the local Great Crested Newt population would not be harmed as a result of these proposals.

CONCLUSIONS: The proposals are considered unacceptable. They do not comply with the policy criteria for the conversion of buildings in employment use as outlined in Local Plan Policy E2, and evidence suggests that such a use could continue to be conducted from the site with little or no harm to residential amenity. The proposed conversion of The Mill to residential use would result in a poorly detailed form of development that fails to respect the character, integrity and historic former use of The Mill building; and, as a result would give rise to an unacceptable degree of overlooking and loss of privacy to residents of adjoining dwellings. The car parking layout which restricts forward visibility for vehicles exiting onto Stortford Road is unsafe; and, there is

insufficient amenity space attached to the property to provide refuse storage/cycle parking facilities or a sitting out area for occupants of the new dwellings.

Planning permission should be refused.

RECOMMENDATION: REFUSAL REASONS

1. The proposed change of use of The Mill to four residential apartments is considered unacceptable. It fails to comply with the policy criteria for the conversion of buildings in employment use as outlined in Local Plan Policy E2, which requires that: that 'the development of employment land for other uses outside key employment areas will be permitted if the employment use has been abandoned or the present use harms the character of or amenities of the surrounding area'. Evidence suggests that such a use is economically viable and could continue to be conducted from the site with little or no harm to residential amenity.
2. The proposed conversion of The Mill to residential use would result in a poorly detailed form of development giving result to a plethora of new window openings in the front and rear elevations. Such changes would fail to respect the character, integrity and historic former of use of The Mill building. As such the proposed development would be contrary to the provisions of Policies BE1 and H4 of the Essex and Southend-on-Sea Replacement Structure Plan 2001 & Policies GEN2 and H3 of the Adopted Uttlesford Local Plan 2005.
3. The insertion of the new window openings in the rear elevations, and the use of existing openings to serve living rooms in the east side elevation would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to occupants of Tudor Lodge, The Annexe and 1 The Chestnuts contrary to the provisions of Policies BE1 and H4 of the Essex and Southend-on-Sea Replacement Structure Plan 2001 & Policies GEN2 and H3 of the Adopted Uttlesford Local Plan 2005.
4. The proposed car parking layout to the front of The Mill would restrict forward visibility for vehicles exiting onto Stortford Road. This is considered to be unsafe and is unacceptable contrary to the provisions of Policies T1, T3 and T12 of the Essex and Southend-on-Sea Replacement Structure Plan 2001 & Policy GEN1 of the Adopted Uttlesford Local Plan 2005.
5. There is insufficient amenity space attached to the property to provide refuse store/cycle parking facilities or a siting out area for occupants of the new dwellings contrary to the provisions of Policies GEN1 and GEN2 of the Adopted Uttlesford Local Plan 2005.

Background papers: see application file.
