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**PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 13 JUNE 2007**

APPL NO: **UTT/0142/07/FUL**  
PARISH: **HATFIELD HEATH**  
DEVELOPMENT: Conversion of existing building into 4 No. apartments.  
Change of use from commercial to residential  
APPLICANT: Square Deal Units Ltd  
LOCATION: The Mill, Stortford Road  
D.C. CTTE: 23 May 2006 (see report copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Refusal**  
*Case Officer: Miss K Benjafield 01799 510494*  
Expiry Date: 16/04/2007

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APPL NO: **UTT/0390/07/FUL**  
PARISH: **LITTLE BARDFIELD**  
DEVELOPMENT: 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  
APPLICANT: Mr A Goldsmith  
LOCATION: Little Bardfield Hall  
D.C. CTTE: 23 May 2006 (see report copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Refusal**  
*Case Officer: Mr T Morton 01799 510654*  
Expiry Date: 31/05/2007

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## **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 488m<sup>2</sup> 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, 1<sup>st</sup> and 2<sup>nd</sup> 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 4<sup>th</sup> 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.*

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**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 19<sup>th</sup> 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 Policy CS1);**
- 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.*

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**1) UTT/0579/07/DFO, 2) UTT/0584/07/DFO & 3) UTT/0586/07/DFO - LITTLE CANFIELD**

- 1) Construction of road & drainage & associated landscaping (Section A-B)
  - 2) Construction of road & drainage & associated landscaping (Section B-C)
  - 3) Construction of road & drainage & associated landscaping (Section C-D)
- Location: Land north of Jack's Lane, Priors Green (Phase 11). GR/TL 572-215.  
Applicant: Countryside Properties  
Agent: Countryside Properties  
Case Officer: Mr H Laird 01799 510464  
13 week expiry Date: 02/07/2007  
Classification: MAJOR

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

**DESCRIPTION OF SITE:** The sites occupy approximately 1.0 hectare of land in a semi-circular form abutting the northern boundary of Jacks Lane on at the approved western crossover, and then following a curving route north and then east before turning south to again meet up with the eastern crossover of Jacks Lane. The spine road serving the Priors Green development on land to the south of Jacks Lane has previously been approved and constructed up to base course. Across its route the site currently comprises fallow agricultural land. A number of existing residential properties, most particularly those served off the southern side of Jacks Lane, namely: The Bungalow; The Nest, and Almara, are the nearest dwellings to the line of this part of the spine road. Almara is located directly to the south-west of the eastern Jacks Lane crossing at point D-D where the proposed and built elements of the spine road join.

**DESCRIPTION OF PROPOSAL (including applicants case):** This submission proposes a section of the development's main spine road positioned within the northern half of the development area. The proposal also includes details of associated landscaping, drainage and services. The proposed road will link up with the already approved phase 5 spine road in the form of a three junction roundabout at point A-A and also the phase 1 spine road at point D-D which will provide access across nearby Jacks Lane to the southern and eastern section of the development.

The road is characterised by carriage way widths of between 6 and 6.75 metres with associated foot paths of a minimum width of 2 metres and a shared footpath/cycleway of 3 metres in width on the southern side of the carriageway. The Loop Road design is a requirement throughout the development to ensure public transport is accessible to all residents, and also for emergency and refuse vehicles. This is to minimise the levels and extent of vehicle movements at each point of access. The road is designed as a Category 2 road enabling traffic calming through horizontal geometry. The design speed is 30 mph although this can be limited further through appropriate signage.

The design accommodates two cross over points to Jacks Lane between the north and south sections of the development. This is as approved in the master plan. The crossing are also in accordance with the temporary crossing point (Ref: UTT/0827/06/FUL) and where the drainage runs and construction traffic are already approved to cross the byway. This was approved within application UTT/0556/06/FUL. Therefore, the impact on Jack's Lane and its hedgerows and trees will be kept to a minimum.

The Jack's Lane crossovers will be by means of a raised table so that a level crossover is maintained. The carriageway and footways will be marked by different surface treatments,

simple dropped kerb with bollards placed either side of the point of crossover in order to prevent vehicles from turning off the estate road and into Jacks Lane.

Detailed landscaping proposals for the treatment of the spine road and the Jack's Lane crossing points have been prepared. Only a limited number of trees and shrubs necessary to construct the link road will be removed.

The existing ecology of Jack's Lane has also been assessed by Ecological Consultants.

Street lighting across the development is proposed to be in accordance with Essex County Council's Adopted Standards. The specification has been upgraded by applying 'Campaign for Darker Skies' recommendations such as utilizing 'zero degree tilt' lanterns which effectively means that light is reflected downwards and light pollution is therefore, kept to a minimum

Further submissions will include details of public open space planting, street furniture, play areas and materials, and do not form part of these particular applications.

**RELEVANT HISTORY:** On 23<sup>rd</sup> June 2005, outline planning permission (all matters reserved) was granted for the development of a new residential neighbourhood, including residential development, a primary school site, local centre facilities, open space, roads, footpath/cycle ways, balancing ponds, landscaped areas and other ancillary or related facilities and infrastructure (UTT/0816/00/OP). This permission is subject to conditions, a Section 278 agreement and a Section 106 legal agreement to secure the provision of public open space, play areas, a community hall, community facilities, structural landscaping and sports and community facilities. Committee has also approved a Master Plan dated 10<sup>th</sup> August 2000 for the Priors Green site. Application Ref: UTT/0827/06/FUL for the temporary crossing point of Jack's Lane is also under consideration. There are no other applications of direct relevance relating specifically to the application site however members will be aware of the submission and subsequent approval of a number of reserved matters applications including phase one for the spine road to the eastern side of the development to which the proposed road will adjoin UTT/1054/05/DFO.

**CONSULTATIONS:** Essex County Council (Archaeology): raise no objections in respect of the archaeological implications of the proposed development although recommend the imposition of a condition requiring that no works shall take place until the applicant has secured the implementation of a programme of archaeological works and recording in accordance with a written scheme of investigation approved by the planning authority.

Natural England: raises no objection to the proposals for section A-D.

Essex County Council (Highways & Transportation): have made comments concerning the internal layout of the proposal and indicate that the development is, in principle, acceptable. However, the design has not incorporated an area to allow vehicles to overrun the four radii of the mini roundabouts. These should be designed in accordance with the Essex Design Guide but the centre may be constructed to allow vehicles to overrun. A number of conditions are recommended concerning the timing of the construction of the road in relation to the occupation of any dwellings, visibility sight splays at road junctions and types of surface finish and longitudinal gradient of the roads, details of traffic calming, and the provisions of pedestrian/vehicle visibility splays for each property prior to occupation.

Environment Agency: No objection.

**PARISH COUNCIL COMMENTS:** Takeley Parish Council objects to the proposals on the following grounds:

- Speed restriction for this road (and all estate roads) of 30 mph is totally inappropriate and should be set at 20 mph for pedestrian and road safety.
- Traffic calming measures are not defined. Appropriate traffic calming measures must be clearly defined and installed for pedestrian and road safety.
- Specification of trees to be planted is inadequate. These must be of the same maturity and height (i.e. at least 15 – 20 ft tall) as those already planted along the main eastern side of the spine road leading from the balancing ponds. This will provide an immediate impact and attractive feature along this important road.
- Tree planting to be continuous along the western (A-B) and northern (B-C) sections of the road to improve the overall aspect and character of the estate
- No plans or specifications for the crossings with Jacks Lane have been defined. Detailed plans and specifications for the 2 crossings across Jacks Lane are required to ensure that the crossing arrangement is appropriate, rights of way users of the bridle path are recognised and protected, pedestrian and road safety are protected and existing Jacks Lane trees and hedgerows in close proximity to the crossings are protected.
- No works to the crossings can be undertaken until the current dispute over ownership of Jacks Lane has been resolved.

**REPRESENTATIONS:** No letters of representation have been received.

**PLANNING CONSIDERATIONS:** The main issues identified by officers are:

- 1) **Matters of principal taking into account the background and planning of the site area. (ULP Policies S2, S7 & Policy 3)**
- 2) **The need/purpose of the development in the position and form proposed. (ULP Policies S2, S7, GEN1 & Policy 3);**
- 3) **The affects of the development on the character and ecology of the area. (ULP Policies S2, S7, GEN2, GEN7, ENV3, ENV8 & policy 3);**
- 4) **Highway Safety (ULP Policy GEN 1) and**
- 5) **Other matters of material consideration.**

1) The land subject to this application, benefits from outline planning permission for residential development pursuant to application UTT/0816/00/OP. This permission followed the Committees approval of the Priors Green Master Plan in November 2000, which provides a basis for considering subsequent planning applications and Section 106 agreements. A key issue is that the proposed layout and route of the proposed spine road is in accordance with the details and internal road layout of the approved Master Plan for the site, which depicts the routes of the principle distributor routes within the site. The proposed spine road is therefore consistent with the anticipated planning of Priors Green.

2) Firstly the current submission has been shaped and guided by the aforementioned approved Master Plan. The design of the road accords with relevant design standards and the route satisfies regulatory highway requirements, which stipulates that a development of this size should be served by at least two separate means of highway access into the development from the main highway network. The Highway Authority have also advised Officers that the two chosen points of access are the best points to serve the development in accordance with highway guidelines. It is also of material importance that the proposed road will need to ensure that it is feasible to run a bus service through the development as bus operators are unlikely to route a service into a no through road or cul-de-sac. Officers are therefore satisfied for the aforementioned reasons that the proposed spine road is necessary in the position and form proposed.

