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UTT/1086/07/FUL - LITTLE CANFIELD

Application to vary condition C90B of UTT/0816/00/OP (within the site defined by the Planning Application no more than 650 dwellings shall be erected) to increase units by 56 dwellings

Location: Priors Green. GR/TL 574-211.

Applicant: Countryside Properties

Agent: Rosa Clarke

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 17/09/2007

Classification: MAJOR

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

DESCRIPTION OF SITE: The site lies to the south of the A120 and east of Smith's Green. Jacks Lane, a byway, bisects the site. Development of the Priors Green site has substantially commenced to the south of Jacks Lane, while to the north of Jacks Lane the site remains undeveloped.

DESCRIPTION OF PROPOSAL: Permission is sought to vary the condition of planning permission UTT/0816/00/OP which limits the number of dwellings approved under that permission to no more than 650 so as to allow an additional 56 dwellings.

APPLICANT'S CASE: The applicant argues that the increase in dwellings would bring the overall total in line with Takeley/Little Canfield Local Policy 3 (LP3) which permits 815 dwellings on the site. The total area under LP3 includes more than the development permitted under UTT/0816/00/OP, and there are already permissions for 731 dwellings in the LP3 area, including the Takeley Nursery and the Laurels Yard sites. In addition there are 28 units proposed on the "island sites", giving an overall total of 759 units. Thus the additional 56 units proposed by this application brings the total up to 815 units, in line with the Local Plan.

The additional dwellings would be located on that part of the site which lies to the north of Jacks Lane.

The application is supported by a comprehensive design and access statement and planning statement, together with traffic impact assessment and other information which may be viewed at the Council Offices or on the website.

RELEVANT HISTORY: The main permission is UTT/0816/00/OP – development of new residential neighbourhood – approved 23/06/05 after prolonged land assembly difficulties following the resolution to grant permission in 2002. There are many other outline and reserved matters applications as discussed above, which are not material to the issues raised by this application. The full history may be viewed on the application file.

CONSULTATIONS: ECC Highways: No objections subject to a contribution of £285 per unit for transportation enhancements as set out in the Takeley/Little Canfield Local Policy 3 SPG;
ECC Archaeology: no objection;
ECC Education: Require a developer contribution of £376,874
Highways Agency: No objection.
Water Authority: No objection.
Environment Agency: No objection.
Police Architectural Liaison: A condition requiring the reserved matters to achieve "secured by design" status is required.

Serco: No reply received.

English Nature: Object on the basis that the application contains insufficient information to judge whether the development would have an adverse effect on legally protected species;

Essex Wildlife Trust: Wish to be kept informed of progress.

Stansted Airport/BAA: No reply.

PARISH COUNCIL COMMENTS: Takeley PC – no objection but comment on the need for a thorough assessment of flood risk, a reed bed, the density in the north west corner by Smiths Green and Jacks Lane should not increase, the infrastructure should support the proposal and a finite number of dwellings should be set.

Little Canfield PC – no objection provided the land earmarked for community facilities does not decrease.

REPRESENTATIONS: One. This is an example of developers getting permission for a specific number of houses, getting it approved and then chipping away to build more and more houses. The application should be refused.

COMMENTS ON REPRESENTATIONS: The application should be judged on its planning merits alone.

PLANNING CONSIDERATIONS: The main issues are

- 1) the principle of the development (ULP Policy Takeley/Little Canfield Local Policy 3, approved masterplan); PPS3 (Housing);
- 2) design and Access (ULP Policy GEN1, Urban Place Supplement and other SPD, approved masterplan);
- 3) developer Contributions (ULP Policy Takeley/Little Canfield Local Policy 3 and SPG) and
- 4) other material planning considerations.

1) This is a section 73 application for the variation of a condition of the original planning permission for the Priors Green site which limits the development to 650 dwellings. The reason for imposing that condition at the time was “to ensure the development complies with the Development Plan and is appropriate to this location”. The 650 limit was imposed to ensure that the number of dwellings did not exceed those proposed in the development plan prevailing in 2002 - the time the application was considered by the Committee – which proposed a target of 700 over the whole LP3 area. The resolution to grant permission was thus made before the adoption of the Local Plan in January 2005, which now sets a target of 815 dwellings for the LP3 area. Moreover, since the adoption of the local plan the Government has issued PPS3 – Housing: this stresses the Government’s requirement for greater levels of housebuilding and that targets in housing policies are not ceilings but minimum requirements.

The principle of development has already been set by the grant of permission in 2005. The proposed increase of 56 dwellings would, as explained above, bring the total number of dwellings in the policy area to 815, which complies with the policy. The development is acceptable therefore in principle. It is possible that some further “island sites” may come forward in the future, bringing the total over 815, but the numbers are likely to be small and given the thrust of PPS3, entirely in accordance with policy.

2) A comprehensive design and access statement accompanies the application. This covers the geographical and historic context, affordability and lifetime homes, design principles, landscape, movements, land use, heights and density strategies, visual appearance, architectural strategies, materials, public open space and play provision, biodiversity and sustainability, equal access and inclusive design. It is considered that the

design and access statement emphasises and improves upon the existing principles of development as set out in the masterplan, and is compliant with it.

