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PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 26 SEPTEMBER 2007

APPL NO: **UTT/1272/07/FUL**
PARISH: **LITTLEBURY**
DEVELOPMENT: Remove outhouse and erection of attached dwelling.
Construction of new vehicular access and alteration to
existing pedestrian access
APPLICANT: Mr Appleby & Mrs Balaam
LOCATION: Site adjacent to 1 & 2 The Common
D.C. CTTE: 5 September 2007 (see report attached)
REMARKS: Deferred for site visit
RECOMMENDATION: Approval Conditions
Case Officer: Mr N Ford 01799 510629
Expiry Date: 11/09/2007

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: There may be some damage to the roots of a tree adjacent to No.1 by the new parking space but has no objection to its removal.

Conservation Officer: The site subject of this application is located in Littlebury Conservation Area in the location known as The Common which at one time was an orchard. The area has been developed with an unremarkable range of mostly single storey shallow roofed dwellings. A part of a pair of two storey cottages along its northern edge. The site subject of this application was a subject of dismissed appeals. The present proposal is different in so far that it is for one additional two storey cottage to be added to the east side of the existing dwellings.

The new cottage would follow the general scale, form and detailing of the existing. I consider that in design terms would not diminish the character of the conservation area subject to the use of traditional in keeping materials.

Should there be no planning objections I suggest following conditions.

- Roof to be plain clay tiles to match existing and to LA approval.
- All render to be smooth to match existing.
- All external joinery to be painted timber.

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/0536/07/FUL - SAFFRON WALDEN

Residential development of 9 No. flats and retail units
Location: Land at Emson Close. GR/TL 539-385.
Applicant: Rowe Build & Development Ltd
Agent: Nabarro
Case Officer: Ms K Hollitt 01799 510495
Expiry Date: 28/09/2007
Classification: MAJOR

NOTATION: Within Development Limits/Conservation Area/Town Centre/Adjacent to Listed Buildings (Grade II and Grade II*).

DESCRIPTION OF SITE: The application site is located on the eastern edge of the retail area of Saffron Walden. The northern part of the site is a terrace of retail units with offices above. To the rear of this terrace there is residential development, in particular 31f and 31g Church Street and the amenity area serving 33 Church Street. To the east of the site is a building used as offices by Saffron Walden Town Council. There are residential properties adjoining the vehicular access to the site, fronting onto Common Hill and overlooking The Common. To the south of the site is the Rose and Crown retail development and the imposing 3 storey Barclays Bank building (a Grade II* listed building). To the west are the HSBC Bank and a restaurant. The terrace subject to this application is adjacent to further retail units that are accessible via a footpath. To the west of the pedestrian access to the site is the premises occupied by Eaden Lilley. The central area of the application site is a private car park in connection with the Emson Close development, including the Town Council Offices building. Within the car park there are some mature trees, all subject to Tree Preservation Orders. The southern boundary of the site is predominantly red brick walls of varying heights. Adjacent to the south eastern edge of the site is a small car park which is outside of the application site and serves the HSBC bank. Adjacent to this is a red brick wall, which is to the rear of the restaurant. The rear wall of the existing retail units forms the northern boundary of the site. The eastern and western boundaries are undefined in terms of physical features on the ground. There are two main access points to the site; vehicular and pedestrian from Common Hill and a pedestrian access from the Market Square, with a separate footpath running to the rear of Eaden Lilley. The existing buildings on the application site are of red brick construction to the ground floor and a mix of red brick, weather boarding and render to the first floor. The roofs are clad with concrete plain tiles. Within the vicinity there is a mix of development and a variety of materials used. Fronting the Market Square the buildings are a mix of red brick (the banks) and render (the restaurant) with clay plain tiled roofs. The Eaden Lilley building is of render construction with a slate roof. Adjacent to the terrace of retail units there is a building of yellow stock construction and a terrace of render and buildings with plain tiled roofs. The Rose and Crown development is of red brick and plain tile construction. The residential development fronting onto Common Hill are again a mix of red brick and render construction with some having plain tile roofs and others having slate. Dormer windows are a feature of the area, predominantly flat roof dormers or flat roof dormers within mansard roofs, particularly on the Eaden Lilley building.

DESCRIPTION OF PROPOSAL: The proposal has two elements. Firstly, it is proposed to raise the ridge of the existing terrace of Emson Close by 1.3m and forming a mansard roof to the front elevation. A small gable is proposed to the rear elevation 3.5m wide and 3m deep which would enclose the communal staircase. It is proposed to re-roof the building using natural slate. Seven windows are proposed to the rear elevation which would provide for natural daylight to the corridor serving the flats. It is proposed that these windows would be obscure glazed. In addition, 9 rooflights are proposed the rear roof slope, together with 2

rooflights at ridge level on the rear gable. To the front elevation, it is proposed to insert 16 dormer windows. These would be a mix of flat roof, pitched and full-length dormers with a door opening onto a small balcony. These alterations to the building would provide for four one-bedroom residential units. In order to provide access to the new residential units, alterations to a ground floor retail unit and a first floor office would be required. The second element of the proposals relates to the erection of a new build block which would provide for 3 retail units and 5 one-bedroom residential units. The proposed building would be 3-storeys in height, reducing to a two-storey height over an underpass to the parking area. To the rear of the restaurant it is proposed the building would be 3 storeys in height, having a lower ridge height to the main part of the building. The main element of the building would have an eaves height of 7.3m and a ridge height of 11.7m. It would have a frontage of 16.5m and a span 11.5m. The underpass would be 4.8m wide, an eaves height of 4.1m and a ridge height of 7.6m. Adjacent to the underpass would be a further retail unit with accommodation over. This would have a frontage and a span of 6m, an eaves height of 5m and a steep pitched roof with a cupola. Adjacent to this would be a part single storey/part two storey gable which would provide access to the residential unit. This would have a frontage of 1.8m and an overall span of 4.8m and a ridge height of 7.5m. To the eastern end of the building there would be a turret with a cupola. This would have a frontage and a span of 3.3m. The indicative proposed finishes would be brick plinths and render with clay plain tile roofs.

APPLICANT'S CASE including Design & Access statement: Proposal for four one bedroom loft apartments created over the existing commercial premises known as Rowe House, totaling approximately 185m², together with a new build development comprising 3 commercial units of 555m² and five new build apartments over. Care has been taken so as to afford maximum privacy to existing neighbouring properties. Thus, there will be no overlooking, no other loss of privacy, and no scope for unreasonable disturbance or intrusion into the reasonable residential amenity of neighbouring dwellings. The site is served by the existing private driveway off Common Hill. Parking has a direct relationship between the proposed and existing parking areas. Scale of buildings discussed at length with Conservation Officer resulting in appropriately sized roof volumes, and wall to fenestration massing proportions. Site best suited to a building that does not dominate the sky-line but has varying roofscapes and one that sites comfortably within the site boundaries. Existing mature trees are to be retained. Proposal uses existing vehicular access onto Common Hill. As number of vehicular movements will reduce, due to existing car parking spaces being reduced, it is not considered necessary to alter the current arrangement. Access for emergency and refuse collection vehicles will be unaltered.

RELEVANT HISTORY: Development of land for shops, etc. approved 1963, details approved 1964. New office building refused 1973. Office and shop development refused 1974. Extension to cottages and extension to offices approved 1977. Proposed new offices with 4 no. shops at ground floor refused 1988. Erection of two storey block of shops and offices withdrawn 1990 (following recommendation for refusal). Various applications to individual units.

CONSULTATIONS: Environment Agency: No objection. Foul and surface water advice and the incorporation of principles of sustainable development.

English Heritage: Application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Archaeology: Recommendation – trial trenching followed by excavation condition.

Highways & Transportation: No objections subject to conditions.

Landscaping: No objection in principle but do have concerns which should be addressed before development commences. An Arboricultural Method Statement and Tree Protection Plan are required. The AMS should specifically address the issue of surfacing, foundation design and access etc. Believe that development can be facilitated with successful retention

of trees. However, it seems that the applicant currently vastly underestimates the constraints they will pose upon the feasibility of the development.

Building Surveying: No adverse comments.

Accessibility: Ensure access for disabled customers and residents is met.

Engineering: No comment.

Policy: Retail study found that there is a loss of expenditure to nearby centres like Cambridge and Bishop's Stortford particularly for comparison expenditure. If this scheme can be delivered successfully then it would provide useful additional retail floorspace. Existing car parking area which would be lost is private and does not provide any public parking for the town centre but enough parking would be required to meet the needs generated by the development.

Design Advice: To be reported.

TOWN COUNCIL COMMENTS: Concerned at loss of 14 parking spaces. If, however, the development can be shown to satisfy the parking requirements of both the proposed flats and offices and to meet the loss of the original 14 places then the Council would have no objection.

REPRESENTATIONS: This application has been advertised and 4 representations have been received. Period expired 2 August 2007.

Entrance to Emson Close from Common Hill crosses over a part of the Town Green. At no time was Rowe Build and Developments Ltd granted a lawful private right of way over this land. Strongly object to any development that relies on access over a part of our Town Green. Proposes the construction of new living units and 3 new shops at the same time removing 14 parking spaces.

Has sufficient consideration been given to the difficulties which would be caused to emergency vehicles and delivery vehicles? Existing 46 spaces virtually all occupied every working day. Proposed flats and retail units would increase parking requirements. Beggars belief that proposal would reduce number of spaces to 32. Currently 6 rubbish skips to service existing buildings. Where would additional skips be placed for the rubbish created by the proposed development?

Over-development of a confined space and 3 storey buildings are out of character with the less massive neighbours particularly viewed from the perspective of existing buildings on the Common. Additional storey on northern side will cause our garden to be overlooked by residential dwellings and cut out light which our home has enjoyed for over 400 years. To decimate an existing over-used car park whilst adding drastically to the parking need is ludicrous.

An early application for Emson Close required 20 places to be provided and it is likely/possible further requirements may have been imposed in the last 40 years. All of the 40 or so spaces are largely filled during the working day and overspill currently causes serious problems for local residents. The additional retail units plus 9 residential units added to the original 20 requirements appears to exceed the planned provision.

COMMENTS ON REPRESENTATIONS: Access rights are a civil matter and lay outside the scope of the planning regime. The applicant has a duty to ensure that they have all the necessary permissions and comply with relevant legislation prior to commencing work.

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

- 1) **the scale and design of the proposals is appropriate in this location (ERSP Policies BE1, BE2, CS2, TCR3, TCR4, HC2, HC3 & ULP Policies S1, SW1, RS1, RS2, H3, GEN2, ENV1, ENV2 & SPD: Accessible Homes and Playspace);**

- 2) the proposals would have an adverse impact on protected trees (ERSP Policy NR1 & ULP Policy ENV3) and**
- 3) the proposals would have sufficient parking provision to serve the requirements of existing and proposed uses (ERSP Policy T12 & ULP Policy GEN8).**

1) The application site is located within the town centre of Saffron Walden and as such there is a presumption in favour of development. PPS1, PPS3 and PPS6 encourage residential development within sustainable locations; that is areas where there is good access to a range of facilities. In addition, PPS6 encourages the incorporation of residential development above retail uses within town centres as a diversity of uses can potentially increase the vitality and viability of town centres. Development proposals should be well designed and relate well to their surroundings, particularly in this historic setting.