3) Officers acknowledge that the road will affect the character of the site as at present the area is undeveloped and characterised by fields and hedgerow including the areas of the proposed crossing points at Jacks Lane. Officers are satisfied however that the scheme has been designed in order to mitigate the effects of the development as much as possible. Extensive soft planting is proposed along the route of the road, which is consistent with the approved details of the section of spine road already approved within the eastern side of the development and this will aid in visually 'softening' the works. The proposed street lighting will have to be implemented in accordance with Essex County Standards and as the submitted drawings demonstrate, with the use of 'zero degree tilt' lanterns, light will effectively only be reflected downwards and light pollution will thus be kept to a minimum. The footpath has also been omitted on the northern side of the carriageway in order to keep the area of the works to a minimum.

4) Turning to matters of Highway Safety, subject to the imposition of appropriately worded conditions as suggested at the end of this report, it is anticipated that the proposal will be satisfactory in highway safety terms. Revisions to the design, which has not incorporated an area to allow vehicles to overrun the four radii of the mini roundabouts, are covered by condition. Such revisions would also need to be included to meet the requirements of any Section 38 Agreement with the County Council as Highway Authority. There would be no additional land take in making these minor alterations.

Traffic calming measures are not incorporated although officers have been advised by the County Council that such measures are not preferred under Section 38 Works as the road is designed to allow a bus service route to permeate the development. The design speed of the road is 30 mph, and conditions pertaining to the outline permission require details of street signage e.g. warning and speed signs to be incorporated into the design. Concerns have been specifically expressed by Takeley Parish Council concerning the 'crossovers' at the points where Jacks Lane crosses the route of the proposed road. This is to be achieved by means of dropped kerbs and again road markings and warning signs will be installed at appropriate points. Site visibility lines of 2.4 metres by 33 metres will be provided on either side of the main carriageway and bollards are proposed to be sited either side of Jacks Lane in order to prevent vehicles from turning into Jacks Lane from the estate road or vice-versa. These are not likely to be able to prevent access for two wheeled vehicles, however due to the route and poor surface of Jacks Lane, it is not anticipated that cyclists or motorcyclists will be inclined to regularly attempt to use it, although it will still be available as a through route for pedestrians and horse riders.

5) Officers acknowledge that the road will have some impact on existing residential properties as residents will undoubtedly experience a change to their local environment with the development of a large residential development in close proximity to their dwellings as many properties presently border and overlook open undeveloped land. Despite local opposition to previous applications, officers are satisfied that the scheme proposed by these three applications has been designed in order to mitigate the effects on residential amenity as much as possible, and to produce an acceptable form of transport link for the development it is proposed to serve. It will be during the initial works and early stages of completion that the road will be most noticeable to residents. Later as the respective residential phases are completed the road will be separated from the majority of existing properties by new housing and associated periphery landscaping, which will be detailed in the respective phases. This will reduce the impacts of traffic noise and lighting.

With regard to Foul water Drainage, the routes of the main foul sewers follow the line of the proposed infrastructure roads within the site. The developers have been in close consultation with Thames Water, to ensure that adequate facilities are provided. Condition C.90G of the outline planning permission will ensure that no development shall take place until a programme of works for the provision of foul water drainage (as well as water supply

and surface water drainage) has been submitted to and approved in writing by the local planning authority.

Turning to archaeology, an appropriately worded condition in accordance with Essex County Council advice is recommended at the end of this report. This requires the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation to be submitted to and approved in writing by the local planning authority.

**CONCLUSIONS:** In light of the above considerations the proposed northern loop of the spine road is considered to accord with the requirements of the Master Plan, the approved phasing plan and the outline planning permission for the site (UTT/0816/00/OP), Policy 3 pertaining to Priors Green and all other matters of material importance. The three applications are therefore, recommended for approval subject to the following conditions.

### **RECOMMENDATIONS:**

#### **1) UTT/0579/07/DFO – APPROVAL WITH CONDITIONS**

1. C.10.15. Standard Highway Requirements.
2. Any trees proposed within the highway must be sited clear of all underground services and visibility sight splays. In the interests of highway and pedestrian safety.  
REASON: In the interests of highway and pedestrian safety.
3. C.10.24. Standard Highway Requirements
4. C.10.25. Standard Highway Requirements.
5. C.10.26. Standard Highway Requirements.
6. The longitudinal gradient of the proposed road and the vehicle visibility sight splays shall accord with the supplementary Planning Document “The Essex Design Guide”, unless otherwise agreed in writing by the local planning authority.  
REASON: In the interests of highway safety.
7. Prior to the commencement of the development hereby approved, precise details of the revisions to the spine road design to incorporate areas to allow vehicles to overrun the four radii of the mini roundabouts, have been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the LPA.  
REASON: In the interests of highway safety.
8. C.16.2. Full archaeological excavation and evaluation.
9. C.20.3. Protected Species discovered get Licence from DEFRA.
10. C.20.4 Condition for Restricting Construction Works to a Specified Season to Protect breeding Birds.
11. All aspects of the approved Flood Risk Assessment for the site shall be incorporated in the design, unless otherwise agreed in writing by the Local Planning Authority.

#### **2) UTT/0584/07/DFO – APPROVAL WITH CONDITIONS**

1. C.10.15. Standard Highway Requirements.
2. Any trees proposed within the highway must be sited clear of all underground services and visibility sight splays.
3. C.10.25 Standard Highway Requirements.
4. C.10.26 Standard Highway Requirements.
5. The longitudinal gradient of the proposed road and the vehicle visibility sight splays shall accord with the supplementary Planning Document “The Essex Design Guide”, unless otherwise agreed in writing by the local planning authority.  
REASON: In the interests of highway safety.
6. C.16.2. Full archaeological excavation and evaluation.

7. Prior to the commencement of the development hereby approved, precise details of the revisions to the spine road design to incorporate areas to allow vehicles to overrun the four radii of the mini roundabouts, have been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the LPA.  
REASON: In the interests of highway safety.
8. C.20.3. Protected Species discovered get Licence from DEFRA.
9. C.20.4 Condition for Restricting Construction Works to a Specified Season to Protect breeding Birds.
10. All aspects of the approved Flood Risk Assessment for the site shall be incorporated in the design, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To prevent the increased risk in flooding.

**3) UTT/0586/07/DFO – APPROVAL WITH CONDITIONS**

1. C.10.15. Standard Highway Requirements.
2. Any trees proposed within the highway must be sited clear of all underground services and visibility sight splays.  
REASON: In the interests of highway and pedestrian safety.
3. C.10.24. Standard Highway Requirements.
4. C.10.25. Standard Highway Requirements.
5. C.10.26. Standard Highway Requirements.
6. The longitudinal gradient of the proposed road and the vehicle visibility sight splays shall accord with the supplementary Planning Document “The Essex Design Guide”, unless otherwise agreed in writing by the local planning authority.  
REASON: In the interests of highway safety.
7. Prior to the commencement of the development hereby approved, precise details of the revisions to the spine road design to incorporate areas to allow vehicles to overrun the four radii of the mini roundabouts, have been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the LPA.  
REASON: In the interests of highway safety.
8. C.16.2. Full archaeological excavation and evaluation.
9. C.20.3. Protected Species discovered get Licence from DEFRA.
10. C.20.4 Condition for Restricting Construction Works to a Specified Season to Protect breeding Birds.
11. All aspects of the approved Flood Risk Assessment for the site shall be incorporated in the design, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To prevent the increased risk in flooding.

*Background papers: see application file.*

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## **1) UTT/0519/07/DFO & 2) UTT/0632/07/DFO - TAKELEY**

- 1) Erection of 13 No. new dwellings and associated works on part of Phase 7
- 2) Erection of 58 dwellings and associated works. Alternative scheme to that approved under UTT/1814/07/DFO

Location: Part of phase 7 (Lot 1) Priors Green Dunmow Road. GR/TL 568-212.

Applicant: David Wilson Homes

Agent: David Wilson Homes

Case Officer: *Mr H Laird 01799 510464*

Expiry Date 13 weeks: 27/06/2007

Classification: MAJOR

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

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

**DESCRIPTION OF PROPOSALS:** The applications before Members seek an amendment to the approval of all matters reserved under Ref: UTT/1814/06/DFO (approved at 31 January meeting).

This was approved pursuant to outline planning permission for the Priors Green site (UTT/0816/00/OP) for 57 dwellings with associated infrastructure.

The applications before members for consideration are: UTT/0632/07/DFO which seeks approval of an additional dwelling making 58 dwellings in this case; and 13 dwellings with associated infrastructure UTT/0519/06/DFO. All matters pursuant to the outline permission were reserved, and both these applications seek approval of these reserved matters.

It should be noted that the site of the application for the 13 dwellings is included within the site of the application for 58 dwellings.

The proposed layout of the development has been largely dictated by the road network established by the approved Master Plan for the development. Properties will face onto Dunmow Road and will then extend northwards along the main spine road, with further dwellings clustered around smaller cul-de-sacs leading off of the main spine road. The development has a net density of 29 dwellings per hectare, although the density varies across the site with a lower density of 20 units per hectare on the northern section of the

site. The dwellings comprise a variety of designs, which are largely traditional in appearance, comprising simple cottage style dwellings, larger dwellings with gable projections, dormer windows etc and three storey town house style dwellings located centrally within the site. Materials are proposed to comprise of a variety of bricks including multi red, plain red and yellows in addition to elements of weather boarding and render, with plain tiles to include browns and reds and artificial slates. The development comprises a mix of approximately 2% (3%) of 2 bedroom dwellings, 36% (39%) of 3 bedroom dwellings, 48% (46%) of 4 bedroom dwellings and 14% (12%) of 5 bedroom dwellings. (Previously approved figures for the 57 dwelling scheme are in brackets).

