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PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 5 SEPTEMBER 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 & 15 August 2007 (see revised report attached)

REMARKS: Deferred for amended report to take account of Counsel's opinion
RECOMMENDATION: Approval Conditions
Case Officer: Mr M Ovenden 01799 510476
Expiry Date: 10/08/2007

UTT/0841/07/DFO - TAKELEY

(Revised report)

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 (Priors Green) Local Policy 3 limits and the Master Plan area for Priors Green.

DESCRIPTION OF SITE: The application site comprises a parcel of former agricultural land (1.901 hectares in total) within the south/central part of the Priors Green development area, on the south eastern side of the spine road, to the west of two existing properties 'Ir Fach' and 'Broadmead' and to the north of the site adjacent 'Nursery Cottages' which fronts onto the B1256 former A120 Dunmow Road. That parcel of land is proposed for future housing development. 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 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. This approved the principle of the development and all matters except:

- siting
- design
- external appearance of the buildings
- the means of access
- landscaping

The proposed layout of the development has been largely dictated by the shape of the site and the road network established by the approved Master Plan for the development. Nineteen dwellings would face onto the main spine road, with the rest clustered around smaller cul-de-sacs leading off the main spine road. The layout provides for an access to the site to the south which forms part of the Priors Green site and is likely to be developed in due course. The size of the site and the number of units proposed complies with the phasing plan agreed with the Council in accordance with condition C90A on the outline permission. Overall the development has a net density of 26 dwellings per hectare which is lower than the 30 dwellings per hectare advised by the Government but that figure is achieved overall over the rest of the site (as required by condition C90C) and the Masterplan and phasing plan envisaged some variation in densities across the development as a whole.

The dwellings comprise a variety of designs, which are largely traditional in appearance, mostly two storey, comprising simple cottage style dwellings, larger dwellings with gable projections, dormer windows etc and two and a half storey dwellings located centrally within the site. Proposed 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 tiles to include browns and reds and artificial slates. The development comprises exclusively 4

and 5 bedroom houses – 29 four bedroom dwellings (approximately 59%) and 20 five bedroom dwellings (41%).

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 23 June 2005, outline planning permission (with siting, design, external appearance of the buildings and means of access and landscaping 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 106 legal agreement to secure the provision of public open space, play areas, a community hall, community facilities, structural landscaping and sports and community facilities. Committee has also approved a Master Plan dated 10 August 2000 for the Priors Green site. This current application relates to reserved matters to that permission.

The outline permission is subject to the following conditions:

Condition reference	Subject of condition	Comments
C90A	Submission of phasing plan	This submission complies with the specified phasing.
C.1.1 – 1.4	Time limits for submissions and implementation	This submission complies with the specified timing
C90B	Maximum of 650 dwellings at Priors Green	Subject to application UTT/1086/07/FUL to increase that number
C90C	Overall density of 30 dwellings per hectare	The density over the main Priors Green site meets this requirement
C90D	To be carried out in accordance with the Masterplan	The proposal is in accordance with the masterplan
C90E	Details of materials	Forms part of this submission

C.4.1, 4.2 & 4.6	Submission and implementation of landscaping and retention of trees	An outstanding requirement to be the subject of further submissions. Agent informed.
C90F	Submission of ecology strategy	An outstanding requirement
C.16.2	Scheme of archaeological works	Being dealt with as part of the overall site.
C90G	Scheme of water supply and foul drainage	Being dealt with as part of the overall site.
C90H	Submission of parking layouts	Forms part of this submission
C90J	Submission of street furniture details	None proposed on this phase.
C12.1	Scheme of walls and fences	Not shown on this proposal. Will require a further submission. Agent informed.
C90K	Control of construction noise	Requires compliance but no further submission.
C90L	Construction access details	Requires compliance but no further submission.
C90M	Hours of construction	Requires compliance but no further submission.
C90N	Agreement of routs of construction vehicles	Requires compliance but no further submission.
C90O	Preventing dust and mud passing onto the highway	Requires compliance but no further submission.
C.7.1	Submission of cross sections	Will need to be the subject of a further submission. Agent informed.
C90P	Prohibiting development until new A120 is open	The new A120 is open
C90Q	Dust prevention measures	Applies to this site & requires compliance.
C90R	Provision of affordable housing over the main Priors Green site	This phase contains no affordable housing as it is allocated to phases elsewhere

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

Environment Agency: No objections to the application.

Thames Water: Comments it has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. 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 originally submitted were not acceptable. 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: 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 whether:

- 1) **the above proposals are acceptable in the context of meeting the reserved matters requirements following outline permission for residential development. (ERSP Policies BE1, BE2, H4, HC5 and T12 & ULP Policies S2, GEN1, GEN2, and GEN8);**
- 2) **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 application, benefits from outline planning permission for residential development (UTT/0816/00/OP). This permission followed the Committee's approval of the Priors Green Master Plan in 2000, which provides the basis for considering subsequent planning applications and Section 106 Agreements. The proposed layout of this phase 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.

2) Officers have discussed the proposal with the applicant's agent raising concern that there are no smaller properties proposed in the scheme as required by Policy H10 (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). Having taken Counsel's opinion Officers acknowledge that a mix of dwelling sizes was not a requirement of the outline permission and cannot be introduced at the reserved matters stage. Notwithstanding the legal position officers have sought to negotiate a mix of dwellings with the developer however these negotiations have been unsuccessful. The applicant considers that the size of dwellings on this site should not be viewed in isolation but should be considered to be part of the mix over the whole Priors Green site. This is fair comment as this phase would form part of the overall development and the issue of density is dealt with on a similar basis. Affordable housing is provided for on other phases in accordance with previous agreements. This submission must therefore be considered

against other matters, specifically siting, design, external appearance of the buildings, the means of access and landscaping.

With regard to landscaping this matter is not covered in this submission and will need to be addressed later. Officers have sought confirmation from the applicant that boulevard planting shown in the landscape masterplan can be provided along the front of the site to pick up the proposed planting shown on this side and the opposite side of the road. In other respects the siting of the buildings and internal roads is acceptable if it can be confirmed that the siting of the dwellings would permit such planting. Similarly the design and external appearance of the dwellings is traditional and unchallenging and on the whole the mix of dwelling types provides an acceptable frontage to the estate road. The means of access is fixed by other previously agreed components and is acceptable.

3) Other material planning considerations.

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. This matter is subject to a condition on the outline permission (C.90F)

There is no known evidence that the site is of archaeological importance, trial digs having proven inconclusive in this regard. This matter is subject to a condition on the outline permission (C.16.2)

CONCLUSIONS: The proposed scheme is acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.3.1. In accordance with approved drawings & reason.
2. C.8.28. Energy efficiency measures.
3. C.8.33. Accessibility – further submission.

Background papers: see application file.

UTT/1272/07/FUL - LITTLEBURY

(Referred by Cllr. Menell)

(Reason: over-development, limited highway access, increase in traffic, loss of light to 5 Church walk, impact on Conservation Area, threat to Flint wall.

Remove outhouse and erection of attached dwelling. Construction of new vehicular access and alteration to existing pedestrian access

Location: Site adjacent to 1 & 2 The Common. GR/TL 517-396.

Applicant: Mr Appleby & Mrs Balaam

Agent: Donald Purkiss & Associates

Case Officer: Mr N Ford 01799 510629

Expiry Date: 11/09/2007

Classification: MINOR

NOTATION: Within Development Limits. Conservation Area.

DESCRIPTION OF SITE: A pair of plastered semi-detached dwellings of traditional form. There is a small brick building to the side of brick and clay tiles. There is a large front garden, and a narrow strip of land to the rear forming a footpath. There are some small trees in the front garden and no off road parking. This is a cul-de-sac location with some modern houses to the west and bungalows to the east. The rear gardens of dwellings are located to the north.

DESCRIPTION OF PROPOSAL: This is a full planning application for the erection of a new dwelling to be attached to the end of no. 2 over part of where the brick range currently occupies. This would be a two bedroom dwelling of a similar design and height to the existing dwellings using painted render, clay tiles and brickwork. A single-storey brick range off the side elevation would provide a dining room.

Two parking spaces for each dwelling would be provided to the front of the dwellings through a new access where an entrance gate is currently located. Some trees would be removed to facilitate this layout.

APPLICANT'S CASE including Design & Access statement: See Design and Access Statement received 17 July 2007, copy attached at end of report.

RELEVANT HISTORY: On 24 February 2006 planning permission was refused for the erection of two dwellings with new vehicular access (UTT/1901/05/FUL). Planning permission was also dismissed at appeal.

On 14 June 2006 planning permission was refused for the erection of one detached dwelling with a new vehicular access (UTT/0805/06/FUL). Planning permission was also dismissed at appeal.

On 18 July 2001 planning permission was refused for the demolition of a single storey side extension and construction of a two storey side extension (UTT/0708/01/FUL).

CONSULTATIONS: Highway Authority: No objection subject to conditions.

Water Authority: To be reported.

Environment Agency: To be reported.

ECC Archaeology: Recommends an archaeological excavation condition.

Building Surveying: Lifetime Homes Standards appear to have been complied with as per plan on ICLIPS and scale showing 1:100.

ECC Landscaping: To be reported.