In terms of accessibility there are no highway objections, subject to conditions

3) Developer contributions will be required for highway and education provision as set out above. In addition 40% of the proposed increase in dwellings should be affordable, for rent by a social landlord or via shared ownership. The previous permission secured affordable housing by condition, but for greater certainty it is proposed that this is now included in a s106 agreement. The Takeley/Little Canfield Local Policy 3 Supplementary Guidance for the island sites is a material consideration as this includes contributions towards the fitting out of the community hall, the provision of local sports and/or community facilities and contributions towards the upkeep of the structured landscaping. Similar contributions should also be secured for the proposed new dwellings, should permission be granted. All the other facilities agreed in the 2005 permission, such as the primary school, community hall and district centre, remain.

4) English Nature have raised objection to the application. It is however considered that the issues they raise can and should be addressed at the reserved matters stage, when the details of development become clear. There is already an approved landscape framework that comprises perimeter planting, buffer strips, internal divisions between houses and informal spaces.

It is considered that additional conditions should be imposed to reflect the changes in policy since the original resolution to grant permission – these include energy efficiency and sustainable construction measures.

Regarding the points raised by the Parish Councils, there are no proposals to reduce the number of facilities, the infrastructure is adequate, the density at Smiths Green remains low at 15-23 per ha and the environment agency has no objection to the proposal so it may be concluded that there is no flood risk. The necessary measures have already been agreed.

CONCLUSIONS: The proposed increase in dwelling numbers is acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND SUBJECT TO CONCLUSION OF S106 AGREEMENT

S106 requirements to include all existing obligations plus those outlined in the report for education provision (£376,874), Transport (£285 per unit), contributions to the fitting out of the community hall, to community/sports provision and to maintenance of the structured landscaping in accordance with the Takeley/Little Canfield Local Policy 3 SPG

- 1 C.1.1 Submission of reserved matters.
- 2 C1.2 Submission of reserved matters.
- 3 C1.3 Time limit for submission of reserved matters.
- 4 C1.4 Time limit for commencement of development.
- 5 A scheme for the phasing of the development shall be submitted to and approved in writing by the local planning authority prior to the submission of any application for the approval of reserved matters. Such scheme shall provide at least the following details:
 - a) The location extent and area of each phase of development.
 - b) The net residential area of each such phase and the number of dwellings to be constructed thereon.
 - c) The sequence in which the phases will be developed. The development should be carried out in accordance with the approved phasing scheme unless otherwise agreed in writing by the local planning authority.

REASON: To secure appropriate phasing and densities in a comprehensive manner.

6. Within the site defined by the planning application no more than 706 dwellings shall be erected.
REASON: To ensure the development complies with the Development Plan and is appropriate to this location.
7. Within the site defined by the planning application an overall net density of at least 30 dwellings per hectare shall be achieved.
REASON: To comply with Government advice in achieving an overall density of 30 dwellings per hectare.
8. The development hereby permitted shall be carried out in accordance with the Master Plan, drawing 1071/MP/6 Rev A dated 10 August 2000 approved by the local planning authority, 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.
9. C.5.2 Details of materials.
10. C.4.1 Scheme of landscaping to be submitted and agreed.
11. C.4.2 Implementation of landscaping.
12. C.4.6 Retention and protection of trees and shrubs for the duration of development.
13. No development shall take place until a landscape and ecological strategy for the site has been approved by the local planning authority. The strategy will set out an agreed programme of mitigation works for the resident flora and fauna and a plan for the future management and protection thereof. The programme of works and management plan shall be agreed in writing with the local planning authority and implemented in accordance with the agreed details, including any phasing. Any variation to the agreed programme of works or management plan shall be agreed in writing with the local planning authority before that variation is carried out.
REASON: To minimise impact of the development on existing landscape and wildlife.
14. C.16.2A Full archaeological excavation and evaluation.
15. No development shall take place until a programme of works for the provision of a water supply and surface and foul water drainage has been submitted to and approved in writing by the local planning authority, following consultation with the relevant water and drainage authority. Subsequently, the works shall be implemented as approved, including any phasing in relation to the occupation of buildings.
REASON: To ensure adequate water supplies and surface water drainage systems are provided for the development and there are no adverse effects on the wider community.
16. No development of any phase shall take place until details of the car parking layouts, vehicle and pedestrian access, cycleway and circulation area relevant to that phase of the development have been submitted to and approved in writing by the local planning authority. The details shall subsequently be implemented as approved unless otherwise agreed in writing with the local planning authority.
REASON: To ensure there are sufficient spaces for vehicles accessing the site and there are safe areas for pedestrians and cyclists.
17. No development of any phase shall take place until details of street furniture, play areas, play equipment, refuse and storage units, sign, lighting and bus stops and shelters within that phase (including the siting, location and design and appearance thereof) have been approved in writing by the local planning authority. These shall subsequently be provided in accordance with the approved details unless otherwise agreed in writing with the local planning authority.
REASON: To provide an adequate and high quality environment and to ensure minimum adverse effects of light spillage.
18. No development of any phase shall take place until a scheme of brick walls and close-boarded fences at least 1.8m high within that phase has been submitted to and approved by the local planning authority in writing. The heights of these walls and fences shall be measured from whichever side the ground level is higher. Such walls and fences shall be erected before the dwelling to which they relate is first occupied.
REASON: To provide privacy and in the interests of amenity.