The applicants have submitted revised drawings. The proposed changes are:

1. An additional dwelling in phase 7, which would bring the total numbers of dwellings up to 58 units for phases 7 & 8.
2. The incorporation of dormer windows within a number of house types to provide additional accommodation. Where dormers have been added this is in discreet locations to avoid additional overlooking of neighbours.
3. Amended layout to plots 12 to 17.
4. Longer garages to plots 1 to 3, (previously approved as an amendment by the Council).
5. The northern part of the development (plots 26 to 45) and along the western side of the spine road (plots 5 to 25), remain exactly the same as previously approved under UTT/1814/06/DFO.

The changes to the more prominent street scenes are therefore, minimal. The proposed 3-storey houses are shown at 11 metres ridge height as required by Members and as approved under the previous Reserved Matters application Ref: UTT/1814/06/DFO.

Drawing No ENG//2209/01 Rev A shows a copy of the latest Ditch Access Proposals following receipt of comments from the Council's Drainage Engineer. The proposed development has been designed to Lifetime Homes Standards as required by the Council's SPD on Accessible Homes and Playspace (adopted November, 2005).

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

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

No Design and Access Statement has been submitted with either of the UTT/0632/07/DFO & UTT/0519/06/DFO applications, the applicants citing that there is no legal requirement to do so with a Reserved Matters application.

**RELEVANT HISTORY:** On 23 June 2005, outline planning permission (all matters reserved) was granted for the development of a new residential neighbourhood, including residential development, a primary school site, local centre facilities, open space, roads, footpath/cycle ways, balancing ponds, landscaped areas and other ancillary or related facilities and infrastructure (UTT/0816/00/OP). This permission is subject to conditions, a Section 278 agreement and a Section 106 legal agreement to secure the provision of public open space, play areas, a community hall, community facilities, structural landscaping and sports and community facilities. Committee has also approved a Master Plan dated 10<sup>th</sup> August 2000 for the Priors Green site. Members may recall the recent approval of reserved matters for the Phase 5 spine road and open space (UTT/0555/06/DFO), which will serve the dwellings now for consideration and is shown on the submitted layout drawings.

Reserved Matters application Ref: UTT/1814/06/DFO for 57 dwellings on phases 7 & 8 approved 1 February, 2007.

**CONSULTATIONS:** The following consultation responses have been received in respect of the applications. Any further comments received will be reported to Members.

**UTT/0519/07/DFO – Erection of 13 dwellings.**

Essex County Council (Archaeology): Advises that archaeological trial trenching has been undertaken across the site and no archaeological deposits have been identified which would require any further archaeological work. Therefore, no archaeological recommendations are being made on this application.

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

Essex Wildlife Trust: No objection, but is concerned at the loss of important habitats and the treatment of protected species. The applicants should be encouraged to retain important wildlife features across the site, to ensure that protected species are dealt with according to good practice and in full consultation with Natural England and to incorporate habitat enhancement and/or creation, where appropriate.

The Environment Agency: No objections to the applications, although following correspondence with officers have indicated that they would wish to see a buffer strip included into the design of the development that runs along the drainage ditch along the sites eastern boundary. Construction of the proposed 600mm culvert is acceptable. Subject to consent under the Water Resources Act 1991.

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

Essex Police: No objections to the proposed layout. Requests that the site be subject to Secured by Design Certification in order to reduce opportunities for crime and anti-social behaviour.

Essex County Council Highways and Transportation: No objections subject to safeguarding conditions.

Building Surveying: No objections subject to the dwellings meeting Lifetime Homes Standards.

**PARISH COUNCIL COMMENTS:** Takeley Parish Council: No objection stating that:-'The changes appear to be reasonable and have no material or detrimental impact. The decision

to replace the proposed house with a bungalow to the rear of Warren Close addresses one of our previous objections.'

**REPRESENTATIONS:** One letter of representation has been received in respect of this application from the occupants of Wayside Cottage, Dunmow Road. The residents raise no objections provided the frontage of the site is in keeping with the village surroundings and is not an eyesore. An ugly new roundabout had been built a few hundred metres up the road, but this has been replaced by a pretty white wooden picket fence with a grass verge which is in keeping with the village scene.

**COMMENTS ON REPRESENTATIONS:** The above comments are noted.

**UTT/0632/07/DFO – Erection of 58 dwellings.**

Essex County Council (Archaeology): Comments as above.

Natural England: Comments as above.

Essex Wildlife Trust: Comments as above.

The Environment Agency: No objection and concurs with the views of the Council's Drainage Engineer that the construction of the proposed 600mm culvert is necessary and acceptable. This is subject to consent under the Water Resources Act 1991.

Thames Water: Comments as above.

Essex Police: Comments as above.

Essex County Council Highways and Transportation: Comments as above.

Building Surveying: Comments as above.

**PARISH COUNCIL COMMENTS:** Takeley Parish Council: No objection stating that 'whilst somewhat confusing and difficult to monitor these changes do not appear to be material.'

**REPRESENTATIONS:** No letters of objection have been received in respect of this application.

**COMMENTS ON REPRESENTATIONS:** N/A

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

- 1) the above proposals are suitable alternatives to those previously approved under Ref: UTT/1814/06/DFO and
- 2) there are any other material planning considerations.

1) The land subject to these applications, benefits from outline planning permission for residential development pursuant to application UTT/0816/00/OP. This permission followed the Committees approval of the Priors Green Master Plan in 2000, which provides a basis for considering subsequent planning applications and Section 106 Agreements. The proposed layout of the development in respect of the general areas of housing, size and location of open space and inclusion of structural landscaping closely follows the approved details of the Master Plan and is therefore considered by officers to be consistent with the anticipated planning of the site.

Subsequently, Members discussed Reserved Matters application Ref: UTT/1814/06/DFO for 57 dwellings on phases 7 & 8 at their meeting on 31 January 2007. The application was approved on 1 February, 2007.

The additional dwelling is located at the northern end of the eastern part of Phase 7. This would become a terrace of six, 3-storey, 3-bedroom dwellings, as opposed to the approved terrace of five. This row of dwellings looks out onto the area of Public Open Space to the north, and there would be no additional impact in terms of overlooking or loss of privacy in

respect of other properties proposed to be constructed in the locality. Three storey dwellings have been accepted in this development and reflect those approved on the western side of the new spine road at plots 6-8 and plots 22-24.

**Proposed changes - both applications.**

Plot 54 on the west side of the spine road, is no longer a mid-terrace dwelling with first floor accommodation above an archway access through to a garage court, but is now proposed to be one half of a pair of semi detached dwellings. This will have benefits for the existing dwelling to the rear (west) at 'The Laurels' in that opportunities for overlooking/loss of privacy will be reduced.

Plot 102 (formerly plot 57) is changed from a 4-bed detached unit to a 5-bed detached unit, and is rotated through 90 degrees to face west as opposed to facing south onto Dunmow Road as previously approved. Whilst this is considered to be a retrograde step in visual terms in that the front of the dwelling would no longer face the main road, it is not so crucial as to warrant a refusal of the application.

**Proposed changes - application UTT/0632/07/DFO only.**

The other main change is in respect of plots 12 – 17. This relates to application Ref: UTT/0632/07/DFO only.

Instead of a terrace of 4x3-bed units, and a pair of 3-bed semis, this is proposed to be a terrace of 4x3 bed units with one half of the semi-detached, 3-bed unit attached to the north elevation. A detached 3 bed unit, of the same house type as the semi, would be sited to the north of this row in the same location as previously approved. Also, the dwelling serving plot 5, is proposed to be changed from a 3-bed to a 4-bed detached, two-storey unit.

It is considered that these changes are acceptable. There would be no material change in impact on the existing property to the west at 'Chadhurst' arising from these changes. Similarly, there would be no adverse impact on occupants of the new neighbouring dwellings from loss of privacy of amenity.

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

**RECOMMENDATIONS:**

**1) UTT/0519/07/DFO – APPROVED WITH CONDITIONS**

1. C.3.1. To be implemented in accordance with approved plans.
2. No development shall take place until the screen planting has been implemented in accordance with the details approved under condition C.90E of permission UTT/0555/06/DFO  
REASON: In the interests of neighbouring residential amenity.
3. C.5.1. Samples of materials to be submitted agreed and implemented.
4. C.6.7. Excluding conversion of garages.
5. Prior to the construction of the dwellings hereby approved, details of the energy and water saving measures to be used in both the internal and external construction of the dwellings shall be submitted to and agreed in writing by the local planning authority.  
REASON: To ensure that the dwellings are energy efficient, in the interests of the environment.

