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**PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 6 FEBRUARY 2008**

APPL NO: **UTT/1625/07/FUL**  
PARISH: **MARGARET RODING**  
DEVELOPMENT: Replacement dwelling  
APPLICANT: Mr & Mrs D Bevan  
LOCATION: Mayes Cottage Chelmsford Road  
D.C. CTTE: 16 January 2008 (see report attached)  
REMARKS: Deferred for site visit  
**RECOMMENDATION:** **Refusal**  
*Case Officer:* *Miss K Benjafield 01799 510494*  
Expiry Date: 15/11/2007

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## **UTT/1625/07/FUL - MARGARET RODING**

***(Call in by Cllr Barker – Parish Council would like opportunity to speak at Committee)***

Replacement dwelling.

Location: Mayes Cottage Chelmsford Road. GR/TL 617-109

Applicant: Mr & Mrs D Bevan

Agent: Speer Dade Planning Consultant

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 15/11/2007

Classification: MINOR

**NOTATION:** Outside Settlement Limit and within Metropolitan Green Belt (MGB).

**DESCRIPTION OF SITE:** This isolated application site comprises a small two-storey (in part) cottage that faces side onto the road. It is of small proportions, characterised by a cat slide type roof with a mono-pitched ground floor addition to the side (furthest elevation from the road). The ridge height looks to be around 6 metres in height. External materials comprise of yellow smooth render to the elevations with natural slate to the roof. A detached garage/workshop is located on the western side of the cottage and further smaller containers/sheds are located to the rear within the garden that narrows in width towards its southern (rear) boundary. The site is open in nature and appears 'exposed' when viewed from the road, with a backdrop of fields to the east, west and south. Away from the site to the north of the site on the opposite side of the road are three character properties, which are more substantial in size.

**DESCRIPTION OF PROPOSAL:** This application relates to the erection of a replacement dwelling on the site. The dwelling would be a two-storey building covering an area of approximately 109m<sup>2</sup> and would have a maximum ridge height of 6.5m.

The following table provides a comparison between the existing and proposed dwellings.

	<b>Original dwelling</b>	<b>Proposed dwelling</b>
Area covered	72m <sup>2</sup>	109m <sup>2</sup>
Floor space – ground floor	63.61m <sup>2</sup>	90.55m <sup>2</sup>
Floor space – first floor	44.44m <sup>2</sup>	78.35m <sup>2</sup>
Volume	296m <sup>3</sup>	516.6m <sup>3</sup>

**APPLICANT'S CASE including Design & Access statement:** A planning statement has been submitted (see copy attached at end of report) and a statement has been submitted detailing the site appraisal, relevant policy, design principles, amount of built form, layout, scale, landscaping, appearance and access issues relating the scheme (copies of the statement are available to view on the file at the Council Offices).

**RELEVANT HISTORY:** Outline application with means of access determined for replacement dwelling conditionally approved 2006, subject to a condition limiting its size. Application for replacement dwelling refused July 2007 on grounds of inappropriate size, bulky and inadequate access and turning facilities.

**CONSULTATIONS:** ECC Highways: No objections subject to conditions.

Building Surveying: Cloakroom door to open outwards. No fire access concerns. Lifetime Homes: Drawing has been examined, if the scale used is 1:100 the design will comply.

Chelmsford Borough Council: Objects. The proposed replacement dwelling is significantly larger than the building it would replace and could to be considered similar in size and scale.

Additionally the design of the replacement building is unattractive, bulky and wide span and would cause demonstrable harm to the openness of the Green Belt.

**Design Advice:** The proposed new house would be visually unsightly because of its lack of architectural cohesion, untraditional shallow roof form and disorganised elevational treatment. The incidental use of brick and render and poor proportion of void to solid would exacerbate the lack of elevational harmony so essential to a successful design. The proposal totally disregards the perception of local vernacular and represents a missed opportunity on this important location.

**PARISH COUNCIL COMMENTS:** No objections.

**REPRESENTATIONS:** This application has been advertised and one representation has been received. Period expired 12 November.

Main points: we wrote in support of the previous application, have viewed the amended plans and again we support the application. There are only two owner occupier neighbours to this dwelling who will be looking at it every day and we both want this derelict property developed into the tastefully designed family home that has been submitted to you for approval as soon as possible.

**COMMENTS ON REPRESENTATIONS:** None.

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

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

- 1) **Development within the Metropolitan Green Belt & Replacement dwellings (PPG2 – Green Belts, ULP Policy H7 & [SPD](#) Replacement dwellings);**
- 2) **Design (ULP Policy GEN2 & [SPD](#) Accessible Homes and Playspaces);**
- 3) **Access (ULP Policy GEN1);**

1) Within Green Belts, there is a presumption against inappropriate development which is by definition, harmful to the Green Belt. The replacement of existing dwellings need not constitute inappropriate development provided the new dwelling is not materially larger than the dwelling it would replace. Members will recall refusing other proposals for replacement dwellings and being supported by the Planning Inspectorate at appeal. In order to make this assessment, it is necessary to determine whether the new dwelling would have a materially larger volume, in addition to comparing other factors such as the bulk, height, width and length of the original and proposed dwellings. The original dwelling on this site has a volume of 296m<sup>3</sup>.

From the table above, it can be seen that the proposed dwelling would be significantly larger than the original in terms of the area covered, the floor space provided and the volume. Consequently, the proposal fails to meet the requirements of national policy in PPG2 and must be considered to be inappropriate development "which is by definition harmful". Even taking into account the possibility of a permitted development extension to the original dwelling (which the PPG does not), the resultant volume would amount to a maximum of 366m<sup>3</sup>, approximately 150m<sup>3</sup> less than the proposed volume.

The adopted Replacement Dwelling Supplementary Planning Document (SPD) embodies a similar restriction on the size of replacement dwellings in the Green Belt. The SPD also specifies that existing garages will not be included in the size of the replacement dwelling as it is likely that the garage will be replaced, even if this is not undertaken at the stage of constructing a replacement dwelling. Therefore it is not appropriate to include the volume of the garage in the comparison calculations of the volumes of the original and proposed dwellings.

It should be noted that in a recently determined appeal decision for a replacement dwelling within the Green Belt in Hatfield Heath, the Inspector made clear that even a 32% increase in floor space amounted to a materially larger dwelling which would be harmful to the MGB and was therefore unacceptable. In this instance the replacement dwelling would have an increase in floor space of approximately 55%.

In addition to the physical increase in the proposed dwelling above the original on the site, the subsequent visual impact of the proposal would also be greater than the original. The western elevation would have a longer two-storey element than currently exists and the northern elevation would be more than double the width of the existing dwelling, with much of this length being two-storey. These higher, longer and wider elevations would result in the dwelling appearing as a more prominent feature within the landscape and would detract from the open and rural character of the surrounding countryside.

Therefore, the increase in the size of the dwelling would result in additional built form in the Green Belt constituting inappropriate development which would be harmful to the open and rural character of the surrounding countryside and Green Belt.