19. Construction noise associated with the development of the site shall not exceed 60L Aeq measured as a 15 minutes LAeq at any point within 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.
20. The construction vehicle access shall be a left in/left out priority junction. Right turning movement in or out of the junction shall not take place unless the local planning authority gives written consent to any variation.
REASON: In the interests of highway safety.
21. 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 0730 or after 1800 hours on weekdays (i.e. Mondays to Fridays inclusive), b) before 0800 or after 1300 on Saturdays, c) on any Sunday or Bank or Public Holidays.
REASON: To safeguard the amenities of nearby residential properties.
22. The routes to be used by contractors' vehicles moving to and from the site shall be approved in writing by the local planning authority prior to the commencement of development. The developer shall use all reasonable endeavours to ensure that contractors' vehicles use only such routes.
REASON: In the interest of road safety and to protect the amenities of the neighbourhood.
23. No development shall be carried out until the developer has submitted to the local planning authority details of a system to limit so far as possible the amount of mud, dust or other materials carried onto the adjacent highways by vehicles 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.
24. No development of any phase or part thereof shall take place until cross-sections of the relevant phase or part thereof and adjoining land, including details of existing levels around the buildings hereby permitted and any changes in level proposed, together with the proposed floor levels within the buildings, have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
REASON: To avoid the excessive raising or lowering of any buildings hereby approved and the alteration of ground levels within the site may lead to unneighbourly development with problems of overlooking and loss of privacy.
25. No development of any phase shall take place until details of dust suppression methods relating to construction work have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
REASON: To protect the amenity of nearby residential properties.
26. C.8.29 Details of measures providing energy and water efficiency and sustainable power and drainage for new residential or commercial development.
27. C.8.30 Provision of bin storage.
28. The development as a whole shall be constructed to achieve "Secured by Design" certification
REASON: To reduce the opportunities for crime and anti-social behaviour.
29. C.28.2. Accessibility and 5% wheelchair access in submitting reserved matters.
30. The height, width and depth of buildings shall be no greater than those indicated in the design and access statement.
REASON: In the interests of the appearance of the development.

Background papers: see application file.

UTT/1886/07/FUL - FELSTED
(Applicant is related to Council employee)

Erection of outbuilding to store machinery and equipment
Location: Potash Cottage Cobblers Green Felsted GR/TL 569-196
Applicant: Mr G D Moss
Agent: Mr G D Moss
Case Officer: Ms H Lock 01799 510486
Expiry Date: 20/12/2007
Classification: MINOR

NOTATION: Beyond Settlement limits; adjacent Listed Building.

DESCRIPTION OF SITE: The application site comprises an extended area of land to the rear of a listed dwelling. Planning permission has previously been granted for the change of use of this land to residential curtilage and to recreational equestrian use (see history below). However, planning permission is required to construct outbuildings on the land. A large stable block is located towards the rear of the site. The site comprises open countryside beyond settlement limits. It is visible from the public highway.

DESCRIPTION OF PROPOSAL: The proposal is to erect an outbuilding to store machinery and equipment required in connection with the adjacent stables, and to maintain the associated land, which is in the region of 2.43 hectares (6 acres) in area. The building would have a footprint of 9m by 4.5m, and with a maximum ridge height of 3.5m. The building has been designed with a lower lean-to section at the rear, and as such the eaves height would be 2m at the rear and 2.5m at the front of the building. Materials would be blockwork walls covered with weatherboarding and a tiled roof (although alternative material would be required for the shallow-pitched rear section).

This proposal follows the refusal of an alternative scheme by the Development Control Committee at its meeting on 5 September 2007. The bulk of the revised proposal is much reduced compared to the refused scheme. That building had the same width of 9m, but was 6m deep in contrast to 4.5m now proposed. The refused height was 3.4m but with an eaves height of 3.2m, resulting in a very squat and bulky building. Materials were also to have been metal cladding.

APPLICANT'S CASE including Design & Access statement: In refusing the last application, it was indicated to the DC Committee that the planning authority may be prepared to consider another building if constructed in a more sympathetic way and more appropriate to its location within the countryside. Although there was some Member support for the proposal, there were concerns about the style and materials of the building, which would not fit with the local countryside. The revised design complements the existing stable block, and would have the appearance of an Essex barn. The footprint has been reduced by 25% and the overall bulk reduced by some 40% from 189m³ to 115m³. The height has also been reduced by 0.4m. These amendments have been submitted following the advice of the Head of Development Control.

Unable to reduce the size of the building further as it would become impracticable for the use. The reduction in size already means that some machinery will now have to be left outside.

The building would be located behind the existing stable block. As it would be lower than the stables it would not be possible to see the building from the highway, approximately 200m

away. To the west is a line of established oak trees and a substantial hedgerow. Visibility from the east would be minimal, but a further hedgerow could be planted if required.