Conservation Officer: To be reported. Support at pre-application stage.

PARISH COUNCIL COMMENTS: Concern that the additional house would result in increased vehicle movements and parking problems in a narrow road. An additional dwelling would result in no. 5 Church Walk suffering from loss of light.

REPRESENTATIONS: 8 letters. Notification period expired 8 August 2007 (advert expired 16 August 2007). Comments summarised as follows:

- Increase in traffic problems with access and turning
- Houses will have small gardens
- Overdevelopment
- Harm to the character and appearance of the Conservation Area
- Loss of amenity to bungalow no. 5
- Loss of garden area to front of houses
- Overlooking
- Noise problems

COMMENTS ON REPRESENTATIONS: See planning considerations.

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, accords with the character and appearance of the Conservation Area, is acceptable in terms of access and parking and meets accessible homes standards (ERSP Policies BE1, HC2 & ULP Policies H3, ENV1, GEN1, GEN2, GEN8 & SPD Accessible Homes and Playspace) and**
- 2) **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 is located within the development limits of Littlebury and therefore the erection of a new dwelling is generally acceptable in principle.

Matters of detail include whether the dwelling would be compatible with the character of the settlement and preserve the character and appearance of the Conservation Area. In dismissing previous appeals the Inspector considered that the erection of a new dwelling would accord with the character of the area. The appeal decisions turned on issues of harm to neighbouring properties amenity, parking provision and adequate amenity space.

This proposal would attach the new dwelling to the end elevation of no. 2 forming a terrace of three rather than at right angles in the middle of the site previously proposed in the refused applications. The benefit to layout of this arrangement is leaving space to the front of the dwellings for parking and amenity space. Whilst the gardens are rather unusually to the front of the dwellings this situation would be preserved with a space between the dwelling and its parking and is considered acceptable.

The dwelling would follow the same form in appearance as nos. 1 and 2 in design and height and utilise appropriate materials for a Conservation Area consisting of painted render and clay plain tiles. It is considered that the dwelling would preserve the character and appearance of the Conservation Area. The Conservation Officers comments on design will be reported to Members, but this proposal conforms with pre-application discussions.

1 and 2 The Common which are presently unoccupied have no off road parking provision and could potentially be occupied without parking provision which could cause conflict on the highway. In discussing an earlier appeal, the Inspector considered that the area is not sustainable and that full provision of 2 parking spaces per dwelling would be required. This proposal provides for two spaces each for the existing dwellings and for the new dwelling. This is considered adequate provision and is of additional benefit through provision of appropriate parking for the existing dwellings. Furthermore, the Highway Authority has no objection to the access arrangements subject to conditions for its layout.

2) Appeal Inspectors previously found that there would be an unacceptable relationship with the nearby bungalows at 5 and 6 Church Walk. Those schemes showed a building that would occupy most of the outlook from the rear windows of these bungalows. This scheme however is different because the dwelling is attached to the end of no. 2. Nos. 5 and 6 would therefore retain much of their outlook and not be faced with the rear elevation of a building.

The first floor rear elevations of nos 1 and 2 have windows that overlook a garden of what appears to be Bakers Row. This is an historic situation, however it falls to consider whether there would be any harm to amenity due to the new dwelling. In this case there is a bedroom window that would overlook this garden and would, it is considered, be harmful to amenity due to lack of privacy. However, this can be prevented by condition to provide a rooflight instead of a rear facing window that would prevent such harm. This has been discussed verbally with the applicant's agent who has indicated that this would be acceptable to them. In such circumstances it is not considered that there would be any harm to the amenity of neighbouring properties.

CONCLUSIONS: The proposed dwelling is considered to maintain the character and appearance of the Conservation Area, provide adequate parking and amenity space and not harm the amenity of neighbouring properties subject to conditions and is therefore recommended for approval.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted agreed and implemented.
4. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
5. C.6.5. Excluding fences and walls without further permission.
6. C.8.29. Details of measures providing energy and water efficiency and sustainable power and drainage for new residential or commercial development.
7. C.28.1. Implementation of accessibility scheme.
8. Prior to the occupation of dwellings a 1.5 x 1.5 metre pedestrian visibility splay as measured from the highway boundary shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility splays thereafter.
REASON: In the interests of highway safety.
9. No unbound material 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.
10. The vehicle access shall be constructed at right angles to the existing carriageway.
REASON: In the interests of highway safety.
11. 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.

12. Prior to the occupation of the dwelling details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.
REASON: In the interests of highway safety.
13. No development or preliminary groundworks of any kind shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation archaeology in accordance with PPG16.
14. 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.
15. 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 Friday and between the hours of 08:00 am to 13:00 pm on Saturdays.
REASON: In the interests of the amenity of adjacent properties.
16. C.8.30. Provision of bin storage.
17. C.17.1. Revised plan required – omission of rear first floor bedroom window and replacement with a conservation range roof light.
18. C.19.1. Avoidance of overlooking – no further windows or other form of opening to be inserted into north elevation.
19. C.5.8. Joinery details – painted timber.
20. C.8.27. Drainage Details to be submitted agreed and implemented.
21. C.8.31. Demolition and recycling of materials on site.
22. C.11.7. Prior implementation of residential parking.
23. All rooflights shall be top hung conservation range unless otherwise agreed in writing by the local planning authority.
REASON: In the interests of the character and appearance of the Conservation Area.

Background papers: see application file.

UTT/1035/07/OP - LITTLE CANFIELD

Outline application for the erection of 11 No. dwellings

Location: Canfield Service Station Dunmow Road. GR/TL 573-211.

Applicant: DJR Cars LLP

Agent: DJR Cars LLP

Case Officer: *Mr M Ovenden 01799 510476*

Expiry Date: 25/09/2007

Classification: MAJOR

NOTATION: Outside of Development Limits.

DESCRIPTION OF SITE: The site is situated on the southern side of a long straight section of the B1256 (former A120) to the east of Takeley. There is sporadic, mainly linear, low density development of both housing and commercial uses along the southern side of the road. This pattern of low density development gives the area a sense of spaciousness which contributes to its rural character.

The site accommodates a former petrol station and comprises a reception building with canopy, a three bay workshop building and area of land to the rear. Residential properties abut the eastern and western boundaries of the site and the Fitch Way is routed along the southern (rear) boundary. The site has been fenced, locked and vacant for sometime.

DESCRIPTION OF PROPOSAL: The application proposes the removal of all buildings on the site and redeveloping the whole site with 11 dwellings. The application includes details of the proposed layout and access for consideration now. The application reserves matters only of scale, landscaping and appearance for later consideration.

The layout plan shows two dwellings at the front of the site, one either side of the central access, three more dwellings to the east of the internal road and three dwellings to its west and three dwellings at the end of the internal estate road towards its southern edge. The layout plan also states the proposed floor space of the dwellings. The matter of dwelling size and mix must be considered at this stage as it would not be covered under the remaining or reserved matters i.e. scale, landscaping and appearance.

APPLICANT'S CASE: The applicant has submitted a number of supporting documents. These are mostly copies of documents submitted with previous applications and the appeal, as shown for example by reference to now superseded Government policy. A new document has been written and submitted as a Design and Access Statement. This five page document is available for inspection at the offices or on the website.

RELEVANT HISTORY: The site has an extensive planning history involving commercial and vehicle uses. The most relevant and more recent planning applications concerning residential development are listed as follows:

In 2005 outline planning permission (with siting, design, external appearance, landscaping and means of access as reserved matters) was granted subject to conditions including one that "No more than three dwellings shall be accommodated within the site".

In 2006 an application was made to remove the above mentioned condition. This was refused and an appeal was made. The Inspector concluded that "In the absence of details there is no reason for the Council to conclude that more than three dwellings would cause harm" and allowed the appeal. She made the observation that "three large three storey

dwelling filling the frontage of the site would potentially cause greater harm than four modest detached dwellings set well apart from each other across the site” (Officer’s note: The Inspector’s observation on the above carries with it no weight as there was no indication that the authority would have accepted three large three storey houses across the width of the site. It certainly provides no indication that 11 dwellings would be acceptable. It is evident from the submission made in relation to this application that the applicant has been in contact with the Inspectorate regarding this matter and had a written reply that the Inspector’s comment was simply an example and it is for the local planning authority to determine how many houses can be built on the site).

CONSULTATIONS: Building Control: Fire access acceptable; insufficient detail for other comments.

Access officer: There will be a need to meet lifetime homes standards.

Environmental services: It will need a contamination survey.

Environment Agency: Object – insufficient information. (Officer comment – this matter has been considered before and at that time a condition was attached. There have been insufficient circumstances to justify a different approach now).

ECC Archaeology: Recommend a full archaeological condition.

Thames Water: Makes advisory comments. No objections.

ECC Highways: No objections subject to conditions and a financial contribution of £22,000 index linked to fund infrastructure improvements in the vicinity of the site. (Officer comment: further details on the purpose of this money has been sought).

PARISH COUNCILS COMMENTS: Takeley: Object.

- Concerned about the cumulative effect of this type of development
- The village requires smaller, more affordable houses (not 4-6 bedroom homes)
- Would recommend a lower density (reduction of 50%)

Little Canfield: No objection to this area being used for residential development and in fact would welcome it to improve the look of the site, provided the privacy of New Cambridge House next door is taken into account.