The proposed creation of four residential units above the existing Emson Close building is acceptable in principle, particularly as this would contribute towards the provision of small residential units within the town centre. The increase in the ridge height of the existing building by about 1.3m to provide for the residential units is considered acceptable. This, together with the provision of the staircase gable to the rear elevation should not have a detrimental impact on the residential amenity of adjoining properties. Concern has been raised in respect of this element of the proposals and the potential impact on a neighbouring property. However, the rear elevation of the neighbour's property is approximately 30m from the side elevation of the increased ridge. This element of the proposals would be approximately 700mm higher than the ridge of the building occupied by the Town Council. The potential impact on the neighbouring property would be minimal. There may be a partial impact on the end of the rear garden, but as there would still be a gap of 4m from the roof to the parapet wall which forms the common boundary (except for the stairfencer) this would not be sufficient to warrant a refusal.

The proposed new roof would be a mansard roof with dormer windows. This would be similar in character to the roof on the Eaden Lilley building, particularly the side and rear roofslopes. This is acceptable in principle for a site in a Conservation Area and the use of the natural slate would be a significant improvement over the current roofing material (concrete tiles). The insertion of 16 dormer windows is potentially visually intrusive and could have a dominating impact on the street scene. However, the concept again draws on the design features of the Eaden Lilley building and would be visible only from restricted views along Emson Close. Notwithstanding this, it is considered that the design of the proposed dormers is inappropriate and would appear to be out of character with the locality. There is a predominance of dormer windows within the vicinity and those buildings that have dormers have either flat roofed or pitched roof dormers, but not a combination of both. Dormers are generally flat roofed within this area, with pitched roof dormers on the Barclays Bank building and the buildings adjacent to the southern boundary, all these buildings having plain tiled roofs. This proposal seeks a combination of pitched and flat roof dormers and incorporate 4 dormers which would have a full-length opening with a small balcony. These would appear out of character with the area and represents an inappropriate form of design in this location. It is considered that this element would have a detrimental impact on the character of the conservation area.

The proposed new build block would be constructed over part of the existing car park. This would be in close proximity to listed buildings and occupy a visually dominant position within the conservation area. The footpath in front of the buildings is a well-used pedestrian route between The Common and the town centre and any development in this location would be visible from various points on The Common. The proposed building incorporates numerous design features including projecting gables, dormers, balconies, cupolas, gables and turrets. The proposals would provide three retail units totaling approximately 130m² of floorspace

and five one-bedroom residential units. It is considered that the scale, bulk and design of the proposed building would have a dominating impact on the street scene and the conservation area.

With regard to accessibility, the adopted SPD: Accessible Homes and Playspace requires new developments with flats above two storeys to have lift provision. The proposed new residential development above the Emson Close building would be a third storey development and two flats in the new building would be located on the third floor. No lift provision is shown within the scheme for either building and as such the proposals would fail the standards as set out in the SPD.

The proposals do not include any provision for private amenity space. The small balconies would not satisfy this requirement and it is considered that the introduction of larger balconies sufficient to meet such a requirement would have a detrimental impact on the character of the area and the street scene. Notwithstanding this, the site is located in very close proximity to The Common, an area of public open space. As such, it is considered that, with the provision of at least small balcony spaces, there would be insufficient grounds to warrant a refusal of this scheme on the basis that there is inadequate amenity space provision.

The need for the provision of additional retail floorspace has been established in a retail study undertaken by Hephher Dixon in 2006. This proposal includes an element of retail floorspace (approximately 24% of the scheme) which could provide facilities which could help enhance and maintain the role of the town as a retail and service centre. In principle additional retail floorspace would be acceptable in the locality.

2) The proposed new building would be located in very close proximity to protected trees and the turret of the proposed new build element of the proposals appears to encroach into the canopy of one of the trees. The County Council's Arboriculturist has raised concerns regarding the potential impact on the protected trees and required further information. This information has not been submitted and as such it is not possible to conclude that the proposals would not have a detrimental impact on the long-term health and viability of the protected trees.

3) The proposal would involve development over the existing car park resulting in the loss of 14 car parking spaces. Planning permission was granted in 1963 for the original development and a condition imposed on the permission required the provision of 20 car parking spaces. A subsequent approval for the building now occupied by Saffron Walden Town Council also imposed a parking requirement. However, the plans accompanying that application did not indicate any parking layout and the condition requires "the parking spaces existing in Emson Close and on the site shall be available for the first and all subsequent use in connection with all the uses to which the buildings are part and the whole of such spaces shall be available during the whole of the time that any part of the buildings are open to the staff employed thereat or to persons visiting the building". This condition is vague and without supporting plans it is not possible to establish whether a provision over and above the 20 spaces originally required to be provided were needed. Therefore, irrespective of the fact that the car park has been expanded to provide 46 parking spaces, it is considered that the conditional requirement for 20 spaces forms the basis on which to establish the total requirement for this site. The new retail elements would result in 130m² of floorspace which would have a requirement for 6 additional spaces. The proposed residential units are single bedroom, relatively small scale units located within a sustainable location. As such, it is considered that 1 parking space per unit would be required. This equates to a total requirement for the existing and proposed development of 35 parking spaces. The plans for the development indicate that 32 parking spaces would be provided, giving a shortfall of 3 spaces. However, given the very close proximity of this site to two public car parks, and the

fact that an additional car park has been created at Swan Meadow since the original consent for Emson Close has been granted, it is considered that a refusal for the shortfall of 3 spaces would be inappropriate. Notwithstanding this, it is considered that the layout of the car park would not be adequate to serve the proposed development. Parking spaces 29-32 would be located within a rear courtyard and would be tightly constrained by the proposed building and the existing parking area serving the HSBC Bank. It is not considered that there would be sufficient room to enable vehicles to manoeuvre within the site and this could lead to increased conflict with pedestrians walking through Emson Close. In addition, access to spaces 1-5 is severely restricted and an intensification in use of this site by pedestrians accessing the existing and proposed retail units, together with the residential units, is likely to result in an increase in highway dangers. Furthermore, there is no provision for the mobility impaired, nor any provision for two wheelers or bicycle parking, as required by policy. There is no clearly identified area for servicing the retail units and, given the limited maneuverability within the site it is considered that vehicles delivery to the retail units would also pose a danger to pedestrians.

A further aspect which would have an impact on the amount of space available for parking is the provision of waste facilities to serve the existing and proposed development. At present there are a number of wheelie bins which serve as communal facilities for the businesses within Emson Close. At the time of the Officer's site visit it was noted that these wheelie bins were scattered around in various locations within the car park and in some cases restricted vehicle movements within the car park and particularly their ability to access or leave the parking spaces. No indication is given on the submitted drawings in respect of the proposed waste disposal facilities to serve the current or proposed development. The provision of communal facilities would have an impact on the parking provision or the ability to access parking spaces. As such, it is considered that the proposed car parking layout would be deficient and fail to provide the required facilities including spaces for the mobility impaired, and could potentially increase highway dangers for pedestrians.

CONCLUSIONS: Whilst the proposals would make a small contribution towards an increase in the retail floorspace within the town, it is considered that the scale, bulk and design of the proposed new building, together with the design of the new second storey to the existing building, would result in a form of development which would be out of keeping with the area. The scale of the new build development is considered to be overdevelopment of the site and could potentially have an adverse impact on the long-term health and viability of the protected trees and insufficient information has been submitted to show otherwise. In addition, there would be a shortfall in the parking requirement for the site. It is considered that the layout of the car park would not be practical and could result in increased highway conflict with pedestrians. It is considered that accessibility to some spaces would be severely restricted and there is no provision for spaces for people with limited mobility, nor provision for two-wheeler or bicycle parking. In addition, no provision has been made for servicing the retail units or for waste disposal. The provision of these elements would be likely to have a further impact on the parking provision and the lack of provision could also increase highway dangers to pedestrians.

RECOMMENDATION: REFUSAL REASONS

1. The proposals for the four residential units above the existing building, by virtue of their design and use of an inappropriate mix of dormer windows, would result in a form of development which would be out of keeping with the character of the street scene. In addition, the proposed new build block, by virtue of its scale and numerous design features would represent a scale of development which would have an overpowering impact on the street scene and would represent overdevelopment of the site. This would be contrary to the provisions of ERSP Policies BE1, CS2, TCRS, TCR4 & ULP Policies S1, SW1, H3, GEN2.

2. The proposals do not include the provision of a lift to serve the third storey residential accommodation. This would therefore not satisfy the requirements in relation to accessibility and would not enable the residential units to be accessible to all. This would be contrary to the provision of ULP Policy GEN2 and the SPD: Accessible Homes and Playspace.
3. The proposals would be located within close proximity to trees subject to a Tree Preservation Order. These mature trees could have potential constraints in respect of the proposed development, in particular the scale of the new building, and insufficient information has been submitted to demonstrate the lack of impact on the trees.
4. The car parking layout as indicated on the submitted plans is considered to be inadequate to serve the needs of the development. Access to parking spaces 1 - 6 and 29-32 are severely restricted and there is limited or no turning area available and it is considered that the use of these spaces could result in increased highway conflict, particularly to pedestrians. In addition, there is no parking provision for those with limited mobility, two wheeler or bicycles. Furthermore, there is no provision for the servicing of the existing or proposed retail units, nor provision for waste disposal. The provision of such facilities would reduce the area for parking provision which would result in a significant shortfall within the site. This would be contrary to the provisions of ERSP Policies TCR4, T12 and ULP Policies GEN1 and GEN2.

Background papers: see application file.

UTT/1127/07/FUL - LEADEN RODING

Erection of 6 No. dwellings with associated garages and cartlodge

Location: Windmill Cafe Stortford Road/ GR/TL 592-133.

Applicant: Devere Homes Ltd

Agent: Devere Homes Ltd

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 20/08/2007

Classification: MINOR

NOTATION: Within Development Limits

DESCRIPTION OF SITE: The site is located on the western edge of Leaden Roding, adjacent to the village hall. It is broadly 'L' shaped and covers an area of approximately 0.167ha. It is currently used for the storage of commercial vehicles. There are two mobile homes and a range of outbuildings located on the site. A new dwelling was granted planning permission to the southeast of the site in 2002. To the east of the site are residential properties and to the north is open farmland.

The land to the north, south and west of the site is located outside the village Development Limits and is within the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL: This application relates to the erection of 6 dwellings on the site with associated parking, turning and garaging. The development would result in a density per hectare of 35 and would consist of two and three bedroom dwellings. The characteristics of the dwellings and plots are detailed in the table below.

Plot	Maximum height	Bedroom no.	Allocated Parking	Private amenity area
1	7.7m	2	1 space	96m ² (56m ² to rear & 40m ² to front of dwelling)
2	7.5m	2	2 spaces	62m ² (located to front of dwelling)
3	7.7m	2	2 spaces	47m ²
4	6.8m	2	2 spaces	45m ²
5	6.9m	3	2 spaces	108m ²
6	6.2m	3	2 spaces	103m ²

APPLICANT'S CASE including Design & Access statement: See submitted statement.

RELEVANT HISTORY: Application for an established use certificate for stationing of a mobile home approved 1992. Stationing of three mobile homes for residential occupation conditionally approved 1993.