2) The proposed design of the replacement dwelling indicates a shallow roof form, presumably to disguise the size of the dwelling, a disorganised elevational treatment and a lack of architectural cohesion. The appearance of the dwelling would have little regard to the scale, form, appearance and materials of the neighbouring properties and the local vernacular contrary to ULP Policy GEN2 and fails to overcome the previous reason for refusal.

The site has no close neighbouring properties which would be affected by the proposal. There are dwellings on the opposite side of the A1060 however these are distant enough for the proposed dwelling to not have an impact in terms of overbearing, overshadowing, loss of daylight or loss of privacy.

The dwelling appears to comply with the requirements of the Accessible Homes and Playspaces requirements and as such would meet the reasonable needs of potential users.

3) One of the reasons for refusal for the previous application related to there being insufficient space within the site for parking and turning to ensure vehicles would be able to enter and leave the site in forward gear. The current proposal would be set back further into the site than the previous scheme and additional space would be provided for parking and turning. The Highways Authority has raised no objections to the scheme subject to conditions and therefore it is considered that the revised scheme would comply with the requirements of ULP Policy GEN1.

**CONCLUSIONS:** The proposed replacement dwelling would be materially larger than the original dwelling on the site and would constitute inappropriate development within the Metropolitan Green Belt. In addition the poor design and greater size, bulk and built form of the proposed dwelling would result in a prominent dwelling on the site which would be visible from a number of view points some distance away and would have a detrimental impact on the open and rural character of the surrounding countryside.

**RECOMMENDATION: REFUSAL REASONS:**

1. The proposed replacement dwelling would be materially larger than the original dwelling on the site with larger dimensions and an increase in volume of approximately 75% greater than that of the original building and would constitute inappropriate and harmful development within the Metropolitan Green belt. In addition, the proposal would result in a larger bulky building which would appear as a prominent feature in the surrounding

countryside and would fail to protect or enhance the open and rural character of the surrounding countryside. The proposal would therefore be contrary to PPG2 – Green Belts, ULP Policy H7 and adopted SPD – Replacement Dwellings.

2. The proposed replacement dwelling would have an untraditional shallow roof form, a lack of architectural cohesion and a disorganised elevational treatment and would fail to respect the scale, form, appearance and materials of the neighbouring properties contrary to the requirements of ULP Policy GEN2.

*Background papers: see application file.*

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## **UTT/2205/07/DFO - TAKELEY**

### ***One of three applications for the local centre which need to be considered as a whole***

Erection of a parade of shops comprising a convenience store (Class A1) together with 5 further units suitable for Use Class A1 (retail), Class A2 (financial and professional services), Class A3 (cafe/restaurant), Class A5 (take away) or Class D1 (health facilities). Associated hard and soft landscaping, car and cycle parking. Construction of a new vehicular and pedestrian access

Location: Priors Green Community Centre Site. GR/TL 571-215.

Applicant: Henry Davidson Dev. Ltd

Agent: Andrew Martin Associates

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 05/02/2008

Classification: MINOR

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

**DESCRIPTION OF SITE:** The site is located to the north of B1256, to the eastern side of Takeley. Access is directly from the B1256, with once access from the east and one from the west. The proposed local centre site is situated approximately centrally within the development, with proposed residential development to the north, south and east.

The site is in two parts, the west site measuring approximately 0.58ha in area and the east site approximately 0.2ha. Each has been leveled and cleared. The reserved school site is to the west of the larger half of the site. Jacks Lane, a public right of way, runs along the northern edge of both sites. Alongside the byway runs a ditch, classified as an open watercourse. Running along the south of each site is the 'principal distribution route' and this bisects the Local Centre site from the 'roundabout'. The Parish (Takeley/Little Canfield) boundary lies between the two parcels of land.

The location of the local centre site accords with the approved Master Plan.

**DESCRIPTION OF PROPOSAL:** Reserved matters approval is sought for the erection of a parade of shops comprising a convenience store (Class A1) approx 300sqm and 5 smaller units to provide complementary shopping opportunities and service uses within the following Use Classes:

- A1 - retail uses including hairdressers or sandwich bars;
- A2 – professional and financial services, e.g. estate agents
- A3 – café and restaurant uses
- A5 – takeaway
- D1 – health uses – including, for example, dispensing pharmacy, dentist, osteopath or chiropractor

Car parking for 64 cars, space for 30 cycle spaces, and 8 powered two wheelers are provided.

The parade building would be single storey with low eaves, a ridge height of 7.9, faced with brick render and tiles.

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

The parade is to be anchored by a local convenience store, approximately 300sqm in floor area. Discussions with various retail outfits with a number of national operators are ongoing. The shop will provide for typical day to day needs for residents and 'top up' shopping. It is likely that the shop will provide a range of goods including a selection of fresh fruit and vegetables, dry food and grocery items, dairy, chilled and frozen produce, confectionary, newspapers and magazines.

5 smaller units, each approximately 100sqm in floor area will provide complementary shopping opportunities and service with the following Use Classes:

- A1 - retail uses including hairdressers or sandwich bars;
- A2 – professional and financial services, e.g. estate agents
- A3 – café and restaurant uses
- A5 – takeaway
- D1 – health uses – including, for example, dispensing pharmacy, dentist, osteopath or chiropractor

Servicing of these units will be provided to the western side of the shops which provides access to the rear of the units. The demarcation and control of the pedestrian area in front of the parade has been considered as part of the proposal. Control measures can be applied to prevent access to this space.

Car parking for 64 cars, space for 30 cycle spaces, and 8 powered two wheelers are provided and will serve all uses on the western side.

The application is supported by a comprehensive design and access statement and planning statement 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. Adjacent site have had reserved matters. The full history may be viewed on the application file.

The outline permission is subject to the following conditions:

Condition reference	Subject of condition	Comments
C90A	Submission of phasing plan	This submission complies with the specified phasing.
C.1.1 – 1.4	Time limits for submissions and implementation	This submission complies with the specified timing
C90B	Maximum of 650 dwellings at Priors Green	Subject to application UTT/1086/07/FUL to increase that number
C90C	Overall density of 30 dwellings per hectare	The density over the main Priors Green site meets this requirement
C90D	To be carried out in accordance with the Masterplan	The proposal is in accordance with the masterplan
C90E	Details of materials	Forms part of this submission
C.4.1, 4.2 & 4.6	Submission and implementation of landscaping and retention of trees	An outstanding requirement to be the subject of further submissions. Agent informed.
C90F	Submission of ecology strategy	An outstanding requirement
C.16.2	Scheme of archaeological works	Being dealt with as part of the overall site.
C90G	Scheme of water supply and foul drainage	Being dealt with as part of the overall site.
C90H	Submission of parking layouts	Forms part of this submission
C90J	Submission of street furniture details	None proposed on this phase.