A building of the proposed size is required to house 2 tractors, a digger, tipping trailer, grass roller and 2 grass cutters, which is not excessive for the extent of land owned (6 acres of paddocks, with ditches in excess of 350m, and hedgerow of 400m). The equipment is required for regular maintenance and regular cutting of the paddocks to prevent illness of the horses. The tractor and trailer are needed to move manure, feed, hay, etc as the closest delivery point is 400-500m from the stable. The small digger is used to clear ditches. The roller is needed to keep a level surface and eliminate holes to prevent horse injury. One tractor is also used by neighbours who have a further 4.45 hectares (11 acres) of paddock, 1000m hedgerow and 800m ditches to maintain.

Two tractors are required for Health & Safety reasons (too dangerous to load a trailer which is not attached to a tractor, and to attempt to attach a fully laden trailer to a tractor – one needs to be attached to the trailer whilst the 2nd is used to load).

Lack of access to such equipment would result in poor land management, blocked ditches and neglected and unkempt land to the detriment of the countryside.

All 4 local neighbours and the Parish Council support the proposal.

RELEVANT HISTORY: UTT/0223/99 - Erection of stables and the change of use of land from agricultural to recreational equestrian use and, for a separate portion, to garden land - Approved. UTT/0027/07/FUL - Erection of outbuilding to store machinery – Refused. UTT/0711/07/FUL – Erection of outbuilding to store machinery and equipment refused September 2007.

PARISH COUNCIL COMMENTS: To be reported – (due 24 November).

REPRESENTATIONS: This application has been advertised and no representations have been received. The direct neighbour consultation period expired 15 November, the site notice expired 20 November, and the press advertisement period expires 29 November 2007 (i.e. the day after the Committee meeting).

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

- 1) countryside protection (ULP Policy S7);
- 2) design /Impact on Listed Building (ULP Policies H8, GEN2, ENV2) and
- 3) neighbours' amenity (ULP Policies, GEN2 and GEN4).

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

Policy S7 of the Local Plan contains places strict control on new building within the countryside, except for development that needs to take place there, or is appropriate to a rural area. It is generally accepted that appropriate development includes limited outbuildings, but it is for each case to be considered on its individual merits in relation to the character of the part of the countryside in which it is set.

The main consideration is therefore the scale of built form that is proposed and the impact upon the setting. Although the land is in recreational use, it is nonetheless considered that further built form would cause additional harm to the character and appearance of the

countryside and undermine its open rural character to a greater extent than has arisen from the existing buildings. With a footprint of 40.5sqm, this would be a substantial building, and viewed alongside the stables would be an excessive amount of built form in this rural location.

There is no question that this proposal would be a visual improvement compared to the refused scheme. The profile of the building has been adjusted to minimise its bulk, and its form and materials would now be more traditional and sympathetic to the rural location. It would also be set behind the taller adjacent stable block. However, national policy in PPS7 and Local Plan Policy S7 place strict control on new building, and it is considered that the cumulative impact of the existing outbuildings and the proposed building would cause demonstrable harm to the countryside, which should be protected for its own sake. This harm warrants refusal of planning permission. This proposal is considered to overstep the line between acceptable and unacceptable development.

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

This outbuilding would not impact upon the amenities of adjoining occupiers given the position in relation to the nearest dwellings. Furthermore, there would be no adverse impact upon the setting of the listed dwelling at the front, due to the separation between the two buildings and the presence of the stable block in between.

CONCLUSIONS: It is accepted that significant revisions have been made following the refusal of the previous scheme. However, this would still constitute a large building in the countryside, where there is strict control on new building. On balance, it is not considered that the amendments are sufficient to warrant approval of the scheme.

DELEGATE TO THE DIRECTOR OF DEVELOPMENT TO DETERMINE IN ACCORDANCE WITH THE FOLLOWING RECOMMENDATION UPON THE EXPIRY OF THE ADVERTISEMENT PERIOD – I.E. 30 NOVEMBER 2007:

RECOMMENDATION: REFUSAL REASONS

The proposed outbuilding, by way of its size, scale and height would result in the introduction of an excessive amount of additional built form at this rural site. The building would therefore be harmful to the rural, open and spacious, and landscape dominated character of the immediate locality, lending it a more built up character; no overriding need for this building has been identified that might outweigh this harm. As such, the development would be contrary to ULP Policies S7 & GEN2, and PPS7.

Background papers: see application file.

1) UTT/1798/07/FUL & 2) UTT/1839/07/FUL - SAFFRON WALDEN

(Joint report)

1) Demolition of garage and erection of single storey side and rear extension

2) Single storey rear extension

Location: 32 and 34 Victoria Avenue. GR/TL 543-379

Applicant: Mr S Brown

Agent: Kenneth Mark Practice

Case Officer: Ms K Hollitt 01799 510495

Expiry Date: 04/12/2007

Classification: OTHER

NOTATION: Within Development Limits.

DESCRIPTION OF SITE: These applications relate to a pair of semi detached two storey dwellings located on the southern side of Victoria Avenue in Saffron Walden. The properties are of red brick construction with a plain tiled roof.

DESCRIPTION OF PROPOSAL: UTT/1798/07/FUL: This planning application relates to the demolition of an existing detached garage and the erection of single storey extensions to the rear and side elevation of the dwelling (32 Victoria Avenue) to provide a breakfast room, utility room, shower room and a single garage. This would be formed in two pitch roof ranges parallel to each other. Matching materials are proposed to the elevations and to the roof. UTT/1839/07/FUL: This planning application relates to the erection of a single storey rear extension to provide a breakfast room to 34 Victoria Avenue. This would have a mono-pitched roof which would abut the roof to the proposed extension to 32 Victoria Avenue. Matching materials are proposed to the elevations and to the roof.