6. C.8.30. Provision of bin storage.
7. C.10.7. Visibility splays for crossover access.
8. C.10.18. Unbound material/surface dressing.
9. The dwellings hereby approved shall not be occupied until the car parking spaces shown on the approved plans attached have been hard surfaced and laid out. Such spaces shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety.
10. C.10.5. Carriageways of estate roads. Reason: In the interests of highway safety.
11. Any gates provided at the vehicular accesses shall only open inwards and shall be set back a minimum of 4.8 metres from the nearside edge of the carriageway.  
REASON: To enable vehicles using the accesses to stand clear of the carriageway/footway whilst gates are being opened and closed.
12. Cycle facilities shall be provided, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.  
REASON: To encourage the use of cycles as means of transport.
13. The development shall accord fully with the criteria listed for 'Lifetime Homes' in Supplementary Planning Document 'Accessible Homes and Playspace', unless otherwise agreed in writing by the local planning authority. Detailed drawings depicting the necessary revisions to the scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.  
REASON: To ensure that the development provides effective and practical lifetime homes.
14. The mitigation measures approved as part of the ecology strategy for the site shall have been undertaken and completed in full to the satisfaction of the local planning authority prior to the commencement of the development hereby approved.  
REASON: To comply with the requirements

**2) UTT/0632/07/DFO - APPROVAL WITH CONDITIONS**

1. C.3.1. To be implemented in accordance with approved plans.
2. No development shall take place until the screen planting has been implemented in accordance with the details approved under condition C.90E of permission UTT/0555/06/DFO  
REASON: In the interests of neighbouring residential amenity.
3. C.5.1. Samples of materials to be submitted agreed and implemented.
4. C.6.7. Excluding conversion of garages.
5. Prior to the construction of the dwellings hereby approved, details of the energy and water saving measures to be used in both the internal and external construction of the dwellings shall be submitted to and agreed in writing by the local planning authority.  
REASON: To ensure that the dwellings are energy efficient, in the interests of the environment.
6. C.8.30. Provision of bin storage.
7. C.10.7. Visibility splays for crossover access.
8. C.10.18. Unbound material/surface dressing.
9. The dwellings hereby approved shall not be occupied until the car parking spaces shown on the approved plans attached have been hard surfaced and laid out. Such spaces shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety.
10. C.10.5. Carriageways of estate roads. Reason: In the interests of highway safety.
11. Any gates provided at the vehicular accesses shall only open inwards and shall be set back a minimum of 4.8 metres from the nearside edge of the carriageway.

- REASON: To enable vehicles using the accesses to stand clear of the carriageway/footway whilst gates are being opened and closed.
12. Cycle facilities shall be provided, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.  
REASON: To encourage the use of cycles as means of transport.
  13. The development shall accord fully with the criteria listed for 'Lifetime Homes' in Supplementary Planning Document 'Accessible Homes and Playspace', unless otherwise agreed in writing by the local planning authority. Detailed drawings depicting the necessary revisions to the scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.  
REASON: To ensure that the development provides effective and practical lifetime homes.
  14. No roof lights or dormer windows shall be inserted into the west facing roof slopes to plots 28, 29, 30 and 31 and the north facing roof slopes to plots 32, 39, 40, 41, 42 and 43 without the prior written consent of the local planning authority.  
REASON: To avoid excessive overlooking of the adjacent property in the interests of residential amenity.
  15. No further windows or other forms of opening shall be inserted at first floor level on the north facing flank elevations of plots 31, 32 & 39 without the prior written consent of the local planning authority.  
REASON: To avoid excessive overlooking of the adjacent property in the interests of residential amenity.
  16. The first floor window positioned within the north facing flank elevation on house type 421 on plot 39 shall be fixed shut in perpetuity and fitted with obscure glazing, which shall also be retained in perpetuity.  
REASON: To avoid overlooking of the adjacent property in the interests of residential amenity.
  17. The mitigation measures approved as part of the ecology strategy for the site shall have been undertaken and completed in full to the satisfaction of the local planning authority prior to the commencement of the development hereby approved.  
REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern.

*Background papers: see application file.*

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## UTT/0693/07/FUL - SAFFRON WALDEN

Construction of 4 No. commercial units (B1, B2, B8 uses) and extension to existing building  
Location: Former Dairy Pipelines Premises Shire Hill. GR/TL 548-382.  
Applicant: Dencora Construction Ltd  
Agent: Dovetail Architects Ltd  
Case Officer: Mr T Morton 01799 510654  
Expiry Date: 20/07/2007  
Classification: MAJOR

**NOTATION:** Inside Development Limit / Existing Employment Area Policy SW6.

**DESCRIPTION OF SITE:** The site is within the Shire Hill Industrial Area, but adjoins the cemetery on its northern side, and residential properties in Prospect Place on its western side. It slopes downwards from south to north. The site is currently occupied by a range of single storey industrial shed type buildings along the northern side, with an open car parking and delivery area on the southern side and the remainder of the site with a grassed area.

**DESCRIPTION OF PROPOSAL:** Construction of 4 new additional units for Class B1/B2/B8 use on a vacant part of the site, comprising two units of 322 sq.m. and 2 units of 269 sq.m. and a 60 sq.m. extension to an existing unit giving a total of 1242 sq.m. floorspace. No details of staff numbers or hours of operation are known at this stage, as there is no identified operator.

Ninety-three parking spaces are proposed (1 space per 35m<sup>2</sup> floorspace) and an area for motorcycle parking. The existing vehicular access into the site would be retained.

**APPLICANT'S CASE including Design & Access statement:** The statement is available in full on file. It describes the site and surroundings and the proposals involved in this application.

**RELEVANT HISTORY:** UTT/1361/06/OP Outline application for the redevelopment of the site to provide Class B1 units in three ranges of buildings, with car parking partially underneath the buildings. Approved 22 September 2006  
UTT/0145/07/FUL – material changes to exterior appearance of buildings. Approved 28 March 2007.  
UTT/0184/07/FUL – Change of use from Class B2 to Class B1, Class B2 and Class B8 use. Approved 27 April 2007 with condition restricting the amount of class B8 space.

**CONSULTATIONS:** Essex County Council Highways: The Highway Authority would not wish to raise an objection to this proposal subject to the following conditions:

1. Prior to commencement/occupation of the development visibility splays with dimensions of 4.5 metres by 90 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the access/junction. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times

Reason: To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy T8 of Essex and Southend-on-Sea Replacement Structure Plan.

2. Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 4.8 metres from the nearside edge of the carriageway.

Reason: to enable vehicles using the access to stand clear of the carriageway/footway whilst gates are being opened and closed in accordance with policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.

3. Prior to commencement/occupation of the development hereby permitted the existing crossover to the south shall be removed and the footpath resurfaced and kerb reinstated for use as approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.

4. Prior to the commencement/occupation of the development the details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided before occupation and retained at all times.

Reason: To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with policy T6 of the Essex and Southend-on-Sea Replacement Structure Plan.

5. The Powered two wheeler/bicycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with policy T6 of the Essex and Southend-on-Sea Replacement Structure Plan.

Environment Agency: The site is classified as being within Source Protection Zone II of the Environment Agency's groundwater protection policy. This means that any pollutants entering the groundwater below this site could contaminate the public water drinking supply and be abstracted within 400 days.

The application, as submitted, does not sufficiently consider pollution control. We will OBJECT to the development unless the following CONDITION is appended to any permission granted:

**CONDITION**

Prior to the commencement of any development, a scheme for the provision and implementation of pollution control shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

**REASON**

To ensure a satisfactory method of pollution control.

The pollution of ground water and/or surface water is an offence under the Water Resources Act 1991.

Anglian Water: We would need to be provided with proposed foul water discharge calculations, including existing discharges and current arrangement from the site for full consideration to be given on capacity. However it is likely that flows would need to be directed to the foul water system to the west of the development.

Soakaways or alternative methods of surface water disposal will need to be investigated for the site, which is outside the responsibility of Anglian Water and the applicant will need to seek the approval from the local office of the Environment Agency or if relevant the Internal Drainage Board. If this were not possible, flows would need to be restricted to the existing discharge rate or less.

If planning approval is granted we would request the following is included:

**CONDITION**

Before any work commences onsite, details of the foul drainage disposal to be submitted and approved by the Local Planning Authority.

**REASON**

To ensure, that the development will not cause any flooding or pollution incidents.

**CONDITION**

Before any units can be occupied the foul drainage works to be constructed in accordance with the detailed foul drainage strategy approved by the Local Planning Authority.

**REASON**

To ensure, the development will not cause any flooding or pollution incidents.

Environmental Health Officer: Due to close proximity of residential premises I would recommend that conditions be attached to limit times of working where activities may be audible outside the boundary of the site. Additionally no working with power tools etc. outside the building. Due to the varied nature of noise likely to be caused by such a premise, a noise survey by a competent person may be beneficial to ascertain the extent of persons likely to be affected and provisions required to reduce those impacts.

**TOWN COUNCIL COMMENTS:** no objection.

**REPRESENTATIONS:** One. Notification period expired 24 May 2007.

The occupiers of an adjacent house raise concern at the height of the new buildings, unless they are to be the same height as the existing buildings. If taller they would dominate and adversely affect the view from their property.

The application form states there are no trees or hedges bordering this site, but although the developer has already removed many trees, there are still many which should be considered.

They call for screening to be put in place to protect their property from adverse effect ideally a green screen of trees to replace those established trees removed by the developers.

**COMMENTS ON REPRESENTATIONS:** The points raised are noted, and are addressed in the considerations section and by conditions

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

The main issues are

- 1) Principle of development (ERSP Policies CS1, BIW4 & ULP Policies E2, SW6);
- 2) Amenity and protection of adjacent sites. (ULP Policy GEN2);
- 3) Highways, parking and access issues (ERSP Policies T3, T6, T12 & ULP Policies GEN1, GEN8);
- 4) Biodiversity issues (ERSP Policy NR7 & ULP Policy GEN7) and
- 5) Other material planning considerations.

1) Both Structure Plan and Local Plan policies seek to retain employment sites for future employment use, and would in principle support such development in this location where they will form part of a sustainable community, and where people can get to work without being wholly dependant upon the car.

2) The new buildings involved are reasonably close to the residential premises in Prospect Place and their proposed uses could raise amenity issues. A range of conditions are recommended to provide a noise survey and remediation strategy and an acoustic screen and to control outdoor working and storage. The buildings are not considered to be close enough to have a materially adverse impact upon daylighting to those residential

premises, and there is of course no right to protect an existing view recognised in planning law.

