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PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 15 AUGUST 2007

APPL NO: **UTT/0841/07/DFO**
PARISH: **TAKELEY**
DEVELOPMENT: Details following outline planning permission (UTT/0816/00/OP) for erection of 49 No. dwellings including associated parking/garages

APPLICANT: Barrett Homes
LOCATION: Phase 10 Priors Green Dunmow Road
D.C. CTTE: 25 July 2007 (see report attached)
REMARKS: Deferred for Counsel's opinion on the applicant's counsel's opinion that we cannot consider the house-type mix at reserved matters stage

RECOMMENDATION: **Refusal**
Case Officer: *Mr M Ovenden 01799 510476*
Expiry Date: 10/08/2007

UTT/0841/07/DFO - TAKELEY

Details following outline planning permission (UTT/0816/00/OP) for erection of 49 No. dwellings including associated parking/garages

Location: Phase 10 Priors Green Dunmow Road. GR/TL 572-212.

Applicant: Barrett Homes

Agent: Bidwells

Case Officer: *Mr M Ovenden 01799 510476*

Expiry Date: 10/08/2007

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 a parcel of former agricultural land (1.901 hectares in total) located within the south/central part of the Priors Green development area, on the eastern side of the spine road, to the west of 'Ir Fach' and 'Broadmead' and to the north of the 'Island Site' adjacent 'Nursery Cottages' which fronts onto the former A120 Dunmow Road. This parcel of land is proposed to be developed for housing. The relief of the site is relatively flat with hedgerows and scattered trees forming some of the sites boundaries, including a drainage ditch that runs part of the length of the eastern boundary.

DESCRIPTION OF PROPOSALS: The application before Members seeks the approval of all matters reserved pursuant to outline planning permission for the Priors Green site (UTT/0816/00/OP) for 49 dwellings with associated parking/garages.

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 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 26 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 59% of 4 bedroom dwellings and 41% of 5 bedroom dwellings. No two or three bedroom dwellings are proposed.

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

Plot 4/5 - Was Fielding now Radleigh

Plot 6/7 - Was Knightsbridge now Fielding

Plot 14 - Was Marlow now Fielding

Plots 22/23 - One plot omitted in lieu of revisions to Plot 25

Plot 25 - Was Malvern now new s/d house type Woodcote (plots 23/24)

Plot 26 - Was Radleigh now new s/d house type Woodcote (plots 26/27) with reduction in size of garaging adjacent from 3 to 2.

Plot 28 - Was Knightsbridge now new s/d house type Woodcote (plots 29/30) garaging in rear courtyard increased from double and treble to treble and quadruple to meet revised parking requirements arising from changes.

Plot 32 - Was Malvern now Knightsbridge

Plot 46 - Now Plot 47 was Knightsbridge now Malvern

Plot 47 - Now Plot 48 was Malvern now knightsbridge

Plot 48 - Now Plot 49 was Malvern now Thornton with amended parking arrangement (one plot omitted at this end of the site).

The changes result from the engineer's review of the precise position and alignment of the new access road and the turning head within the site. The applicants have also reviewed the location of some of the proposed house types that are intended. Fundamentally the density remains unchanged, the layout and mix is very similar and the position of the dwellings in relation to the southern and eastern boundaries is largely unaltered. There is only one new house type being introduced at the internal turning head within the development. This is the Woodcote 4 bedroom, semi-detached design.

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

The proposed scheme that has been designed by Barratt 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. It provides for a sustainable pattern of development and construction of the site, and where possible, takes advantage of passive solar gain. The impact on neighbours amenity and privacy has been a key consideration in the design of the development, ensuring that they are not unacceptably affected by the proposals. A permeable layout and clearly defined routes through the site meet the accessibility requirements for the site. The scheme therefore promotes alternative forms of transport other than by car through its permeability and sustainable location near to local services."

RELEVANT HISTORY: On 23rd 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 10th August 2000 for the Priors Green site. Members may recall the recent approval of reserved matters for the Phase 5 spine road and open space (UTT/0555/06/DFO), which will serve the dwellings now for consideration and is shown on the submitted layout drawings.

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

The Environment Agency: - has raised no objections to the application.

Thames Water: – comments that it has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. It advises that the developer should consult them to determine the ability of the local sewers to dispose of foul and surface water. In the event of any approval, it recommends 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”.

Three Valleys Water: – (Water Supply) No comments received.

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. There is a ditch to the east of the development to the rear of Plots 1, 28, 29-36 and 40. These are not active frontages and there appears to be no reason why these properties should have a rear gate. These gates would allow easy access to these properties and present an opportunity for burglary as well as being dangerous. There is no need to increase pedestrian movements over or alongside the ditch.

Essex County Council Highways and Transportation: – Comments that the proposals in respect of the layout initially submitted are not acceptable and should be addressed. Any comments with regard to the amended plans are awaited and will be reported to the meeting.

Building Surveying: – Has no comments to make.

PARISH COUNCIL COMMENTS: Takeley Parish Council: - raises no objection stating that: - ‘It wholeheartedly supports the proposed colour scheme of external finishes to walls and roofs as it is sympathetic to the rural location. Planting, particularly trees, along the boulevard should be semi-mature (15 – 20 ft tall) to assist the new buildings and architecture to blend in with, and enhance the rural locality.

REPRESENTATIONS: No representations have been received in respect of this application.

COMMENTS ON REPRESENTATIONS: N/A.

PLANNING CONSIDERATIONS: The main issues are:

- 1) **Whether the above proposals are acceptable in the context of meeting the Reserved Matters requirements following Outline Approval for Residential Development. ERSP Policies BE1, BE2, H1, H4, HC5, T1, T6, and T12 & ULP Policies S2, GEN1, GEN2, and GEN8;**
- 2) **Whether the proposed housing mix is acceptable. ERSP Policy H4 & ULP Policy H10 and Local Policy P3 – Priors Green and**
- 3) **Any other material planning considerations.**

1) The land subject to this 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. The amended plans have addressed detail changes with regard to the siting of individual units - particularly Plots 48 and 49 on which dwellings are proposed sited close to the southern site boundary which is marked by a ditch. These house types have been revised so that their main aspect faces the gardens which serve them. Other detail changes have resulted in the substitution of house types to plots 4 – 7 that better reflect the curve in the spine road and forward visibility going round the bend in a southerly direction.

2) The applicants have argued that housing mix and the provision of a number of smaller units of 2 and 3 bedrooms is not a matter for consideration at the Reserved Matters stage. They consider that only matters such as siting, design and external appearance; the means of access; and landscaping which are required by Condition C.1.1 of the UTT/0816/00/OP Outline approval are required to be met. Officers' position is that details of siting and design of the dwellings includes the size of dwellings and therefore the mix is rightly a matter for consideration at this stage. As a concession, they are prepared for the 6 'Woodcote' semi-detached 4 bed units to be designed as 3 bed units, although no design details have been forwarded at the report drafting stage.

The applicants have previously been advised of the Council's position, and have known of the requirements of Policy H10 at the pre-application discussion stage.

Section 38(6) of the 2004 Planning Act advises that the Development Plan takes primacy in Development Control Matters. Development Control decisions must accord with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District (the Uttlesford Local plan) was adopted in January 2005. The applicants have previously been advised of this fact.

Policy H10 of the Local Plan is of relevance, it indicates:

Policy H10 – Housing Mix

All developments on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties.

Para 6.30 of the supporting text indicates:

6.30. It will be important to achieve mixed and balanced communities in two respects: within a larger site, and the village as a whole in the case of smaller settlements. All developments on a site of 3 or more homes must include an element of small 2 and 3 bed homes, which must represent a significant proportion of the total, for those households who are able to meet their needs in the market and would like to live in a new home.

This is a separate issue to that of Affordable housing which is provided for on other phases.

It is considered that Barratts argument that smaller units are adequately catered for elsewhere on the site and that there should therefore be no requirement on Barratts to provide the same is unacceptable. A mix of dwellings have been requested in negotiations with other developers.