C12.1	Scheme of walls and fences	Not shown on this proposal. Will require a further submission.
C90K	Control of construction noise	Requires compliance but no further submission.
C90L	Construction access details	Requires compliance but no further submission.
C90M	Hours of construction	Requires compliance but no further submission.
C90N	Agreement of routes of construction vehicles	Requires compliance but no further submission.
C90O	Preventing dust and mud passing onto the highway	Requires compliance but no further submission.
C.7.1	Submission of cross sections	Will need to be the subject of a further submission.
C90P	Prohibiting development until new A120 is open	The new A120 is open
C90Q	Dust prevention measures	Applies to this site & requires compliance.
C90R	Provision of affordable housing over the main Priors Green site	This phase contains no affordable housing as it is allocated to phases elsewhere

**CONSULTATIONS:** Thames Water - Waste Comments: Recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure in effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses. A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'.

Three Valleys Water: To be reported.

Environment Agency: No objection additional comments to the response on the outline application.

ECC Transportation: No objection subject to conditions.

Archaeology: The area has already been archaeologically assessed. Therefore no recommendations are being made.

Drainage Engineer: To be reported

Building Surveyor: Access for disabled people from the parking area and local transport will be required.

Essex County Council – Schools Service: The land in question lies to the north east of the site reserved for a primary school. The plan as submitted dissects the school site from the local centre with the main road into the car park and goods-in bay. No footway is provided between this road and the school site. Objects to the application on the grounds it contravenes Policy GEN1 of Uttlesford Local Plan. Urge refusal allowing further work on a design that integrates the local centre and the school site.

Environmental Services: Insufficient details to comment fully but would request details of any proposed extraction for the café and takeaway units.

**PARISH COUNCIL COMMENTS:** Takeley Parish Council: The scale of the proposed retail offer appears too large/disproportionate to the size of the development (811 homes) Takeley Parish Council believes that the proposal is unsustainable. It is sited within close proximity to the proposed school. Most pupils from Priors Green will walk to school and the volume of traffic created by the proposed office & retail outlets will create an unacceptable safety hazard to pupils/pedestrians.

The scale of the retail offer will have an adverse effect on existing retail outlets within the village.

The proposed facilities within Priors Green should be sympathetic to/and compliment those within Takeley & Little Canfield in order to promote community integration. This package of proposals including office, retail and community facilities should be carefully designed and planned to specifically avoid polarising the new community.

Little Canfield Parish Council: Do not understand why a large convenience store and five retail outlets are required for an 800 house estate. Support for the Takeley and Dunmow shops would keep them viable. Would the facilities envisaged be served by the local bus service? Bus stops should be suitably close for the elderly and disabled. Would the parking for the disabled users be better split with bays nearer the shops?

**REPRESENTATIONS:** One. Notification period expired 2 January 2008.

As the developer responsible for the strategic and comprehensive planning for the site, Countryside Properties is keen to see the provision of facilities that will provide the much needed amenities for the current and prospective residents of Priors Green, as well as the wider community within the Takeley and Little Canfield. We recognise that the development will assist in the long term social and economic sustainability credentials for the Priors Green community.

The provision of the facilities is required as part of the Section 106 agreement, with specific timings set out to ensure the delivery of individual elements.

We support the application and urge the Council to approve the proposal.

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

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

The main issues are

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

1. The land subject to this application, benefits from outline planning permission for residential development (UTT/0816/00/OP). This permission followed the Committee's approval of the Priors Green Master Plan in 2000, which provides the basis for considering subsequent planning applications and Section 106 Agreements. The proposed layout of this phase of the development in respect of the local centre, size and location of open space and inclusion of structural landscaping closely follows the approved details of the Master Plan. A total of 64 parking spaces would be provided on the site which includes the sports centre/community centre (subject to a separate application). The parking for the mobility impaired has all been provided near to the sports centre, rather than or as well as, near the parade of shops. Therefore if approved a revised plan should be submitted providing blue badge parking near to the shops as well as near to the sports centre.

The highway authority considers that the visibility splay for both the vehicular and pedestrians at the junction with the main spine road is inadequate and a condition should be added to ensure that this is addressed and highway safety is not at risk.

Parking provision for the retail would be more than sufficient at 1 space per 20sqm of floor area plus three disabled parking bays. However some of these spaces would be used as part of a concurrent proposal for the community centre. There are no details with regard lighting or small rubbish bins for use by customers of the area and a relevant condition should be added to ensure that the lighting is sufficient whilst not causing disturbance to the residential properties adjacent to the site.

2. The design of the building is conventional and unchallenging and is appropriate to its function. The use of a pitched roof and choice of materials follows design practice elsewhere on the development and the design is such that the function of the development would be readily apparent.

3. Large vehicular access on to the site would be from the south west of the site alongside the pedestrian and family car access. A Route is shown for the delivery vehicles to access the rear of the shops but it is not clear whether the vehicles can manoeuvre away from the members of the public to be able to exit the site in a forward gear. To the west of the site is the proposed school site and there is a potential in the future that there will be a lot of children/families using the shops both before and after school and the safety of these users are paramount. Therefore a suitable condition should be applied to any approval for the submission of a revised plan showing the turning area for the vehicles to the rear of the shop area.

The use of the shops can not be fixed at this time however a condition can be applied to any permission to prevent the use of the shops all becoming of the same type which would not be viable in this location. A mix of uses needs to be encouraged mainly because of the position of the local centre not really attracting passing trade but will be reliant on the residents of Priors Green. The applicant has suggested that Class A1 be restricted to the larger and one other unit whilst the others are less restricted to ensure that there is a mix of users on the site. This is considered as a reasonable request.

One of the proposed uses would be for a café/takeaway and due to the nature of the use details of extraction equipment would be required by the local planning authority prior to commencement of the use.

The Water Authority have requested that there are facilities included in any parking area to ensure that oil/diesel/petrol do not enter the local watercourses therefore any permission should include a suitably worded condition to that effect.

Hard landscaping details have been included in the proposal however the soft landscaping has not. Details will need to be submitted prior to the commencement of any development to ensure that the development is screened sufficiently.

**CONCLUSIONS:** The application meets the requirements of Uttlesford Local Plan Policies the outline permission and the Masterplan and is therefore recommended for conditional approval.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.3.1. To be implemented in accordance with approved plans.
2. C.17.1. Revised plan required. Turning area for delivery vehicles
3. C.8.22. Control of lighting.
4. C.8.30. Provision of bin storage.
5. C.11.9 Disabled parking provision.
6. The shops hereby approved shall not be used outside the hours of 07:00 – 22:00, seven days a week.  
REASON: To ensure that the residential properties are not adversely affected by noise nuisance at unreasonable times of the day and night.
7. Delivery vehicles to be restricted from entering the site between the hours of 08:30 and 09:30 and 15:00 and 16:30 weekdays, to reduce conflict between delivery vehicles, parents and pupils at school drop off and pick up times. Details to be agreed with the local planning authority prior to the commencement of development.