On the south side the adjacent commercial premises are separated by a significant gap and are set at a higher level, and so are not adversely affected by the new buildings.

3) Policies are concerned not only to provide workable and safe access for cars and lorries but also to promote other means of travel to the site, by walking, cycling and where relevant by bus. There is currently no bus service to the area, and no reasonable prospect of any provision being made in future.

Parking provision should be made to meet the possible complete use of all buildings for Class B1 use at the standard of 1 space per 35 sq. m. Although this application is only for the new buildings and does not directly involve the existing buildings, the parking and access arrangements are common to both, and it is not really possible to disentangle the two. The provision should be based upon the total resulting development on the site. The existing floorspace is 2000 sq.m. and the proposal is an additional 1242 sq.m. floorspace giving a total of 3242 sq.m calling for 94 spaces. The proposal shows 91 spaces which is a slight but negligible shortfall.

Standards for motorcycle parking call for 10 spaces and 6 are shown.

No cycle parking is shown though the standard calls for 96 spaces. This would be a high provision given the low level of cycling in the area, but it would be reasonable to ask for 50% of this to be shown from the outset with space left over for later provision of the balance should it prove to be required.

The applicant has been asked to consider submitting a Travel Plan in the context of these proposals, and has responded that it is not appropriate for such a small scheme to make significant provision. A traffic assessment states that provision is made for car, motorcycle and bicycle parking. The existing buildings are not to be provided for to meet current standards. The Managing Agent will maintain a list of bus and train timetables and make these available to occupiers. In this rural location such transport is unlikely to be a major way of staff visiting work, but it is correct to encourage such transport use. Shared car journeys will also be encouraged and the Managing Agent will keep a list of names and locations of staff prepared to accommodate such journeys.

This is a fairly minimalist approach to provision for the use of alternative modes of transport. The Highway Authority have recommended conditions requiring provision to be made for cycle and powered two-wheeler parking, and that should help to make some provision within the site for those modes of travel.

4) The site currently has little biodiversity interest, but as part of the new design opportunities should be sought to incorporate some provision where possible. Landscape and biodiversity improvement should be considered in the context of those proposals. Appropriate features might be nest boxes on buildings or in trees, small ponds or a wildlife area for staff to use at mealbreaks.

5) No other issues are considered to arise.

**CONCLUSIONS:** The proposal is considered satisfactory and is recommended for approval with appropriate conditions including those conditions specified in their representations by consulted agencies.

## **RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. The Class B8 use hereby permitted shall be restricted to separate Class B8 use in single or combined units comprising not more than two of the units A, B, C, or D shown on the submitted drawing 1989 P12 D, with no self-storage use.  
REASON: In the interest of maintaining a balance of storage and other business uses on the site in order to maximise employment opportunities, and to limit the levels of traffic likely to be associated with use of the site.
4. C.8.29. Details of sustainable construction for new residential or commercial development.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. C.20.5. Condition Relating to Submission and Implementation of a Full Habitat Creation/Habitat Restoration Scheme
8. A noise survey and remediation plan carried out by a competent person shall be submitted to and be approved by the Local Planning Authority before commencement of the development hereby approved. The remediation measures shall include a screen acoustic fence to be provided to the western boundary of the site to protect the amenity of nearby residential properties ensuring no net gain in noise levels over existing background noise levels received at the boundary of those properties. The approved scheme shall be constructed as approved before implementation of any part of the consent hereby granted, and retained in good condition thereafter.  
REASON: In the interest of protection of the amenity of nearby residential occupiers.
9. Notwithstanding the terms of this consent for uses within Classes B1, B2 or B8, the first use implemented in any subunit of the property shall become the authorised use of that subunit and any subsequent change of use of such a subunit between Use Classes as defined in the Use Classes Order shall require further planning consent.  
REASON: To enable the Local Planning Authority to consider subsequent changes of use in terms of their impact upon amenity, and in the light of planning policy current at that time.
10. The units at the western end of the building, closest to the boundary with Prospect Place, shall only be used for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Notwithstanding the terms of this permission, these units shall not be used for purposes within Classes B2 and B8 of that, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.  
REASON: In the interests of protecting residential amenity, to avoid uses which could give rise to unacceptable nuisance to adjacent occupiers.
11. No development shall take place and no unit shall be occupied until details of the hours of deliveries to and from the premises have been submitted to and agreed in writing by the local planning authority. The businesses shall thereafter operate in accordance with the agreed hours of deliveries to and from the site, unless otherwise first agreed in writing by the local planning authority.  
REASON: To ensure deliveries to and from the site do not operate at hours which could give rise to nuisance to residential properties close to the industrial estate.
12. C.9.1. No outdoor storage.
13. Prior to commencement/occupation of the development visibility splays with dimensions of 4.5 metres by 90 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the access/junction. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times  
REASON: To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and

of the access having regard to policy T8 of Essex and Southend-on-Sea Replacement Structure Plan.

14. Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 4.8 metres from the nearside edge of the carriageway.  
REASON: To enable vehicles using the access to stand clear of the carriageway/footway whilst gates are being opened and closed in accordance with policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.
15. Prior to commencement/occupation of the development hereby permitted the existing crossover to the south shall be removed and the footpath resurfaced and kerb reinstated for use as approved in writing by the Local Planning Authority.  
REASON: In the interests of highway safety in accordance with policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.
16. Prior to the commencement/occupation of the development the details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided before occupation and retained at all times.  
REASON: To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with policy T6 of the Essex and Southend-on-Sea Replacement Structure Plan.
17. The Powered two wheeler/bicycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.  
REASON: To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with policy T6 of the Essex and Southend-on-Sea Replacement Structure Plan.
18. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.  
REASON: To ensure a satisfactory method of pollution control.
19. Before any work commences onsite, details of the foul drainage disposal shall be submitted and approved by the Local Planning Authority.  
REASON: To ensure, that the development will not cause any flooding or pollution incidents.
20. Before any units can be occupied the foul drainage works shall be constructed in accordance with the detailed foul drainage strategy approved by the Local Planning Authority.  
REASON: To ensure, the development will not cause any flooding or pollution incidents.
21. C.8.3. No outdoor working.

*Background papers: see application file.*

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**UTT/0641/07/FUL - STEBBING**  
***(Referred at Members request: Cllr Cant)***  
***(Reason: Controversial in parish)***

Change of use of redundant farm building to B8 general storage and access road (renewal of UTT/0484/06/FUL)

Location: Pond Farm Duck End. GR/TL 651-269.

Applicant: Mr A Haigh

Agent: Mr D Tuttlebury

Case Officer: Mr M Ranner 01799 510556

13 week date: 12/07/2007

Classification: MAJOR

**NOTATION:** Outside Development Limits.

**DESCRIPTION OF SITE:** The site occupies a rural location to the north of Stebbing. It comprises a relatively modern agricultural storage building of simple pitched roof design with sliding access doors providing access at the front of the building. The external materials consist of concrete corrugated sheeting to the elevations and roof above a block work plinth. Vehicular access is gained via an un-metalled road, which accesses the B1057 at a point approximately 240 metres to the south of the building, which is located within the far northern corner of the site. The remainder of the property, which falls within the ownership of the applicant, comprises a number of small buildings and structures and caravan, which are associated with the applicant's use of the site for the keeping of small numbers of livestock including chickens for small scale egg production.

**DESCRIPTION OF PROPOSAL:** The application seeks permanent retention of the change of use of the farm building to B8 general storage, which was granted on a temporary basis only under reference UTT/0484/06/FUL expiring on 7<sup>th</sup> June of last year.

**APPLICANT'S CASE:** A supporting letter accompanies the application from the applicants agent, which is replicated as follows:

"The B8 usage of the barn is of a low key nature and, therefore, any possible increase of traffic flow is insignificant.

The application site is adjacent to Uttlesford Special Roadside Verge U27, Poplar Farm. The site is on the east side of the B1057 road. The verge supports a number of important plant types. The existing site access route is retained for use without affecting the verge planting.

The existing route to the barn has already proved of adequate strength and construction to support vehicles accessing the site.

In addition to achieving efficient agricultural production the farm business must also diversify in order to secure income and their continued future. Recent national planning policy guidance encourages such schemes.

The existing building is of permanent construction and is already suitable for storage use without any reconstruction. In addition to the building, adequate hard-standing exists to satisfy turning and parking requirements.

There are be no high levels of noise or activity created within the proposals.

Planning Policy Guidance Note No. 7 (PP 67) refers to the re-use and adaptation of existing rural buildings.

It can reduce demands for new buildings in the countryside, avoid leaving existing buildings vacant and prone to vandalism and dereliction, and provide jobs.

There should be no reason for preventing the conversion of rural buildings for business re-use provided that –

- a) they are of permanent and substantial construction
- b) conversion does not prejudice local village vitality
- c) imposing reasonable conditions on permission to overcome any legitimate planning objections – in particular the traffic and access considerations with regard to the application site.
- d) The building is capable of conversion without any form of reconstruction.

The Local Planning Authority seeks to promote enterprise and development which diversifies and enhances the rural economy whilst conserving planning interests within the countryside

Appropriate re-use of soundly constructed rural buildings for non-residential purposes will normally be permitted.

There is a need to find alternative uses for rural existing buildings so as to provide new jobs and services and generally support the rural economy.

The application is for a small scale commercial use.

The potential traffic movements for any building occupier are considered insignificant above existing egg business use.

The proposed development at Pond Farm does not exploit natural resources, affect landscape, wildlife, or change building external appearances.