There are also concerns regarding the design for the Woodcote units as submitted, and whether these can be specifically designed as three bed units. If approved, in their current form, all the developer would need to do is construct them as four bed units by inserting the necessary partitions and then apply for a revised design, if at all, as the external appearance

is unlikely to have significantly changed. As there have been no alternative proposals submitted in this particular regard which could be commented on in this Committee Report, there remains an objection to the submitted Housing mix.

Barratts have recently taken over David Wilson Homes and have previously been advised that the David Wilson Homes applications UTT/0519/07/DFO & UTT/0632/07DFO which totaled 58 Units on Phases 7 & 8 had the following overall mix:

“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 a 57 dwelling scheme are in brackets Ref: UTT/1814/06/DFO).”

At the 13th June, 2007, Committee Meeting, Members expressed concern at the reduction in the number of 2 and 3 Bed units, and advised that they would not wish to see this figure go any lower.

The applicants have been advised that the above percentage figures represent a guideline as to what is likely to prove acceptable to this Council viz ULP Policy H10 - housing mix. A revised scheme for the 49 dwellings shown on the phasing plan if to an appropriate mix would enable the provision of public open space to bring about the "localised distinctiveness" specified in the Masterplan.

3) Other material planning considerations.

Other material considerations namely:

Highways Safety considerations: These are noted. Any comments received with regard to the revised layout will be reported at the meeting.

Drainage issues and Secured by Design Certification: The comments of the Police architectural Liaison Officer are noted, particularly in relation to the gates that provide access to the ditch to the east of the development to the rear of Plots 1, 28, 29-36 and 40. These gates are provided so that access for the maintenance of the ditch can be achieved as agreed with the Council's Drainage Engineer. The same applies to the dwellings at plots 41 – 49.

There is unlikely to be any adverse impact with regard to Wildlife/habitat considerations.

There is no known evidence that the site is of archaeological importance, trial digs having proven inconclusive in this regard.

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

CONCLUSIONS: Whilst the proposed development is considered to satisfy the requirements of the Master Plan, and in terms of siting and layout the outline permission for the site (UTT/0816/00/OP), it fails to meet the requirements of Local Plan Policy H10 and subsequently Local Policy 3 (a) pertaining to Priors Green. The application is, therefore, recommended for refusal for the following reason:

RECOMMENDATION: REFUSAL REASONS

The development of the site via 49 four and five bedroomed dwellings is unacceptable as it fails to take account of the requirement in Policy H10 of the Uttlesford Local Plan 2005 which requires all developments on sites of 0.1 hectares and above or of 3 or more dwellings to include a significant proportion of market housing comprising small properties. Paragraph 6.30 of the Local Plan's supporting text expands on this indicating that all such developments must include an element of small 2 and 3 bed homes, which must represent a significant proportion of the total, for those households who are able to meet their needs in the market and would like to live in a new home as it is important to achieve mixed and balanced communities. Failure to adhere to this Policy in the context of the Priors Green development as a whole would result in an unbalanced mix of development and would set an unwelcome precedent that would undermine the Council's position in respect of undeveloped sites in this location. This in turn would be contrary to the provisions of Local Policy 3 (a) - Priors Green contained in the same Local Plan.

Background papers: see application file.

UTT/1157/07/OP - THAXTED

Demolition of existing buildings and change of use from part Industrial/ part residential to residential to provide 14 houses

Location: Cowell & Cooper Weaverhead Lane. GR/TL 612-311

Applicant: Cowell & Cooper

Agent: McGovernwynn Architects Ltd

Case Officer: Mr N Ford 01799 510629

Expiry Date: 26/09/2007

Classification: MAJOR

NOTATION: Within Development Limits/adjacent to preserved trees.

DESCRIPTION OF SITE: The application site relates to the premises of Cowell and Cooper, an industrial use specialising in the design and manufacture of fan guards. The site is located in the east of the village on a bend of Weaverhead Lane near to the junction with Margaret Street which also forms the northern limit of the Conservation Area.

The site includes the large linear building which is utilitarian in appearance with a concrete yard adjacent to the south. Also to the south and sharing the access to the site from Weaverhead Lane are what appears as two semi detached dwellings but is four flats with rear gardens. There is a parking area to the southern extremity of the site adjacent to 2 no. White Willow trees subject to Preservation Orders. Beyond this is the redundant former telephone exchange.

To the north of the site fronting Weaverhead Lane are a pair of semi detached bungalows, the nearest named Carlucy and beyond this running east are the rear gardens of dwellings fronting onto Weaverhead Close to the north. Between these and the site is a footpath which is a public right of way running from Weaverhead Lane to Wedow Road. To the east is a tarmac parking court of dwellings on Wedow Road and to the south and south east the gardens of dwellings in Wedow Road and Hanchetts Orchard. To the west are a pair of utilitarian garages and an area of open space opposite Orchard Close. Opposite the entrance to the site are dwellings named Weaverhead Cottage and Ashfield House.

DESCRIPTION OF PROPOSAL: This is an outline planning application for the residential development of the site for 14 dwellings which would involve the demolition of the industrial building and the four flats to the south. Layout and access are asked to be considered now with scale, appearance and landscaping reserved for future consideration.

One drawing is submitted with the application indicating the layout and access. An indicative housing mix is shown that provides for 3 no. 3 to 4 bedroom houses, 3 no. 4 to 5 bedroom houses and 8 no. two bedroom houses.

Access would be from Weaverhead Lane for all 14 dwellings in cul-de-sac arrangement. Two dwellings are indicated gable end on to the narrowest part of the site either side of the access to Weaverhead Lane. A terrace of dwellings either side of the road then leads to a type 3 turning head off which leads private drive access to seven parking spaces next to 4 of the two bedroom dwellings that fill the space at the eastern end of the site where it tapers.

The density of the development would be 49 per hectare.

Each dwelling would have two parking spaces save for the two bedroom dwellings which would have one unallocated space each located to the front of plots 11 to 14 off a private drive.

APPLICANT'S CASE including Design & Access statement: See Design and Access Statement received 27 June 2007. Letter received on behalf of applicant dated 1 August 2007 copy attached at end of report.

RELEVANT HISTORY: None specifically relevant to this application. Previous applications through the middle to late 1970's and late 1980's are planning permissions relating to extensions to the industrial building and latterly the retention of a portakabin as a staff rest room.

CONSULTATIONS: Highway Authority: The proposal is not contrary to the relevant transportation policies contained within the Essex and Southend on Sea Replacement Structure Plan and therefore the highways authority would not raise any objections. However the public right of way within the vicinity of the site should not be obstructed or adversely affected in any way by the proposed works. To clarify the existing boundaries of Footpath 30 we will arrange for our agents Mouchel Parkman to peg out the boundary lines.

ECC Rights of Way: None received. (due 27 July 2007).

Ramblers Association: None received. (due 22 July 2007).

ECC Arborist: None received. (due 27 July 2007).

Water Authority: None received. (due 19 July 2007).

Environment Agency: Object to the proposed development because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. We consider that the previous uses of the site may have caused, or have the potential to cause, contamination of controlled waters. Paragraph 2 of Planning Policy Statement 23 (PPS23) states that contamination of land is capable of being a material planning consideration. There are three strands to this objection: 1. We consider the level of risk posed by this proposal to be unacceptable. 2. The application fails to provide assurance that the risks of pollution are understood, as a desk study, conceptual model and assessment of risk have been provided. PPS23 takes a precautionary approach. It requires a proper assessment whenever there might be a risk, not only where the risk is known. 3. Under PPS23 the application SHOULD NOT BE DETERMINED until information is provided to the satisfaction of the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This is currently not the case.

English Nature: None received. (due 14 July 2007).

Essex Wildlife Trust: None received. (due 19 July 2007).

Environmental Health: In view of the previous use of the land, any approval should be subject to a condition (C.8.23) to protect human and other receptors. A copy of the technical guidance on land contamination issued by the Essex Contaminated Land Consortium has been sent to the applicant.

Drainage Engineer: A surface water drainage disposal condition should be included on any approval. Prior to the commencement of the 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. The drainage details shall be carried out in accordance with the approved details and shall be implemented prior to the construction of any building on the site. Reason: To control the risk of flooding to the development and adjoining land.