- REASON: To ensure Highway Safety in accordance with Appendix G of the Local Transport Plan.
8. The development hereby permitted shall not commence until details of street lighting lanterns and columns have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained in that form.  
REASON: In the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005 and the Essex Design Guide 2005.
  9. C.8.29. Details of sustainable construction for new residential or commercial development.
  10. C.28.1. Accessibility – Implementation of scheme.
  11. Prior to the occupation of the development, the provision of a 4.5m and 60m visibility splay at the junction of Community Centre access with the main spine road. 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 sight splays thereafter.  
REASON: To provide adequate visibility for the users of the Community Centre access and the spine road for the safety and convenience of users of the road and in accordance with Appendix G of the Local Transport Plan.
  12. Prior to occupation of the development, car park access onto the access road shall be provided with a 1.5m x 1.5m pedestrian visibility sight splay as measured from the back of the footway. 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 sight splays thereafter.  
REASON: To provide adequate inter-visibility between the pedestrians and users of the access and the access road for the safety and convenience of users of the road and in accordance with Appendix G of the Local Transport Plan.
  13. 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 surfaced, sealed and marked out in the parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.  
REASON: To ensure appropriate parking is provided in accordance with Appendix G of the Local Transport Plan.
  14. Details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided before occupation and retained at all times.  
REASON: To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with Appendix G of the Local Transport Plan.
  15. Oil/petrol/diesel interceptors shall be fitted in the car park area to prevent contamination of watercourse. Details shall be submitted to and approved in writing by the local planning authority prior to commencement of any development.  
REASON: To prevent any oil-based discharge entering the local watercourse.
  16. C.8.18. Control of odour and other effluvia – 1 cooking equipment.
  17. The Use of the retail unit R1 and one other retail unit hereby approved shall be Class A1 (convenience store/retail) whilst the remaining four retail units shall be used uses falling into Classes A1, A2 (financial and professional services); Class A3 (café/restaurant); Class A5 (takeaway) and/or D1 (health facilities) and for no other use.  
REASON: To ensure that there is a mix of uses available on the site whilst not being too restrictive.
  18. The development hereby permitted shall not commence until details of points of access to the school grounds and traffic calming measures to permit safe use of the means of access to the school site and through the car park have been submitted to

and approved in writing by the local planning authority. The agreed details shall be implemented prior to the first occupation of any of the units.  
REASON: To provide safe pedestrian access to and from the school.

*Background papers: see application file.*

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## **UTT/2204/07/DFO - TAKELEY**

### ***One of three applications which need to be considered as a whole***

The erection of a community hall together with associated landscaping, car and cycle parking

Location: Prior's Green Community Centre Site. GR/TL 571-215

Applicant: Henry Davidson Developments Ltd

Agent: Andrew Martin Associates

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 05/02/2008

Classification: MINOR

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

**DESCRIPTION OF SITE:** The site is located to the north of B1256, to the eastern side of Takeley. Access is directly from the B1256, with once access from the east and one from the west. The proposed local centre site is situated approximately centrally within the development, with proposed residential development to the north, south and east. The site is in two parts, the west site measuring approximately 0.58ha in area and the east site approximately 0.2ha. Each has been leveled and cleared. The reserved school site is to the west of the larger half of the site. Jacks Lane, a public right of way, runs along the northern edge of both sites. Alongside the byway runs a ditch, classified as an open watercourse. Running along the south of each site is the 'principal distribution route' and this bisects the Local Centre site from the 'roundabout'. The Parish (Takeley/Little Canfield) boundary lies between the two parcels of land.

The location of the local centre site accords with the approved Master Plan.

**DESCRIPTION OF PROPOSAL:** This application is for the reserved matters for the Community Hall together with operational car and cycle parking, and hard landscaping in accordance with the specification set out in the S106 agreement (Schedule 3).

**APPLICANT'S CASE:** The Community Hall has been designed in accordance with the specification set out in the S106 agreement (Schedule 3). The hall is intended to be multi-functional, primarily to serve and benefit the residents of the new neighbourhood. The main components of the centre include:

- Double height main hall – set out with a badminton court available to be used for; public meetings; other indoor sports including aerobics and judo; playgroup and mother and toddler groups; tumble tots; crèche; social functions; wedding receptions;
- Large meeting room with partition division – also to be used as two smaller meeting rooms or classrooms;
- Office for manager or volunteer staff;
- Storage space – for tables, chairs, play equipment, and cleaning space, as required;
- Kitchen – service of teas, coffees and prepared snacks;
- Toilets – male and female WCs incorporating for disabled people.

The provision of the Community Hall is required by construction of the 301<sup>st</sup> dwelling. The finish materials are to be brick and tile as per the S106.

Section 7 of the legal agreement relates specifically to the Community Facilities. The significant points are set out below:

- Details of reserved matters for the Community Facilities shall be submitted to the Council for approval before the occupation of the 100<sup>th</sup> dwelling and not more than 250 dwellings shall be occupied unless the Council has approved such details.

- The Council shall respond to the Developer and/or the Owners with approval or full response within 28 days of submission of details of the Community Facilities.
- The Developer/Owners must use all reasonable endeavours to provide the Community Facilities and a mechanism within the S106, sets out this procedure so as to ensure such facilities can be provided.

The submissions to the Council allow all the obligations within the S106 to be met in full. Given the extensive nature of the S106 and the number of parties involved originally and now, the complexity of seeking to revise and amend the agreement is not able to be considered.

The application is supported by a comprehensive design and access statement and planning statement 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. Reserved matters have been approved for most of the south eastern corner of Priors Green and development is progressing. The outline permission is subject to the following conditions:

Condition reference	Subject of condition	Comments
C90A	Submission of phasing plan	This submission complies with the specified phasing.
C.1.1 – 1.4	Time limits for submissions and implementation	This submission complies with the specified timing
C90B	Maximum of 650 dwellings at Priors Green	Subject to application UTT/1086/07/FUL to increase that number
C90C	Overall density of 30 dwellings per hectare	The density over the main Priors Green site meets this requirement
C90D	To be carried out in accordance with the Masterplan	The proposal is in accordance with the Masterplan
C90E	Details of materials	Forms part of this submission
C.4.1, 4.2 & 4.6	Submission and implementation of landscaping and retention of trees	An outstanding requirement to be the subject of further submissions. Agent informed.
C90F	Submission of ecology strategy	An outstanding requirement
C.16.2	Scheme of archaeological works	Being dealt with as part of the overall site.
C90G	Scheme of water supply and foul drainage	Being dealt with as part of the overall site.
C90H	Submission of parking layouts	Forms part of this submission
C90J	Submission of street furniture details	None proposed on this application.
C12.1	Scheme of walls and fences	Not shown on this proposal. Will require a further submission. Agent informed.
C90K	Control of construction noise	Requires compliance but no further submission.