However we feel that to build eleven houses there is too many when considering the type of development in the surrounding area.

For security reason there should be no access to the Flich Way.

REPRESENTATIONS: None. Notification period expired 17 July 2007.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the proposed development is appropriate to the rural area and the likely effect that it would have on the character/visual amenities of the locality neighbouring residential amenity (ULP Policies) (ERSP Policy C5 & ULP Policies S7, GEN2, GEN4 & H10) and**
- 2) **whether the proposed access is acceptable in highway terms.**

1) The application site is situated outside of development limits within the countryside where policies C5 of the ERSP and S7 of the ULP apply. These state that planning permission will only be given for development that protects or enhances the particular character of the part of the countryside within which it is set and that the countryside will be protected for its own sake with new building being strictly controlled to that required to support agriculture, forestry or other rural uses. Residential development is not in principle considered appropriate outside of development limits and in this case officers consider that the residential development of the site would not constitute the ‘sensitive infilling of a small gap’ as advocated by paragraph 6.14 of the Housing Chapter of the ULP due to the

considerable width of the site (approx 64m). In these respects the proposal is contrary to adopted rural restraint policy and therefore is considered inappropriate to the rural area. Consequently based purely on adopted policy the proposal should be refused.

However, it is material to the consideration of this application that there is an existing lawful use of part of the site (for commercial car sales and servicing). It is also material that there is an extant outline planning permission for the residential redevelopment of this site (no numbers specified). Given these two factors there can be no objection in principle to the redevelopment of some of this site for residential purposes.

The car sales office, a large canopy structure (associated with the previous use of the site as a petrol filling station), three bay service building and associated hard surfaced areas occupy the front of the site facing the road and would be removed. These structures are clearly visible from the road frontage but their impact on the surrounding area is limited. Currently the site is unused and in planning terms the lawful car related uses – sales and valeting – could recommence without permission. It is unclear whether this is a realistic likelihood as the activities have ceased due to market forces (largely following the loss of passing traffic) and the recommencement of such activities is questionable. Consequently there is no overriding justification to approve an intensive development simply to extinguish permitted activities on this site.

When considering the 2005 outline permission the authority agreed that a restricted development of three houses was an appropriate balance of development for the site. The appeal inspector did not agree that there was a reason for the authority to conclude that more than three dwellings would be harmful as the application was made with the most basic of outline information.

However this proposal asks for permission for a specific number of dwellings - 11 dwellings – in a specified layout and provides details of the access. The layout is poor. It ignores the pattern of development in the area which the appeal inspector described as “*sporadic, mainly linear, low density development of both housing and commercial uses along the southern side of the road. This pattern of low density development gives the area a sense of spaciousness which contributes to its rural character.*” It fails to provide a proper frontage, the street frontage is provided within the site, leaving boundary screening to the rear gardens of the northern most properties to be the main contribution to the streetscene.

A development of eleven dwellings on this site outside the development limit would be unacceptable as it would represent a significant breach of Development Plan policy and would fail to protect the rural character of the site and locality. Government policy in PPS3 makes it clear that development should be appropriate to its context and that density should not be pursued at the expense of an area’s character.

The proposal also protrudes from the front of the site into land at the rear which was excluded from the most recent planning permission. The development would therefore push development into a part of the site where lawful activities cannot take place. PPS3 points out that there is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed. The appeal inspector seems to have envisaged development across the site rather than in depth. The development would involve the development of this site as a cul-de-sac of dwellings of a density that has been resisted over the road at the Island sites and this proposal would erode the low density rural character that the inspector considered was the characteristic of the area. Such a development may have implications for the Council’s ability to withstand such developments elsewhere. The layout proposes the dwelling on plot 7 and various garages to be very close or on the boundary of the site. Either way such an arrangement would lead to the removal of adjacent vegetation further eroding the rural character of the

area. Three of the properties (plots 2, 3 and 4) would be close enough to the boundary to result in overlooking of adjacent properties unless their design were contrived to avoid 'rear facing' windows.

The layout drawing indicates the proposed sizes of dwellings and such a matter would need to be considered at this stage. This is for three reasons: firstly, the size of the dwellings is linked to the dimensions of the footprints shown on the layout plan which the applicant has applied for. Secondly, text on the layout plan indicates the sizes of the dwellings. Thirdly, the matter of dwelling size or mix cannot be considered later under the remaining issues - scale, landscaping and appearance – and so must be addressed now.

Policy H10 requires all developments of three dwellings and above on sites of 0.1 hectare and above to have a mix of dwelling sizes to include a significant proportion of smaller properties. It is therefore relevant in this case. The explanatory text to the policy explains that these smaller properties should be "small 2 and 3 bed homes". The quoted floor spaces of dwellings proposed on this site are 4 x 1200 sqft, 3 x 1400 sqft, 3 x 1600 sqft, 2 x 2200 sqft and 1 x 2500 sqft. With reference to the approved phases of the Priors Green site there are three bedroom houses of significantly less than the 1200 sqft proposed here and therefore unless the proposed properties here are particularly space inefficient such sizes of dwellings would not include any two bedroom nor small three bedroom houses. Such a mix would fail to comply with the requirements of Policy H10.

2) With regard to highway safety, the Highway Authority has to date made no objection subject to conditions. It is not clear whether the layout meets the objectives of the suggested conditions and further advice is being sought as is an explanation of the requested £22,000 for infrastructure improvements. Any response will be reported.

It is apparent that due to the commercial uses that have taken place at the site, there are likely to be contaminants present. In accordance with specialist advice, an appropriately worded condition would be added if there was a recommendation for approval to ensure that investigations are carried out and remedial action taken if necessary. Similarly if permission were recommended a condition requiring a scheme of archaeological work be carried out prior to the commencement of development is adequate in this case. If permission was granted a condition would be required to necessitate meeting adopted lifetime homes standards.

CONCLUSIONS: While the principle of residential development has been accepted the number of dwellings and the layout proposed on this site is unacceptable.

RECOMMENDATION: REFUSAL REASONS

The proposal is unacceptable as the development of this site outside the development limit in the manner proposed would harm the character of the area, due to the number of units and the proposed layout. The layout would fail to provide an adequate mix of dwelling sizes. The proposal would fail to meet the requirements of Essex and Southend on sea replacement structure plan policies CS2 and C5 and Uttlesford Local Plan policies S7, GEN2, GEN4 and H10.

Background papers: see application file.

UTT/1220/07/FUL - STANSTED

(Referred at request of Cllr Sell)

(Reason: on the grounds of lack of access and that site should be retained for community use)

Conversion and extension of former school buildings to form a pair of semi-detached dwellings

Location: Former Peter Kirk School Building Chapel Hill. GR/TL 513-249.

Applicant: Mr John Seabrook

Agent: Michael Sierens Associates Ltd

Case Officer: Mr N Ford 01799 510629

Expiry Date: 31/08/2007

Classification: MINOR

NOTATION: Within Development Limits. Conservation Area. Affects the Setting of a Listed Building.

DESCRIPTION OF SITE: A brick built school building of traditional appearance with Flemish bond and of visual merit with two large pitch roof gables to the front, substantial chimneys, plain clay tile roof and set within the Conservation Area and set back from Chapel Hill on its northern side near the centre of Stansted. Peter Kirk School is to the north and west and there is the United Reformed Church to the east. There are mature trees located between the building and the highway. There is a listed building nos. 12 and 14 Chapel Hill to the south east.

There is an access road from Chapel Hill between the subject building and the Church leading to garaging and Millway's Stationary.

DESCRIPTION OF PROPOSAL: This is a full planning application seeking the conversion and extension of the building to form 2 no. three bedroom dwellings. Two private gardens would be provided to the rear of the building and two parking spaces each to the front. Vehicular access would be created onto the road between the building and the Church.

APPLICANT'S CASE including Design & Access statement: See Design and Access Statement received 6 July 2007 available for inspection at the council offices.

RELEVANT HISTORY: Various applications relating to extensions and classroom additions associated with the use of the building as a school. No applications are relevant to this application with regard to conversion for residential or other uses.

CONSULTATIONS: Highway Authority: No objection.

Water Authority: It is the developer's responsibility for drainage to ground, water course or suitable sewer. No objection to sewerage infrastructure. Advice note.

Environment Agency: Low environmental risk.

Building Surveying: No adverse comments. Lifetime Homes: Although a conversion it would be beneficial to have Lifetime Homes Standards for future occupants.

Conservation Officer: To be reported.

ECC Arborist: To be reported.

ECC Archaeologist: Recommends a Building Recording condition.

PARISH COUNCIL COMMENTS: Members object to this application on grounds of inadequate and dangerous access both onto The Chase and then into Chapel Hill. The Parish Council believe that the building is ideally located to remain in community use.

REPRESENTATIONS: Two. Notification period expired 27 July 2007. Advert expired on 9 August 2007.

Stansted Free Church and Glasscocks Properties Ltd:

- Believe applicant enjoys pedestrian rights only over land edged blue and are not entitled to vehicular access to reach the property edged in red.
- Additional traffic is not acceptable as the road is narrow and used by customers and delivery vehicles using Millway Stationary.