CONSULTATIONS: ECC Highways: No objections subject to conditions.

Building Surveying: No comments. Accessibility Officer: Drawings submitted appear to meet the Lifetime Homes Standards.

Thames Water: No objection.

Three Valleys Water: To be reported (due 17 July).

Environment Agency: To be reported (due 17 July).

Engineer: Recommends the imposition of a condition requiring details of surface water disposal to be approved prior to the commencement of development.

PARISH COUNCIL COMMENTS: The PC has concerns that there are too many dwellings for the size of the land. Also car parking could be a problem.

REPRESENTATIONS: None. Notification period expired 24 July.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are whether the proposal complies with policies regarding:

- 1) Development within Development Limits (ERSP Policy BE1, H3 & ULP Policies S3, H3);**
- 2) Design (ULP Policy GEN2 & SPD Accessible Homes and Playspace);**
- 3) Access & Vehicle parking standards (ERSP Policy T8 & ULP Policies GEN1, GEN8);**

1) This site is located within the development limits for Leaden Roding where ULP policy S3 applies. This specifies that development compatible with the settlement's character and countryside setting will be permitted. The development of this site is therefore acceptable in principle subject to the proposal complying with any other relevant development plan policies.

2) This site is located on the edge of the development limits for the village, which are drawn along the northern, western and southern site boundaries. The land immediately adjacent to these boundaries is identified as Metropolitan Green Belt. This land is open to the north and south of the site and to the west lies the village hall with associated car parking and open land. There are residential properties located to the east of the site.

One characteristic of this area of the village is that dwellings are located, often in pairs, close to the highway. There is no dominant design of property in the vicinity of the site with the design of the existing dwellings generally being representative of the eras they were constructed.

The proposal consists of six dwellings of varying sizes and appearance. The design of these dwellings has attempted to replicate a number of traditional design characteristics and features, some of which are not uncommon in the surrounding area. However, because the proposed dwellings have been designed with a mixture of traditional and modern features, the combination of these would result in the dwellings having a poor appearance and design. Each dwelling appears to have been designed in isolation from the others proposed on the site and while each has a poor design, together there is no cohesion for the development.

This poor design would increase the prominence of the dwellings when viewed from areas surrounding the site and would result in an unacceptably designed and prominent development visible from the MGB. The proposed development would therefore be detrimental to the visual amenities of the MGB contrary to the requirements of para 3.15 of PPG2.

Due to the number of dwellings proposed and their layout on the site, in order to accommodate the number of dwellings and design out the potential for overlooking and loss of privacy between the dwellings, the layout of the site is poor with the dwellings located primarily along the western and northern site boundaries with a large open area for vehicle turning in the centre of the site.

The gaps between the proposed dwellings are very small, amounting to less than a metre between some of the units. The side elevations of the dwellings on plots 1, 2 and 6 and the front elevation of plot 5 would form the boundary to these plots. This is indicative of the poor layout which would result in the dwellings being cramped on the site yet providing a disproportionate amount of turning space.

The proposed garden areas would vary in size and acceptability between the plots with Plot 2 having no private amenity area due to the garden being located to the front of the dwelling, adjacent to the road and the gardens for plots 3 and 4 being disproportionately small, less than 50m² for each of these dwellings.

It is not considered that the proposed dwellings would have a detrimental impact on the amenity of the occupiers of existing residential properties to the east of the site due to the distances which would exist between them and the proposed buildings. However the dwelling on plot 1 would have an overbearing and overshadowing impact on the existing dwelling to the east of plot 1. The proposed dwelling would be approximately 2.5m from the existing dwelling and due to its position immediately to the west of the existing, would result in overshadowing of the end elevation of the existing dwelling and would be overbearing when viewed from that property.

The Council's Accessibility Officer has provided comments indicating that the proposed dwellings would comply with the requirements of the adopted SPD – Accessible Homes and Playspace.

3) The highway authority has been consulted with regard to the proposed development and its associated access arrangements. They have no objections subject to the imposition of suggested conditions. It is therefore considered that the access arrangements are acceptable and would comply with the requirements of ULP Policy GEN1.

The level of parking provision is acceptable for the proposed dwellings with the exception of that proposed for plot 1. However, due to the large area of the site proposed to be used for turning, it is considered that there would be sufficient space to the front of the allocated parking for this dwelling to accommodate any additional requirements for this dwelling.

CONCLUSIONS: The proposed development would have an unacceptable design and layout and would be detrimental to the visual amenity of the adjacent Metropolitan Green Belt contrary to the provisions of ULP Policy GEN2 and PPG2.

RECOMMENDATION: REFUSAL REASONS

The proposed development would have an unacceptable design and layout. The proposed mix of traditional and modern design features and characteristics would result in a poorly designed and prominent development on the edge of the village and the Metropolitan Green Belt which would be detrimental to the visual amenity of the MGB.

The proposed layout would result in the dwellings appearing cramped on the site, as they would be primarily located along the western and northern boundaries with small gaps between the properties. There would also be a disproportionate amount of open turning space in the centre of the site.

The proposed garden areas for plots 3 and 4 would fail to accord with adopted standards and the location of the garden to plot 2 would result in the occupiers of that dwelling having no private amenity space.

The location of the dwelling on Plot 1 would result in a materially adverse overbearing and overshadowing impact to the occupiers of the existing dwelling to the east of the site due to its close proximity to that existing dwelling.

For the reasons stated above, the proposal is contrary to the provisions of ULP Policy GEN2 and PPG2 and ERSP Policy BE1.

Background papers: see application file.

UTT/1310/07/OP - LITTLE CANFIELD

Outline application for erection of 11 No. terraced dwellings with associated garages and car parking with all matters reserved

Location: Land adjoining Penarth Warwick Road. GR/TL 574-214.

Applicant: A Morris

Agent: Douglas Warner Partnership Ltd

Case Officer: Ms K Hollitt 01799 510495

Expiry Date: 17/10/2007

Classification: MAJOR

NOTATION: Within Takeley / Little Canfield Local Policy 3 – Prior's Green Site.

DESCRIPTION OF SITE: The site is located to the east of Warwick Road and covers an area of 0.21ha. The site is currently bordered by mature planting, with a row of tall Leylandii trees to the southern boundary. In the north western corner of the site there are some derelict outbuildings. To the north of the site is the detached dwelling known as The Nest where Members have resolved to grant outline permission for 8 dwellings and the retention of the existing bungalow (density of 36 dwellings per hectare (dph)). To the west of The Nest is the property known as Gameyards and Members have resolved to grant outline permission for the erection of 5 dwellings and the retention of the existing bungalow (33 dph). To the east of the site is an area which forms part of Phase 3a of the Priors Green development (4 dwellings/20 dph). To the south is another sector of Phase 3a (9 units/36 dph) and a sector of Phase 2 (28 units/33 dph). To the west is a further island site for which no applications have yet been made. The site forms an island site to the centre of the area subject to Local Policy 3. This site is identified in the Supplementary Planning Guidance (SPG) that covers the area as an "Island Site". The proposal would result in a density of 55 dph.

DESCRIPTION OF PROPOSAL: This outline application is for the erection of 11 dwellings (6 no 3 bed, 4 no 2 bed and 1 2 bed apartment). The layout, scale, landscaping, appearance and access would all be determined at the reserved matters stage.

RELEVANT HISTORY: None.

APPLICANT'S CASE: Site located at the end of Warwick Road on land which forms part of an existing residential holding and garden. The area has for many years been neglected with the result that the land has become overgrown with heavy weed infestation and has become a local dump for fly tipping. A large unkempt hedge of cupressus x leylandii was planted many years ago to provide screening to the homes beyond. It is proposed that these are removed and replaced with new landscape planting of trees and shrubs. Proposed to construct a mix of 2 and 3 bedroom units to cater for the demands for first time buyers and young family accommodation. A courtyard style has been planned to encourage a neighbourhood environment with 2 small terraces articulated in both plan and elevation. Some house types will be provided with integral single garages whereas others will be allocated off-street parking created by providing a parking court accessed below a single two bedroom first floor flat unit. The main courtyard is arranged to respond to the site shape and proximity of surrounding development with emphasis being to create the sense of an inward facing mews court.

CONSULTATIONS: ECC Highways: To be reported.

Archaeology: Development area located adjacent to a highly sensitive area of medieval deposits. Part of a medieval farmstead has been located to the west of the site which is

likely to extend into the development area. Recommend trial trenching followed by open area excavation condition be imposed.

Education: Currently considering nature and extent of contribution that will be needed. Further information will be reported.

Water Authority: No objection in relation to sewerage infrastructure. Surface water – recommended storm flows are attenuated or regulated into the receiving public network through on or off site storage.

Environment Agency: Provides guidance for the applicants.

Engineer: Condition regarding surface water disposal arrangements to be imposed.

PARISH COUNCIL COMMENTS: Development seems too dense and not enough parking spaces. Will permission be forthcoming to allow access to public sewer drainage?

REPRESENTATIONS: This application has been advertised and 1 representation has been received. Period expired 24 August 2007.

No objection. Noticed that our forge/workshop building which is within our boundary was marked as Penarth.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) **the development would be compatible with the Master Plan and the Council's Supplementary Planning Guidance (PPG3, ULP Local Policy 3) and**
- 2) **social, amenity and infrastructure contributions are required (ULP Policy GEN6).**

1) The Development Plan policies do not permit development of this 'island site' in isolation but its development is acceptable in principle provided it is contiguous with the development of the Prior's Green site overall.

The Supplementary Planning Guidance (SPG) emphasises that the principle of development of this and the other "island sites" is acceptable; that new development should gain access from the approved internal road network; that financial contributions should be made towards education, transport, sports, community and landscaping facilities; that affordable housing should be provided.

The supplementary Planning Guidance has been through public consultation and has been adopted by the authority. It therefore has significant weight in the determination of planning applications.

The document requires proposals to be compatible with the main Priors Green development. The reason for this is to avoid sporadic piecemeal development and to achieve property integrated development.

The proposal complies with most of the policy and SPG requirements. However the development would have a density of 55dph which exceeds the density of the surrounding plots and would fail to be in scale and character with the development approved adjoining the site. The indicative drawings submitted with the application indicate that the proposal would be poorly related to the Priors Green development by having development which does not front onto the new internal road. The proposed development would be at the end of the vista created by Warwick Road which is the main easterly entrance to the development. Such a prominent site should have a development which faces the highway rather than turning its back on the road. The development shown on the indicative drawings is unacceptable. It fails to demonstrate that it is possible to fit in dwellings on this site and create an appropriate development for this prominent site. Therefore the proposal would be contrary to ULP Takeley/Little Canfield Local Policy 3 and SPG: Island sites.

2) The SPG requires that all the island sites other than the land adjacent to Takeley Nurseries should make appropriate and proportionate contributions to social, amenity and infrastructure requirements. These are based on an assessment of the costs of primary and secondary education, a contribution to transport enhancement and a contribution to the enhancement of local sports and/or community facilities, a contribution to fitting out, equipping and furnishing the on-site community centre and a financial contribution to structural landscaping and a 15-year landscape sum for its proper maintenance. The total basic financial contribution for wider and longer-term benefits excluding affordable housing and any associated additional educational payments and landscape contributions totals £5,969 per dwelling at April 2002 (indexed) prices. Because this site is outside the Master Plan area these contributions would need to be made in full if recommended for approval these matters could be covered by a S106 agreement.