C90L	Construction access details	Requires compliance but no further submission.
C90M	Hours of construction	Requires compliance but no further submission.
C90N	Agreement of routs of construction vehicles	Requires compliance but no further submission.
C90O	Preventing dust and mud passing onto the highway	Requires compliance but no further submission.
C.7.1	Submission of cross sections	Will need to be the subject of a further submission. Agent informed.
C90P	Prohibiting development until new A120 is open	The new A120 is open
C90Q	Dust prevention measures	Applies to this site & requires compliance.
C90R	Provision of affordable housing over the main Priors Green site	This application contains no affordable housing as it is an application for the local centre.

**CONSULTATIONS:** Thames Water - Waste Comments: Recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure of effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses. A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'.

Three Valleys Water: To be reported.

Environment Agency: No objection additional comments to the response on the outline application.

ECC Transportation: No objection subject to various conditions.

Archaeology: To be reported.

Drainage Engineer: To be reported.

Building Surveyor: Access for disabled people from the parking area and local transport will be required.

Essex County Council – Schools Service: To be reported

Essex Police Liaison Officer: To be reported

**PARISH COUNCIL COMMENTS:** Takeley Parish Council: Object. The main hall does not appear large enough on the drawings. Takeley Parish Council has discussed with Countryside that Takeley has sufficient 'function' halls within the village and that in order to create something that is sustainable in the long term the hall should focus on providing much needed indoor sports facilities for the community (e.g. badminton, squash, netball, basketball etc)

The community centre should also include shower and changing facilities in line with above provision.

The proposed facilities within Priors Green should be sympathetic to/and compliment those within Takeley and Little Canfield in order to promote community integration, This package of proposals (including office, retail and community facilities) should be carefully designed and planned to specifically avoid polarising the new community.

Little Canfield Parish Council: The design of the community centre is totally uninspiring, and the use of the area available for community use is poorly used. There is no play area outside for sports such as tennis. Internally the space for the main hall is not large enough to conform to the minimum requirements for sports such as badminton, as unobstructive space around a badminton court should be 1.5m each side and 2m at each end.

The structures are a dangerous obstruction, and would surely not please Health and Safety.

**REPRESENTATIONS:** One. Notification period expired 2 January 2008.

As the developer responsible for the strategic and comprehensive planning for the site, Countryside Properties is keen to see the provision of facilities that will provide the much needed amenities for the current and prospective residents of Priors Green, as well as the wider community within the Takeley and Little Canfield. We recognise that the development will assist in the long term social and economic sustainability credentials for the Priors Green community.

The provision of the facilities is required as part of the Section 106 agreement, with specific timings set out to ensure the delivery of individual elements.

We support the application and urge the Council to approve the proposal.

**COMMENTS ON REPRESENTATIONS:** The above comments have been considered within the planning considerations below.

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

**The main issues are**

- 1) the principle of the development (ULP Policy Takeley/Little Canfield Local Policy 3, approved masterplan);**
- 2) design and Access (ULP Policy GEN1, GEN2, GEN4 GEN8 Urban Place Supplement and other SPD, approved masterplan and**
- 3) other material planning considerations.**

1. The land subject to this application, benefits from outline planning permission for residential development (UTT/0816/00/OP). This permission followed the Committee's approval of the Priors Green Master Plan in 2000, which provides the basis for considering subsequent planning applications and Section 106 Agreements. The proposed layout of this phase of the development in respect of the local centre, size and location of open space and inclusion of structural landscaping closely follows the approved details of the Master Plan.

2. The Section 106 Agreement is unusually detailed in the specification of the community hall it provides. The specifications are 18 pages long. In so far as the details of the community hall are shown on the planning drawings (note: much of the detail given in the S106 specification relates to construction details which are not necessary for reserved matters approval) the building meets the requirement of the S106 agreement. This should dispel the concerns of the Parishes about compliance with the S106 agreement.

A total of 64 parking spaces have been provided on the site which includes the parade of shops (does not form part of this application). Disabled parking for the less able people has all been shown near to the sports/community centre. The Highway Authority recommends a condition to provide to the west side of the access road to extend the length of the school land to overcome this issue.

The Highway Authority also considers that the visibility splay for both the vehicular and pedestrians at the junction with the main spine road is inadequate and a condition should be added to ensure that this is addressed and highway safety is not at risk.

Parking standards for the community centre would be more than sufficient at 1 space per 15sqm of floor area plus three disabled parking bays. However some of these spaces would be used as part of a concurrent application for the shops/retail. There are no details with regard lighting or small rubbish bins for use by customers of the area and a relevant condition should be added to ensure that the lighting is sufficient whilst not causing disturbance to the residential properties adjacent to the site.

The community/sports centre may be used at various times during the day/evening and consideration must be given to the residential properties the closet of which will be on the opposite side of the spine road. Conditions to restrict the hours of use and the inclusion of sound insulation would be appropriate to prevent loss of amenity due to noise nuisance.

The application includes details for the hard landscaping materials. However, there do not appear to be any details with regard to the proposed soft landscaping and it would be appropriate to include a condition which requires a submission of details prior to commencement.

**CONCLUSIONS:** The proposal meets the requirements of the S106 agreement; the Masterplan and the policies included in the Uttlesford Local Plan and is therefore recommended for conditional approval.

### **RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.3.1. To be implemented in accordance with approved plans.
2. C.17.1. Revised plan required.
3. C.8.8. Sound insulation (new building).
4. C.8.22. Control of lighting.
5. The community/sports centre hereby approved shall not be used outside the hours of 07:00-22:00, seven days a week.  
REASON: To ensure that the residential properties are not adversely affected by noise nuisance at unreasonable times of the day and night.
6. C.8.29. Details of sustainable construction for new residential or commercial development.
7. C.28.1. Accessibility – implementation of scheme.
8. C.8.30. Provision of bun storage (amended).
9. C.11.9. Disabled parking provision.
10. The development hereby permitted shall not commence until details of street lighting lanterns and columns have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained in that form.  
REASON: In the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005 and the Essex Design Guide 2005.
11. Prior to the occupation of the development, the provision of a 4.5m and 60m visibility splay at the junction of Community Centre access with the main spine road. 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 sight splays thereafter.  
REASON: To provide adequate visibility for the users of the Community Centre access and the spine road for the safety and convenience of users of the road and in accordance with Appendix G of the Local Transport Plan.
12. Prior to occupation of the development, car park onto the access road shall be provided with a 1.5m x 1.5m pedestrian visibility sight splay as measured from the back of the footway. 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 sight splays thereafter.  
REASON: To provide adequate inter-visibility between the pedestrians and users of the access and the access road for the safety and convenience of users of the road and in accordance with Appendix G of the Local Transport Plan.
13. 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 surfaced, sealed and marked out in the parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

REASON: To ensure appropriate parking is provided in accordance with Appendix G of the Local Transport Plan.

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

REASON: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Appendix G of the Local Transport Plan.

15. Oil/petrol/diesel interceptors shall be fitted in the car park area to prevent contamination of watercourse. Details shall be submitted to and approved in writing by the local planning authority prior to commencement of any development.