COMMENTS ON REPRESENTATIONS: See planning considerations.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

- 1) **Whether the proposed new dwellings would be compatible with the character of the settlement, adhere to criteria of policy H3, have an appropriate layout, scale and design, would preserve the character and appearance of the Conservation Area, protect the setting of listed buildings, are acceptable in terms of access and parking and meets accessible homes standards (ERSP Policy HC2, HC3, BE1 & ULP Policies H3, ENV1, ENV2, GEN1, GEN2, GEN8 & SPD Accessible Homes and Playspace) and**
- 2) **Whether there would be any harm to neighbouring properties by way of overlooking, overshadowing or overbearing effect (ERSP Policy BE1 & ULP Policy GEN2).**

1) The building subject of this application is part of the Peter Kirk School, is of 19th Century origin and brick built with distinctive original window ranges, dormers, chimneys and inverted v decorative brickwork. It is understood that the school would relocate to a site at Rochford Nurseries and the move would be funded by the land value of this site and the larger St. Mary's primary School site.

The existing school building was home to class rooms and there is a more modern extension to its rear and is just one of a number of school buildings with the remainder adjacent and not forming part of this application. The building is within the development limits of Stansted and so the conversion of the building to a residential use is generally acceptable in principle under policy H3 of the Local Plan. There is no planning policy that seeks to retain school buildings for such use or for other uses such as for community facilities as suggested by the Parish Council. It would therefore be unreasonable to seek a use for the building that is not supported by planning policy.

The conversion of the original building would be facilitated by the use of conservation range roof lights with the extension to the rear designed to accord with its character using contrasting detailing. The comments of the Council's Conservation Officer in relation to scale and design of the scheme and the impact on the Conservation Area will be reported to Members.

The building would be converted to 2 no. three bedroom dwellings each with private rear gardens and two off road parking space to the front accessed from the side access road which is a private road via Chapel Hill. The applicant states that the building enjoys a right of way over the existing side access road allowing vehicles to enter the proposed parking area.

It is proposed to retain the existing front and side boundary walls with new timber boarded fencing enclosing garden areas to the north and new metal railings adjacent the access road.

2) It is not considered that there would be any harm to the amenity of adjacent properties resulting from the conversion and extension of the building. The conversion would predominantly utilise existing openings save for roof lights. It is not considered that there would be any significant harm by way of overlooking, overshadowing or any overbearing effects.

CONCLUSIONS: The proposed conversion would secure a viable use for a building that subject to conditions should continue to make a positive contribution to the character and appearance of the Conservation Area. The scheme would support the Council's Draft Conservation Area Appraisal for Stansted which identifies the building as of merit and seeks its retention.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.3. Matching materials.
6. C.5.7. Window/rooflight details.
7. C.5.8. Joinery details.
8. C.6.2. Excluding all rights of permitted development within the cartilage of a dwelling house without further permission.
9. C.6.5. Excluding fences and walls without further permission.
10. 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.
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.8.30. Provision of bin storage.
13. The bonding of the brickwork of the walls hereby permitted shall be constructed in bonding to match the existing building unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of the character and appearance of the Conservation Area.
14. All rainwater goods shall be cast metal painted black unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of the character and appearance of the Conservation Area.
15. C.8.31. Demolition recycling of materials.
16. C.11.6. Prior provision of residential communal parking.

17. No conversion or groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological recording in accordance with a written scheme of investigation which has been submitted by the applicant or their agents or successors in title and has been approved in writing by the Local Planning Authority.

REASON: To enable proper building recording in the interests of PPG16.

Background papers: see application file.

UTT/1140/07/OP - LITTLE DUNMOW

Demolition of two dwellings and waste transfer station and creation of fourteen dwellings
Location: Waste Transfer Station, 1 & 2 Pit Cottages Station Road. GR/TL 664-213
Applicant: Mr S Malins
Agent: Andrew Martin Associates
Case Officer: Mr N Ford 01799 510629
Expiry Date: 24/09/2007
Classification: MAJOR

NOTATION: Outside Development Limits.

DESCRIPTION OF SITE: The application site (0.49 hectares) lies in the open countryside to the north of the Oakwood Park housing estate to the north west of Felsted and on the western side of Station Road leading to the B1256 Great Dunmow to Braintree Road.

The submitted site plan shows that under a quarter of the site (0.14ha) is occupied by two semi detached dwellings named Pit Cottages (nos. 1 and 2) and their curtilages, with a steep pitch clay tile roofs, pebble dash elevations and dormer windows. There is an informal unmade parking area to the north of these. The gardens are to the south of the dwellings. The boundaries of the site are heavily treed to the north and west with various items of scrap and debris stored in the open. There is a pond to the western boundary.

To the south of the dwellings beyond a screen of trees is the waste transfer station (occupied by Dunmow Skips Ltd). In this portion of the site is a building that has the appearance of a large nissen hut with a waste tip beyond operated by jcb plant. Informal lorry parking associated with this is further to the south. This land to the south does not form part of the transfer station which is contained on an approximately rectangular site. There are also demountable cabins and skips placed to the south of the site. There is a field to the west beyond an embankment and also an embankment to the south opposite the Station House next to the dismantled railway embankment. These embankments relate to the lorry parking area and were the subject of permissions and Members site visits in 2003 and 2006.

DESCRIPTION OF PROPOSAL: This is an outline planning application for the demolition of two dwellings and waste transfer station and the erection of fourteen dwellings. If permitted the following matters would be reserved for future approval: layout, scale, landscaping, appearance and access.

The application includes an indicative layout drawing showing how 14 dwellings might be accommodated on the site. This drawing indicates one point of access from Station Road serving the 14 dwellings with two private drives leading from it. This drawing indicates 3 no. five bed houses, 5 no. four bed houses, 3 no. three bed houses and 3 no. two bed houses. It is stated that the dwellings would be one and a half to two storeys in height. Private rear gardens are shown and parking spaces. A landscape buffer is indicated to the north and west elevations.

The application is accompanied by a Design and Access Statement, Supporting Statement, Landscape and Visual Impact Assessment, Arboricultural Report and a Transport Assessment.

APPLICANT'S CASE including Design & Access statement: See Design and Access Statement received 25 June 2007 are available for inspection at the offices or on the website.

RELEVANT HISTORY: On 7 June 1993 planning permission was granted retrospectively for retention of an existing skip hire and garage business and erection of a portable office building (UTT/0381/93).

On 25 May 1995 planning permission was granted for construction of a waste transfer compound in connection with an existing waste/salvage skip hire use (UTT/0322/95). This permission related to approximately 1660 sqm of land and was granted as a personal permission to Mr S Malins trading as Dunmow Skips.

On 2 October 2003 planning permission was granted for change of use of agricultural land to form a car and lorry turning area (UTT/1760/02/FUL). That application related to land south of this site.

On 21 August 2006 planning permission was granted for storage of skips and waste transfer (UTT/0187/06/FUL). That application related to land south of this site.

CONSULTATIONS: Highway Authority: No objection subject to conditions.

Water Authority: There are no public and surface water sewers available in the immediate vicinity of the site and we have yet to be approached by the developer with drainage proposals in order for consideration on a drainage strategy for the site. It is advised that SUDS systems would need to be utilised for surface water disposal with the consent of the Environment Agency. Recommends a condition for foul and surface water drainage details.

Environment Agency: Recommendations for sewage and water disposal

Environmental Services: Will need a contaminated land survey.

Building Surveying: Lifetime Homes - As identified on the design and Access Statement, these dwellings will need to meet Lifetime Homes Standards in addition to the requirements of the Wheelchair Accessible Housing SPD on units of between 10 and 20. Building Regulations – No comment.

Essex Amphibian and Reptile Group: To be reported.

Landscaping: To be reported.

Archaeologist: The applicant should be required to conduct a field evaluation to establish the nature and complexity of the surviving archaeological deposits. This should be undertaken prior to a planning decision being made. This evaluation would enable due consideration to be given to archaeological implications and would lead to proposals for preservation in situ and/or the need for further investigation.

PARISH COUNCIL COMMENTS: The Parish Council supports this application for outline planning as the site in its present state is unsightly, dirty and noisy, however there are issues that will need careful consideration when a full planning application is submitted such as access onto Station road, lack of parking, street lighting and footway.

The Parish Council has been concerned about the state of the waste transfer station for some time and fear that any period between cessation of operations and construction of new housing on site may leave us with an unsightly conglomeration of industrial buildings plus two dilapidated houses. Is it possible to ensure that the site is cleared at the earliest opportunity following closure and that the whole area is secured to discourage fly tipping.

REPRESENTATIONS: Notification period expired 17 July 2007. Advert expired 26 July 2007.