CONCLUSIONS: The development of this site is acceptable in principle provided it is developed in character with the adjacent phases of Priors Green and not in isolation. However, the overall density of the resultant development would not comply with the requirements of PPS3 or ULP Takeley/Little Canfield Local Policy 3.

RECOMMENDATION: REFUSAL REASON

1. The development would have a density of 55dph and would fail to be in scale with the development of the Priors Green site as a whole, and would represent a pocket of high density out of keeping with the overall development. In addition, the indicative drawings indicate that the proposed development would be poorly related to the development currently under construction and inappropriate for this prominent site. Therefore the proposal would be contrary to the SPG: Island sites and ULP Takeley/Little Canfield Local Policy 3.
2. The proposal fails to provide for financial contributions as set out in the SPG which requires that all the island sites other than the land adjacent to Takeley Nurseries should make appropriate and proportionate contributions to social, amenity and infrastructure requirements. These are based on an assessment of the costs of primary and secondary education, a contribution to transport enhancement and a contribution to the enhancement of local sports and/or community facilities, a contribution to fitting out, equipping and furnishing the on-site community centre and a financial contribution to structural landscaping and a 15-year landscape sum for its proper maintenance. The total basic financial contribution for wider and longer-term benefits excluding affordable housing and any associated additional educational payments and landscape contributions totals £5,969 per dwelling at April 2002 (indexed) prices. Because this site is outside the Master Plan area these contributions would need to be made in full.

Background papers: see application file.

UTT/1419/07/OP - LITTLE CANFIELD

Outline application for erection of four dwellings. Demolition of existing dwelling.

Location: 5 Hamilton Road. GR/TL 575-213.

Applicant: Mr D Cambell

Agent: Mr P R Livings

Case Officer: Mr N Ford 01799 510629

Expiry Date: 01/10/2007

Classification: MINOR

NOTATION: Within Takeley / Little Canfield Local Policy 3 – Prior's Green Site.

DESCRIPTION OF SITE: The site is located approximately 300m to the north of Dunmow Road and approximately 1.3 km to the north-east of Takeley Four Ashes junction. It lies within the boundary of the Parish of Little Canfield. The site measures 19m wide x 46m deep, and covers an area of approximately 710 square metres. It currently has a detached bungalow located on the western boundary with Hamilton Road. A range of flat-roofed, single storey, outbuildings stands on site adjacent the southern boundary. The site boundaries are marked by panel fencing and hedging, with a wall between the access points onto the Hamilton Road boundary. The immediate surroundings on Hamilton Road have a rural feel but the construction of Priors Green is immediately to the west. The gardens of those permitted dwellings will be to the north and west. A terrace of three dwellings is permitted to the north of the existing dwelling.

DESCRIPTION OF PROPOSAL: This outline application is for the demolition of the existing dwelling on the site and the erection of 4 dwellings. Matters to be considered are layout and access with scale, landscaping and appearance reserved for later consideration.

APPLICANT'S CASE: See Design and Access Statement received 17 August 2007 attached at the end of report.

RELEVANT HISTORY: UTT/1217/06/OP – Outline planning permission for the erection of 5 dwellings on this site disposed of on 26 April 2007.

UTT/1067/05/DFO – Reserved matters application for the erection of 54 dwellings approved 30 September 2005. This is the housing approved to the boundaries of the site forming part of Priors Green.

UTT/1270/06/OP – Outline planning permission for the erection of four dwellings approved 10 July 2007. This site relates to 8 Hamilton Road opposite no. 5.

UTT/0511/03/OP – Outline planning permission for the erection of two dwellings resolved to grant planning permission and awaiting signing of a S106 legal agreement. This application relates to land to the south of the application site.

CONSULTATIONS: Highway Authority: To be reported.

Essex County Council Education: Requests that a S106 Agreement be entered into in accordance with SPG to include a contribution towards additional education provision.

Water Authority: Advice on surface water drainage. No objection to sewerage infrastructure.

Environment Agency: Standing Advice.

ECC Archaeology: Recommends that trial trenching followed by excavation be undertaken, and that this be secured by condition as outlined in PPG 16 'Archaeology and Planning'.

Building Surveying: The plans do not show sufficient details to ensure that fire brigade access is satisfactory. The existing road and proximity of adjacent buildings would need to be shown. A turning facility may be required. Lifetime Homes Standards: The dwellings must comply with Lifetime Homes Standards.

PARISH COUNCIL: A condition should be attached that dwellings are attached to mains drainage and surface water systems for health and safety. Access from Hamilton Road to the B1256 is not ideal on an unmade road. Feel that access to nos. 5 and 8 should be onto the Priors Green network as the two developments would generate more vehicle movements onto the B1256. An existing gate could be moved to achieve this.

REPRESENTATIONS: One. Notification period expired 28 August 2007. Advert expired 7 September 2007.

There are too many houses on a small piece of land and also means an extra 8 cars using an unmade road. We have already 12 cars using it. Gates should make it a no main through road.

COMMENTS ON REPRESENTATIONS: The neighbours objections are noted, however, the necessary improvements to the road infrastructure, water supply and sewage systems can be achieved either by condition or the terms of an Agreement under Section 106 of the 1990 Planning Act.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) **the development would be compatible with the Master Plan and the Council's Supplementary Planning Guidance (PPS3, ULP Policy H10 and Takeley/Little Canfield Local Policy 3) and**
- 2) **social, amenity and infrastructure contributions are required (ULP Policy GEN6).**

1) The Development Plan policies do not permit development of this site in isolation. Development of this site is however acceptable in principle provided it is contiguous with the development of the Prior's Green site overall. Policy LP3 recognises that there is opportunity for infill of development where there are remaining pockets of existing housing with the allocation of the master plan for Priors Green 'The Island Sites'. Development should use existing access ways and those in the master plan.

The SPG emphasises that the principle of development of this and the other "island sites" is acceptable; that new development should gain access from the approved internal road network; that financial contributions should be made towards education, transport, sports, community and landscaping facilities; that affordable housing should be provided; and that no permissions should be granted on the island sites until UTT/0816/00/OP has outline planning permission.

The density of development would be about 47 dwellings per hectare which meets the Government requirement for the efficient use of land but this is not considered to be at the expense of the character of this area. Adequate garden areas would be provided at around a minimum of 50 sqm with two off road vehicle spaces each provided by hard standing and garages.

It is considered that the scheme is similar to that approved at 8 Hamilton Road earlier this year and has a similar layout, parking and garden provision. The scheme would provide a pair of dwellings fronting Hamilton road consistent with the Countryside scheme street scene to the north, with parking screened to the rear between these and a further pair of dwellings.

Subject to plots 1 and 2 having no first floor windows to their side elevations it is considered that the scheme would not result in significant material harm to the amenity of neighbouring properties.

The Parish Council has questioned whether access for this site and 8 Hamilton Road should be via the Priors Green network to the north rather than onto Dunmow Road. Access onto Dunmow Road has been considered appropriate for various new housing approvals on Hamilton road in previous years including no. 8 immediately opposite this site. There is no reason to suggest that these dwellings should not derive access from the same means. The Highway Authority comments will be reported.

ULP Policy H10 requires that a significant proportion of these dwellings be small 2 and 3 bedroom properties. Members will be aware that this has to be considered at outline stage. Therefore, as no details have been provided a condition is attached to ensure this.

2) SPG requires that all the island sites other than the land adjacent to Takeley Nurseries should make appropriate and proportionate contributions to social, amenity and infrastructure requirements. These are based on an assessment of the costs of primary and secondary education, a contribution to transport enhancement and a contribution to the enhancement of local sports and/or community facilities, a contribution to fitting out, equipping and furnishing the on-site community centre and a financial contribution to structural landscaping and a 15-year landscape sum for its proper maintenance. The total basic financial contribution for wider and longer-term benefits excluding affordable housing and any associated additional educational payments and landscape contributions totals £5,969 per dwelling at current prices. Because this site is outside the Master Plan area these contributions will need to be made in full.

CONCLUSIONS: The development of this site is acceptable in principle provided it is developed contiguously with planning permission UTT/0816/00/OP and not in isolation. A Section 106 agreement will be necessary to ensure contributions to social, amenity and infrastructure requirements as set out above and to link this site with the larger development, preventing its development in isolation.

RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO A SECTION 106 OBLIGATION REQUIRING CONTRIBUTIONS IN ACCORDANCE WITH THE TAKELEY/LITTLE CANFIELD SPG AND ALSO COVERING THE ISSUES DETAILED ABOVE

1. C.1.1. Submission of reserved matter: 1.
2. C.1.2. Submission of reserved matter: 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. The land the subject of this planning permission shall not be developed other than contiguous with planning permission UTT/0816/00/OP. The site shall be included within the approval of phasing and development densities set out in condition C.90A of planning permission UTT/0816/00/OP.
REASON: To secure appropriate phasing and densities in a comprehensive manner.
6. The development hereby permitted shall be carried out in accordance with the Master Plan, drawing no. 1071/MP/6 Rev A dated 10.08.00 unless otherwise agreed in writing by the local planning authority.
REASON: To ensure development proceeds in broad accordance with the principles set out in the approved Master Plan.
7. C.5.2. Details of materials.
8. C.4.1. Scheme of landscaping.
9. C.4.2. Implementation of landscaping.

10. C.16.2. Full archaeological excavation and evaluation.
11. No development shall take place until a program of works for the provision of foul and surface water drainage has been submitted to and approved in writing by the local planning authority, following consultation with Thames water. Subsequently the works shall be implemented as approved, including any phasing in relation to the occupation of buildings.
REASON: To ensure there adequate surface and foul drainage systems are provided for the development and there are no adverse effects on the wider community.
12. C.28.2. Accessibility Drawing/Statement.
13. C.6.2. Remove permitted development rights.
14. C.6.7. Excluding the conversion of garages.
15. 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.
16. Except in emergencies no deliveries of materials shall be made to and no construction works shall be carried out on the site during this period of construction of the development:a) before 07:30 or after 18:00 hours on weekdays (i.e. Mondays to Fridays inclusive);b) before 08:00 or after 13:00 on Saturdays;c) on any Sunday or Bank or Public Holidays.
REASON: To safeguard the amenities of nearby residential properties.
17. Construction noise associated with the development of the site shall not exceed 60LAeq measured as 15 minutes LAeq at any point with 5 metres of the boundary of any occupied residential property existing within or adjacent to the site at the date of this permission, without the prior written consent of the local planning authority.
REASON: To protect the amenities of residents during construction.
18. No development (including demolition) shall be carried out until the developer has submitted to the local planning authority details of a system to limit so far as is possible the amount of mud, dust or other materials carried onto the adjacent highways by vehicle and plant leaving the site. The approved system shall be implemented and maintained during the period of the development.
REASON: In the interest of road safety and to protect the amenities of the neighbourhood.
19. C.8.29. Sustainable Construction.
20. C.8.30. Provision of bin storage.
21. The detailed design of the dwellings forming the reserved matters application shall show no windows or other form of opening into the side north and south first floor elevations of dwellings hereby permitted without the prior written consent of the local planning authority. No further windows shall be inserted into those elevations unless otherwise agreed in writing by the local planning authority.
REASON: In order to prevent overlooking in the interests of the amenity of adjacent properties.
22. The reserved matters application(s) shall contain a significant proportion of 2 and 3 bedroom properties. .
REASON: In order to ensure mixed and balanced communities.