REASON: To prevent any oil-based discharge entering the local watercourse.

16. The development hereby permitted shall not commence until details of points of access to the school grounds and traffic calming measures to permit safe use of the means of access to the school site and through the car park have been submitted to and approved in writing by the local planning authority. The agreed details shall be implemented prior to the first occupation of any of the units.

REASON: To provide safe pedestrian access to and from the school.

*Background papers: see application file.*

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## **UTT/2207/07/DFO - LITTLE CANFIELD**

***One of three applications for the local centre which need to be considered as a whole***

Erection of 4 units suitable for Use Class B1 (office) or Class D1 (health facilities).  
Associated hard and soft landscaping, car and cycle parking. Construction of a new  
vehicular and pedestrian access

Location: Priors Green Community Centre Site Site. GR/TL 572-215

Applicant: Henry Davidson Dev Ltd

Agent: Andrew Martin Associates

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 05/02/2008

Classification: MINOR

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

**DESCRIPTION OF SITE:** The site is located to the north of B1256, to the eastern side of Takeley. The proposed local centre site is situated approximately centrally within the development, with proposed residential development to the north, south and east. The site is in two parts, the west site measuring approximately 0.58ha in area and the east site approximately 0.2ha. Access to the site is via the internal spine road. Each has been leveled and cleared. The reserved school site is to the west of the larger of the two sites. Jacks Lane, a public right of way, runs along the northern edge of both sites. Alongside this byway runs a ditch, classified as an open watercourse. Running along the south of each site is the 'principal distribution route' and this bisects the Local Centre site from the 'roundabout'. The Parish (Takeley/Little Canfield) boundary lies between the two portions of land for the local centre

The location of the local centre site accords with the approved Master Plan.

**DESCRIPTION OF PROPOSAL:** This parcel of land is the smaller of the two, to the east of the spine road as it leads north across Jacks Lane. Permission is sought for the reserved matters for the erection of four, two storey units, each between 188sqm and 297sqm in floor area. Within each of these units, uses would be pursuant to Class B1 (Office) or Class D1 (Health, e.g. doctors or dentists). These form part of the community facilities required by the S106 agreement. There would be 30 car parking spaces, 18 cycle spaces and landscaping areas within the site.

The building would be slightly angled measuring 35.1m (rear elevation) / 44m (front elevation) x 11.4m wide and 8.6m high.

**APPLICANT'S CASE:** On the eastern part of the site four, two-storey units, each between 188sqm and 297sqm in floor area are proposed. Within each of these units, uses pursuant to Class B1 (Office) or Class D1 (Health) are intended to be accommodated, subject to demand.

The units will provide a suitable location for local small business requiring office space and/or for D1 (health) uses e.g. a dentist or other health practitioner.

The application is supported by a comprehensive design and access statement and planning statement 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. Adjacent sites have had reserved matters approvals. The full history may be viewed on the application file.

The outline permission is subject to the following conditions:

<b>Condition reference</b>	<b>Subject of condition</b>	<b>Comments</b>
C90A	Submission of phasing plan	This submission complies with the specified phasing.
C.1.1 – 1.4	Time limits for submissions and implementation	This submission complies with the specified timing
C90B	Maximum of 650 dwellings at Priors Green	Subject to application UTT/1086/07/FUL to increase that number
C90C	Overall density of 30 dwellings per hectare	The density over the main Priors Green site meets this requirement
C90D	To be carried out in accordance with the Masterplan	The proposal is in accordance with the masterplan
C90E	Details of materials	Forms part of this submission
C.4.1, 4.2 & 4.6	Submission and implementation of landscaping and retention of trees	An outstanding requirement to be the subject of further submissions.
C90F	Submission of ecology strategy	An outstanding requirement
C.16.2	Scheme of archaeological works	Being dealt with as part of the overall site.
C90G	Scheme of water supply and foul drainage	Being dealt with as part of the overall site.
C90H	Submission of parking layouts	Forms part of this submission
C90J	Submission of street furniture details	None proposed on this phase.
C12.1	Scheme of walls and fences	Not shown on this proposal. Will require a further submission.
C90K	Control of construction noise	Requires compliance but no further submission.
C90L	Construction access details	Requires compliance but no further submission.
C90M	Hours of construction	Requires compliance but no further submission.
C90N	Agreement of routes of construction vehicles	Requires compliance but no further submission.
C90O	Preventing dust and mud passing onto the highway	Requires compliance but no further submission.
C.7.1	Submission of cross sections	Will need to be the subject of a further submission.
C90P	Prohibiting development until new A120 is open	The new A120 is open.
C90Q	Dust prevention measures	Applies to this site & requires compliance.
C90R	Provision of affordable housing over the main Priors Green site	This phase contains no affordable housing as it is allocated to phases elsewhere.

**CONSULTATIONS:** Thames Water: - Waste Comments: Recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure in effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses. A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'.

Three Valleys Water: To be reported

Environment Agency: No objection additional comments to our response to the outline application.

ECC Transportation: No objection subject to condition.

Archaeology: The Historic Environment Record shows that the proposed development lies within an area which has already been archaeologically assessed. All archaeological work required has been completed within this area. Therefore no recommendation is being made on this application.

Drainage Engineer: To be reported

Building Surveyor: All buildings will need to be compliant with Part M of the Building Regulations and on level threshold for access purposes.

Was Accessible Play Space taken into consideration when this site was planned?

Supplementary Planning Guidance refers

Essex County Council – Schools Service: To be reported

**PARISH COUNCIL COMMENTS:** Takeley Parish Council: The scale of the proposed office/health facilities appears too large/disproportionate to the size of the development (811 homes). TPC believes that this is unsustainable

It is sited in close proximity to the proposed school. Most pupils from Priors Green will walk to school and the volume of traffic created by the proposed office and retail outlets will create an unacceptable safety hazard to pupils/pedestrians.

The design of the offices is unsympathetic to the rural surrounding which includes a country by-way in close proximity.

The proposed facilities within Priors Green should be sympathetic to/and compliment those within Takeley and Little Canfield in order to promote community integration, This package of proposals (including office, retail and community facilities) should be carefully designed and planned to specifically avoid polarising the new community.

Little Canfield Parish Council: It is welcome to see facilities for use as a health centre, but we are concerned as to whether they would be used because of the local PCT's apparent current wish to centralise them.

The actual appearance of the construction is not pleasing to the eye. Surely a better design could be utilises to complement the whole estate, a place that will be sought by business, and not a drab dull box.

**REPRESENTATIONS:** One. Notification period expired 2 January 2008.

Recognise that the development will assist in the long term social and economic sustainability credentials for the Priors Green community – support the application and urge the Council to approve the proposal.