4 Pound Hill Villas has concern for:

- Density of houses
- Precedent for further development

- Loss of agricultural land
- Unsightly views
- Loss of mature trees and shrubs
- Increase the amount of water off the surrounding field making Station Road muddy and dangerous
- More vehicles on an already busy road where there have been serious accidents
- Is there a safe area for overflow vehicle parking as Station House and the travellers site would need to remain clear and accessible

61 Baynard Avenue states that this is an opportunity to clear up an eyesore but we have concerns for:

- Maintenance of the field to the south,
- Access onto Station Road
- Only single garage and parking space for 4 bed houses
- Run off onto Station Road leading to accidents
- No street lighting is proposed for the junction
- There are no pavements which makes the area dangerous

COMMENTS ON REPRESENTATIONS: See planning considerations. Right to a view is not a material planning consideration.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

- 1) **Whether the proposed development in the countryside (and in relation to the replacement of Pit Cottages) relates to development that needs to take place in the countryside, is appropriate to a rural area and protects the character of the countryside for its own sake (PPS7, ESRP Policies C5, CS2, BIW4, H2, H3, H4 and ULP Policies S7, E2, H7, H10, GEN2 and Supplementary Planning Document – SPD ‘Replacement Dwellings’);**
- 2) **Whether the proposed means of access would be appropriate in terms of highway safety (ULP Policy GEN1);**
- 3) **Whether it has been satisfactorily demonstrated that the proposed development would not have a harmful effect on wildlife and protected species (PPS9, ESRP Policy NR6, ULP Policy GEN7) and**
- 4) **Whether it has been satisfactorily demonstrated that archaeological remains would be preserved as a result of the proposed development (PPG16, ESRP Policy HC6, ULP Policy ENV4).**

1) This application seeks to establish the principle of residential development on the site as detailed matters are reserved for later consideration. The housing layout provided by the applicant is indicative only.

The site lies outside any development limit where for the purposes of the development plan it is open countryside. Much of the application site appears neither to be lawful curtilage of the dwellings or within the permitted area for the waste transfer station. Taken together the combined area of residential curtilage and waste transfer station would be 3060 sq metres (1400 plus 1660 sq metres respectively). This application relates to 4900 square metres of

land. Consequently this application would involve the development of land neither in residential or lawful commercial use.

No reason has been given to explain why the development of such almost 1900 square metres of non commercial and non residential land is justified outside development limits. With regard to the two dwellings these are appropriate in the countryside and do not cause harm to its character. There would be no objection in principle to the replacement of these two dwellings with two dwellings subject to compliance with policy and the associated SPD. The replacement of the two dwellings by more than two would not be acceptable under policy.

With regard to the waste transfer site which forms only about a third of the site this was granted personally to the operator in 1995. It was granted on the basis that there was a need for such facilities in the local area and that there were no suitable sites elsewhere. In more recent applications the applicant has identified that there is an increasing emphasis on recycling. Consequently if this site was to be redeveloped the facility would have to be replaced elsewhere. Part of the reason for permitting activities here are that there are few alternative sites available. The site is not attractive partly due to the nature of the use but partly due to the incomplete compliance with some planning conditions. Officers have been in contact with the applicant and his agents to press for compliance with conditions. For example the applicant has yet to carry out the planting of the site for lorry parking which is now due to be carried out in the approaching planting season and other conditions remain outstanding. Consequently there are means to improve the appearance of the site other than by granting planning permission for this scheme.

Policy H10 requires a mix of housing sizes on all residential schemes. In particular it requires a significant proportion of 2 and 3 bedroom houses. This scheme does not contain such a mix. This issue is of relevance at this stage as it is a matter of principle and would not be covered by any of the reserved matters. In this respect the proposal is unacceptable.

2) The existing arrangement consists of two points of access for the waste transfer station and for Pit Cottages. The proposal will be for a single means of access to serve all 14 dwellings. The applicant has carried out a detailed assessment of the proposed vehicular and pedestrian access through a Transport Assessment prepared by TA Millard.

The Highway Authority raises no objection to the proposal subject to conditions. These relate to technical details of visibility splays, a contribution of £28, 000 towards highway infrastructure improvements within the vicinity of the site and the provision of a Transport Information and Marketing Scheme for 12 months for householders including vouchers for free bus travel. Subject to these requirements the scheme is considered acceptable in highway safety and sustainability terms.

3) ULP Policy ENV4 states amongst others that the preservation in situ of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. In situations where there are grounds for believing that sites, monuments or their settings would be affected developers will be required to arrange for an archaeological field assessment to be carried out before the planning application can be determined thus enabling an informed and reasonable planning decision to be made.

The County Councils Senior Historic Environment Officer has provided specialist archaeological advice relating to the impact of the proposed development. It is stated that the proposed development lies immediately adjacent a highly sensitive area where there is a Roman villa part of which is recorded beneath the station. The archaeological deposits are likely to be extensive and of significance with a high potential of finding Roman buildings. He recommends that the applicants undertake a field evaluation to establish the nature and

complexity of surviving archaeological deposits before any decision is made on the application which would allow for an informed decision to be made on the application and due consideration to proposals for preservation in situ and/or the need for further investigation.

The applicant has not provided any evidence that such work has been undertaken and in the absence of such evaluation being undertaken in accordance with the advice of the County Council archaeologist the proposed development may have a harmful affect on deposits and is therefore contrary to ESRP Policy HC6, ULP Policy ENV4 and national advice contained in PPG16.

4) New housing development should provide for the retention or re-establishment of biodiversity. There is a pond to the western boundary and this is near to an area to the south of the site where Great Crested Newts have been recorded as present. There are waterways in the surrounding area and there is the possibility that this protected species might use the pond as a habitat.

ULP Policy GEN7 states that development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for development outweighs the importance of the feature to nature conservation. In accordance with this policy where protected species are suspected a nature conservation survey is required with measures to mitigate and/or compensate for the potential impacts of the development. In the absence of such information the proposed development may cause harm to protected species and is therefore unacceptable and contrary to ESRP Policy NR6 and ULP Policy GEN7.

CONCLUSIONS: The erection of dwellings on this site would result in development outside of development limits in the countryside that would not protect its character and appearance for its own sake. Furthermore, the development would not provide a mix of dwelling sizes and would result in harm to archaeological deposits by virtue of a lack of a field evaluation and protected species by virtue of a lack for a nature conservation survey and mitigation/compensation measures.

RECOMMENDATION: REFUSAL REASONS

1. The proposed development is unacceptable because it would result in the erection of new dwellings outside of development limits outside of the area considered to be previously developed associated with the waste transfer station and would involve the erection of more than two dwellings on land occupied by Pit Cottages contrary to Policy CS2 and C5 of the Essex and Southend on Sea Replacement Structure Plan adopted 2001 and Policies S7 and H7 of the Uttlesford Local Plan adopted 2005 and Supplementary Planning Document 'Replacement Dwellings'.

2. The proposed development is unacceptable because 3 two bed, 3 three bed, 5 four bed and 3 five bed houses fails to provide a significant proportion of small properties contrary to Policy H10 of the Uttlesford Local Plan adopted 2001.

3. The proposed development is unacceptable because it would have a harmful affect on a sensitive archaeological area by virtue of the absence of a field evaluation to establish the nature and complexity of surviving archaeological deposits contrary to Policy HC6 of the Essex and Southend on Sea Replacement Structure Plan adopted 2001, Policy ENV4 of the Uttlesford Local Plan adopted 2005 and PPG16.

4. The proposed development is unacceptable because it would have a harmful affect on a protected species by virtue of the absence of a nature conservation survey indicating measures to mitigate and/or compensate for the potential impacts of the development

contrary to Policy NR6 of the Essex and Southend on Sea Replacement Structure Plan adopted 2001, Policy GEN7 of the Uttlesford Local Plan adopted 2005, SPD Replacement Dwellings and PPS9.

Background papers: see application file.

UTT/1288/07/DFO - DEBDEN

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

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

Applicant: Cromwell New Homes Limited

Agent: Roderick Lee Design Associates

Case Officer: Mr N Ford 01799 510629

Expiry Date: 10/09/2007

Classification: MINOR

NOTATION: Within Development Limits.

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

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

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

Plots 3 and 4 have detached double garages to the back of their gardens with two spaces in front of these (four car spaces for each dwelling). Plots 1 and 2 would have two parking spaces each to their front adjacent the highway.

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

Plot 4 has four bedrooms, one of which is in the roof space to the rear elevation. Plot 3 has five bedrooms, one of which is in the roof space to the rear elevation. Plots 1 and 2 have 3 bedrooms each.

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

This reserved matters application differs from that refused earlier this year (UTT/0658/07/DFO – see history below) in seeking to address the reasons for refusal. The garage has been removed that was previously indicated to the front of plot 2. Plot 1 has been extended by way of a single storey gable to the rear in order to provide privacy for the immediate rear of plot 1 and restrict overlooking from Selkirk. Plots 1 and 2 have had access to the attic accommodation removed and no windows shown at second floor level.

The design of plots 1 and 2 has additionally altered following discussion with the applicant in order to seek an improved appearance such that they are seen as two dwellings rather than one large block. This has been achieved by removing the gable on plot 1 and stepping plot 2 back so that these plots appear as two dwellings. The design of the rear conservatory to plot 3 has altered but is not considered significant.

APPLICANT'S CASE including Design & Access statement: See Design and Access Statement received 16 July 2007 are available for inspection at the offices or on the website.

RELEVANT HISTORY: On 25 May 2007 a reserved matters application to the outline planning permission granted on appeal (see below) was refused because the scheme would not provide a significant proportion of small houses, the provision of a freestanding garage to the front of the dwellings that would harm visual amenity and overlooking of plot 1 from an existing adjacent dwelling named Selkirk (UTT/0658/07/DFO).