Building Surveying: Fire Brigade Access appears satisfactory but insufficient details to comment further. Lifetime Homes: In view of the number of dwellings, wheelchair accessible housing will need to be provided as per the SPD. Lifetime Homes Standards required.

ECC Archaeology: Recommend an archaeological trenching and excavation condition.

PARISH COUNCIL COMMENTS: Object. The sewage system in Thaxted is already overloaded. This part of town is already densely built up and it is felt that there is a need to retain employers and jobs locally in preservation of light industrial sites. It is considered overdevelopment with inadequate access around the Tanyard.

The access point has been positioned on an awkward bend with poor visibility near to a very busy junction. There is a small piece of land owned by the Parish Council which adjoins the applicant's site and the Parish Council feels an agreement might be reached to include this area of land. This would enable the access point to be moved further down to incorporate a new mini roundabout improving the safety for this area for road users and pedestrians alike. There is also a busy doctor's surgery at this location and elderly and disabled people would benefit from any junction improvements.

REPRESENTATIONS: Nine letters. Notification period expired 19 July 2007 (Advert expired 26 July 2007).

Summarised comments:

- Concerned about building heights
- Concern for an asbestos survey to be carried out prior to demolition
- Concern as to how the sewers and drains would cope with development
- 14 dwellings would be overcrowded lack of parking spaces
- The access will add to road hazards in the area including the busy Weaverhead Lane and Margaret Street junction
- Inadequate parking provision
- Object to terrace nos. 11-14 as they would take light from my house and garden (7 Hanchetts orchard) and would not want to be overlooked. Concerned nos 5, 8, 9 and 10 do not overlook or take light from my property.
- View of Church will be restricted from no. 42 Wedow Road and allow people to look into our bedrooms and garden
- Bungalows should be built instead of large houses
- Will block view of Church and windmill from 40 Wedow Road.

COMMENTS ON REPRESENTATIONS: See planning considerations. Rights to a view are not a significant planning consideration that would be a material consideration.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are whether

- 1) the land should be safeguarded for employment and whether the proposed new dwellings would be compatible with the character of the settlement, adhere to the criteria of policy H3,
- 2) has an appropriate layout, scale and design, is acceptable in terms of access and parking, meets accessible homes standards:
- 3) takes proper account of contamination (ERSP Policy BE1, BIW4 & ULP Policies E2, H3, H10, GEN1, GEN2, GEN8, ENV14 & SPD Accessible Homes);
- 4) there would be any harm to neighbouring properties by way of overlooking, overshadowing or overbearing effect (ERSP Policy BE1 & ULP Policy GEN2).

1) The application site lies within the development area of Thaxted. Therefore, the development of the site is generally acceptable in principle.

The existing use of the land is for employment purposes. The site is not a key employment site that would generally be safeguarded from redevelopment or change of use. However ULP Policy E2 does state that "the development of employment land for other uses outside the key employment areas will be permitted if the employment use has been abandoned or the present use harms the character and amenities of the area". ERSP Policy BIW4 also

seeks to safeguard employment land and seeks justification of exceptional circumstances such as poor location or prohibitive development costs.

The supporting documentation to this application is silent regarding this issue of loss of employment land and makes no justification for its loss. It is clear that the use is currently active and not abandoned with regard to ULP Policy E2. Therefore, it falls to consider whether the present use harms the character or amenities of the area. It is considered that visually the buildings do not contribute to or enhance the appearance of the area as in themselves the buildings are plain and of no merit but the site is outside of the Conservation Area and the variety of buildings in the area is mixed with no particular style or character that it could be said this site detracts from.

Although it is known that the use of the site is for industrial purposes for fan guard design and manufacture it is not evident that this has generally proved to be a bad neighbour by way of noise, odours or other disturbance to the dwellings that surround the site. There have been complaints registered by Environmental Health in 1993 concerning noise from a new fan, 1997 and 1998 also concerning noise from use of a fork lift truck and staff playing football outside. However, these matters were resolved by restrictions and relocation, the last incident being nearly ten years ago.

In such circumstances it could not be agreed that the use harms the character or amenities of the surrounding area. Furthermore, it is not evident that the site meets the exceptional circumstances stated in ERSP Policy BIW4 through poor access to housing and labour, unsuitable premises for operational requirements, infrastructure constraints and similarly, amenity conflicts. The loss of the site for employment purposes is unacceptable.

2) The scheme provides an appropriate mix of smaller market housing in a layout that is to some degree dictated by the shape of the site. This being narrow at the point of access onto Weaverhead Lane, wider in the central portion and narrow again at its eastern end bounding properties off Wedow Road. This would be has resulted in plots 1 and 2 at the junction of the site with Weaverhead Lane being shown gable end onto the road. This would be at odds with the character of the area where dwellings generally front the road. An inactive frontage onto the street creates a visual barrier and an unwelcome oppressive street scene. The gardens of these two plots would also abut the boundary with the footpath and this is visually harmful as with the provision of boundary treatment such as a wall or fence of at least 1.8m high this creates a tunnel like vista that would close views into the site.

In terms of parking provision, three and four bedroom dwellings are provided with two off road parking spaces, which is considered to be adequate. Two bedroom dwellings however are provided with just one parking space each in a parking area to the front of plots 11 – 14. Consideration is given to the parking standard for two bedroom dwellings as 2 spaces but this is a maximum standard and a relaxed provision may be appropriate in certain circumstances such as town centres where public transport accessibility is good.

However, one space is considered to be inadequate provision for two-bedroom dwellings in this location and although the standard could be relaxed to some extent it is considered that no less than 1.5 spaces per dwelling would be reasonable. The deficient provision of parking in the layout shown is therefore considered indicative of over provision of housing and therefore overdevelopment of the site.

In terms of garden areas, these are small for the two bedroom dwellings at around 50 sqm but the Essex Design Guide advises that this may be acceptable for smaller houses and such private space can be protected from development by withdrawing rights to extended under the General Permitted Development Order. The other six plots of 3-5 bedroom dwellings would have gardens of around 100 sqm, which is also considered adequate.

3) The Environment Agency object to the proposed development because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. They consider that the use of the site may have caused, or have the potential to cause, contamination of controlled waters. Environmental Health has requested a condition be attached with regard to a contaminated land investigation condition but has not raised the issue of asbestos in the building. In the absence of this information the proposal is considered to be unacceptable.

4) In terms of amenity it is considered that, subject to approval of scale and design through reserved matters to control for example dwelling height and window orientation, that there would not be any significant harm to the amenity of neighbouring properties by way of overlooking, overshadowing or overbearing effect as there is considered to be adequate distance shown on the layout from rear elevations to the boundary of neighbouring properties through garden separation.

The Essex Design guide, however, states that there should be at least a 10 metre spacing between opposite house fronts in a street in order to achieve adequate daylight. Between plots 3 and 6 and 5 and 7 this is only 8 metres. A more generous spacing between these opposing house fronts would allow a better outlook for these properties and provide for some enhancement of planting to the front of properties which appears to be dominated by urban features.

RECOMMENDATION: REFUSAL REASONS

1. The proposed development is unacceptable because it has not been satisfactorily demonstrated that the retention of employment uses on the site would harm the character and amenity of the area, that the site is poorly located or that development costs are prohibitive contrary to Policy BIW4 of the Essex and Southend-on-Sea Replacement Structure Plan adopted 2001 and Policy E2 of the Uttlesford Local Plan adopted 2001.
2. The proposed development is unacceptable because the indicated housing layout would not be compatible with the character of the settlement and is considered to result in over development of the site contrary to Policy BE1 of the Essex and Southend-on-Sea Replacement Structure Plan adopted 2001 and Policy H3 of the Uttlesford Local Plan adopted 2005.
3. The proposed development is unacceptable because the indicated level of off street parking provision is inadequate, which would result in the displacement of parking on street leading potentially leading to obstruction of footpaths and roads and harming visual amenity contrary to Policy GEN2 and GEN8 of the Uttlesford Local Plan adopted 2005.
4. The proposed development is unacceptable because it would not provide a layout that would provide an acceptable standard of daylight for the new dwellings contrary to the Essex Design Guide 2005.
5. The proposed development is unacceptable because the site is strongly suspected to be contaminated and this has caused or may cause pollution of controlled waters and there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable contrary to Policy ENV14 of the Uttlesford Local Plan adopted 2005 and PPS23.