**COMMENTS ON REPRESENTATIONS:** A question by the building control department was raised about accessible play space and whether this application has taken it into consideration. However the application is for office buildings and therefore accessible play space is not considered appropriate. Please see planning considerations for other comments.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) the principle of the development (ULP Policy Takeley/Little Canfield Local Policy 3, approved masterplan);

- 2) **design and access (ULP Policy GEN1, GEN2, GEN4 GEN8 Urban Place Supplement and other Supplementary Planning Documents, approved masterplan, and Planning Policy Statement 1 (2005) – Delivering Sustainable Development; Planning Policy Statement 7 – Sustainable Development in Rural Areas and Planning Policy Guidance Note 13 - Transport) and**
- 3) **parking provision and**
- 4) **other material planning considerations.**

3. The land subject to this application, benefits from outline planning permission for residential development (UTT/0816/00/OP). This permission followed the Committee's approval of the Priors Green Master Plan in 2000, which provides the basis for considering subsequent planning applications and Section 106 Agreements. The proposed layout of this phase of the development in respect of the local centre, size and location of open space and inclusion of structural landscaping closely follows the approved details of the Master Plan and is therefore considered by officers to be consistent with the Section 106 Agreement.

2. The design of the block, is convention albeit angled at its southern end to reflect the curve of the front boundary. The building would have a brick façade, six metre eaves, and a shallow roof clad with tiles. Both ends of the building would have hipped ends and the entrance to each unit would have a feature gable. The height of the units would be almost exactly the same as the adjacent terrace of dwellings at phase 3C.

3. A total of 30 parking spaces have been provided on the site for 8 units plus two mobility impaired spaces. There is a bus stop to the south opposite the vehicular access on to the site. The footpath running along the front of the building extending past Jacks Lane and also further into Priors Green. The Highway Authority also considers that the visibility splay for both the vehicular and pedestrians at the junction with the main spine road is inadequate and a condition should be added to ensure that this is addressed and highway safety is not at risk.

Parking standards for the Class B1 (Office) Use maximum of 1 space per 35sqm and for Class D1 (Medical) Use maximum of 1 space per full time staff and 2 space per consulting room. The proposal is for a mix of both of the above Uses and offers 30 parking spaces including two for the mobility impaired. It is considered that the proposal has sufficient parking.

There are no details with regard lighting of the area and a relevant condition should be added to ensure that the lighting is sufficient whilst not causing disturbance to the residential properties adjacent to the site.

4. There is no indication of planting between to the east of the site between the proposed office site and the 'rough ground' (affordable flats). Full details have not been submitted with regard Landscaping and therefore a further submission will be required at a later date.

**CONCLUSIONS:** The proposal for the four 2 storey units; car and cycle parking; construction of a new vehicular and pedestrian access meet the requirements of policy and are recommended for conditional approval. However the application does not contain full details of hard and soft landscaping and a further submissions will be required for this information.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.3.1. To be implemented in accordance with approved plans.
2. C.8.22. Control of lighting.

3. The development hereby permitted shall not commence until details of lighting lanterns and columns within the car park have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained in that form.  
REASON: In the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005 and the Essex Design Guide 2005.
4. C.8.29. Details of sustainable construction for new residential or commercial development
5. Prior to occupation of the development, car park access onto the access road shall be provided with a 1.5m x 1.5m pedestrian visibility sight splay as measured from the back of the footway. 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 sight splays thereafter.  
REASON: To provide adequate inter-visibility between the pedestrians and users of the access and the access road for the safety and convenience of users of the road and in accordance with Appendix G of the Local Transport Plan.
6. 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 surfaced, sealed and marked out in the parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.  
REASON: To ensure appropriate parking is provided in accordance with Appendix G of the Local Transport Plan.
7. Oil/petrol/diesel interceptors shall be fitted in the car park area to prevent contamination of watercourse. Details shall be submitted to and approved in writing by the local planning authority prior to commencement of any development.  
REASON: To prevent any oil-based discharge entering the local watercourse.
8. No development shall be carried out until full details of hard and soft landscaping along the north and east site boundaries have been submitted to and approved by the local planning authority in writing.  
REASON: The proposal description states that the application includes details of hard and soft landscaping but there are insufficient details and to ensure that the development is in keeping with the locality.

*Background papers: see application file.*

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## UTT/2273/07/FUL - LEADEN RODING

Erection of four dwellings and garages

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

Applicant: Devere Homes

Agent: Devere Homes

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 18/02/2008

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 and has been built. 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 outside the village Development Limits and within the Metropolitan Green Belt.

**DESCRIPTION OF PROPOSAL:** This application relates to the erection of four detached dwellings and associated garaging. The development would result in a density 24 dwellings per hectare and would consist of 2 x two bedroom dwellings and 2 x two bedroom dwellings with home offices (or third bedrooms). The characteristics of the dwellings and plots are detailed in the table below.

Plot	Maximum height	Bedroom no.	Allocated Parking	Private amenity area (as stated on submitted plans)
1	7.5m	2	1 open and 1 garage space	100m <sup>2</sup>
2	7.2m	2	1 open and 1 garage space	124m <sup>2</sup>
3	6.2m	2 + Home office	1 open and 1 garage space	170m <sup>2</sup>
4	6.2m	2 + Home office	1 open and 1 garage space	165m <sup>2</sup>

It is noted that the plans contain a number of inaccuracies, these primarily relate to the size and location of windows and dormers shown on the elevations and floor plans. However the floor plans submitted and marked as relating to the dwelling on Plot 2 are not accurate and do not relate to the submitted elevational details for that dwelling.

**APPLICANT'S CASE including Design & Access statement:** D&A statement submitted provides details of the site and surrounding area, the proposal and revisions made following refusal of the previous scheme.

The statement also indicates that drawing EB1 has been submitted which provides further details of the differences between the refused and proposed schemes – however this drawing has not been submitted with the application.

**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.

Erection of 6 dwellings with associated garages and cart lodge refused October 2007 for reasons of poor design and layout, impact of development on surrounding Metropolitan Green Belt, poor provision of amenity space and impact of one of the proposed dwellings on the neighbouring property.

**CONSULTATIONS:** Thames Water: No objection.

Building Surveying: No adverse comments. Lifetime Homes Standards – 1. Inward opening door on WC is incorrect. 2. No confirmation of shower drainage in WC. 3. No details of tracking/hoist provision. 4. No through floor lift shown. 5. Plans do not show level access at entrance.

Highways: No objection subject to conditions.

Environment Agency: Due 14 January.

Drainage Engineer: Recommends condition is added requiring that the surface water disposal arrangements are approved by the local planning authority prior to the commencement of development.

**PARISH COUNCIL COMMENTS:** (Due 23 January 2008) .To be reported.

**REPRESENTATIONS:** None. Notification period expired 6 February 2008.

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

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

- 1) **Development within Development Limits (ULP Policies S3, H3 & PPS3 - Housing);**
- 2) **Design (ULP Policy GEN2 & [SPD](#) Accessible Homes and Playspace) and**
- 3) **Access & Vehicle parking standards (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. Notwithstanding this, PPS3 requires that new development should make efficient use of land and sets a minimum density of 30dph. It continues that if local authorities wish to agree to densities below this minimum then this will need to be justified.