APPLICANT'S CASE: None submitted.

RELEVANT HISTORY: 32 Victoria Avenue: Demolition of existing garage and erection of single storey side and rear extension approved July 2007.

34 Victoria Avenue: None.

TOWN COUNCIL COMMENTS: To be reported. (Due 9 and 15 November 2007).

REPRESENTATIONS: None. Notification periods expired 31 October and 6 November 2007.

PLANNING CONSIDERATIONS:

The main issues are

- 1) Whether the scale, design and external materials of the extension respect the original building (ULP Policies H8 and GEN2 & [SPD](#) Home Extensions) and
- 2) Whether there would be any loss of amenity to neighbouring properties through overlooking, overshadowing or overbearing (ULP Policy GEN2 & [SPD](#) Home Extensions).

UTT/1798/07/FUL

- 1) Policy H8 of the Local Plan states that extensions will be permitted if their scale, design and external materials of respect those of the *original* building, that there be no

material overlooking or overshadowing of nearby properties and that development would not have an overbearing effect on neighbouring properties.

The scale of the extension is considered acceptable and although involving more than modest extensions to the side and rear, this is appropriate given the demolition of the existing garage such that they are not considered to overwhelm the original building. The impact on the street scene is not considered significant with the single storey garage closer to the highway.

The design and materials are considered to be acceptable and follow the form of the existing dwelling. Matching bricks and tiles are proposed to the external surfaces of the extension which is considered to be appropriate.

UTT/1839/07/FUL

1) Policy H8 of the Local Plan states that extensions will be permitted if their scale, design and external materials of respect those of the *original* building, that there be no material overlooking or overshadowing of nearby properties and that development would not have an overbearing effect on neighbouring properties.

The scale of the extension is considered acceptable and there would be no impact on the street scene as a result of these proposals.

The design and materials are considered to be acceptable and follow the form of the existing dwelling. Matching bricks and tiles are proposed to the external surfaces of the extension which is considered to be appropriate.

2) The proposed rear extensions would be approximately 2.8m deep from the rear elevation with the side elevation of the extension abutting the common boundary. Each proposal, in its own right, is likely to result in the loss of daylight to the neighbouring property to the rear window (kitchen) adjacent to the extension and more so in the afternoon. This would be harmful to the amenity of the occupiers of the adjoining dwelling and therefore would be considered to be unacceptable. The previous proposals in relation to 32 Victoria Avenue were amended in order to overcome this issue. However, should both extensions be constructed simultaneously then the impact on the neighbouring property would be negated. As the properties are in different ownerships it would be necessary for a legal agreement to accompany any approval to ensure that the works were carried out simultaneously. With regards to such a requirement, both applicants have agreed to enter into a S106 Agreement covering this issue. With regard to the relatively deep extension to No.32, there would be no materially greater impact on No 30a to the west, given that this replaces in part existing garage. Furthermore, the proposals are single storey.

The extension to No.34 is sufficiently distant from the dwelling to the east to avoid any loss of amenity.

CONCLUSIONS: The proposals are considered to be appropriate in terms of policy and the adopted SPD. In order to mitigate any adverse impacts of the extensions on the neighbouring properties the use of a planning obligation S106 Agreement is relevant, necessary, reasonably fair and directly related in scale and kind to the proposed development.

RECOMMENDATIONS:

APPROVAL WITH CONDITIONS AND S106 AGREEMENT

UTT/1798/07/FUL:

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with revised plans.
3. C.5.3. Matching materials.
4. C.6.7. Excluding conversion of garages.
5. C.8.28. Energy efficiency measures for dwelling house.

UTT/1839/07/FUL

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with revised plans.
3. C.5.3. Matching materials.
4. C.8.28. Energy efficiency measures for dwelling house.

The S106 agreement will require concurrent construction of both extensions. Neither extension shall be used until the external structure of the other has been constructed.

Background papers: see application file.

UTT/1591/07/FUL - STANSTED

Conversion of existing building to three dwellings and erection of a pair of semi-detached dwellings. Construction of new access

Location: The Limes Stables Cambridge Road. GR/TL 509-246.

Applicant: Feeney Brothers Ltd

Agent: Bidwells (RH)

Case Officer: Ms H Lock 01799 510486

Expiry Date: 07/12/2007

Classification: MINOR

NOTATION: Within Development Limits & Settlement Boundary/Adjacent listed building/Access onto Class B road.

DESCRIPTION OF SITE: The site comprises a dwelling (converted red brick stables) on the eastern side of Silver Street, north of the junction with Old Bell Close. Gardens serving houses in Old Bell Close back onto the southern boundary. Access to the dwelling is in front of the house, with the remainder of the frontage enclosed by a wall and planting. The rear garden contains mature shrubs and trees, although part of the southern and eastern boundaries at the rear have sparse screening. Dwellings in Brook Road are in an elevated position above the rear garden, to the east. The dwelling to the north is a 2½ storey listed house.