Background papers: see application file.

UTT/0904/07/DFO – TAKELEY/STANSTED

Erection of an aircraft maintenance hangar on part of site D with ancillary office and training facilities and associated parking and landscaping (approval of reserved matters and discharge of condition D1 of outline planning permission UTT/1000/01/OP).

Location: Land at Long Border Road. GR/TL 541-220

Applicant: Ryanair

Agent: Dalton Warner Davis LLP

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 21/08/2007

Classification: MAJOR

NOTATION: Within airport development boundary (Policy S4) / Subject to Policy AIR2 – Cargo handling/ Aircraft Maintenance Area

DESCRIPTION OF SITE: The site measures 2.59 hectares (165m x 155m) and is situated in the southern part of the airport to the southeast of the runway, and north of Long Border Road. It is immediately to the north east of the 30 metre tall SR Technics 'diamond hanger', with its associated engine testing bays and 15 metre tall blast fences. The site is broadly flat, marshy in parts and largely grassed with sporadic immature self set bushes. There is evidence of some earth moving equipment having been on the site in the past and there is a pile of earth currently on the site which is to be removed.

DESCRIPTION OF PROPOSAL: This is a reserved matters application following outline permission for expansion to 25 mppa. A steel framed building of rectangular plan form would be erected capable of accommodating five 737 800 aircraft, two simulator rooms and offices with limited accommodation (training room and offices) on the first floor and a computer room and offices on a second floor. The first and second floor would cover only a small proportion of the floorspace of the building. To the rear would be a paved apron leading to the taxiway and to the front would be a vehicular access following the edge of the SR Technics site. The apron and most of the building would be airside, with the training area, offices and car park landside. Seventy four parking spaces would be provided along with spaces for people with disabilities and spaces for cyclists.

The footprint of the building would measure 126 metres by 58 metres and it has been designed in two main elements - a 22 to 24.5 metre high mono pitched roof element (22 metres wide) and a lower element also mono pitched incorporating the first and second floors at a height of 15.2 metres dropping down to 11.5 metres (36 metres wide). It is of similar design to one at Prestwick. At the front of the building there would be a much lower element part the way along the face of the building accommodating plant and equipment. The building would be oriented so that the higher element faces the runway with the lower elements facing south east. The walls and roof of the building would be clad with panels in two shades of grey.

(Note: next to the site is the SR Technics 'diamond hanger' which was permitted in 1986 and is 170m long, 170 m wide and 30 metres high. It has an unrestricted internal height of 23 metres and was a revised scheme following permission earlier that year for a 34 metre tall building. It is clad with sheeting in various grey/blue hues).

APPLICANT'S CASE including Design & Access statement:

A supporting statement and Design & Access statement have been submitted and are available for inspection at the offices or on the website. An extract from Planning Statement

'7.0 Conclusions' and '4 Project Description' and '5 Design Strategy' from the Design and Access statement are attached to this report.

RELEVANT HISTORY: Outline planning permission for expansion of airport to 15 about mppa granted in June 1985. Planning permission for diamond hanger granted 1986. Planning permission for *“additional aircraft stands and taxiways, aircraft maintenance facilities, offices, cargo handling facilities, aviation fuel storage, passenger and staff car parking and other operational and industrial support accommodation, alterations to airport roads, terminal forecourt and the Stansted rail, coach and bus station; together with associated landscaping and infrastructure”* relating to an increase in passenger numbers from about 15 to 25 million passengers per annum was granted in May 2003.

CONSULTATIONS: BAA (safeguarding): No objections.

ECC Archaeology: Request full scheme of archaeological investigation – subject to condition C90W on the outline permission.

Natural England: Object – insufficient information supplied. Further information has been supplied and comments are awaited – subject to condition NAT2 on the outline permission.

Environmental Services: No concerns.

PARISH COUNCIL COMMENTS: Stansted: No comment.

Takeley: Object unless the following conditions are met:

- Any further extension beyond light maintenance and defect rectification as specified in the maintenance approval granted to Ryanair by its National Aviation Authority (Republic of Ireland) be reviewed by UDC
- The hanger and its environs should be included in the BAA ISO 14001 Environmental Management Systems audit programme
- Aircraft movements and ground running for maintenance purposes must conform to existing operational constraints in place for the diamond hanger operation
- Noise baffles should be in place to protect Takeley residents from engine testing noise
- The bunding to screen residents of Takeley Street should be extended/increased. Current bunding does not work effectively to protect the residents from the visual impact and light pollution from existing buildings
- There should be no external illuminated signage

Officer comment: The building would be used for light maintenance; ISO 14001 is not the appropriate environmental instrument – it relates to organisations or parts of organisations rather than buildings. The issue of maintenance will be addressed by condition; engine testing is permitted to occur only in the adjacent testing bays and therefore will not occur in or outside this building; landscaping will be addressed by submission under condition LAN1 on the outline permission; signs are dealt with under the Control of Advertisement Regulations rather than on planning applications

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 13.6.07.

PLANNING CONSIDERATIONS: The main issues are:

- 1) the principle of the development (ERSP Policy BIW7 & ULP Policies S4 & AIR2);
- 2) the design, parking arrangements and highway aspects of the proposal (ERSP Policies EG4, T3 T12 & ULP Policies & GEN2, GEN5 GEN8);
- 3) safeguarding (assessment of whether the proposal has implications for the safe operation of the airport) considerations
- 4) other material planning considerations.

1) This use is clearly related and associated with Stansted Airport and complies with the requirements of policy BIW7 and S4 relating to development likely to be acceptable within the airport boundary.

Policy AIR2 - Cargo Handling/Aircraft Maintenance Area

The area shown on the Inset Map as the cargo handling/aircraft maintenance area is principally reserved for the repair, overhaul, maintenance and refurbishment of aircraft, and facilities associated with the transfer of freight between road vehicles and aircraft or between aircraft.

Policy AIR2 does not preclude all other uses but states that the principal uses to occur on this part of the airport should be limited to a short list that includes the maintenance of aircraft. This building would be used principally for the maintenance and checking of aircraft. Consequently this development is supported by the policy in principle. The office and flight simulation facilities are a small part of the scheme and do not affect the acceptability of the development.

The principle of the development was agreed at the 25 mppa outline stage when this land was identified as part of the Site D specifically for aircraft maintenance. Condition C90E contained conditions specific to the Aircraft hangar facilities and ancillary development approved for this site:

- D1 Approval of the details of the siting, design and external appearance of the building(s) hereby permitted and the landscaping of the site (herein referred to as "reserved matters") shall be obtained from the local planning authority in writing before any development hereby permitted within Site "D" is commenced.
- D2 Plans and particulars of the reserved matters referred to in condition D1 above shall be submitted in writing to the local planning authority and the development hereby permitted shall only be carried out as approved.
REASON for D1 &2: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.
- D3 The aircraft hangar facilities hereby permitted within Site "D" shall not exceed a height of 35m above the existing ground level of Site "D".
REASON: To ensure that the height of the hangar facilities will be in context with the existing hangar in that area.

Consequently this application seeks approval of siting, design and external appearance of the building and the landscaping of the site.

2) The proposed building would be a very large building, much larger than the vast majority of buildings considered by this authority. Such a building has the potential to be highly visible in the landscape. In order to accommodate modern aircraft, particularly multiple modern aircraft any building for this purpose has to be of very significant size. The supporting information accompanying the outline application envisaged a much larger building than now proposed – possibly a further diamond hanger. In this context the building is not considered to be of excessive size. It is of simple design and its height progresses down in two steps. In principle the outline permission has accepted the erection of a building of up to 35 metres in height and therefore the height of this building at over 10 metres lower should be considered in this context.

This building must also be considered in the context of the locality. It would be sited next to the diamond hanger which is 5.5 metres higher than the top of the proposed building over a much greater length which stands out in the landscape and is visible from many vantage

points. Due to the relative positions of the two buildings the proposed new building would be screened from view from the south and be seen against the backdrop of that building when viewed from the north. The lower element of the building would be approximately at or below the level of the adjacent blast fencing adjacent to the engine testing bay.