The proposal does not affect the character of adjacent developments as the external appearance of the building will not change.

It is concluded that proposals will enable Mr. Haigh to attempt to sustain a viable farming business on the holding through income gained from letting the existing building.

The proposal conforms to the policies of relevance at Local and National level.”

A letter has also been submitted from the applicant in support of the application.

**RELEVANT HISTORY:** The site has a varied planning history, the most relevant of which are listed as follows:

UTT/0192/05/FUL Change of use of redundant farm building to B8 General Storage and access road. Withdrawn by applicant 24.03.2005.

UTT/0484/06/FUL Change of use of redundant farm building to B8 General Storage and access road. Approved with conditions 24<sup>th</sup> May 2006.

UTT/1185/06/FUL Erection of 3 no. horse stables. Livestock housing and feed store. Approved with conditions 13<sup>th</sup> September 2006.

**CONSULTATIONS:** Saffron Walden Museum: point out that the application site lies adjacent to a Special Roadside Verge. The following comments are made:

“This verge supports a range of rare plants found in unimproved grassland habitat. As the change of use of the farm building would involve the existing vehicular access road and entrance this should not affect the special verge. I therefore have no objection to this application.”

The Highways Authority at Essex County Council: does not object to the proposal and make the following comments:

“Having regard to the existing use on the site and the likely traffic generation as a result of this proposal, it is considered that it would be difficult to substantiate a highway objection to this proposal.”

Environmental Services: advise that as there is a residential premise relatively near to the building any change of use has the potential to cause noise/light nuisance to the occupiers. In the event that permission is to be granted a number of conditions are recommended which include hours of operation restrictions and the submission of details concerning the insulation of plant and machinery.

Building surveying: comments that the access road should be at least 3.70 metres wide in order to allow access for fire brigade vehicles.

**PARISH COUNCIL COMMENTS:** None received. (Due by 13.05.2007).

**REPRESENTATIONS:** A letter of objection has been received from the occupants of Poplar Farm which abuts the northern boundary of the site and the siting of the farm building subject to this application. The main points of concern raised in this letter can be summarised as follows:

- The building is too close to Poplar Farm and will consequently cause disturbance from the noise of vehicles and in general. The grade II listed barns are only 9 metres from the proposed change of use.
- Overlooking will occur as the field approach is on a higher level.
- Disturbance will result from the flood lighting, which has been installed on the barn and around the entire field.
- A joint boundary exists which is closer to the barn than the boundary fence shown on the plan.
- The landscape screening will not screen the development from Poplar Farm.
- It is outside of development limits and does not protect or enhance the countryside.
- The proposal could necessitate another barn being built in the field.
- The proposal would increase traffic levels on the B1057 and compromise safety and character.
- The application form infers that no new jobs are being created. If they were, employees would have to travel to the site by car.
- The barn is not redundant and has been used by the applicant for hay and tractor storage and for horses continuously until the present time.
- The ability to turn and park are restricted on the land.
- The field already has a mobile home, caravan, pole barn, chicken shed and two trailer sheds. Adding more vehicles and storage items will further take away from the agricultural character.

- The field has only recently been named 'Pond Farm' by the owner and until recently it was just a green field. It appears it has intentionally been made to look like a dilapidated farm in need of assistance.
- The field is not part of a working farm.
- The development would be harmful to the character of the area, comprising a pleasing mix of a few houses and countryside.
- The change of use will no doubt allow the owner to sell produce from the barn, creating even more traffic through the field.
- It is stated that the B8 usage is low key, but there are no limitations to prevent it being used on a bigger scale in the future. There is no limitation on the size or amount of traffic.
- Bats are present on site. Has a bat survey been carried out?
- The B8 use of the building adjoining stables, which have recently been granted, is inappropriate.
- This is the third application for B8 use. We were informed that the first application was withdrawn by Mr. Haigh when he was told the application was to be refused. The second, a year later, was identical and passed with one year's use and many conditions on its use. This indicates that the council thinks B8 use should not be granted.
- If permission is granted a request is made to restrict the hours of operation from 9:00am to 5:00pm; no weekends, bank holidays, etc and limitations for size and number of vehicles and no use of floodlighting outside.

**COMMENTS ON REPRESENTATIONS:** Comments that are material to the consideration of this application will be addressed in the considerations to this report.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) **The appropriateness of the proposed development within the countryside (ERSP Policies C5 & RE2 & ULP Policies S7 & E5);**
- 2) **Traffic generation and highway safety (ULP Policies GEN1 & E5);**
- 3) **The likely impact of the proposal on the nearby Special Verge (ULP Policies ENV8) and**
- 4) **Neighbouring residential amenity (ULP Policy GEN4).**

1) The adaptation and re-use of rural buildings within the countryside can constitute appropriate development subject to certain criteria being met, which are set out under policy E5 of the ULP, which also reflects Government guidance contained in PPS7 'Sustainable Development in Rural Areas'. In this respect by granting planning permission on last year the Council was satisfied that the building was of permanent and substantial construction and capable of conversion without major reconstruction or significant extension. As a consequence the proposal was considered to have little effect on the appearance of the site and the character of the local countryside. There has, since that permission, been no relevant policy changes material to the consideration of the proposal now at hand.

2) With regard to traffic generation and highway safety, the former can of course in itself, have a harmful impact on the character of the countryside if considered excessive for the local road network serving the site. In this case the site accesses a classified road that although it follows a winding route is capable of accommodating a two way flow of traffic. It also appears to be a well used road taking into account its rural location and so a modest increase in traffic accessing would not discernably increase traffic flows affects on traffic numbers and flows. Allied with this is the fact that the building is not of a significant size, offering only 120m<sup>2</sup> of floor space and so the scale of the B8 use is be relatively small and unlikely therefore to generate vehicular movements significant enough to create

unacceptable pressures on the surrounding rural road network in terms of traffic levels, road safety and countryside character. It is material to the consideration of this application that the Highway Authority again raises no objections to the proposal and advises that due to the likely traffic generation it would be difficult to substantiate an objection on highway grounds. Local concerns have been expressed concerning these matters; however very significant weight has to be given to specialist consultation advice. The Highway Authority has also expressed no concerns or reported any instances with regard to highway safety during the course of the year when the planning permission (UTT/0484/06/FUL) has been enforce.

3) Turning to the issue of the nearby special verge it is unlikely that the verge, which is located just to the west of the site access would be affected by the proposal itself as the building subject to this application is sited at least 70 metres away and set clear of the access road that traverses the site. No changes are also proposed to the access itself, which is located closet to the verge. This is reflected by the fact that no damage has been reported to the verge during the past year when the use has been operating from the site and again the Special Verges Representative raises no objection to the proposal.

4) Finally as the site is located close to the neighbouring residential property of Poplars Farm potential still exists for the use to impact on residential amenity. Environmental Services indicate that there is potential for the use to cause nuisance, however consistent with their previous advice they advise that if approved a number of conditions should be imposed in order to prevent nuisance. Government Circular 11/95 advises that the Secretary of State considers that local planning authorities should not refuse planning permission if the objections can be overcome by the imposition of appropriate conditions. A number of conditions were imposed on the original permission (UTT/0484/06/FUL) and again these are recommended in the interests of residential amenity. The neighbours comments at Poplar Farm have been noted and considered in detail, although it has not in the view of officers been demonstrated by the neighbours that the specific B8 use for which this application pertains, has caused significant harm to their amenity. This allied with the advice from Environmental Services indicates that there are insufficient grounds to refuse this application based on the neighbours concerns and objections.

**CONCLUSIONS:** In conclusion Officers consider that it has been satisfactorily demonstrated that the barn subject to this application can accommodate a B8 use without prejudicing Development Plan Policies or compromising the countryside or neighbouring residential amenity. With the exception of the condition limiting the permission to a trial period the conditions imposed on the previous planning permission have again been recommended in order to ensure that the Council retains future control over a number of elements of the future operation of the site in the interests of amenity.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.6.8. Excluding Permitted Development extensions or alterations to industrial [warehouse premises.
3. C.8.16. Restriction of hours of operation.
4. No deliveries shall be taken to or dispatched from the site before 8am or after 6pm on Mondays to Fridays, and before 8.30am and after 1pm Saturdays and at no times on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To protect the amenities of nearby residential properties.
5. C.9.1. No outdoor storage.
6. C.8.7. Insulation of plant and machinery.
7. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the local planning authority prior to the

commencement of development, and no external lighting shall be provided without such written consent.

REASON: In the interests of the visual amenities of the area and to safeguard neighbouring residential amenity.

*Background papers: see application file.*

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**UTT/0565/07/FUL – SEWARDS END**  
**(Referred at request of Cllr Chamberlain)**  
*(Reason: Controversial in parish)*

Erection of a fence with gates

Location: Land to the rear of 15-23 Radwinter Road. GR/TL 572-384.

Applicant: Francis Moule

Agent: Francis Moule

Case Officer: Mr N Ford 01799 510464

Expiry Date: 28/05/2007

Classification: OTHER

**NOTATION:** Outside Development Limits.

**DESCRIPTION OF SITE:** A rectangular shaped parcel of land to the rear gardens of 15,17,19,21 and 23 Radwinter Road, Swards End. The land is occupied by rubble, wood, various items of machinery including a tractor and jcb as well as a storage container. The land is otherwise grassed with some mature trees to the southern boundary with residential gardens and to the north beyond an unmade track adjacent to a field ditch. Beyond this is an open sided steel framed utilitarian structure being agricultural in appearance, which would appear to have been associated with the listed Swards End Farmhouse to the west. Access to the site is near this Farmhouse on Redgates Lane via the unmade track. To the east is further open grass land and mature trees associated with the rear boundaries of properties fronting Radwinter Road and the field ditch previously referred to. A close boarded timber fence partly bounds the application site to the north of nos. 15 and 17 Radwinter Road.