The dwelling has been vacant for several years and is now fire-damaged and boarded up.

DESCRIPTION OF PROPOSAL: The proposal is to convert the fire-damaged building into 3 dwellings, and construct a pair of semi-detached houses at the rear. The existing access point in front of the main building would be closed, and a new access constructed to the south of the building, alongside the boundary with properties in Old Bell Close.

The main building would be divided into 3 dwellings:

Unit 1 (north wing): 3 bedrooms, 1 at first floor and 2 at ground floor;

Unit 2 (central): 3 bedrooms, all at first floor, with reception rooms at ground floor and lower ground floor;

Unit 3 (southern wing): 3 bedrooms, as per 'north'.

The external changes to the elevations include:

- Replacement of workshop doors with full height glazing (front elevation);
- Replacement of 2 ground floor windows in the central section with full height glazed windows (front);
- Enlargement of windows in southern wing to match that of northern wing (front);
- No change to the northern end elevation;
- Full height glazing to existing opening in southern end elevation;
- Additional first floor window in rear elevation (southern wing);
- The existing vehicular access is to be removed, and the gap in the wall infilled, to create 3 garden areas to serve the new dwellings (former parking/manoeuvring area);
- Each unit would have 2 parking spaces, located at the rear of the building.
- A brick boundary wall would be constructed behind 1 Old Bell Close, and thereafter any gaps in boundary screening would be infilled with close-boarded fencing and planting.

Two new dwellings would be constructed to the rear of the main building. The design would reflect the unusual form of the Limes Stables, and each would have 3 bedrooms. The rear elevations would be served by small balconies, but overlooking of adjacent dwellings in Old Bell Close would be prevented by the side wings of the dwellings (the dwellings in Brook Close are positioned at an oblique angle, in an elevated position, and a minimum 25m away). There would be ground-ceiling glazing at ground floor in both side elevations, to serve the staircases. There would be no first floor side-facing windows, but high-level ridge skylights would light the first floor rooms. Building heights would be 7.8m to the ridge plus chimneys.

The dwellings would be served via the new access point onto Silver Street, and each would have two parking spaces to the front/side of the unit. Gardens in excess of 100sqm would be provided for each to the rear.

Although there would be some tree clearance within the site, generous boundary planting would be retained.

APPLICANT'S CASE: Design & Access statement: A detailed statement is available for inspection at the Council offices, and via the website. In summary – the site is 0.195 hectares and forms part of the built up area which has a distinctly residential nature. Refurbishment of the original building will enable the façade to once more be visible from Silver Street, thereby making a greater contribution to the street scene. The proposal would make most efficient use of residential land to the rear, and would attract an additional five households to the settlement, enhancing the social fabric of the neighbourhood and helping to maintain the existing level of service provision within the settlement. The proposals meet the requirements of ULP policies H3, H4 & H10 and adopted SPD. Pre-application consultation with residents took place. The design of the new build picks up the vernacular style of the stables.

Ecological Survey: surveys reveal evidence of use of the main building and outbuilding by Brown Long Eared bats (more common UK species). No evidence of day roosts, and as such would have a low impact on local bat communities. Details mitigation measures.

Transport Survey: pre-application discussions took place with ECC highways on the basis of 6 dwellings, but this is now reduced to 5. Discussions resolved issues regarding visibility at the access, refuse vehicle access and the impact on the pedestrian refuge in Silver Street.

Flood Risk assessment: a detailed assessment has been included. The site is within Zone 1, which indicates little or no risk of flooding from rivers, with an annual probability of under 0.1%. The site is approximately 100m to the west of Stansted Brook, and there is a stream 4m from the north eastern boundary which directs surface water runoff from residential development off Silver Street to the north of the development site. The report concludes that the proposed surface water drainage strategy seeks to utilise/upgrade the existing connection to the stream to the rear. The proposals comply with guidance in PPS25.

RELEVANT HISTORY: Change of use of existing building from stabling to dwelling approved 1978. Outline application for backland scheme of two dwellings, garages and alterations to access refused 2002. Conversion of existing dwelling to 5 flats and erection of block of 5 flats at rear refused September 2003. Demolition of existing building and erection of 2½-storey block of ten flats refused November 2003, and an alternative scheme refused April 2004 and dismissed following an appeal hearing August 2005. A further scheme for a block of 9 flats was refused and dismissed at appeal in 2006.

CONSULTATIONS: ECC TOPS: No objection subject to conditions (attached at end of this report)

Water Authority: Advice regarding surface water disposal.

Environment Agency: No adverse comment

Natural England: No objection, provided the mitigation as outlined in the report is incorporated into a permission. However, recommend that the consultant ecologist, acting on behalf of the applicant reconsider the timing of the works and seek to ensure that there are no bats returning to the site during active bat season. In order to ensure that there is absolutely no breach of the legislation, strongly recommend that the proposed works should be completed before the end of April 2008.

UDC Engineer: No objection.

UDC Design Advice: At pre-application stage, no objection. Any further comments received will be reported to the meeting.

Building Control: As the whole of the new dwellings are not within 45m of the road, the access road may need to be improved to the standards required for fire service vehicles; 12.5 tonne carrying capacity, 3.7m minimum width (3.1m at gateway), 3.7m minimum height clearance. A turning facility for fire service vehicles may need to be provided on the site. If these cannot be achieved then a full domestic sprinkler system may be acceptable as a compensatory feature.