The design of the building reflects its function and the application drawings show it to be in two tone grey with some blue accents. It would be difficult to call it a high quality design meeting the aspirational tones of the explanatory text in the airport section of the local plan but the applicant has sought to minimise its silhouette and avoid competing with the altogether larger diamond hanger. Officers consider its appearance to be acceptable.

Car parking would be provided slightly in excess of the Councils standards which is considered to be acceptable and some additional planting is proposed adjacent to the new vehicular access. This should limit views towards the car park which should not be prominent in the streetscene, especially since the parcel of land to the front of the site of similar size (2.59 hectares) is likely to be developed in the future. Visibility from the access in both directions would be adequate.

The scheme makes no particular reference to measures to reduce energy or water consumption other than that the building will meet the requirements of the Building Regulations (which it is obliged to anyway) and these will be required by condition.

3) BAA safeguarding raises no objections to the proposal.

4) It is officers' clear advice that this building stems from the previously approved expansion of the airport and the approval or refusal of this application would have no bearing on the current appeal against the increased use of the airport or for the anticipated application to provide a second runway.

Nature conservation, archaeology and landscaping are reserved matters on the outline application and will be the subject of further submissions.

CONCLUSIONS: The proposal is satisfactory and is recommended for approval.

RECOMMENDATION: APPROVAL OF RESERVED MATTERS WITH CONDITIONS

1. C.3.1. In accordance with approved drawings.
2. There shall be no engine testing within the application site and only light maintenance shall be carried out within the site.
REASON: To ensure that noisy activities are restricted to those areas where appropriate mitigation measures are provided.
3. C.8.29. Details of sustainable construction for new commercial development
4. No lighting shall be provided on the exterior or outside of the building without the prior submission and written agreement of the local planning authority. Subsequently any such lighting provided shall be in accordance with the submitted details.
REASON: In the interests of air safety and to protect the amenity of the area.
5. C.10.23. Travel plan and reason.

Background papers: see application file.

UTT/0371/07/FUL - WHITE RODING

(Referred at request of Cllr Artus)

(Retention of B1 and B8 uses and additional occupation by 'Hunsden Marble' in barn 3 and general B1 office use within the cartshed)

Location: Cammas Hall Farm Needham Green. GR/TL 564-151

Applicant: Mr J Lukies

Agent: Mr J Lukies

Case Officer: Mr H Laird 01799 510464

Expiry Date: 02/05/2007

Classification: OTHER

NOTATION: Outside of Development Limits.

DESCRIPTION OF SITE: The site comprises a range of three modern agricultural buildings sited to the rear (west) of the farmyard serving Cammas Hall Farm. Beyond these, immediately to the south lie several static caravans. Farm buildings of traditional appearance and construction lie on the northern side of the site and within its centre. Those to the north are single storey and are used for site offices/messroom/toilet facilities. Those in the centre of the yard are used for agricultural purposes in connection with the ongoing farm use which also operates from the site. One has previously had permission for a seed processing business. The site is surrounded on three sides by fields, whilst to the north, beyond a tree belt and screened from the site, lies the Grade II* Listed Cammas Hall, an historic moated farmhouse and its attendant traditional outbuildings and also a stable block.

The site is in the countryside outside any Development Limits and lies midway between Hatfield Broad Oak to the north-west and White Roding to the south.

DESCRIPTION OF PROPOSAL: The full application proposes the retention of the existing B1 (Business) and B8 (storage and distribution) Uses and the additional occupation of Barn 3 by Hunsden Marble; and, General B1 Office Use within the cartshed. (Single storey range of buildings adjacent to the northern site boundary).

APPLICANT'S CASE including Design & Access statement: A letter accompanying the application outlines the sites history and the uses of the particular buildings on the site. It states that Hunsden Marble used to occupy the Old Barn – edged blue on plan. This barn benefits from a consent for seed processing and is also the subject of an Agreement under S.106 of the 1990 Act. This is the permitted use of this barn. Following the receipt of complaints from the new occupants of Cammas Hall against Hunsden Marble who initially occupied the Old Barn, the marble operation was moved to Barn 3 which is the furthest Barn from Cammas Hall. The authorised use of Barn 3 is Class B1(c) (light industrial) and/or Class B8. Hunsden Marble make Marble/Granite Worktops for the Kitchen industry. Negligible amounts of noise and dust are generated by the processes within the building and no noise or dust can be witnessed from outside it. This planning application simply seeks to enable them to continue to occupy Barn 3 on a named occupier basis. The applicants contend, without prejudice, that their activity may well fall within Use Class B1(c). Hunsden Marble is a key tenant to the enterprise of this site.

The planning application also seeks to regularise the office use of the building edged green. These buildings have previously been as ancillary offices for use with either the farm or the seed packing business.

The applicants consider that the principle of re-use of agricultural buildings has long been established and that there is no adverse impact on residential amenity or otherwise arising from these proposals.

A subsequent letter dated 16 April 2007 from the applicant's Solicitor seeks to counter the objections raised by objectors, particularly the neighbours at Cammas Hall Farm and their employees. The letter states that there will be no increase in traffic, and advises that a return to intensive farming operations would result in an increase in traffic over which there would be no control.

The monitoring sheets completed by Mr Simcock have been seen and do not bear scrutiny with regard to the activities on site of Hunsden Marble or Excel. Hunsden Marble do not use a drill or compressor; Excel do not have an electric wood saw. The applicants are unaware of horses being spooked or scared. The monitoring report has been conducted from the stable block and not the main dwelling which is 300 metres away. The only two houses that site traffic goes past are Philpots and Needhams – neither of which have objected. Traffic levels are substantially lower than when the seed plant and farm were in full production. A return to full scale agricultural activity would reverse the traffic situation. A more objective assessment of the situation is by the Council's Environmental Health Officer – although the 9 - 5 work hours is too restrictive. 8 – 6 would be an acceptable compromise. A condition to this effect would be acceptable as would a condition limiting work to indoors only with doors closed; and, a condition for a reasonable landscape scheme. Hunsden Marble generates 1 HGV delivery per month delivering granite and marble.

RELEVANT HISTORY: UTT/0931/97 retrospective application for the processing of seeds – approved – 14/5/97; and, UTT/0132/98/FUL – Permanent use of existing building for the processing of seeds – Approved – 20/5/98.

CONSULTATIONS: Environmental Health: Comments that the Hunsden Marble activities have the possibility to cause noise nuisance to neighbouring property. Suggest limiting the hours of work to 9 am to 5 pm with ½ day Saturday and no work on Sundays or Bank Holidays. Also, suggests no outdoor working with power tools and doors to be closed when noisy activities occurring inside Hunsden Marble.

Natural England: Originally objected to the proposals on the grounds that it is likely to affect Great Crested Newts but this objection was subsequently withdrawn.

Essex County Council Highways & Transportation: Advises that the application is one for UDC to determine under the de minimus agreement. It does, however, advise that:

- The location is accessed by roads with a single carriageway width with few passing places and protected highway verges.
- The northern access has gates that area set back only 3.5 metres from the carriageway edge. The required minimum distance is 4.8 metres. It does not have adequate sight lines to provide sufficient inter visibility between a vehicle leaving the site and those on the highway and thus causing a situation detrimental to highway safety. The access has no formal radii and is un-surfaced and therefore likely to result in loose material being dragged into the public highway.
- The southern access does not have adequate sight lines to provide sufficient inter-visibility between a vehicle leaving the site and those on the highway and thus causing a situation detrimental to highway safety.
- The applicant has not provided the current or anticipated vehicle movements (including the type of vehicle) with the application.

PARISH COUNCIL COMMENTS: No comments have been received.

REPRESENTATIONS: Notification period expired 6/4/07. 5 letters of representation have been received. 4 object to the proposal, and there is 1 letter of support. Objections are summarised as follows:

- Object to use of Marks Hall Lane for access. It is inappropriate for any form of transport and is increasingly used by buses.
- Objects to increased traffic using Marks Hall Lane.
- Commercial traffic passing close to the Stable Block at Cammas Hall Farm distresses the horses and causes difficulties for the Farrier when horses are being shod and makes the job of shoeing horses difficult and dangerous. There is a different access to Cammas Hall Farm and there is no reason why commercial traffic should be passing so close to the stable block.