Background papers: see application file.

UTT/1249/07/FUL - SAFFRON WALDEN

Demolition of existing industrial building and erection of 18 industrial units comprising 12 units with B2 use (general industrial) and 6 units with B8 use (storage and distribution)

Location: Unit 9 Shirehill Industrial Estate. GR/TL 547-379

Applicant: Square Deal Units (Argyle) Ltd

Agent: Square Deal Units (Argyle) Ltd

Case Officer: Mr T Morton 01799 510654

Expiry Date: 10/10/2007

Classification: MAJOR

NOTATION: Inside Development Limit / Employment Area.

DESCRIPTION OF SITE: Located on the corner of the east – west and north-south sections of Shire Hill at the top of the hill, part open land used for outdoor storage, and part occupied by a double height single storey industrial shed, currently vacant.

DESCRIPTION OF PROPOSAL: Redevelopment to provide small units, 18 for B2 general industrial use and 6 for B8 storage use. Two rows of units would face each other across a central courtyard, with an upper storey range to the uphill building accessed from the top road in Shire Hill.

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

RELEVANT HISTORY: None.

CONSULTATIONS: Environment Agency: We OBJECT to the proposed development because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

SECOND RESPONSE

Further to our previous response, we have now received a preliminary desk study to assess the contamination issues at the above site. We would like to make the following comments.

Contamination

We can now REMOVE OUR OBJECTION to this development under Planning Policy Statement (PPS) 23 due to the submission of preliminary risk assessment PROVIDED the following CONDITION is appended to any planning permission given:

CONDITION

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A site investigation scheme, based on the desk study to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and risk assessment and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

3. A verification report on completion of the works set out in (2) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

REASON

To prevent pollution of controlled waters.

Under no circumstances should potentially polluting materials be used as infill in the decommissioning works. We agree with the findings of the report that a phased investigation should be progressed.

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

1. Prior to commencement of the development visibility splays with dimensions of 4.5 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the Heavy Goods Vehicle access for the entire site frontage. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

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

2. Prior to commencement of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the 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 on the highway, in accordance with policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.

3. The gates provided at the Heavy Goods Vehicular access shall only open inwards and shall be set back a minimum of 20 metres from the nearside edge of the carriageway. For the remaining site accesses gates provided 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.

4. Prior to commencement of the development hereby permitted the existing crossover on the Shire Hill east to west section shall be removed and the footpath resurfaced and kerb reinstated for use as approved in writing by the Local Planning Authority

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

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

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

TOWN COUNCIL COMMENTS: No objection.

REPRESENTATIONS: One. Notification period expired 1 August 2007.

The owner of the industrial unit adjoining downhill has written to express concern at the change in level between the two sites and the need for retaining walls and barriers to prevent cars from the car park filing onto their land.

COMMENTS ON REPRESENTATIONS: Noted. Building Regulations would secure structurally sound retaining walls. A condition can cover the barriers issue.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

- 1) Principle of development (ERSP Policy CS1, BIW4 & ULP Policy SW6);
- 2) Design (ERSP Policy BE1; ULP Policy GEN2);
- 3) Amenity (ULP Policies GEN2, GEN4);
- 4) Highways and parking (ERSP Policies T3, T6, T8, T11 & ULP Policies GEN1, GEN8)
- 5) Contamination and groundwater protection (ULP Policies ENV12, ENV14) and
- 6) Other material planning considerations.

1) The Essex & Southend on Sea Replacement Structure Plan seeks sustainable locations for development within existing towns, and seeks to retain employment sites for similar uses into the future. The Uttlesford Local Plan has designated Shire Hill for employment development. Many of the buildings in Shire Hill are showing their age, and were originally built for a single occupier. Such large companies are now rare, and the existing building will not subdivide. Redevelopment will provide a range of small flexible units that will meet the needs of many small to medium sized enterprises, and this offers the prospect of considerable employment growth in the area, which is welcome.

2) The buildings are utilitarian 'industrial shed' type buildings, typical of such estates. The considerable slope across the site has been a design challenge but the response is to use this as an advantage to make the eastern building 'double-decker'; with units on the lower level accessed from the central yard and units on the upper level accessed from the top, or north-south, section of Shire Hill. This building will be quite large and sited on the corner of the junction where it will be visually prominent, however there are other very large buildings within the estate, for example the Pedley Furniture building across the road, and so the structure is not considered to be out of place here.

3) There are no residential properties in the immediate vicinity of this site and so the uses likely to occupy the completed units raise no amenity impact issues.

4) Highway comments are noted and their recommended conditions are transcribed into the recommendation of this report. The parking provision meets the adopted parking standards and parking for cycles and powered two wheelers is shown. Shire Hill has no public transport service, but is accessible on foot or by cycle by many people who live locally. Although a travel plan condition is recommended, it is accepted that only relatively minor proposals are likely to be achievable, given that there will be no single operator or management company, and it will be for individual companies to provide their own plans.

5) The contamination issue raised by the Environment Agency is noted. Precise recommendations are made to the need for and wording of conditions and these have been translated into recommended conditions of this decision.

6) No other issues are considered to arise.

CONCLUSIONS: The proposal is considered satisfactory.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.2. Details of materials to be submitted agreed and implemented.
4. Prior to commencement of the development visibility splays with dimensions of 4.5 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the Heavy Goods Vehicle access for the entire site frontage. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.
REASON: To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.
5. Prior to commencement of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the 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 on the highway, in accordance with policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.
6. The gates provided at the Heavy Goods Vehicular access shall only open inwards and shall be set back a minimum of 20 metres from the nearside edge of the carriageway. For the remaining site accesses gates provided 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.
7. Prior to commencement of the development hereby permitted the existing crossover on the Shire Hill east to west section shall be removed and the footpath resurfaced and kerb reinstated for use as approved in writing by the Local Planning Authority
REASON: In the interests of highway safety in accordance with policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.
8. The Powered two wheeler/bicycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.
REASON: To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with policy T6 of the Essex and Southend-on-Sea Replacement Structure Plan.
9. Details of barriers to prevent vehicles from crossing the site boundary on its western side shall be submitted to and approved in writing by the Local Planning Authority before occupation of any of the approved units. The approved barriers shall be installed prior to first use of any of the units hereby permitted and shall be retained in their approved form thereafter.
REASON: In the interest of safety.
10. C.8.29. Detail of sustainable construction for new residential or commercial development.
11. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority. 1. A site investigation scheme, based on the desk study to provide information for an assessment of the risk to all receptors that may be affected, including those off site. 2. The results of the site investigation and risk assessment and a method statement based on those results giving full details of the

remediation measures required and how they are to be undertaken. 3. A verification report on completion of the works set out in (2) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting. Any changes to these agreed elements require the express consent of the Local Planning Authority.

REASON: To prevent pollution of controlled waters.

12. C.8.3. No outdoor working.

13. C.9.1. No outdoor storage.

14. Prior to the commencement of any development, a scheme for the provision and implementation of foul and surface water drainage and pollution control shall be submitted and agreed in writing with the local authority. The works/scheme shall be constructed and completed in accordance with the approved plans before occupation.

REASON: To prevent pollution of controlled waters.

15. C.10.23. Travel Plan.

Background papers: see application file.

UTT/1049/07/FUL - HATFIELD HEATH

(Referred by Cllr. Lemon)

Replacement Chalet Bungalow

Location: 5 Lea Hall Bungalows Dunmow Road Hatfield Heath GR/TL 529-155

Applicant: Northdale Services Ltd.

Agent: B Flanagan

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 01/10/2007

Classification: MINOR

NOTATION: Within Metropolitan Green Belt/ TPO's on boundary.

DESCRIPTION OF SITE: The site is located approximately 680m northeast of the junction of the A1060 and the B183 in Hatfield Heath. There is a detached bungalow with a room in the roof located on the site. The bungalow is one of five properties in a group which appear to be former farm workers cottages. The other bungalows have been altered and extended over a number of years. The dwelling on the site covers an area of 104m² including the integral garage (72.5m² without the garage) and has a maximum ridge height of 5m.

DESCRIPTION OF PROPOSAL: This application relates to the replacement of the existing dwelling with another bungalow with room in the roof. The proposed dwelling would be relocated within the site away from the side boundary. It would have a maximum ridge height of 5.320m and would cover an area of approximately 117m² not including a garage whilst the existing is 72.5m² not including the garage.

APPLICANT'S CASE including Design and Access Statement:

POOR LAYOUT - The layout of rooms is poor with bedrooms access from the living Room and stair to upper rooms discharging to escape route.

ASBESTOS IN CONSTRUCTION – The construction includes asbestos panels which could be a health risk.

SOUND INSULATION – The house lies in the Stansted Airport area and a new building would enable the use of appropriate sound resisting materials.

The proposed replacement chalet bungalow has been designed with the following aim:

Retain the existing frontage width and height of the building

Retain existing style

Improve layout

Provide the same accommodation

Replace flat roofs with pitched

Reposition and reverse the plan to increase space between adjoining building no. 4 while retaining the route of the existing access road and drive.

The proposed building will be 15m² larger resulting from the improvement of layout and building regulations.

RELEVANT HISTORY: Replace existing 2 bed bungalow with 5 bed chalet bungalow with double garage – refused October 2005

Replace existing bungalow with three bedroom chalet bungalow with double garage – refused October 2006 – following Members' Site Visit – appeal lodged.

Extend roof to provide 3 bedrooms; two dormers on west elevation; change existing garage to habitable room – refused May 2005

CONSULTATIONS: Water Authority: With regard to sewerage infrastructure no objection.

Environment Agency: No objection providing a condition is appended with regard Great Crested Newts.

English Nature: To be reported (reply due 23 August 2007).

Essex Wildlife Trust: Object. Impact of a legally protected species, the Great Crested Newt and would like to see a survey undertaken.

Building Control – Lifetime homes: The study on the first floor has the potential to be altered to a bedroom. Therefore the staircase will require a minimum 900mm clear width for a stairlift if required.

There should be a wheelchair accessible entrance level WC with drainage provision enabling a shower to be fitted in the future.

Herpetologist: To be reported (reply due 23 August 2007).

PARISH COUNCIL COMMENTS: No objections. In fact the Council considers the proposal to be a considerable improvement on the existing building.

REPRESENTATIONS: None. Notification period expired 28 August 2007.

COMMENTS ON REPRESENTATIONS: An assessment in relation to Great Crested Newts accompanied the application.

PLANNING CONSIDERATIONS: The main issues are whether the proposal complies with policies relating to development within the Green Belt, replacement dwellings and design (PPG2 – Green Belts, ERSP Policy C2 and ULP Policies H7 & GEN2 and Supplementary Planning Guidance (SPD) on replacement dwellings).

The Design and Access Statement covers the bare minimum and in fact has some errors contained within.

The width of the original is 13.63m whilst the proposed is 13.21m and height of the original is 5m whilst the proposed would be 5.32m.