PARISH COUNCIL COMMENTS: any received will be reported to the meeting (due 14 November).

REPRESENTATIONS: This application has been advertised and 4 representations have been received. Period expired 20 November 2007.

1. Pleased that the original building is to be restored and that the site will not have too many buildings on it. Had been worried that this would be left to rot and knocked down.
2. Support. Terrific plans and thoughtfully planned. Pleased that the stables is preserved, as part of village history. Sensitive development and will add greatly to the street scene as people approach the centre of the village.
3. Impressed with the architect's desire to keep Limes Stables in tact and the 2 dwellings would complement the stables, and would not be intrusive to the adjacent residents. Apart from some minor worries regarding security and drainage, hope Council approves application.
4. The new plans appear better than the previous applications, but concerned that there is enough room for large vehicles to manoeuvre on the site, and that there should be a time restriction on vehicles loading/unloading on Silver Street in rush hours. Recent developments on Silver Street caused chaos.

COMMENTS ON REPRESENTATIONS: Issues of drainage will be considered under the Building Regulations. It will be inevitable that there will be an element of disruption during the construction period. The Council cannot reasonably control matters taking place in the public highway, and if an obstruction is caused it would be a matter for the police to deal with. An informative could however be attached to any permission encouraging deliveries outside peak hours.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are whether

- 1) the proposal would have an acceptable impact in the street scene, in relation to residential amenity and the adjacent listed building (ULP Policies GEN2, ENV2, H4, H10 & GEN4, & SPD Accessible Homes);
- 2) the proposal would be acceptable in highway safety terms and provide adequate parking for the development (ULP Policies GEN1 & GEN9);

- 3) **protected species or trees would be affected by the development (PPS9 and ULP Policies ENV7 & ENV3); and**
- 4) **there are any other material planning considerations, including previous appeal dismissals for development of this site.**

1) The existing building is attractive but not of listable quality, so proposals to seek its conversion rather than replacement are welcomed. The building is fire-damaged, and its previously positive contribution to the street scene is currently marred. The proposed conversion scheme would be sympathetic to the existing building, and would mostly utilise existing openings. Restoration in the form proposed would be a positive development.

Although the proposed garden areas would be to the roadside, the infilling of the existing access would be acceptable in street scene terms, provided suitable materials are used. Although some views of the building would be lost, this is not a listed building, and glimpses of the most interesting parts of the building (its unusual roof form) would still be visible above the wall.

The site slopes down to the rear. Although appearing almost single storey at the front, it is 3-storey at the rear. As a result, although the proposed dwellings to the rear may appear tall compared to the front elevation of Limes Stables, the levels are such that the new development would not compete with the frontage building. The buildings would be visible from the access road, but they would not appear overbearing in street scene terms.

The increased impact of the conversion on residential amenity would not be significant compared to occupation as a single dwelling. Although the new access would be sited closer to the boundary with Old Bell Close, the driveway itself is already in this position, as the existing (albeit unused) garage is sited on the southern boundary. There would be increased vehicular activity from 5 units on this site compared to one large dwelling, but it is not considered that this harm would be so significant to warrant refusal. Previous appeal Inspector's have not opposed the replacement of the Limes Stables in principle, and as such it is unrealistic to consider that only one dwelling could be retained on this relatively large site.

Separation distances between the new dwellings and the side boundaries would be a minimum 5m, and with neighbouring gardens beyond it is considered that this distance is sufficient to avoid any overbearing impact on those properties. Overlooking from the side windows would not be material. The balconies are screened from direct views of residents in Old bell Close, and the back-to-back distance (albeit at an angle) between these and dwellings in Brook Road would be a minimum 25m. Back-to-back distances between the proposed and converted dwellings would be 26m, in excess of Excess Design Guide standards.

The new dwellings would be sited sufficiently distant such that they would have no impact on the setting of the listed dwelling to the north, located on the road frontage. In any event, the design emulates that of the Limes Stables, and would be acceptable in this context.

ULP Policy H4 allows for the development of backland sites if there is (1) significant under-use of land and development would make more effective use of it – *this large garden is under-used, and could be redeveloped whilst still providing generous amenity areas*; (2) there would be no material overlooking or overshadowing of nearby properties – *this aspect is acceptable, as outlined above*; (3) development would not have an overbearing effect on neighbouring properties – *the new dwellings and their positioning relative to adjacent dwellings would not have an adverse impact*; and (4) access would not cause disturbance - *this arrangement would be acceptable to serve 5 units*.

Policy H10 requires all developments of 3 or more units to provide a housing mix with a significant proportion of 'small' properties (defined as 2 and 3 bedroom homes). In this case, all of the units would be 3-bedroom, and it is considered that the requirements of the policy are met.

2) The proposal requires the relocation of the access to serve the development. The access width would be 5m, and 9m at the entrance, allowing sufficient passing space within the site. The communal turning area would ensure that vehicles would be able to exit onto Silver Street in forward gear. The highway authority raises no objections to the proposals subject to conditions, and although the new access would be in close proximity to a traffic island, this was not considered an issue of concern to previous appeal Inspectors. In any event, the highway authority recommends a condition requiring a further safety audit prior to the commencement of the development.