The occupants of Cammas Hall have engaged JTS Partnership to make representations on their behalf. They highlight a series of unauthorised uses in the last two years while the site has been occupied by Excel Buses, Essex Police, Hunsden Marble and Karl King. Essex Police and Excel Buses are now understood to have left the site following investigations by the Council's Enforcement Officer.

Mr Lukies entered into a S.106 Agreement in February 2003 to control the number and uses of the buildings on the site of Cammas Hall Farm. These included, inter alia, the use of Barn 3 for B1(c) and B8 purposes and the cart shed for the processing of seeds in accordance with the approved permissions for the site. None of the buildings were identified as being suitable for B2 (General Industrial) Use and vehicular access was shown to be from the entrance adjacent the applicants property, Cammas Pykle.

A catalogue of events highlighting occasions of noise disturbance is attached to the letter of objection. It runs from 7/1/07 to 22/3/07. Complaints range from Drill noise, marble buffing and cutting; hammering, banging and panel beating, loud radio noise, revving of bus engines, running of compressor, lorry noise, throbbing of generator, electric wood saw, use of Fork Lift Truck. The earliest recorded time of a noise event is 08:30, the latest is 16:50. Some noise events are noted down as lasting 'All Day'.

The neighbours do not object to the use of the cart shed as 'general B1 office use'.

They do, however, object to the use of Barn 3 by Hunsden Marble. This is a B2 Use that is wholly inappropriate in this countryside location. The use runs counter to advice contained in PPS7 and advises that Cammas Hall is a Grade II* Listed Building and that land at Cammas Hall is currently under consideration as a possible County Wildlife Site. ULP Policies advise that noise sensitive developments should be kept away from housing. Policies ENV10 and ENV11 are applicable in this regard. Policy ENV7 deals with the protection of the countryside, and whilst Policy E5 encourages business use in rural buildings this is subject to development protecting or enhancing the character of the countryside, its amenity value and bio-diversity.

The scale and character of Class B2 industrial processes will be harmful to the setting of the area. Moreover, large vehicles associated with such a use are harmful to the protected lane on the approaches to the site in terms of road safety, countryside character and amenity. The neighbour's daughter has been involved in a horse riding accident caused by a heavy vehicle visiting the site when she was crossing the internal access track over which the neighbour's have a right of way.

A letter of objection from Timothy Collins states that he has worked at Cammas Hall full-time for 9 years and suffers from Asperger's Syndrome which has been adversely affected for the best part of two years by noise from the adjoining site. Asperger's sufferers and anybody suffering from a condition in the autistic spectrum, need a harmonising environment in order to function in an agreeable manner. The adjoining noise generating uses have had an adverse affect on Mr Collins condition. Mr Collins believes that a supportive letter from his Doctor regarding his condition has been forwarded.

A letter dated 16/4/07 from Dr Peter Keller with regard to Timothy Collins states: 'With reference to my previous letter on this subject, I find I have been grossly misled. I wish therefore to withdraw my previous comments'.

A letter of support has been received from the neighbouring farming partnership at Sparrow Hall Farm. It states that the buildings at the yard have been in situ for some time and the character of the site will not change appreciably.

Other uses of farm buildings that are neither practical nor cost effective for present day agricultural use can help maintain the original character of farm complexes rather than allow them to become derelict and an eyesore.

We have no objection to the application and are therefore in full support of it.

COMMENTS ON REPRESENTATIONS: See report below.

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

- 1) **whether the principle of the changes of use are acceptable. (ERSP Policies CS2, CS3 and C5, & ULP Policies S7 and S8);**
- 2) **whether there would be any adverse impact on neighbour's amenities. (ERSP Policies C2 and CS5 & ULP Policy GEN2).**
- 3) **Whether there would be any harm arising from increased traffic movements to and from the site. (ERSP Policy T8 and ULP Policy GEN1) and**
- 4) **their material planning considerations.**

1) & 2) The site lies within the countryside and on an agricultural holding, as such it is subject to the provisions of ULP Policy S7. This Policy places restrictions on new development in the countryside where permission will only be granted for development that is required there or is appropriate to the rural area; and would not adversely affect the open rural nature and character of the countryside.

The building – Barn 3 - is designed for agricultural purposes and is be sited on agricultural land adjacent to a range of traditional former farm buildings. The latter are unsuited to modern agricultural needs and are tenanted by an interior design company. Hunsden Marble previously occupied the 'Blue' building as indicated on the submitted plan that was occupied by the seed company. This, it is clear, caused difficulties related to noise and disturbance for the occupants of the adjoining property at Cammas Hall Farm. Hunsden Marble subsequently moved into Barn 3 in January, 2007. Excel Buses left the site on 1st June, 2007.

In many respects the changes are minimal – the office building was previously the office associated with the seed processing use, and prior to that was the farm office. Barn 3 has a permitted use along with Barns 1 & 2 for either Class B1(c) or B8 Uses. The applicants are proposing that a named user 'Hunsden Marble' occupy Barn 3. This Barn is sited the furthest away from the neighbouring residential property – Cammas Hall, and is in part screened by

the barns on the central part of the site. Neighbours at Cammas Hall have complained of noise from Hunsden Marble whilst occupying Barn 3, and during the unauthorised use of the site by Excel Buses. Excel Buses left the site on 1st June, 2007, and the occupancy of Barn 1 in which it was based has reverted to uses within Classes B1(c) and/or B8. Environmental Health has advised that the use of Barn 3 by Hunsden Marble has the possibility to cause noise nuisance to neighbouring property, and suggest limiting the hours of work to 9 am to 5 pm with ½ day Saturday and no work on Sundays or Bank Holidays. They also suggests no outdoor working with power tools and doors to be closed when noisy activities occurring inside Hunsden Marble.

At the time of the officer site visit, it was requested that the marble cutting machine be switched on so that the noise level outside the building whilst work is in progress could be assessed. At 20 metres distance the machine could be heard in operation, but any noise generated was not intrusive or overbearing. Stepping into Barn 2, which is directly attached to Barn 3, the machine could not be heard in operation. In addition to the marble cutting machine, two hand held disc cutters/grinders are used for shaping the marble/granite. These were not in use at the time of the site visit. Provided the doors to Barn 3 are kept closed, it is considered that any noise outbreak is unlikely to prove unduly intrusive in respect of neighbours amenities.

The company forms and finishes marble/granite worktops for kitchens, and therefore the process is relatively straightforward. The applicants, however, ask that hours of operation be 07:30 – 19:00 weekdays; and 07:30 -13:00 on Saturdays with no working on Sunday's or Bank Holidays. Environmental Health have suggested 09:00 – 17:00 with a ½ day working on Saturday. The requested hours of operation of the applicants are considered to be too much. It is recommended that 08:30 -18:00 Mon - Fri and 08:00 – 13:00 on Saturdays with no Sunday or Bank Holiday working would be a reasonable compromise and are the times commonly applied elsewhere.

3) The comments of the local highway authority and the neighbours concerning traffic movements and highway safety are noted. It is arguable that an unrestricted general industrial Use could result in more HGV movements than those that would otherwise visit this site. However, from the officer site visit and the information submitted with the application, it is considered that there would be no significant difference in the type of traffic generated from the occupancy of Barn 3 by Hunsden Marble as a named user, as opposed to a general B2 use.

4) There would be no on the setting of the Grade II* Listed Cammas Hall. It and its attendant traditional buildings lie on the opposite side of the proposed offices and would also be screened by the adjoining farms buildings in the middle of the site. There is no specific requirement for a landscaping condition as the proposal seeks the re-use of existing buildings and involves no new build structures. There are no other material considerations raised.

CONCLUSIONS: The Changes of Use of the farm buildings are acceptable and planning permission should be granted. The use of Barn 3 should be restricted to Hunsden Marble only. The use of cartshed for General B1 Office use is acceptable without restriction.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.3.1. To be implemented in accordance with approved plans.
2. The use of Barn 3 hereby approved shall be restricted to Hunsden Marble only for its kitchen worktop manufacturing business as described in the application and shall not ensure for the benefit of the land.