On 18 October 2006 planning permission was granted on appeal against refusal of planning permission UTT/0201/06/OP for the demolition of dwelling and erection of four dwellings (APP/C1570/A/06/2016677). All matters were reserved for future consideration at reserved matters stage but a layout drawing and street scene were submitted with the application demonstrating how four dwellings might be accommodated on the site.

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

CONSULTATIONS: Highway Authority: No objection subject to conditions.

Water Authority: Waste and water dealt with by others.

Environment Agency: Advice on foul and surface water drainage.

NAT (Debden Safeguarding): To be reported.

English Nature: No objection.

Essex Wildlife Trust: To be reported.

Building Surveying: No adverse comments. Lifetime Homes Standards: Appear to meet the requirements from the plans shown. Stair cases do not meet the 900mm requirement.

PARISH COUNCIL COMMENTS: To be reported.

REPRESENTATIONS: None. Notification period expired 6 August 2007.

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

- 1) **Whether the development would be compatible with the character of the settlement and if the houses would be compatible with the scale, form, layout, appearance (ESRP Policy BE1, ULP Policies H3 GEN2, and SPD 'Replacement Dwellings');**
- 2) **Whether the development would include a significant proportion of market housing comprising small properties (ULP Policy H10);**

- 3) **Whether there would be any harm to amenity as a result of the development to the occupants of adjacent dwellings and the occupants of the new dwellings (ULP Policy GEN2);**
- 4) **Whether there is a satisfactory means of access and parking (ULP Policy GEN1 and GEN8) and**
- 5) **Whether the development accords with Supplementary Planning Guidance (SPD) relating to Accessible Homes and Playspace.**

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

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

The Inspector considered that the indicative layout showed that the site is capable of accommodating four dwellings and did not support the Council's concerns that the narrow plot widths would be out of character with the area adding that this diversity would form an individual group that would reinforce the diversity of the wider street scene. Although the Inspector recognised that the siting and scale of the dwellings were reserved for future approval she was satisfied that the siting and scale would not cause harm to the character and appearance of the street scene. It is therefore considered unreasonable to object to the development in so far as the proposed dwellings do not respect the forward building line of adjacent properties. Similarly, the scale and height indicated is similar to the indicative drawings presented to the Inspector and therefore no objection is raised to this and their height.

The design of plots 1 and 2 has additionally altered following discussion with the applicant in order to seek an improved appearance such that they are seen as two dwellings rather than one large block. This has been achieved by removing the gable on plot 1 and stepping plot 2 back so that these plots appear as two dwellings. This is considered to be a welcome change to the appearance of these units that benefits the scheme.

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

Plots 3 and 4 proposes garages that are located to the rear of those dwellings and therefore have no visual impact on the street scene. In the previously refused scheme plot 2 had a detached garage to its front adjacent to the highway which was considered to be obtrusive and would harm views in the street and as such formed a reason for refusal. This scheme shows the removal of the garage and two off road parking spaces provided and as such it is considered that this issue has been addressed and the scheme is acceptable in visual amenity terms.

2) Policy H10 of the Local Plan is applicable in this case. It requires that "All development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to

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

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

The previous refused scheme indicated accommodation in the roof space of the three bedroom dwellings that could be used as further bedrooms that would undermine the objectives of this policy. This application has removed access to the attics and it has been indicated that the usable floor area is restricted by the angle of the roof and its rafters such that it is agreed that use for bedroom accommodation would be impracticable. The attachment of a condition can prevent the addition of windows into these plots to restrict this further.

In such circumstances the proposed houses are considered to meet Policy H10 and provide for small 3 bed homes in the interests of creating mixed and balanced communities.

3) The refused scheme indicated a layout to plot 1 that would allow overlooking from a first floor window in the side elevation of the dwelling to the north named Selkirk resulting in harm to the amenity of the occupiers of that dwelling because their ability to enjoy their garden in privacy would be detrimentally harmed. This scheme now shows a gable extension to the rear of plot 1 and this design will afford its occupiers privacy to their immediate rear garden by obstructing views from the window of Selkirk. It is therefore considered that this issue has been satisfactorily addressed and the scheme is acceptable in this regard.

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

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

CONCLUSIONS: This scheme is considered to overcome the previous reasons for refusal and is therefore recommended for approval subject to conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.3.1. To be implemented in accordance with approved plans.
 2. C.4.1. Scheme of landscaping to be submitted and agreed.
 3. C.4.2. Implementation of landscaping.
 4. C.6.2. Excluding all rights of permitted development within the cartilage of a dwelling house without further permission.
 5. C.6.5. Excluding fences and walls without further permission.
 6. The materials to be used in the external surfaces of the dwellings hereby permitted shall be as stated on the application form and accompanying Design and Access Statement unless otherwise agreed in writing by the local planning authority.
- REASON: In the interests of visual amenity.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in plots 1 and 2 and the side (south) elevation of plot 4, or other external alteration made without the prior express grant of planning permission.
REASON: In order to prevent additional bedroom accommodation to ensure smaller properties in the interests of achieving mixed and balanced communities in respect of plots 1 and 2 and prevent overlooking in the interests of amenity in respect of plots 1 and 4.
8. C.8.30. Provision of bin storage.
9. C.19.1. Avoidance of overlooking.
10. Prior to the occupation of any dwelling a 2 metre parallel band as measured from and along the nearside edge of the carriageway shall be provided on both sides of the new accesses. The area within this 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 the Essex and Southend on Sea Replacement Structure Plan adopted 2001.
11. The two linked vehicles accesses shall 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 4.8 metres and retained at that width for 6 metres within the site.
REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner in accordance with Policy T8 of the Essex and Southend on Sea Replacement Structure Plan adopted 2001.
12. Prior to the occupation of any dwelling a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary shall be provided on both sides of the vehicular accesses. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of visibility sight splays thereafter.
REASON: To provide adequate inter - visibility between the pedestrians and 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 the Essex and Southend on Sea Replacement Structure Plan adopted 2001.
13. No unbound materials shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Policy T8 of the Essex and Southend on Sea Replacement Structure Plan adopted 2001.
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 the occupation of the dwellings hereby permitted the existing crossover shall be removed and the footpath resurfaced and kerb reinstated for use in accordance with details to be submitted to and 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 occupation of the dwellings hereby permitted the turning spaces indicated on drawing 415/03C shall be constructed, surfaced and made available for use and shall be retained for that sole purpose thereafter.

REASON: To ensure appropriate turning facilities are provided so that vehicles can enter and leave the highway in a safe and controlled manner in accordance with Policy T12 of the Essex and Southend on Sea Replacement Structure Plan adopted 2001.

Background papers: see application file.

UTT/0771/07/FUL - HATFIELD HEATH

Erection of 6 No. flats with associated parking

Location: Opposite 35 Broomfields Corner Home Pastures Broomfields. GR/TL 520-153

Applicant: Swan Housing Group

Agent: Mathew Serjeant Architects

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 02/08/2007

Classification: MINOR

NOTATION: Within Development Limits.

DESCRIPTION OF SITE: The site covers an area 624m² and forms a corner plot within a residential estate. The dwellings surrounding the site range from two-storey blocks of flats to bungalows and two-storey dwellings. The site is open to the northern and western site boundaries and has mature vegetation along the southern and eastern boundaries. It has a concrete base located in the centre of the site and the area surrounding this is overgrown. Temporary security fencing has been erected along the northern and eastern boundaries.

DESCRIPTION OF PROPOSAL: This application relates to the erection of 6 x one bedroom affordable housing flats. The two-storey block of flats would cover an area of 190m² and would have a maximum ridge height of 7.5m. Nine parking spaces would be provided within the site for the occupants of the flats.

APPLICANT'S CASE including Design & Access statement:

Design: The scheme is a general infill development on the site of a redundant hall which has been vacant for some time. The site is at an important road junction and requires careful resolution of the corner plot. This has been considered in the articulation of the façade with bays and insets and use of different materials whilst respecting the existing context. The corner is resolved and reinforced visually by the projecting wing of the building which is aligned to match the road orientation.

Amount: The proposal comprises 6 Nos 1 Bed, 2 Person flats within a two-storey building. Off street parking is provided at 150%.

Layout: The building has been designed in an 'L' shape configuration to allow the prominent site corner to be turned in a practical yet strong streetscape manner that allows identity for the prospective owners' and those in the locality. The existing building lines have been respected leaving a landscaped buffer between the building and back edge of the pavement. The car park area provides a sheltered access point to the heart of the building from a safe, private internal landscaped space. Overlooking to existing private amenity/garden spaces has been avoided or minimised by the use of obscure glass and careful orientation of all habitable spaces.

Scale: The road elevation to Home Pastures is approximately 20m in length with the return side to Broomfields at 15.3m. The ridge height is indicated at approximately 7.7m and is not dissimilar to the surrounding properties. The design takes account of the bulk massing by introducing attractive bays and the use of different materials such as render and timber cladding at key junctions, which break down the built form into recognisable elements at a familiar and pleasant residential scale.