**DESCRIPTION OF PROPOSAL:** This planning application relates to the erection of a two metre high fence and two gates enclosing a rectangular shape area approximately 20x75x22x82m. The application is in part retrospective noting at the time of the Officer site visit that the timber close barded fence has been erected to the north of nos. 15 and 17 Radwinter Road.

**APPLICANT'S CASE including Design & Access statement:** See applicant's letter dated 26 March 2007 attached at end of report.

**RELEVANT HISTORY: Article 4 Direction**

An Article 4 Direction was issued by Uttlesford District Council restricting Permitted Development within part 2 and Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. The First Secretary of State in exercise of his powers under Article 5(1) of the Town and Country Planning Act (General Permitted Development) Order 1995 approved the Article 4 Direction.

Planning permission is therefore required to be sought for any operations or uses on the land otherwise permitted within Part 2 (Minor operations) and Part 4 (temporary buildings and uses) of the aforementioned Order.

**CONSULTATIONS:** Legal Services: No comment. The application should be determined on its planning merits.

Serco: No comment.

**PARISH COUNCIL COMMENTS:** The Parish Council fought hard to get an Article 4 on the land and believe that the owner of the land [was] aware that there was an article 4 on the

land when he purchased it. The closely boarded fence is not appropriate for the rural location. A container has been put on the land which is a concern to neighbours.

**REPRESENTATIONS:** Four letters. Notification period expired 23 April 2007.

1. 8 Redgate Lane – Object. The Article 4 was supposed to protect us from fencing and containers. There has never been an application for change of use. It is stated that the fence is needed for security for rarer and historical agricultural machinery but omits the bulldozer, tractor, trailers and other equipment on the land. Endure noise from the site. This is not just fencing but the creation a new yard. Would set a precedent is such a sensitive area if allowed.

2. 9 Radwinter End – Object. The design and appearance of the fence is very offensive to our view and not in keeping with the local surrounding. The fence is higher than surrounding fences and also has a strange step arrangement where the fence butts next to our fence. One run of fencing is in fact lower than the rest. Careful consideration should be given to any permission on this section of the land due to the Article 4 and what permission may lead to with regard to further requests for development on the land. Already this section of land that has been fenced off has acquired an unsightly large storage container along with several large pieces of equipment and the site is visited regularly by commercial vehicles. The use of the land must be monitored to prevent unwanted development in the village.

3. 11 Redgate Lane – Object. The land is subject to the same restrictions as other pieces of land within the former Swards End Farm owned or managed by Glenridge Estates and Property Spy. The erection of the fence has taken place without planning approval. The applicant sold a previously owned builders yard for the development of five detached houses in Radwinter Road, Swards End and indications are that he now wishes to create a new builders yard on the plot in question including large metal security gates. Already there is various heavy duty earth moving equipment on site and local people have said the industrial sand blasting is being done. Access from Redgates Lane is a small stretch of road between two right angle bends and is potentially very dangerous.

4. 31 Radwinter Road – Object. We were under the impression that the land was under a [Article 4] Direction allowing nothing to be built or erected upon it. We feel that is this is the case this should be adhered to. The said fence looks out of place and unsightly. Also, the Moorhens that used to visit the pond in my garden have not been seen since it was erected.

**COMMENTS ON REPRESENTATIONS:** Agree with harm to visual amenity and precedent. See planning considerations.

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

**1) Whether the erection of two metre high fence and gates would be detrimental to the visual amenity of the area and harm the openness of the countryside contrary to ESRP Policies CS2, C5 and ULP Policies S7 and GEN2.**

1) Permitted development rights are normally only withdrawn in exceptional circumstances and are rarely justified unless there is a real and specific threat i.e. there is reliable evidence that permitted development is likely to take place which would damage an interests of acknowledged importance and therefore be brought within full planning control in the public interest. Article 4 Directions for leisure plots are justified where development is likely to take place that would seriously affect the attractiveness of the surrounding countryside. Such Article 4 Direction being placed on the land is response to the purchase of the land at auction by property developers who subsequently have offered the land for sale

in separate plots. In approving the Article 4 Direction the Secretary of State demonstrated the circumstances were exceptional and that such development would be harmful.

At the time of the Officer site visit it was noted that the fence and gates proposed have been partially erected at the western end of the site and to the north of the rear boundary of nos. 15 and 17 Radwinter Road. This is a close boarded timber panel fence. In part this encloses stored timber and rubble with a container and various machinery including a jcb and tractor and a metal container beyond not bounded by the proposed fence at the time of the site visit.

The fence is considered to be urban in appearance. It's height and extent being approximately 20 x 80 metres is excessive and would intrude into and enclose a large swathe of otherwise open countryside with unrestricted views from east to west. Such a feature is alien to the rural character of the area at the back edge of the village. The metal gates would be urban and alien to this rural character and introduces an urban character eroding the visual qualities of the land. If permitted such a development would create an unwelcome precedent for the land covered by the Article 4 Direction which seeks to prevent further applications for fences, gates and boundary treatments that would intrude into the countryside and so harm visual amenity and it's character.

**CONCLUSIONS:** The fencing and gates would be urban features that are at odds with the open rural character of the countryside and would erode its visual qualities. Furthermore, such development if permitted would be considered to set an unwelcome precedent for similar applications on adjacent plots of land such that would undermine the objectives of the Article 4 Direction in seeking to control development that would seriously affect the attractiveness of the surrounding countryside.

**RECOMMENDATION: REFUSAL REASONS**

The fencing and gates are considered to be unacceptable by virtue of their urban appearance and intrusion into the countryside which would be harmful to its visual amenity and not protect the character of the countryside for its own sake. Such development would set an unwelcome precedent for the erection of means of enclosure on this and adjacent land subject to the Article 4 Direction otherwise normally permitted development under Part 2 of Schedule 1 of the Town and Country Planning (General Permitted Development) Order 1995 contrary to Policies S7 and GEN2 of the Uttlesford Local Plan adopted 2005 and Policies CS2 and C5 of the Essex and Southend on Sea Replacement Structure Plan adopted 2001.

*Background papers: see application file.*

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**UTT/0735/07/DC - GREAT DUNMOW**  
***(District Council application)***

Proposed car parking area  
Location: Church Gardens. GR/TL 628-228.  
Applicant: Uttlesford District Council  
Agent: Uttlesford District Council  
Case Officer: Miss K Benjafield 01799 510494  
Expiry Date: 22/06/2007  
ODPM Classification: MINOR

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

**DESCRIPTION OF SITE:** The site covers an area of approximately 400m<sup>2</sup> and it currently forms an area laid to lawn to the front of an area of terraced bungalows and two-storey flats. There are also detached residential properties located to the north of the site and additional two-storey flats to the east. There are three trees located on or adjacent to the site.

**DESCRIPTION OF PROPOSAL:** This application relates to the construction of 15 car parking spaces, 2 of which would be disabled spaces. Access to the new parking would be gained from an existing parking area for Church Gardens located to the east of the site.

**APPLICANT'S CASE including Design & Access statement:**

Amount

The width of the site is 16.5m and the depth is 26m. A careful evaluation has been undertaken of the capacity of the site to accommodate 13 standard car parking bays of 4.8m x 2.4m and 2 disabled bays designed as to Part M of the Building Regulations.

Layout

The proposed car parking is bordered by Nos. 5, 6, 7, 8, 9, 10 which are bungalows and 11, 11a, 12, 12a which are comprised of flats. The bungalows are 9m from the development and the flats 8m. To the eastern edge of the site are flats 1, 1a, 2, 2a, 3, 3a, 4, 4a which have the existing car park bordering them. This is a key component of the proposed design to ensure the layout respects the character of the street scene. There are a couple of communal paths serving 5 to 12a which will have the car park positioned between them.

Appearance

The predominant character of Church Gardens is a small development of early 1970's terraced bungalows and two-storey flats predominantly in the ownership of Uttlesford DC (UDC). There is a block of six garages and an existing car park laid to tarmac that can accommodate six vehicles. The northern fringe of Church Gardens is bordered by a 1980's development, The Charters. The site is within the Conservation Area of Great Dunmow. The design concept has been to create a car park that will serve the residents and visitors of Church Gardens in the 21<sup>st</sup> century but one that respects its surroundings.

**RELEVANT HISTORY:** None.

**CONSULTATIONS:** ECC Archaeology: The development site has been identified as being located within the medieval village of Church End, close to the church of St Mary the Virgin. Excavations immediately adjacent the development area identified multi-period occupation from the prehistoric through to the medieval period. To the west of the development area Roman burial urns, including glass vessels have been found. Recommends Archaeological monitoring.

Drainage & Engineering: Recommends that a condition is imposed requiring sustainable drainage in association with the proposed car parking.  
ECC Landscape Advice: (Due 4 June).

**TOWN COUNCIL COMMENTS:** (Due 30 May).

**REPRESENTATIONS:** This application has been advertised and two representations have been received. Period expired 31 May.

1. I would object for the following reasons:
  - There is currently car parking for 50 vehicles within 50 yards of the proposed car park which covers any need for the 15 spaces proposed.
  - The current parking at Church Gardens of 6 spaces (including 1 disabled space) plus 5 garages are not currently fully utilised.
  - The building of the car park would materially affect the nature of the current development which is one of senior citizen bungalows and apartments by causing noise, disturbance and harm to the residents.
  