REASON: In the interests of amenity and to ensure the development is compatible with the character of the surrounding area.

3. C.6.1. Excluding future changes of use without further permission.
4. Upon the cessation of the use of Barn 3 by Hunsden Marble, the use of the barn shall revert to a use in either Class B1 (c), or Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: In the interests of amenity, and to ensure that subsequent uses of barn 3 are compatible with the permitted uses of adjoining Barns on the site and to ensure that such uses do not have a harmful effect on the character of the surrounding area or the residential amenity of occupants of neighbouring dwellings.

5. C.8.2. No power tools or machinery to be used except during hours specified.
6. C.8.3. No outdoor working.
7. C.9.1. No outdoor storage.

Background papers: see application file.

UTT/1098/07/DC - GREAT SAMPFORD

Erection of dwelling.

Location: Willetts Fields. GR/TL 644-353
Applicant: Uttlesford District Council
Agent: Mr D Osborn
Case Officer: Mr N Ford 01799 510629
Expiry Date: 15/08/2007
Classification: OTHER

NOTATION: Within Development Limits. TPO tree adjacent.

DESCRIPTION OF SITE: A modern housing estate in Great Sampford comprising detached and semi detached two storey brick built dwellings. The site forms the gardens of adjacent dwellings and is owned by Uttlesford District Council (part of rear gardens of Council owned properties nos. 1, 2 and 3 Robletts Villas). Dwellings named Robletts Villas front the main B1053 road to the north on land that rises from the site. There is also a two-storey dwelling to the east. The land is bounded by a wooden panel fence and there is a Protected Walnut Tree on the corner of the bend.

DESCRIPTION OF PROPOSAL: This is a full planning application for the erection of a three bedroom dwelling with attic accommodation and dormer windows to front and rear sited just back from the front elevation of the adjacent dwelling to the east. The dwelling would have a ridge height of 7.5m and an eaves height of just over 3m.

There would be a private rear garden and parking space for two vehicles. Materials proposed consist of render and pantiles.

APPLICANT'S CASE including Design & Access statement: See Design and Access Statement received 20 June 2007, available to view at the Council Offices and via the website.

RELEVANT HISTORY: On 13 August 2002 outline planning permission was granted for the erection of a 3 bedroom two-storey dwelling (UTT/1014/02/DC).

CONSULTATIONS: Highway Authority: The proposal is not contrary to the relevant transportation policies contained within the Essex and Southend-on-Sea Replacement Structure Plan and therefore the highways authority would not raise any objections [suggests conditions].

Three Valleys Water Authority: None received (due 12 July 2007).

Anglian Water Authority: None received (due 12 July 2007).

Environment Agency: No comment.

Environmental Health: None received (due 12 July 2007).

ECC Arborist: No objection to the removal of tree numbers 2 and 3 (the Eucalyptus and Goat Willow). My principal concern relates to the proximity of excavations to the preserved Walnut (as well as the other two trees if they were retained). Recommended arboricultural conditions.

Building Surveying: None received (due 12 July 2007).

PARISH COUNCIL COMMENTS: None received (due 21 July 2007).

REPRESENTATIONS: Three. Notification period expired 12 July 2007. Comments summarised as follows:

- The access for parking is adjacent an existing access and parking will be dangerous in such a congested area
- The walnut tree has a preservation order on it and should not be cut down
- Overlooking into house and garden of no. 3 Robletts Villas

COMMENTS ON REPRESENTATIONS: See planning considerations for comments on access, trees and amenity.

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

- 1) **the proposed new dwelling would be compatible with the character of the settlement, adheres to criteria of policy H3, has an appropriate layout, scale and design, is acceptable in terms of access and parking and meets accessible homes standards (ERSP Policy BE1 & ULP Policies H3, GEN1, GEN2, GEN8 & SPD Accessible Homes and Playspace);**
- 2) **there would be any harm to neighbouring properties by way of overlooking, overshadowing or overbearing effect (ERSP Policy BE1 & ULP Policy GEN2);**
- 3) **the amenity of the protected Walnut Tree would be protected (ULP Policy ENV3).**

1) This proposed modern style chalet bungalow would be sited in an area with a context of mixed dwelling styles and mostly of two storey. It should be noted that the proposed dwelling is of the same siting, scale and design to that already granted planning permission by this Council in 2002. The principle of a dwelling in this location is therefore considered to be established. Adequate amenity and parking provision is allowed for the dwelling.

The scheme has changed in so far as the access is moved from the front of the dwelling to its west. It is understood from the Council's Building Control department that this is because agreement could not be reached over a ransom strip to the front of the building thus resulting in this revised point of access. The Highway Authority has no objection to the access subject to conditions.

2) There are two dormer windows in the rear roof slope of the dwelling that each serve a bedroom. Although to the north the land slopes down from 2 and 3 Robletts Villas to the site it appears that the distance (just over 7m from the boundary) and height of these windows would allow for occupiers of the new dwelling to look into the private rear gardens of these dwellings and so materially harmful to the occupiers reasonable enjoyment of 2 and 3 Robletts Villas gardens and amenity. No. 3 Robletts Villas has made representation with this concern.

Presently outline planning permission UTT/1014/02/DC for a very similar dwelling to that now proposed shows a similar arrangement for the dormer windows but this was an indicative drawing as design and external appearance is reserved for future consideration. Nevertheless, that permission expires on 13 August 2007.

A condition is therefore proposed to delete these from the grant of planning permission in the interests of the amenity of adjacent dwellings. It is considered that the agreement of a revised drawing indicating roof lights would prevent significant overlooking due to the oblique position that such windows would be set in the roof place. Subject to this condition it is not considered that there would be any significant harm to the amenity of adjacent dwellings.

3) There are three trees identified that may be affected by the proposed development. A protected walnut tree appears to stand on highway maintainable land on the corner of the

site and there is a Eucalyptus near the boundary of the site with Toad Hall (adjacent dwelling) and a Goat Willow more central within the site. The relationship with the trees remains the same as the 2002 permission as the siting remains unchanged. The Arboriculturist has been consulted, however, and has no objections to the removal of the Eucalyptus or Goat Willow although it appears from the submitted drawing that only the Goat Willow would be removed. Conditions are proposed to protect the Walnut tree from damage by mechanised tools and to protect the roots of trees which are uncovered.

CONCLUSIONS: Subject to conditions this dwelling is considered to be acceptable and is therefore recommended for approval.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard Time Limit.
2. C.3.1. In accordance with approved drawings.
3. C.4.3. Details of earthworks to be submitted and agreed.
4. C.4.6. Retention and Protection of trees and shrubs for the duration of the development.
5. C.5.2. Details of Materials.
6. C.6.2. Excluding permitted development rights.
7. C.8.29. Details of sustainable construction for new residential development.
8. C.11.6. No dwelling shall be occupied until the car parking spaces and hardstandings to which it relates as shown on layout no. H/PA/99/001A dated June 2007 hereby approved have been hard surfaced, laid out and made available for use. Thereafter these areas shall remain available for the parking of domestic vehicles in connection with the normal residential use of the dwellings to which they relate and shall not be built over or similarly developed, notwithstanding Permitted Development Rights of extensions contained in the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification).
REASON: In the interests of highway safety.
9. All electrical and telephone services to the development shall be run underground. All service intakes to the dwelling shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned on the dwelling in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form. Satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish should be used. Satellite dishes shall not be fixed to the street elevations of the building or to roofs. All soil and waste plumbing shall be run internally and shall not be visible on the exterior unless otherwise agreed in writing by the local planning authority.
REASON: In the interests of visual amenity.
10. All windows shall be balanced casements with equal size panes of glass unless otherwise agreed in writing by the local planning authority.
REASON: In the interests of visual amenity.
11. No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 08:00 am and 18:00 pm on Mondays to Fridays and between the hours of 08:00 am to 13:00 pm on Saturdays.
REASON: In the interests of the amenity of adjacent properties.
12. C.12.1 Boundary details.
13. The vehicle access should be constructed at right angles to the existing carriageway. The width of the driveway at its junction with the highway boundary shall not be less than 2.4m. REASON: In the interests of highway safety.