Each of the dwellings would be served by 2 parking spaces, which would meet the standards for these 3-bedroom dwellings.

3) There is evidence of bats within the building, but no evidence of use as a day roost. The submitted report recommends that adverse impact on bats could be mitigated by the timing of the works, demolition methods of areas in the roofspace, use of bat-sympathetic materials for timber treatment and components of the new build, and sensitive lighting and planting schemes. The design of the roofspace would favour Long-eared bats and would permit access post-development. There is no objection from Natural England.

The rear garden is currently overgrown and contains a number of trees and shrubs that would be cleared to accommodate the development. The site has previously been surveyed by your Landscape Officer, and no specimens worthy of retention are within the site. Many trees are to be retained, and there will be additional planting to boundaries.

4) Since 2001 there have been 5 applications comprising varying levels of development. In 2001, outline permission was refused for two dwellings in the back garden of the main dwelling. However, circumstances have changed since that application was refused. Firstly, there have been a number of flat schemes refused and dismissed at appeal, but the Inspectors have not resisted the principle of such development, but rather the detail. Furthermore, since that time, there has been increased emphasis on the need to make best use of urban land. In this case, the proposals have been sympathetically designed and would strike a reasonable balance between making better use of land within development limits, whilst preserving the setting and minimising the impact on adjacent residents. In light of changing circumstances since the original refusal on 2001, it is considered that the proposal would now be acceptable.

CONCLUSIONS: The proposal seeks sympathetic conversion of the existing fire-damaged building and the provision of two dwellings in the rear garden would make better use of an under-used site without compromising residential amenity or the setting. The access and turning arrangements would ensure safety onto the main road is preserved.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.4.6. Retention and protection of trees and shrubs for the duration of development.
6. C.5.2. Details of materials to be submitted agreed and implemented.
7. C.5.5. Clay plain tiles.

8. C.5.8. Joinery details.
9. C.5.13. Historic Brick Bonding.
10. C.6.2. Excluding all rights of permitted development within the cartilage of a dwelling house without further permission.
11. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented – building(s).
12. C.8.15. Restriction of hours of operation.
13. C.8.22. Control of lighting.
14. C.8.27B Soakaways.
15. C.8.29. Details of measures providing energy and water efficiency and sustainable power and drainage for new residential or commercial development.
16. C.8.30. Provision of bin storage.
17. C.19.1. Avoidance of overlooking – 1.
18. C.20.1. Acceptable survey mitigation/management plan – Implementation of scheme.
19. C.28.1. Accessibility – Implementation of scheme.
20. C.12.2. Prior provision of boundary enclosure 1.
21. No works to be carried out within the public highway relating to the pedestrian refuge until fully detailed engineering drawings and a Stage 1 road safety audit have been supplied and approved by the highway authority.
REASON: In the interests of highway safety in accordance with the Essex Local Transport Plan 2006/2011 Appendix G: Development Control Policies and Processes Policy 1.1 General and Local Plan Policy GEN1.
22. The access should be constructed to a minimum of 5.0 metres in width and formed by way of a dropped kerb crossing 11.0 metres wide. Where the surface finish of the access is intended to remain in unbound materials, the first 6 metres as measured from the highway boundary should be treated with an approved bound material to prevent any loose material from entering the highway.
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with the Essex Local Transport Plan 2006/2011 Appendix G: Development Control Policies and Processes Policy 1.1 General and Local Plan Policy GEN1.
23. The access shall be laid to a gradient not exceeding 4% for the first 6 metres from the highway boundary and not exceeding 8% thereafter.
REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner in accordance with the Essex Local Transport Plan 2006/2011 Appendix G: Development Control Policies and Processes Policy 1.1 General and Local Plan Policy GEN1.
24. Prior to commencement/occupation 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 the Essex Local Transport Plan 2006/2011 Appendix G: Development Control Policies and Processes Policy 1.1 General and Local Plan Policy GEN1.
25. The development shall not be occupied until the car parking area indicated on the approved plans, including any parking spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times.
REASON: To ensure appropriate parking is provided in accordance with the Essex Local Transport Plan 2006/2011 Appendix G: Development Control Policies and Processes Policy 7 Vehicle Parking Standards.
26. There should be no obstruction above ground level within the area of 1.5 x 1.5 metre pedestrian visibility splay adjacent to the access, set relative to the back of the footway.
REASON: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of

the highway and of the access having regard to the Essex Local Transport Plan 2006/2011 Appendix G: Development Control Policies and Processes Policy 1.1 General and Local Plan Policy GEN1.

- 27. Prior to occupation of the development hereby permitted the existing crossover shall be removed and the footway 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 the Essex Local Transport Plan 2006/2011 Appendix G: Development Control Policies and Processes Policy 1.1 General and Local Plan Policy GEN1.

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

REASON: To enable vehicles using the access to stand clear of the carriageway/footway whilst gates are being opened and closed in accordance with the Essex Local Transport Plan 2006/2011 Appendix G: Development Control Policies and Processes Policy 1.1 General and Local Plan Policy GEN1.

Background papers: see application file.