Landscaping: Soft landscaping is designed to enhance the quality of the site using low maintenance trees and shrubs with particular attention paid to utilising trees without sticky residues, berries or producing large amounts of leaf litter.

Where possible parking is allocated to specific flats, there is a designated wheelchair accessible parking bay located close to the principle entrance. These will be formed in block paving.

Appearance: The proposed scheme utilises and is intended to enhance the existing palette of materials in the neighbourhood with brick, render features and inset panels of self finished cedar cladding with high performance softwood windows and external doors. The proposed roof is set at a low pitch to match its nearest neighbours and to prevent the larger footprint of flats as against houses appearing over dominant on the site. The narrow depth of the units helps us to reduce the apparent bulk of the building and the elevational treatment can be considered in a contemporary and yet familiar residential vein.

RELEVANT HISTORY: Proposed new room for Scouts, Guides, Cubs and Brownies and new vehicular access conditionally approved 1983. Formation of seven parking areas (part of this site comprised one of the areas) conditionally approved 1995.

CONSULTATIONS: Essex Wildlife Trust: No objection subject to the recommendations of the ecological survey being followed.

ECC Highways: This application is one where the highway aspects are left for determination by the local planning authority, however in terms of the effect the proposal would have on the adjacent highway network the highway authority would not raise and objections. (Also recommends conditions.)

Building Surveying: No adverse comments. Lifetime homes: 1. Outward opening door on WC's required – Part M requirement. 2. If complies with Accessibility drawing, Lifetime Homes standard will be maintained.

Natural England: No objections.

Environment Agency: Makes comments regarding sustainable drainage and construction methods.

Thames Water: No objection.

Engineer: Makes comments regarding the recommended use of Sustainable Drainage and recommends the imposition of a condition regarding surface water disposal arrangements for the development.

PARISH COUNCIL COMMENTS: No objections.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 19 July.

PLANNING CONSIDERATIONS including Design & Access statement:

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

- 1) **Development Within Development Limits (ERSP Policies BE1, H3 & ULP Policies S3, H3);**
- 2) **Design (ULP Policy GEN2 & [SPD](#) Accessible Homes and Playspaces);**
- 3) **Vehicle Parking Standards (ULP Policy GEN8);**

1) This site is located within the Development Limits for Hatfield Heath and therefore, subject to the proposal complying with any other relevant policies, the principle of residential development of this site is acceptable. ULP Policy H3 identifies that on sites such as this, it is necessary for the site to meet 6 criteria. In relation to these criteria:

- a) this site comprises previously developed land;
- b) the village has shops and services including bus services running through its centre;
- c) it is considered that the existing infrastructure has the capacity to absorb the proposed development;
- d) the additional residents in the village would have the potential to support the local services and facilities;
- e) the site is not a key employment site; and
- f) the proposal would make an efficient use of the land with 6 new flats provided.

It is therefore considered that the proposed development would comply with the requirements of ULP Policy H3.

2) There is a mix of existing properties which surround the site and ranging from single storey bungalows to two-storey dwellings and blocks of flats. Brick and render have been used as materials in the vicinity of the site. The proposed flats would be clad using brick and timber panels and would have similar proportions to the existing two-storey properties adjacent. The 'L' shape of the building and its proposed orientation would allow it to follow the building line around the corner of the plot and provide sufficient distance between the bulk of the building and the neighbouring properties to prevent any material overbearing impact or overshadowing. The minimal number of windows indicated on the elevations facing neighbouring properties would also prevent any material overlooking or loss of privacy to the occupiers of those properties.

The proposed plans do not indicate a significant level of amenity space associated with the development however the Heath in the centre of the village is within walking distance of the site and it is considered that there is sufficient public open space within the village to balance this.

The Council's Accessibility Officer has indicated that the development would comply with the Lifetime Homes Standards adopted by the Council and it is therefore considered that the proposal would comply with the requirements of ULP Policy GEN2.

3) The Council's adopted parking standards are set at maximum levels. In relation to a proposed development such as this, the maximum number of associated vehicle parking spaces would amount to 12 spaces. The applicant has indicated in the application details that parking would be at a level of 150%, i.e. 9 spaces. Proposed parking levels of 150% are not normally acceptable on sites outside the main towns in the District, where there is a greater provision of shops, services and facilities within walking distance, as within the smaller settlements there is generally a higher dependence on motor vehicles and higher levels of car ownership. It is therefore necessary to consider whether the proposal is acceptable in this location with the level of parking proposed.

The development would provide some much needed affordable housing for the area and as such the occupancy of the units could be monitored, in contrast with housing available on the open market. In addition, Hatfield Heath, as one of the larger villages in the District, does have shops, services and facilities including bus services within walking distance of the site which would enable occupants without vehicles to gain access. Therefore, on balance and in light of the circumstances relating to this site and its location, it is considered that the proposed parking provision would be appropriate and would comply with the requirements of ULP Policy GEN8.

CONCLUSIONS: The proposal would provide six affordable housing units which would respect the character of the surrounding properties and would comply with all relevant Development Plan policies.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Landscaping scheme to be submitted and approved.
4. C.4.2. Implementation of landscaping scheme.
5. C.4.5. Retention of hedges - amended

The oak tree located adjacent to the southern site boundary shall be retained unless the local planning authority gives its written consent to its removal or variation. Should the oak tree die, be removed or become seriously damaged or diseased, it shall be

replaced during the following planting season by a replacement specimen planted in accordance with a specification previously approved in writing by the local planning authority.

REASON: To protect the existing planting in the interests of visual amenity

6. C.4.6. Retention and protection of trees and shrubs for the duration of development
7. C.5.2. Details of materials
8. C.8.27. Drainage Details to be submitted agreed and implemented.
9. C.8.27.A.Surface water disposal arrangements.
10. C.8.29. Details of sustainable construction for new residential or commercial development.
11. C.8.30. Provision of bin storage.
12. C.10.15. Domestic vehicle turning space.
13. C.10.17. No occupation until spaces laid out.
14. C.10.26. Prevention of runoff from access.
15. C.11.10. Secure cycle storage.
16. C.20.1. Acceptable survey mitigation/management plan – Implementation of scheme.
17. C.28.1. Accessibility – Implementation of scheme.

Background papers: see application file.

UTT/1079/07/FUL - NEWPORT

Erection of a dwelling and alterations to parking and vehicular access to 3, The Gables, Cambridge Road, Newport.

Location: Land adjacent to 3 The Gables Cambridge Road. GR/TL 519-349.

Applicant: Woodbury Properties

Agent: Terence C Burton

Case Officer: Mr N Ford 01799 510629

Expiry Date: 10/08/2007

Classification: MINOR

NOTATION: Within Development Limits.

DESCRIPTION OF SITE: Part of the side and rear garden of no. 3 The Gables. A two-storey end terrace dwelling of white painted render under a clay plain tile roof. The boundary to the west is the Cambridge – London railway line. There a number of trees and shrubs with trees to end of the garden adjacent the railway line.

The site rises from Cambridge Road to the railway line with the railway elevated from the site. The front garden adjacent to Cambridge Road is raised in relation to the road behind a retaining wall. It contains a group of Conifer trees providing a screen to Cambridge Road. Vehicular access to the site is from Cambridge Road serving a single garage and turning area. A separate parking area serves adjoining dwellings at The Gables.

DESCRIPTION OF PROPOSAL: This planning application relates to the erection of a two storey four bedroom dwelling between 3 The Gables and Gamsen House to the south. The land is raised from the highway (Cambridge Road) and Gamsen House. The dwelling has a hipped gable to the front elevation and a hipped gable facing Gamsen House. There would be a turning space to the front with 600mm high brick walls adjacent and ramped access from the highway to a detached garage sited behind the new dwelling. There would be a private rear garden situated behind the new dwelling extending as far as the Cambridge to London rail line. Materials proposed consist of brick, render, timber cladding (to the gable on the rear elevation) and plain clay tiles.

APPLICANT'S CASE including Design & Access statement: See Design and Access Statement attached at the end of report.

RELEVANT HISTORY: On 25 May 2007 planning permission was refused for the erection of a new dwelling with detached garage, construction of a new vehicular access and alteration to parking and vehicular access at 3 The Gables (UTT/0590/07/FUL).

On 2 October 2006 outline planning permission was granted for the erection of a dwelling and alterations to parking and vehicular access (UTT/1261/06/OP).

On 22 May 2006 outline planning permission was refused for alteration to parking and vehicular access and the erection of a detached dwelling (UTT/0530/06/OP).

CONSULTATIONS: Highway Authority: No objection subject to conditions.

Water Authority: None received (due 9 July 2007).

ECC: None received (due 9 July 2007).

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

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

Network Rail: None received (due 14 July 2007).

Environment Agency: No comment.

Environmental Services: No comment.

Building Surveying: Ensure stairs meet the 900mm criteria for future stair lift. Outward opening door on w.c. on ground floor requirement of Part M. Ambulant steps but how will wheelchair users obtain access.

PARISH COUNCIL COMMENTS: Concerns about the access to the site and the conditions applied to the original approval.