The proposed does not provide the same accommodation because the original dwelling provides three bedrooms, a kitchen, a living room, a bathroom, a study and a workshop/store whilst the proposed would provide three bedrooms, a kitchen/diner, a living room, a bathroom, a study as well as a utility room and an en suite however there is no garage.

There is no objection in principle to the erection of replacement dwellings within the Metropolitan Green Belt (MGB) subject to them not being materially larger than the existing dwelling and not having a detrimental impact on the open and rural character of the MGB. The Council's adopted SPD "Replacement Dwellings" also states *'the Council will not include the floorspace of any existing garage when judging whether the size of the new dwelling is acceptable because it is likely that the garage will be replaced.'* This application proposes to replace a modest dwelling with one which would have a footprint approximately 60% more than that of the existing dwelling and with a higher ridge height. The bulk of the proposed dwelling would also be greater than the existing due to the increased area covered by more pitched roof.

When dismissing a recent appeal in the Metropolitan Green Belt at Stansted:

UTT/1203/05/FUL – the Inspector states amongst other things: "PPG2 Paragraph 3.6 defines a limited extension as not resulting in disproportionate additions over and above the size of the original dwelling. It does not take account of neighbouring dwellings." "I accept that the dwelling is well screened, and note that the extensions could be physically accommodated on the site and would not be particularly visible from the public domain, but I

do not consider that these are good arguments in principle as they could be repeated too often to the overall detriment to the openness of the green belt.”

In response to comparisons with other ‘similar cases’ she pointed out that they may pre date the current edition of PPG2 but in **any event** she was required to consider the proposal on its merits. Although that appeal refers to a proposal to extend rather than replace a dwelling the same objections should be raised against this proposal. The replacement dwelling would be in the Metropolitan Green Belt which has a general presumption against inappropriate development. Members will be aware that green belts are nationally important and backed by very strong national and local policy. The inspector also mentioned *the limited benefit of the smaller footprint of the appeal proposal would be outweighed by the significantly bulkier roof structure and higher ridgeline*. This application has an increased footprint greater than the original dwelling and also has a significantly bulkier roof structure.

Visually the proposed dwelling is considered more acceptable however the application site is within the MGB and the starting point has to be the size of the dwelling to be replaced.

ERSP Policy C2 provides that there is a general presumption against inappropriate development in the Metropolitan Green Belt. Except in very special circumstances, planning permission will not be granted unless for a form of development listed in the policy, including the limited extension, alteration or replacement of existing dwellings. Development which may be permitted under this policy should preserve the openness of the green belt and should not conflict with the main purposes of including land within it – the applicant has submitted information which agrees that a replacement dwelling is suitable on this site. To approve a scheme which is contrary to green belt policy it is necessary to demonstrate very special circumstances. No such very special circumstances have been demonstrated.

The increase in the size of the new dwelling would result in additional built form within the MGB which would be detrimental to the open and rural characteristics of the MGB and would be contrary to PPG2 – Green Belts and ERSP Policy C2 – Green Belts.

ULP Policy H7 relating to replacement dwellings specifies that a replacement dwelling will be permitted if it is in scale and character with neighbouring properties however the site is located outside Development limits it must also protect or enhance the particular character of the countryside in which it is set. With regard to this application, the site is outside Development Limits and within the MGB. As considered above, the increase in built form is detrimental to the characteristics of the MGB and as a result cannot be considered to protect or enhance the MGB. The proposal is therefore contrary to provisions of ULP Policy H7. The design of the proposed dwelling is broadly considered to be acceptable and is similar to existing neighbouring properties. The relocation of the dwelling on the site and the position of the proposed windows would not result in any loss of amenity in terms of overlooking or loss of privacy to neighbouring properties and due to the position to the north of the closest neighbouring property no loss of light or overshadowing would occur. The proposal would therefore comply with ULP Policy GEN2.

Supplementary Planning Guidance – Replacement Dwellings states that: The Council will allow a replacement dwelling in the MGB but only if the new dwelling is not materially larger than the one being replaced in terms of volume, height and floorspace; the footprint of the existing should normally be followed. The Council may make an exception if it can be shown that the new building in a different place will reduce the impact and outside development limits the replacement dwelling shall be in scale and character with the neighbouring properties, in terms of height and volume (although the requirements are more stringent in the Green Belt). The proposal includes moving the bungalow slightly to the north. By moving the footprint the effect on the neighbouring property would be less and would therefore be encouraged and Officer support would be favourable.

The proposal, although smaller than previous applications, is still considered too large within the MGB; the dwelling is small to start with and due to the restrictions of National and Local Plan Policies a large replacement dwelling would be considered as overdevelopment of the site.

CONCLUSIONS: Although the floor area of the proposal has been reduced to that of the recently refused application, unfortunately the proposal still is significantly larger than the existing and therefore does not meet the requirements of National or Local Plan Policies and is recommended for refusal.

RECOMMENDATION: REFUSAL REASONS

1. The proposed dwelling would be materially larger than the existing dwelling on the site and resultant increase in built form within the Metropolitan Green Belt due to the size and bulk of the dwelling would be detrimental to the open and rural characteristics of the MGB and would be contrary to PPG2 - Green Belts; ERSP C2 - Green Belts and Uttlesford Local Plan Supplementary Planning Document - Replacement Dwellings.
2. The increase in the built form on the site resulting from the proposed dwelling would fail to protect or enhance the open and rural characteristics of the countryside in which it is set and would therefore be contrary to the requirements of ULP Policy H7.

Background papers: see application file.

UTT/1312/07/FUL - SAFFRON WALDEN

(Applicant is related to Council employee)

Change of use from Industrial/Warehouse (B1, B2, B8 use) to childrens' soft play centre (D2 use)

Location: 15A Shirehill Industrial Estate. GR/TL 548-382.

Applicant: Tumble Downs Ltd

Agent: Tumble Downs Ltd

Case Officer: Mr T Morton 01799 510654

Expiry Date: 13/09/2007

Classification: OTHER

NOTATION: Inside Development Limit / Employment Policy Area.

DESCRIPTION OF SITE: This is a single-storey factory unit on the north side of the street in the north-eastern section of Shire Hill, and is currently vacant. It is adjoined by similar business units in use for commercial purposes.

DESCRIPTION OF PROPOSAL: Change of use to children's indoor play centre. Hours of use would be 9am – 6pm seven days a week, and 13 staff would be employed. Twenty-six parking spaces are proposed, to the front, side and rear of the building, with a drop-off point by the front entrance. All playspace would be within the building, which would be laid out with a range of equipment to suit children between the ages of 0-12 years.

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

CONSULTATIONS: Environment Agency: The application has a low environmental risk.

TOWN COUNCIL COMMENTS: No objection.

REPRESENTATIONS: One. Notification period expired 10 August 2007.

The adjoining unit, occupied by a car repair workshop, has no objections but points out the nature of their own business which might give rise to noise and disturbance to the play centre. They ask if there is adequate parking space for the play centre.

COMMENTS ON REPRESENTATIONS: Noted, and discussed below.

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

- 1) principle of development / need for the use (ERSP Policy BIW4 & ULP Policies E2, SW6.);
- 2) compatibility with surrounding uses. (ULP Policies GEN2, GEN4);
- 3) traffic issues and parking (ERSP Policies T3, T6, T12 & ULP Policy GEN1);
- 4) sustainability
- 5) Other material planning considerations.

1) The adopted county and local planning policies seek to protect existing employment floorspace and to prevent its change of use to other uses. The applicant points to a proposed employment level of 13 people, comparable to the number that might be expected from a small industrial company however, and so the policy argument about loss of employment is not a strong one. The applicant points out that this unit has been vacant for a

long time, 20 months, so the proposal represents an employment gain. Across the country, 27 similar cases located in employment areas have been pointed out by the applicant.

A survey of local residents, 212 people, showed that 95% recognised the need for an indoor play facility in Saffron Walden. None currently exists and parents currently drive to other towns to use similar facilities.

2) The usual issue to be considered is a proposed use that might generate problems and its impact upon existing nearby occupiers. However, in this case it is considered that the proposed use would be fairly innocuous, and the other existing businesses in the area potentially causing problems for the proposal. The letter from the neighbouring car repair business points to them as a source of noise, and the other businesses in the area are a source of traffic.

Suitable large units for an indoor play centre do not exist away from an employment area, and in that sense it is hard to see where else the proposed use could be located. Whilst this may not be the ideal site it is the only currently available one. Since the activities will all be indoors the operation of other businesses in the area is not a critical problem. Children will not be unsupervised and potential risks would be considered by parents and employees at the site.

3) This type of use typically generates a lot of vehicle movements and the applicant estimates 51 vehicles per day in the week and 102 per day at weekends, with a dwell time of 1½ hours. There are 27 parking spaces available including a safe drop off zone within the site. Such traffic generation might be a problem in a residential area, but will hardly be noticed in this employment area. County Parking standards suggest that 25 parking spaces would be required. It is considered that traffic problems will not arise.

The applicant points to a large family base within walking distance of the site and not necessarily reliant upon the car to visit the site.

This type of use generates concern about the safety of children visiting the unit, but those arriving by car would be at no more risk than in similar environments, for example supermarket car parks or even parked on a street, and those arriving by foot will be under escort of parents and again at no more risk than on any other highway.

4) It can be noted that parents currently wishing to use such a facility have to drive to Bishops Stortford or Great Dunmow, Braintree Freeport, or Fulborne, and a local facility would be more sustainable, reducing vehicle trips.

5) No other issues are considered to arise.

CONCLUSIONS: The proposal is considered acceptable in this location, given the need for it and the unavailability of any other suitable location.

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.10.17. No occupation until spaces laid out.
4. C.6.1. Excluding future changes of use without further permission

Background papers: see application file.

UTT/1247/07/FUL - LANGLEY

Change of use of redundant barns to the manufacturing of timber framed buildings and joinery with ancillary storage and offices, including new cladding to buildings and provision of car parking and landscaping. Creation of new vehicular access and closure of existing access.

Location: Grange Farm. GR/TL 449-355
Applicant: Pelham Structures Ltd
Agent: Prospect Planning
Case Officer: Mr T Morton 01799 510654
Expiry Date: 15/10/2007
Classification: MAJOR

NOTATION: Uttlesford Local Plan: Outside Development Limits. Adjacent to the site is a Grade II listed building and curtilage listed barn. The listed building is also an ancient scheduled monument. Special verges stand on the roadside to the north of the site towards Duddenhoe End as well as protected lanes.

DESCRIPTION OF SITE: The site is located approximately 500m north east of the centre of Langley upper Green on the western side of an unclassified road running from Langley towards the B1039 via Duddenhoe End and other small hamlets. The site is approximately 0.4 hectares in size with a frontage width of approximately 97m and a maximum depth of 60m. The site was formerly part of Grange Farm before being sold to Clavering Farm where it was used as part of their farm operations for grain storage and drying etc. The site has, according to the applicant, become recently redundant for farming purposes. The site consists of a range of large buildings built at different times and of differing materials reflecting the previous agricultural use, set around a large concrete yard. The largest building, referred to as Building 1 in the applicants submission is an asbestos clad barn with a footprint of 550sq.m, length of 31m and a depth of approximately 18m. The building has a shallow pitched roof with a height to ridge of 7.3 for the majority with a taller section 9.1m high on the eastern side next to the road.