14. No unbound materials shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
REASON: In the interests of highway safety.
15. Prior to the commencement of the development hereby permitted, a turning space of a design to be submitted to and approved in writing by the local planning authority enabling a motor car to enter and leave the highway in forward gear shall be constructed, surfaced and made available for use prior to occupation of the dwelling hereby permitted and shall thereafter be retained for that sole purpose.
REASON: In the interests of highway safety.
16. 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: In the interests of highway safety.
17. Any excavation within 6.2 metres of the TPO Walnut MUST be carried out using non-mechanised hand tools.
REASON: To ensure that the tree is not damaged or otherwise adversely affected by building operations.
18. All roots uncovered during excavation within the RPA. which are in excess of 2.5cm in diameter MUST be retained and shall be treated in accordance with BS3998 (1989) 'Recommendations for Tree Work'.
REASON: To ensure that the trees are not damaged or otherwise adversely affected by building operations.
19. C.8.21. Implementation of Accessibility Scheme.
20. C.17.1. No development shall take place until a revised plan has been submitted to and approved by the local planning authority in writing showing the following amendments which shall be incorporated into the design for the development hereby permitted and the permission shall be implemented in accordance with the amendments listed below:
Omission of rear (north) elevation dormer windows and replacement with roof lights.
REASON: In order to prevent overlooking in the interests of the amenity of adjacent dwellings.

Background papers: see application file.

UTT/0888/07/OP - TAKELEY

Change of use from A3 (restaurant) and Sui-Generis (petrol filling station) to B1(offices).Outline application for construction of two storey commercial offices, associated parking and alteration existing access

Location: Takeley Service Station Dunmow Road Takeley GR/TL 570-211

Applicant: Chelsteen Homes Ltd

Agent: John Finch Partnership

Case Officer: *Mr M Ovenden 01799 510476*

Expiry Date: 20/08/2007

Classification: MAJOR

REPORT TO FOLLOW

1) UTT/1134/07/FUL & 2) UTT/1135/07/LB - THAXTED

(Applicant is partner of UDC employee)

1) & 2) Single-storey rear extension and external staircase. Insertion of windows to rear elevation. Erection of garage and workshop.

Location: Recorders House 17 Town Street. GR/TL 611-308

Applicant: Mr J Starr & Miss K A Whiteley

Agent: Mr J Boutwood FSA RIBA

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 20/08/2007

Classification: OTHER

NOTATION: Grade II*; Conservation Area; within development Limits; Thaxted Local Centre.

DESCRIPTION OF SITE: A three-storey rendered Grade II* listed building with frontage directly onto Thaxted High Street. The rear of the property is accessed from a right of way from the B1051 along the rear of properties to the north and south of the right of way.

DESCRIPTION OF PROPOSAL: UTT/1134/07/FUL - The application is for the erection of a lobby to the rear of the property and an external staircase and balcony to the rear of the property. (To the rear of the property a detached garage with store above were proposed. The garage and store have been withdrawn by the applicant.)

UTT/1135/07/LB - The Listed Building Consent application is for the above works and the plans indicate that the proposal includes the addition of two windows to the rear elevation.

APPLICANT'S CASE including Design & Access statement: The back of this Grade II* property has been very considerably altered in recent years with the erection of a flat roofed single storey kitchen (when the building was used as a restaurant) and a large conservatory which has subsequently been taken down. The kitchen was recently converted into living accommodation. A first floor balcony and external staircase provided access to and means of escape from the first floor living accommodation. The balcony is now unsafe and the staircase has been taken down for that reason.

The proposed lobby is to act as a draught lobby to the living room which has been created in the former kitchen. The external door also acts as a rear access into the house from the existing car parking area and therefore the lobby will act as a rear hall.

The external staircase is required as a replacement from the missing staircase and is essential as a means of escape as the internal layout of the building is complex and access to the only staircase could easily be blocked in the case of fire.

The proposed lobby and staircase are in scale with the existing modern alterations. The proposed windows will add much more light to a living room but their position will depend entirely on what is revealed when repairs are carried out. The ceiling of the first floor room (which consists of modern plasterboard) has to be taken down in order to let repairs be carried out to the beams which are becoming detached from the structure they form part of.

RELEVANT HISTORY: Conversion of cellar to bar approved 1965; Use as Guest House and café approved 1959; Change of use of restaurant to dwelling house conditionally approved 2001 & change of use from residential to restaurant conditionally approved 2002; change of use to full residential – refused 2005; Change of Use to Full Residential – conditionally approved 2006; Change of use of part of existing property from residential to

Class A1 (Retail) – conditionally approved 2007; Install a removable glass lobby and an internal lockable door. Remodel existing cloakrooms and internal alterations. Erect a round, wall mounted hanging sign on the front elevation – conditionally approved 2007; Erection of a round wall mounted hanging shop sign illuminated by existing halogen spot lights – conditionally approved 2007.

CONSULTATIONS: Design Advice: To be reported (due 17 July 2007).

English Heritage: Do not wish to offer any comments on this occasion with a recommendation that the application should be determined in accordance with national and local policy guidance, and on the basis of local planning authority specialist advice.

Ancient Monument Society: To be reported (due 12 July 2007).

The Georgian Group: To be reported (due 12 July 2007).

Victorian Society: To be reported (due 12 July 2007).

Council for British Archaeology: To be reported (due 12 July 2007).

Society for the Protection of Ancient Buildings: To be reported (due 12 July 2007).

PARISH COUNCIL COMMENTS: No objections to the proposals.

REPRESENTATIONS: These applications have been advertised and 0 representations have been received. Period expired 22 August 2007.

COMMENTS ON REPRESENTATIONS: None

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are whether the proposals would be detrimental to the character and fabric of the listed building and the character of the conservation area (ERSP Policies HC2 and HC3; ULP Policies ENV1 and ENV2) and whether the application meets the design requirements of ULP policy GEN2.

The agent has verbally withdrawn the garage part of the application due to Officer concern with regard the design, scale and height. The application is therefore being considered for the works to the listed building which include new windows, internal works, and a balcony and outside staircase and a lobby to the rear entrance door.

The rear of the property has been extended and modified and includes a single storey rear extension. There is an existing balcony although the staircase has been removed because of safety reasons. Providing the correct materials are used the replacement of the balcony and staircase is unlikely to be detrimental to the character and fabric of the listed building. The lobby proposed is for a flat roof small area around the rear entrance door, this will prevent draughts inside the living area to the rear and because it is to the rear of the extension, the lobby is unlikely to affect the setting of the listed building or be harmful to the character of the conservation area.

The new windows have been discussed with both English Heritage and the Local Planning Authority on site. The building is of a jettied design and the concern is that it is not clear where all the internal beams are. A condition should be imposed which agrees the position of the windows following investigation of the frame.

CONCLUSIONS: The proposals are considered acceptable. As the property is a Grade II* listed building it will be necessary to notify Go-East if there is a resolution to grant listed building consent.

RECOMMENDATIONS:

UTT/1134/07/FUL - APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials.
4. The application for a detached garage does not form part of this application as it does not meet the requirement of Uttlesford Local Plan Policies.

UTT/1135/07/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development - listed buildings [conservation areas].
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials.
4. The position of the windows hereby approved shall be positioned in agreement with the local planning authority whilst works are taking place on site and details shall be submitted to and agreed in siting within one month of the works being completed to the windows.
REASON: The internal beams can not be easily seen and investigation on site will uncover any internal beams on site and to prevent unnecessary cutting or damage to the same beams the position of the windows may need to be altered to that on the approved plan.
5. C.5.7(A) The windows of the development hereby permitted shall be single-glazed, the frames and glazing bars shall be painted timber, in accordance with details, which have been submitted to and approved in writing by the local planning authority prior to the commencement of the development. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.
REASON: In the interests of preserving the historic character and appearance of the Listed Building and its setting
6. C.5.16.No historic timbers to be cut.

Background papers: see application file.