2. I have several concerns:
  - Would question the need for so many additional spaces.
  - Another green space is being dug up.
  - How many people have the luxury of the Council paying for 21<sup>st</sup> century car park on their doorstep (quote from planning document)?
  - Is it going to be residents only or will it be available to everyone? Majority of problems are caused by people using St Mary's Church rooms and it could become an overspill for the Angel and Harp.
  - There is a perfectly good car park several hundreds of yards away at the church that is always empty.
  - I suspect this project is going to cost the housing department a great deal of money. Can't the money be spent in a more beneficial way eg housing repairs?
  - This proposal will adversely affect my property and its potential value.

**COMMENTS ON REPRESENTATIONS:** If the alternative existing car park mentioned in the letters is within private ownership it will not necessarily be made available for residents of Church Gardens and it may not provide disabled spaces or be located in an easily accessible position for anyone with restricted mobility. The design and access statement identifies that this proposed additional parking is intended for use by the residents and visitors to Church Gardens and it is reasonable to expect this to be located in close proximity to the properties.

The cost and budgeting issues are matters to be considered by the housing department and are not material considerations for the determination of this planning application.

The impact of development on property values is not a material consideration when determining planning applications.

See also planning considerations.

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

**The main issues are whether the proposed development would comply with policies relating to**

- 1) **Design (ULP Policy GEN2);**
- 2) **Good neighbourliness (ULP Policy GEN4) and**
- 3) **Conservation Areas (ERSP Policy HC2 & ULP Policy ENV1).**

1) ULP Policy GEN2 requires development to be compatible with the scale, form, layout, appearance and materials of its surroundings. The car parking layout would replicate the scale, form and layout of the existing parking provision to the east of the site. The proposed parking should not result in any material loss of privacy although the location adjacent to existing properties would provide natural surveillance by being overlooked by the existing properties.

2) ULP Policy GEN4 specifies that development and uses will not be permitted where they generate noise or vibrations, smell, dust, light, fumes, electro magnetic radiation or exposure to other pollutants where this would cause material disturbance or nuisance to the occupiers of surrounding properties. With regard to this application, it is considered that sufficient distance would exist between the residential properties and the proposed car parking to prevent any noise or smells from causing any material disturbance or nuisance to the occupiers of those properties.

3) ULP Policy ENV1 states that development will be permitted where it preserves or enhances the character and appearance of the essential features of a Conservation Area. These features may include plan form, relationship between buildings, arrangement of open areas and their enclosure, grain or significant natural or heritage features. With regard to this proposal, the open nature of the area would be maintained by the proposed parking and it is not proposed to remove existing trees on the site. Therefore it is considered that the proposal would preserve the existing character and appearance of the Conservation Area.

**CONCLUSIONS:** The proposal would comply with all relevant Development Plan policies.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.16.2. Full archaeological excavation and evaluation.
4. Prior to the commencement of development details of the surface water disposal arrangements shall be submitted to and approved in writing by the local planning authority. Where practicable these should encompass sustainable principles in accordance with the Building Regulations Part H. Subsequently the development shall be implemented in accordance with the approved details.

REASON: To control the risk of flooding to the development and adjoining land.

*Background papers: see application file.*

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**UTT/0722/07/FUL - FELSTED**  
***(Referred at request of Cllr Bellingham-Smith)***

Replacement of existing bungalow with two storey dwelling  
Location: 18 Station Road. GR/TL 672-203.  
Applicant: Mr & Mrs G Craig  
Agent: Robert Crawford Associates  
Case Officer: Mrs A Howells 01799 510468  
Expiry Date: 28/06/2007  
Classification: MINOR

**NOTATION:** Within Development Limits

**DESCRIPTION OF SITE:** The site is located to the west of Felsted on a corner plot set back from the main road. The site contains a single storey dwelling of 'Swedish kit genre' with a footprint of approx. 196sqm and a single garage. The site has boundaries of hedgerows, timber fencing and mature vegetation. The adjacent property to the south is a two storey dwelling with a window in the northern elevation.

**DESCRIPTION OF PROPOSAL:** The proposal is for the erection of a two storey replacement dwelling in place of the bungalow; the proposed footprint would increase by 62sqm to 259sqm; the proposal indicates that the second floor will be jettied. Ridge height of the proposed dwelling 8.5metres (eaves at 5.0 metres) in comparison to the bungalow's maximum of 6.5 metres and 2.6 metres respectively.

**APPLICANT'S CASE including Design & Access statement:**

Scale: The immediate neighbours are two storey houses.

Layout: The situation and orientation is predetermined by the decision to reuse the existing foundation and floor plan of the bungalow. No habitable rooms overlook adjacent properties apart from the side window of Bedroom 3 which is 11500 from the boundary. The introduction of semi-mature tree planting along this boundary will mitigate any overlooking.

Appearance: The existing single storey bungalow which is of a Swedish kit genre has no architectural merit and offers little to the built form of this part of Felsted.

Landscaping: The proposal does not seek to change the existing landscaping other than the removal of an Eucalyptus tree which the applicant is happy for the consent to be conditioned to replace with indigenous planting elsewhere on the site.

Access: No change to the current means of access is proposed other than the introduction of a suitably sized main entrance door with a flush threshold.

**RELEVANT HISTORY:** Erection of replacement garage – approved 2006; Conversion and extensions to bungalow to form two storey dwelling – refused 2006

**CONSULTATIONS:** Water Authority: (To be reported).

Environment Agency: Falls outside the scope and therefore have no comment.

Building Control including Life Times Homes Standards: i. Ensure there is no stepped access into the property. ii. No accessibility drawing.

**PARISH COUNCIL COMMENTS:** The design is a considerable improvement on the previous submission, but Felsted PC is still concerned at the scale of the building and its neighbouring 1930's – 1950's buildings in this important location at the village entrance.

**REPRESENTATIONS:** One. Notification period expired 25<sup>th</sup> May 2007.

1. The proposal appears to be as the previous application which was refused.
2. The design has two windows to the side elevation which directly overlook my property and is an invasion of privacy.

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

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

The main issues are

- 1) **The principle of the development within development limits (ULP Policies S3 & H7);**
- 2) **The appropriateness of the scale and design of the proposed dwelling in the context of its surroundings. (ULP Policies S3, GEN2, H7 & [SPD](#) 'Replacement Dwellings');**
- 3) **The impact of the development on neighbouring residential amenities (ULP Policies GEN2 & [SPD](#) 'Replacement Dwellings') and**
- 4) **Other material planning considerations.**

1) The site is located within the development limits of Felsted where development of the nature proposed is acceptable in principle provided it is compatible with the settlements character and countryside setting and complies with all other relevant Local Plan Policies.

2) The existing bungalow is shown to have fully hipped roofs, no rooms or windows above ground floor level and a main ridge height of 6.5metres with lower ridge section at 4.8 metres. The proposed resultant dwelling would be 8.5metres high with projecting gables with lower elements. The neighbouring properties appear to have been built 1930's – 1950's with large floor areas and spacious character. The site slopes slightly up from west to east. Policies require the replacement dwelling to be in scale and character with neighbouring properties and that there should be no overlooking or overshadowing of neighbours.

The neighbouring properties have floor areas of approx. 205sqm and 277sqm. However, the proposed replacement dwelling would have a floor area of approx. 428sqm. The scale therefore is such that the neighbouring properties will be dominated by the proposed. The design/character of the neighbouring properties is 1930's – 1950's whilst the proposed fails to respect their character. However, taking into consideration the design of the existing building it is not considered that the design would have an adverse effect on the surrounding properties. The proposed dwelling has windows which would overlook the neighbouring property. In the design and access statement submitted as part of the application, the applicant does not consider this an issue because of mature planting along the boundary. The policy and the supplementary planning document are quite specific and state that 'there should be no overlooking'. The lifespan of the planting is likely to be shorter than the proposed dwelling and therefore it would not be acceptable to rely on this plantings.

It fails to comply with policies H7, GEN2 and the SPD on replacement dwellings, which require the replacement dwelling to be in scale and character with neighbouring properties and have no overlooking.

3) The significant size and scale of the dwelling, which would occupy a depth of nearly 21 metres, and the position of the windows to the southern elevation is likely to have a harmful effect on neighbouring residential amenities. The windows are proposed at first floor level on the south elevation. Window 1 to bedroom 3 is a second window to the room it would not be unreasonable to require this window to be obscure glazed or to require the window to be removed. Window 2 is to a landing and floor level condition may be appropriate to ensure that overlooking would not occur. Window 3 is to a bathroom and an obscure glazing condition would be appropriate. Although overlooking from windows could

be controlled the scheme due to its size and bulk would be contrary to policy GEN2 of the Local Plan and the aforementioned SPD, which in paragraph 16 states “The Council will require the replacement dwelling to be in scale and character with neighbouring properties and there should be no overlooking or overshadowing of neighbours.

4) The Council will only usually grant planning permission for the replacement of buildings which are lawful, structurally unsound or poorly constructed - The applicants have not submitted any information which satisfies this statement. However from a site inspection the dwelling appears to be lawful and of reasonable soundness and construction.

**CONCLUSIONS:** In light of the above considerations officers recommend that the application be refused for the following reasons.

**RECOMMENDATION: REFUSAL REASONS**

The proposed dwelling, by virtue of its scale and design will fail to respect the scale and character of the neighbouring properties and the character of the locality in general. It would thereby be contrary to policies S3, GEN2 & H7 of the Uttlesford Local Plan and Supplementary Planning Document 'Replacement Dwellings'.

*Background papers: see application file.*

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