Building 2 also has a shallow pitched roof with attached lean-to. The building has a footprint of approximately 343sq.m and is approximately 19m square in size. This building is clad with corrugated metal sheeting and the lean-to section is open along the southern side. The building has large roller shutter doors on the eastern elevation facing into the courtyard. Building 3 is the smallest of the barns with a footprint of approximately 330sq.m, width of 22m and a depth of 15m. It has a rear and side lean-to and a bow-strung curved principle roof. The building is clad with corrugated sheeting. To the east of Barn 3 are several large storage tanks. The site is enclosed at the front by fencing and some planting. To the rear of the site, approximately 10m away from Barn 3 are older barns associated with Grange Farm, which have consent for conversion to residential use. Members may recall visiting the site in connection with a previous application last year.

DESCRIPTION OF PROPOSAL: The applicant is essentially applying again for proposals already considered and refused under reference UTT/1984/06/FUL, and which is currently at Appeal.

They seek full permission to change the use of the site from agricultural to industrial use for the manufacture of timber-framed buildings. The proposal would involve the re-cladding and insulating of the three main buildings along with the demolition and removal of old agricultural equipment and tanks etc. The proposal is for change of use of 1225 sq m from agriculture to mixed B1, B2 and B8 use with the addition of a mezzanine inside barn 1 for a total of 1275 sq.m. of new floorspace. The exterior of the buildings will be clad in dark

stained featheredge boarding. The existing access is to be closed and replaced with a new access. 11 car parking spaces are shown to be provided.

APPLICANT'S CASE including Design & Access statement: (Officer's note: A compendious statement has been submitted but is rather cast in the form of an Appeal Statement rather than the format of a Design and Access Statement, and is not the brief form of statement envisaged by the D&A legislation. As such it seeks as much to justify the development rather than explain the design process behind it. The full statement is available on file.)

A Highway Traffic and Transport Assessment is also provided. This concludes that traffic flows from the site will be so low that problems on the highway will not arise, and the development complies with the guidance of PPS7 and PPS13.

The covering letter states that the resubmission is based upon the applicants dissatisfaction with the way in which UTT/1984/06/FUL was dealt with by the local planning authority, when neither the applicant nor Parish Council were informed that the application was being determined by the Development Control Committee at the February 2007 meeting, and thus were not given the opportunity to speak in support of the application and consequently it was refused.

[NOTE: The Council records indicate that written notification of the Committee meeting was sent to the applicant's agent. Parish Councils are notified of the complete committee schedule rather than notified about each individual application]

RELEVANT HISTORY: The barns were part of land included within applications for an agricultural workers dwelling, most recently in 2003 and 2004, both of which were refused due to lack of functional need. To the rear of the site, an application was approved for the Conversion extension and alterations to barn and stables to dwelling in 2004.

UTT/0982/05/FUL: Change of use of all of the barns on the site to industrial use and office. Storage of a joinery machine, construction of panels for house construction. REFUSED 2 September 2005, currently at Appeal.

UTT/1473/06/FUL: Temporary change of use of Building 1 for a period of two years from redundant grain store to storage (Class B8) in association with Pelham Structures operation at Brices Yard, i.e. use for the storage of timber. REFUSED 23 October 2006, currently at Appeal.

UTT/1984/06/FUL: Change of use of redundant barns to the manufacturing of timber framed buildings and joinery with ancillary storage and offices, including new cladding to buildings and provision of car parking and hardstandings. Creation of new vehicular access and closure of existing access. Refused 23 February 2007. Under Appeal.

CONSULTATIONS: Essex County Council Highways: Recommends refusal for the following reason:

As far as can be determined from the submitted plan the applicant does not appear to control sufficient land to provide the required traffic visibility splay and junction visibility of 2.4m x 215m to the east. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety. The proposal would therefore be contrary to Policy T3, T8.

The road network is considered to be totally unsuitable for additional vehicular use, by reason of its narrow width and poor alignment

The barns are located in an isolated area. Facilities within walking distance are minimal and there is a limited bus service provided. The lack of facilities and public transport will mean that virtually all journeys to and from the development will be car borne. As there is no alternative to the car, it is likely that car ownership will be higher than average and therefore the movements to and from the site will be significantly higher than the existing site use.

The above proposals would therefore be contrary to Policy T3 Accessibility and T8 Safety of Essex and Southend-on-sea Replacement Structure Plan and Appendix G of Policy 1, 1.1 & 1.2 General and Policy 4, of the LTP 20.06/2011.

Environment Agency: No objection to the proposal. Advice to applicant.

Thames Water: No objection.

PARISH COUNCIL COMMENTS: No objection in principal to a change of use of the barns. The Council wishes to reiterate that restrictions on lighting, noise and road transport/road safety be put in place as proposed for earlier applications on this site as follows:

Resolution 3 (11-July-2005) It was resolved that the Parish Council had no objection in principal to the above planning application. However, given that the proposed industrial site lies close to the Village Green which forms the core of Langley Upper Green the Council desired that there be certain restrictions on the use of this site. In particular it was agreed that there should be a restriction on noise outside normal office hours. To be precise that there be no deliveries in or out of the site before the hours of 08.00am and after 17.00 on week days and no deliveries at all in or out of the site at week-ends. In addition the sound from industrial processes should not be heard outside the site except on weekdays between the hours of 08.00 and 17.00. No external lighting should be present on the site except between the hours of 08.00 and 18.00, i.e. during and just after working hours and that there be no external storage on the site at any time.

It was noted in the latest application that the Applicant has proposed (in 5.1.1.) that the sound from industrial processes should not be heard outside the site and this would be acceptable to the Council.

In addition the Council wishes to note that this is a contentious issue within the Council and that there are strongly held views both for and against this Resolution within the Council. The final vote was two Councillors in favour of the resolution, and one against with one Councillor abstaining from voting, one further Councillor did not participate in discussions of this resolution in the meeting. Two Councillors had sent apologies for their absence.

REPRESENTATIONS: This application has been advertised and nine representations have been received. Period expired 16 August 2007. Eight objecting and one supporting the proposal

Objection is raised as the development will cause noise and major environmental damage. It is contrary to PPS7 and the impact on adjacent Special Verges contrary to ENV8. Traffic movements would be far too great for the narrow minor roads around Langley and hazardous, leading to movements between the applicants other premises at Brices Yard.

Noise from the site would be intolerable. The proposed use would be out of character for such a rural area. Uses like this should be located in industrial areas, the development is outside of policy for commercial development in the countryside.

The buildings do not meet the criteria for conversion of redundant rural buildings in Policy E5

Alternative sites for industrial development are allocated in the Local Plan.

Two previous applications are under appeal, Heavy industry in this quiet rural area will be disruptive and inappropriate. Cannot see how the enterprise will benefit the village and rural environs.

The proposal is contrary to Policy E5 (c) and (d) and will generate noise and disturbance. The rural road network is not designed for the type of Lorries that would be involved. There

would be an increase in traffic compared to the previous farm use of the grain dryer. It is incompatible with policy ENV8 to protect the verges. Alternative sites are available.

The letter of support is for local provision of jobs and re-use of the buildings.

COMMENTS ON REPRESENTATIONS: Noted.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

- 1) principle of the development (PPS 7, ERSP Policy CS1, CS2, CS3, CS4, CS5, C5, HC3, BIW3, RE2, and T3, Uttlesford Local Plan Policy S7, GEN1, GEN2, GEN8, E4, E5 and ENV2);
- 2) impact of the development on highway network (PPS 7, ERSP Policies T3, T12, Uttlesford Local Plan Policy GEN1, GEN8, E4 and E5),
- 3) material harm or disturbance to surrounding dwellings beyond the site (ERSP Policy CS4, C5, RE1, RE2, Uttlesford Local Plan Policy GEN2, GEN4, E4, E5);
- 4) character and appearance of the countryside (PPS 7, ERSP Policies C5, Uttlesford Local Plan Policy S7).
- 5) Design of the proposal and whether the buildings are suitably constructed for their intended purposes (PPS7, ERSP Policies RE2, Uttlesford Local Plan Policies GEN2, E5) and
- 6) impact upon Protected Roadside Verge (ERSP Policy NR6, ULP Policy ENV8)
- 7) setting of listed building and curtilage listed buildings (ERSP Policy HC3, ULP Policy ENV2).

1) The principle of development on this site needs to be considered within the context of PPS 7: Sustainable Development in Rural Areas, Structure Plan policy contained in ERSP (Policies C5, RE1, RE2) and local policy in the form of Uttlesford Local Plan, most notably policies S7, E4 and E5.

PPS7, places a strong emphasis on the principles of **sustainability** and seeks to promote more sustainable patterns of development by focusing most development in, or next to, existing towns and villages and preventing urban sprawl.

The key principles of PPS7 state that good quality, carefully-sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community, maintains or enhances the local environment; and does not conflict with other planning policies.

Accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling, in line with the policies set out in *PPG13, Transport*. Decisions on the location of other developments in rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the development. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

Essex Replacement Structure Plan Policy C5 focuses on rural areas and states that the countryside will be protected for its own sake. This will be achieved by the restriction of new uses to those appropriate to a rural area required to support agriculture, forestry or other

rural uses. Development should be well related to existing patterns of development and of a scale, siting and design sympathetic to the rural landscape character.

Uttlesford Local Plan Policy S7 again repeats the aims of the Structure Plan Policy C5 by protecting the countryside for its own sake and only allowing development that needs to take place there, or is appropriate to a rural area. Policy RE2 does admit the possibility of the re-use of buildings in sound condition for business use, though this must not damage the amenity of the countryside, nor introduce additional activity likely to materially and adversely change the character of the local area or place unacceptable pressures on the surrounding rural road network, and has to be assessed in the light of sustainability considerations.

Whilst PPS7 would clearly support the principle of appropriate agricultural diversification, the use of former agricultural buildings for non-agricultural purposes needs to be carefully considered with regard to its impact on the local highway network, any adverse impacts to surrounding neighbours or the character and appearance of the countryside. Most importantly, it needs to be commensurate with the Government's sustainability objectives and meet the sequential tests with regard to the location of employment uses.

This is not considered to be a sustainable location, as the only way of reaching it is by private motor vehicle.

Paragraph 17 of PPS 7 - Sustainable Development in Rural Areas, states "The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives." Essex & Southend on Sea Replacement Structure Plan Policy RE2 sets criteria for the re-use of redundant buildings in the countryside, and Uttlesford Local Plan Policy E5 also considers the re-use of rural buildings, one of the criteria being that they are capable of conversion without major reconstruction or significant extension. Whilst it has already been considered that the application site is not appropriately located for the proposed use from a sustainability perspective, one also has to consider whether the existing agricultural buildings are suitably constructed for their proposed use. Do they need rebuilding to achieve required noise containment to protect adjacent property? if so the buildings would not be considered suitable for the proposed use. This is discussed further in section (5) below. The proposal would therefore be contrary to central government aims as well as being contrary to Uttlesford Local Plan E5. From an employment perspective, use of this site would not meet with policy aims of achieving sustainable development.

2) PPS 7 has clearly established a strong emphasis towards the principles of sustainability. Access to the site in terms of location and associated highways arrangements form a fundamental part of this sustainability principle. The application site is located away from development limits on the rural road network. Langley Upper Green is located almost centrally between the B1038 - Newport to Buntingford road and the B1039 Wicken Bonhunt to Royston road with all access to reach the site required via country lanes, some of which are very narrow and single width in places.