REPRESENTATIONS: None. Notification period expired 9 July 2007.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

- 1) Whether the erection of a new dwelling is acceptable in this location (ESRP Policy H3, H4 and ULP Policies H3 and GEN2 and SPD Accessible Homes and Playspace);**

The side garden and rear plot is of a size capable of accommodating a dwelling with associated parking and private garden area. Furthermore, the principle of the erection of a new dwelling in this location was established by the grant of outline planning permission on 2 October 2006. Therefore, the principle of the erection of a dwelling here is considered to be established.

The design and height of the building is similar to that of the outline planning permission. It has a similar form with gables and hipped ends. The significant difference between the outline permission and this full application is the siting of the dwelling being moved further away from Cambridge Road with its rear elevation some 6.5 metres to the rear of 3 The Gables.

- 2) Whether there would be any harm to the amenity of occupants of the new dwelling and that of neighbouring properties (ESRP Policy BE1 and ULP Policy GEN2);**

The siting and the height of the building was previously considered to result in overshadowing of the rear of 3 The Gables. This has a kitchen and dining room at the ground floor and a bedroom window at first floor level. However, there is an extant planning permission for extensions to the rear of 3 The Gables. It is considered that subject to the permitted extension being constructed such overshadowing would not be significant. This would require a legal agreement that the extension be constructed before the construction of the new dwelling. The applicant has indicated that they would be content with this arrangement.

The dwelling would also be in close proximity to the side elevation first floor bedroom window of 3 The Gables. It was considered that this would result in an oppressive outlook and be overbearing on the occupiers of 3 The Gables. It is apparent that No. 3 remains in the control of the applicants and so there is the opportunity to move windows on no. 3 to suit such concerns as considered in the grant of outline permission.

It is not considered that there would be any harm to the amenity of Gamsen House. The dwelling being sited a similar distance way from the dwelling as the outline planning approval.

3) Whether the proposal would be acceptable in terms of highway safety (ESRP Policies T8, T11, T12 and ULP Policy GEN1 and GEN8).

The Highway Authority has commented on the proposal and has no objections subject to conditions and therefore it is considered that the proposal is acceptable in terms of highway safety.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND S106 LEGAL AGREEMENT

1. C.2.1. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.1. Samples of materials to be submitted agreed and implemented.
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission
7. C.6.5. Excluding gates without further permission.
8. C.8.29. Details of measures providing energy and water efficiency and sustainable power and drainage for new residential or commercial development.
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. 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.
11. C.28.2 Prior to the commencement of the development hereby permitted, an accessibility drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the building is accessible to all sectors of the community. The buildings shall be designed as 'Lifetime Homes' and shall be adaptable for wheelchair use. Such measures shall indicate the 900mm criteria for a future stair lift, an outward opening door to w.c. on ground floor and access for wheelchair users.
REASON: To ensure that the district's housing stock is accessible to all.
12. 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.
13. The access shall be laid to a gradient not exceeding 4% for the first 6 metres from the highway boundary and not exceeding 8% thereafter.
REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner in accordance with Policy T8 of the Essex and Southend on Sea Replacement Structure Plan.
14. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Policy T8 of the Essex and Southend on Sea Replacement Structure Plan.

15. 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.

16. Prior to commencement of the development hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

REASON: To prevent hazards caused by flowing water or ice onto the highway in accordance with Policy T8 of the Essex and Southend on Sea Replacement Structure Plan.

17. All single garages should have a minimum internal measurement of 6m x 3m. Any garage erected with its vehicular doors facing the highway shall not be set back more than 1.5m from the highway boundary, unless a full 6m parking space is provided in front.

REASON: To encourage the use of garages for their intended purpose and also to enable vehicles using the garage to stand clear of the highway whilst the doors are being opened/closed and prevent vehicles parking and overhanging the highway.

19. C.8.26 No development shall take place until there have been submitted to and approved by the local planning authority in writing details of sound insulation measures to be undertaken to insulate from noise, in particular from the nearby motorway, the dwelling hereby permitted. No dwellings shall be occupied until the approved scheme has been completed. Thereafter, the sound insulation measures shall be maintained to the same level of attenuation.

REASON: In the interests of residential amenity.

HEADS OF TERMS OF LEGAL AGREEMENT:

The development hereby permitted (UTT/1079/07/FUL) shall not commence unless planning permission UTT/0278/07/FUL has been constructed and a Building Control Completion Notice issued.

REASON: In order to prevent loss of daylight to 3 The Gables in the interests of the amenity of the occupiers of the dwelling.

Background papers: see application file.

UTT/0711/07/FUL - FELSTED
(Applicant is related to Council employee)

Erection of outbuilding to store machinery and equipment
Location: Potash Cottage Cobblers Green. GR/TL 689-195.
Applicant: Mr G D Moss
Agent: Mr G D Moss
Case Officer: Consultant South 2 telephone: 01799 510478/605
Expiry Date: 03/09/2007
Classification: MINOR

NOTATION: Beyond Settlement limits; adj Listed Building.

DESCRIPTION OF SITE: the application site comprises an extended area of land to the rear of the listed dwelling. Planning permission has previously been granted for the change of use of this land to residential curtilage and to recreational equestrian use (see history below). However this is subject to a planning condition withdrawing all permitted development rights, including those for outbuildings. The site comprises open attractive countryside beyond settlement limits.

DESCRIPTION OF PROPOSAL: Application seeks planning permission to erect an outbuilding to be used as a store for machinery and implements in connection with the adjacent stables. The building would be positioned immediately to the north of the stables. The building would be 6.0 metres deep and 9.0 metres wide with a height of 3.4 metres. The proposal is near identical in terms of built form (except for the proposed colour), as that previously refused planning permission - see below.

APPLICANT'S CASE: See letter dated 22 April 2007. In summary: Total site is 6-7 acres. Building would be metal with outer skin cladding. Product is eco-friendly and re-usable. Siting has been selected to ensure minimal impact is caused to the countryside, approx. 400m from the public highway. Limited views as sited behind an existing stable block. On west side of stable block there are many trees and hedgerows giving additional screening. Could plant a small hedge on east side if necessary. Building is required to store machinery for grass cutting, a roller, two tractors, a mechanical digger and trailer – all needed to maintain the land and ditches. Currently left outside, but this is unsightly, causes deterioration and at risk of theft. One tractor has been stolen. This development is appropriate to a rural area and in accordance with Policy S7.

RELEVANT HISTORY: UTT/0223/99 - Erection of stables and the change of use of land from agricultural to recreational equestrian use and, for a separate portion, to garden land - Approved. UTT/0027/07/FUL - Erection of outbuilding to store machinery – Refused.

CONSULTATIONS: None.

PARISH COUNCIL COMMENTS: No objection provided hedge is planted.

REPRESENTATIONS: None. Period for representations expired 9 August 2007

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

- 1) countryside protection (ERSP Policies CS2 C5, ULP Policy S7);
- 2) design /Impact on LB (ERSP Policies HC3, BE1, ULP Policies H8, GEN 2, ENV2) and

3) neighbour's amenity (ERSP Policies, GEN2 and GEN4).

With regard to countryside protection, in determining this application the main consideration is the bulk and design of the building, with particular regard to whether or not it protects or enhances the particular character of the part of the countryside in which the building is sited.

Policy S7 of the adopted review plan contains a clear presumption against development within countryside, except for development that needs to take place there, or is appropriate to an area. It is generally accepted that appropriate development includes limited outbuildings however it is for each case to be considered on its individual merits with regard protecting the particular character of the local countryside.

The main consideration is the scale of built form that is proposed and the impact upon the character and appearance of the countryside. Although the land is in recreational use, it is nonetheless considered that further built form would cause additional harm to the character and appearance of the countryside and undermine its open rural character to a greater extent than has arisen from the existing buildings. With a footprint of 54 sq.m., this would be a substantial building, and viewed alongside the stables would be an excessive amount of built form in this rural location. This harm warrants refusal of planning permission. This proposal is considered to overstep the line between acceptable and unacceptable development.

The comments of the applicant about the benefits arising from the scheme, including the covering of plant and machinery, are noted. However, these are not considered to outweigh the harm that would arise from the additional built form.

The applicants further representations within the letter dated 22 April 2007 are noted. However the site is within a rural area where there are strict controls over development and it is not considered that the previous concerns have been sufficiently overcome either by way of the change in surface colour or correctly identifying all the land associated with this unit. The building is described as being required for agricultural purposes; however the land appears to be being used for equestrian related activities associated with the existing stable building. It is not considered that existing planting and the proposed hedgerow would satisfactorily screen this building.

This outbuilding would not impact upon the amenities of adjoining occupiers given the position in relation to the nearest dwellings. Furthermore, there would be no adverse impact upon the setting of the listed dwelling at the front.

CONCLUSION: In summary the application should be refused because it has not overcome the concerns previously identified, and would be a large and intrusive additional building in the countryside.

RECOMMENDATION: REFUSAL REASONS

The proposed outbuilding, by way of its position, scale and height would result in the introduction of an excessive amount of additional built form. The building would therefore be harmful to the rural, open spacious and landscape dominated character of the immediate locality, lending it a more built up character; no overriding need for this building has been identified that might outweigh this harm. As such, the development would be contrary to policies CS2 and C5 of the Essex and Southend-on-Sea Structure Plan and Policies S7 & GEN2 of the Adopted Local Plan.

Background papers: see application file.