According to the applicant's submitted details, there would be some 5600 vehicle movements per annum, which they compare as being less than the estimated previous agricultural vehicle flows of 6000 to 6500 vehicles per annum. There appear to be no accurate records of previous movements and the figures given are estimates. The distinction that the local planning authority sees however is between vehicle flows associated with an agricultural activity which has to be located in the countryside, and an industrial activity which does not have to be located in the countryside, and which should be more sustainably located on an industrial estate within an existing designated settlement.

It is noted that objections have been received that refer to vehicle movements already taking place to this site by the applicants operations.

The presence of additional larger vehicles would create dangers to other road users on the twisting narrow lanes around Langley Upper Green. Indeed, less than 60m from the entrance to the site, the road narrows considerably and there would be conflict with other road users. In travelling north towards the B1039, vehicles would travel along protected lanes and roads with special verges. Conflict between oncoming vehicles may force traffic onto these verges hence damaging them to the detriment of biodiversity.

The applicant makes the interesting point that they consider the proposal to be more sustainable than the current production arrangements which involve manufacture of the frames in Gloucestershire and then delivery of the completed frames by road to the applicant's current premises at Brices Yard. However, the true comparison that should be made is perhaps the entire sequence of the production process from tree to timber to frame to house, and no calculation of this has been provided. The Council's contention is that it is more sustainable to manufacture or store the frames at premises within the Development Limits of an existing settlement than in a comparatively remote rural location, and this is borne out by the text of PPS7 at objective (ii) and paragraph 18 that development should be focused upon re-use of existing buildings that are adjacent or closely related to country towns and villages.

It is the opinion of Officers that the proposed development would significantly increase vehicular movement on the rural road network to the detriment of highway safety and would represent a wholly unsustainable form of development.

3) Given the potential material increase in traffic associated with the proposed development, one also has to consider the impact on adjoining neighbours or businesses outside of the site and indeed whether there would be any other adverse impacts caused by the industrial processes proposed to be carried out on the site. The impact on the highway road network was considered above and certainly the presence of additional traffic would generate noise and disturbance to residents on routes to the B1039 to the North and B1038 to the South. Comments from neighbours have expressed concern about noise emanating from the site by virtue of the industrial processes that would take place. The primary industrial process would be the machining of wood and associated activities along with noise from extraction and dust filtering equipment. Whilst the applicant has made clear their intentions to fully sound insulate the buildings, neighbours have previously made extremely valid points about noise emanating from the site in the summer when employees may wish to have windows and doors open to cool the buildings down. It is at this time when most local residents would also have their windows and doors open and this would increase the potential for noise disturbance to local residents taking place.

The nearest neighbours to the proposed development would be those at Grange Farm, both the Grade II listed dwelling and the curtilage listed barn, which has a valid permission to be converted into a dwelling but which has yet to be implemented. This barn is no less than 10m away from the rear of the application site buildings and it is this fact that has caused greatest concern to the Council's Environmental Health Officer when dealing with the earlier application under Statutory Nuisance Legislation. When permission was granted for the adjacent barn conversion, the issue of noise from the then active agricultural barns was a primary concern and was indeed a reason for refusal of an earlier application. One therefore cannot ignore the potential conflict between these two differing uses, particularly as the barns under the proposed application would be occupied on a frequent and regular basis for industrial uses rather than seasonal agricultural patterns of intensive use.

Officers are therefore extremely concerned at the relationship between the proposed use and adjacent existing and proposed residential units. The close relationship and the potential for noise disturbance would, by default, create the circumstances for a statutory nuisance to occur. This would be both unfair on the occupiers of the residential unit and would also create unacceptable pressure on the proposed business to minimise noise disturbance, which cannot guarantee to be achieved and is therefore contrary to Uttlesford Local Plan Policy GEN4.

4) The character and appearance of the surrounding countryside is heavily influenced by agricultural activities and operations. This is characterised by the presence of older historical barns as well as more modern and larger barns. The application site is a classic example of a modern farm, once part of Grange Farm, but which has been sold away. The barns are by no means aesthetically pleasing but reflect the type of structures one might reasonably expect to find in the working countryside. The applicants state that the barns are redundant for farming purposes. No evidence has been submitted confirming that this is necessarily the case and their redundancy may well be the result of a farm operational decision. Nonetheless, the proposed development would see extensive external and internal alterations to the existing barns with new claddings etc. Whilst the alterations may represent physical and aesthetic improvements to the existing buildings, the character and appearance of the site would materially change and, because of the additional vehicular movements along country roads and associated frequent and regular un-seasonal noise, the proposal is considered to be harmful to the character and appearance of the countryside and is not a use that needs to take place in the countryside.

5) Paragraph 17 of PPS 7 - Sustainable Development in Rural Areas, states "The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives." Uttlesford Local Plan Policy E5 also considers the re-use of rural buildings, one of the criteria being that they are capable of conversion without major reconstruction or significant extension. Whilst it has already been considered that the application site is not appropriately located for the proposed use from a sustainability perspective, one also has to consider whether the existing agricultural buildings are suitably constructed for their proposed use. In their supporting statement, the applicant's have clearly stated that, in order to minimise noise from the site, they would soundproof all production buildings to a very high standard (concrete walls, insulation and cladding). Given the need to make these changes, this would clearly suggest that the existing buildings are not suitably constructed for industrial uses without causing demonstrable harm to adjacent neighbours through the passage of sound etc. The extent of the works required are arguably tantamount to rebuilding. The proposal would therefore be contrary to central government aims as well as being contrary to Uttlesford Local Plan E5 and Essex & Southend on Sea Replacement Structure Plan Policy RE2.

Officers therefore cannot provide support to a scheme requiring major changes to the fabric of the buildings as proposed.

6) Both sides of the road to the north of this site are designated as Protected Roadside Verge, principally for the now very rare plant, Crested Cow-wheat, for which the verges represent the largest remaining site in Uttlesford and in Essex. The verge also has a good range of botanical species representative of the chalky clay soils of this area, now a very rare habitat in Essex due to agricultural losses of grassland fields. The verges are entered into a special management regime carried out by Essex County Council Highways, and they are monitored by annual surveys which continue to record the presence of the species of conservation concern. The road is narrow and if two large vehicles encountered each other on this stretch it would be highly likely to result in the driving-over of the verges with

consequent damage to them. This is considered to be unacceptable and contrary to the aims of Policy ENV8 of the Uttlesford Local Plan.

7) The local planning authority has not explicitly considered this aspect when dealing with previous application for this site, but the applicant advances the argument in their statement that the condition of the application site and buildings is discouraging the conversion of curtilage listed buildings on the adjacent site at Duddenhoe Grange, for which conversion to one dwelling has been approved under reference UTT2120/03/FUL and UTT/2122/03/LB on 26/02/04. It is contended by the applicant that the proposals would improve these buildings to such an extent that it would encourage the residential conversion, and that this must therefore be considered in terms of the duty to have special regard to the desirability of preserving the listed building itself, the buildings' setting and any special features it possesses. Whilst this is an interesting line of reasoning, it appears to the local planning authority equally likely that the noise and disturbance associated with the proposed use would be as off-putting to prospective residential occupiers of the residential barn conversion, and therefore the differential impact of the two situations is probably neutral, and gives no advantage to the proposed development and use of these buildings.

CONCLUSIONS: The proposed development has been carefully considered against National, Structure and Local Plan guidance and policies. The failure of the proposal to comply with sustainability objectives clearly laid down in PPS7, by virtue of the site's isolated location well away from established development limits and the heavy dependence on the private motor vehicle coupled with the fact that the existing buildings are not suitably constructed for industrial uses without the need for major reconstruction, suggest that there can be no policy support for the proposed development. Added to this, the fact that the building is close to existing and proposed residential dwellings would give rise to material harm to local amenity by virtue of noise etc. Furthermore, the significant increase in the presence of vehicles, including large commercial vehicles, on narrow country lanes would present a danger to highway safety and the potential of conflicting vehicles causing damage to specially recognised and protected lanes would add further weight to the fact that the scheme should be refused. There has been no material change in circumstances since the previous refusal of this essentially identical proposal, and it is considered that there is no reason for the local planning authority to come to any different conclusion.

RECOMMENDATION: REFUSAL REASONS

It is the policy of Central Government PPS7, ERSP (Policy CS1, CS2, CS3, CS4, CS5, C5, HC3, BIW3, RE2, T3, T12), Uttlesford Local Plan (Policy S7, GEN1, GEN2, GEN4, GEN8, E4, E5, ENV2) to ensure that proposed development in the countryside is appropriately located and of a size commensurate with the sustainable rural development principles clearly identified in PPS7. Furthermore, such development should not have an adverse impact on adjacent properties nor increase the potential for highway dangers on the rural road network nor be potentially damaging to specially recognised biodiversity sites.

In this instance, the applicant wishes to convert agricultural buildings for industrial use well away from established settlement limits on an isolated site accessible only along narrow country lanes. Facilities within walking distance are minimal and there is no bus service provided. The lack of facilities and public transport will mean that virtually all journeys to and from the development will be car borne. The proposal would be heavily reliant on the private motor vehicle due to the lack of alternative transport means. It is therefore considered to be unsustainable and contrary to the aims of promoting accessibility, as contained in Policies T1 Sustainable Transport Strategies & T3 Promoting Accessibility of the Essex and Southend on Sea Replacement Structure Plan adopted April 2001 and Planning Policy Statement 7 and Planning Policy Guidance 13.

The presence of additional vehicles on the twisting and narrow rural road network, many of which would be large heavy goods vehicles, would increase the potential for traffic conflict to the detriment of highway safety, contrary to the aims of Policy GEN1 of the Uttlesford Local Plan and Policy T3 of the Essex & Southend on Sea Replacement Structure Plan.

The increased potential for traffic conflict would also raise the probability of vehicles driving onto verges either side of the road in order to enable larger vehicles to pass. This would be clearly damaging to the special verges identified on the roads north of the site to the B1039, adversely affecting local biodiversity, contrary to Local Plan Policy ENV6 and Essex & Southend on Sea Replacement Structure Plan Policy NR7.

With regard to the proposed use of the barns, it has been identified that the buildings are not suitably constructed for industrial use without major alterations. These major alterations have been acknowledged by the applicant as being necessary to prevent noise spillage from the site onto adjacent residential properties. The proposal therefore fails to meet with the policy criteria relating to the re-use of rural buildings set out in Policy RE2 of the Essex & Southend-on-Sea Replacement Structure Plan and E5 of the Uttlesford Local Plan which require the buildings to be capable of conversion without major or complete reconstruction.

Noise from the site, particularly during the summer months when windows and doors are likely to be open, would also have a detrimental impact on the residential amenity of neighbouring properties, contrary to Uttlesford Local Plan Policy GEN4.

The proposal industrial use would be incongruous with the rural character and appearance of the countryside and would create a long-term frequent commercial use on the site compared with the seasonal agricultural use that existed more recently until the barns became redundant.

For the above reasons, the proposed development is contrary to adopted development plans and there are no material circumstances that would support a departure from policy in this instance.

Background papers: see application file.