The submitted design and access statement indicates that the proposed dwellings to the rear of the site have been designed on a bungalow format which has resulted in a larger footprint. The applicant considers that a further subdivision of these plots to accommodate 3 smaller dwellings, with associated parking and turning areas would result in an unacceptably cramped scheme constituting overdevelopment of the site. No drawings have been submitted with the application to demonstrate this and the proposed density of 24dph is below the national minimum of 30dph.

From the information submitted with the application, it is not clear why it is not possible to achieve an acceptable form of development on this site which would have a minimum density of 30dph (i.e. 5 dwellings). On the contrary it appears possible and in the absence of information providing adequate justification for the failure to meet the national minimum density, the proposal is contrary to the provisions of PPS3 – Housing. The proposal therefore represents inefficient use of land.

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 design of the proposed dwellings has been simplified following the refusal of the previous application and it is now proposed to erect two pairs of dwellings. Each pair would have similar designs and as a result there would be an almost matching pair to the front of the site and a second matching pair to the rear. The garden areas for each of the dwellings would exceed 100m<sup>2</sup> and would provide adequate private amenity areas for the occupiers of the dwellings. Additional space would be provided between the proposed dwellings on the site due to the lower number of units proposed. As a result, the improved layout and design would reduce the prominence of the proposal when viewed from outside the site and prevent the scheme having a detrimental impact on the open character of the surrounding Metropolitan Green Belt.

The position of the windows in all four dwellings, in addition to the distances between the dwellings and their orientation would avoid overlooking from occurring within the site and also between the dwellings and neighbouring properties. It is also unlikely that any material overshadowing of neighbouring properties would occur as a result of the proposal. The design of the dwellings is acceptable.

The Council's Accessibility Officer has provided comments indicating that there are five issues where the dwellings would not comply with the lifetime homes criteria. However, these issues are all relatively minor and, if the proposal were to be recommended for approval, could be dealt with by way of a condition requiring revised plans.

3) The Highway Authority has been consulted with regard to the proposed development and its associated access arrangements. It has no objections subject to suggested conditions. It is therefore considered that the access arrangements are acceptable and would comply with the requirements of ULP Policy GEN1. A satisfactory level of parking provision would also be provided within the site for each proposed dwelling.

**CONCLUSIONS:** The proposal is broadly acceptable however the applicant has failed to provide sufficient information to demonstrate why a density lower than 30dph would be appropriate on this site contrary to national planning policy. With a density of only 24dph, the development would fail to constitute an efficient use of land contrary to the provisions of PPS3 – Housing.

It is also noted that there are inconsistencies between the plans and one plan referred to in the Design and Access statement was not submitted with the application. The Council will expect any future applications to be submitted with accurate plans drawn to a recognised and stated scale.

**RECOMMENDATION: REFUSAL REASONS**

The proposal would fail to make efficient use of this site by resulting in a development with a density of only 24 dwelling per hectare. Planning Policy Statement 3 - Housing is clear that for a density below 30dph to be acceptable, it will need to be justified. The application contains insufficient information to demonstrate why a lower density is appropriate on this site and the proposal is therefore contrary to the provisions of PPS3 - Housing.

*Background papers: see application file.*

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## UTT/2238/07/FUL - FELSTED

Erection of 8 No. dwellings with associated garages. Construction of new vehicular access and alteration of existing vehicular access. Demolition of existing dwelling

Location: Lyndfields Bannister Green. GR/TL 696-207.

Applicant: Jenny Moody Properties Ltd

Agent: Jenny Moody Properties Ltd

Case Officer: Mr N Ford 01799 510629

Expiry Date: 11/02/2008

Classification: MINOR

**NOTATION:** Within Development Limits. Protected Tree within application site.

**DESCRIPTION OF SITE:** The application site is centrally positioned in Bannister Green and comprises an area of 0.22 hectares and consists of a detached two storey dwelling named Lyndfields and its garden curtilage.

The site is bounded to its west by a mature hedge adjacent Stevens Lane which is a narrow road providing access to modern dwellings to the rear of the site. There is a triangular junction to the west of Lyndfields that links Stevens Lane with Bannister Green which is the main road to the front of Lyndfields. Beyond Stevens Lane to the west are two detached dwellings named Crossways and Yew Tree Cottage, which is Grade II listed.

To the south of the site opposite the junction of Stevens Lane are two pairs of bungalows and a further junction with Burnstie Road. Next to that junction and near opposite Lyndfields is a two storey detached dwelling named Birkbeck. To the eastern boundary of Lyndfields is a detached two storey dwelling named Royhouse and its rear garden.

There is a large garden to the rear of Lyndfields and there is a Nissen type shed adjacent the northern boundary and a smaller shed adjacent. Within the hedge next to the Nissen building is a Field Maple tree subject to a preservation order. There are other mature trees within the site and in particular the south western corner adjacent the junction with Stevens Lane.

**DESCRIPTION OF PROPOSAL:** This is a full planning application relating to the demolition of the existing dwelling and the erection of 8 new two storey dwellings, garages and accesses. The total of 8 dwellings would comprise 2 x two bed, 3 x 3 bed and 3 x 4 bedroom dwellings.

The layout drawing shows two dwellings in L shape plan linked by attached garages facing Bannister Green road with a single point of access set forward of the adjacent dwelling to the east 'Royhouse'. Fronting Stevens Lane would be six dwellings with four points of access of which two would be detached dwellings and there would be 2 no. pairs of semi detached dwellings.

Each dwelling would have at least two off road parking spaces on hard standing and a garage. Private gardens would generally be located to the rear of the dwellings abutting the boundary with 'Royhouse' although plot 7 would have its garden on the front corner between the junction of Bannister Green Road and Stevens Lane.

The dwellings would be of a basic modern design utilising brick, render, boarding and concrete tiles. Plots 3-6 would have front gables.

**APPLICANT'S CASE including Design & Access statement:** See Design and Access Statement received 17 December 2007. Salient points summarised:

States that the dwellings have been sympathetically positioned to align with the neighbouring properties to account for and compliment the street scene. They have been set back further into the site than the existing buildings and are positioned behind the existing perimeter boundary hedge to protect the visual rural street scene.

The properties are all of two storey design and are compliant with the requirements of the Essex Design Guide in order to blend in with the local building theme. Different building forms have been used to ensure variation in design.

The site viewed from both Bannister Green Road and Stevens Lane is partly hidden from view due to the existing and established perimeter hedge. The hedge is considered a very important part of the site and will be protected and retained. All drives and parking areas will be behind the hedges and hidden from view. Additional planting will be provided to enhance the site. All existing boundaries with neighbouring properties will be reinforced with 1.8m high fencing and further planting.

**RELEVANT HISTORY:** None specifically relevant.

**CONSULTATIONS:** Highway Authority: No objection subject to conditions.

Water Authority: To be reported.

Drainage Engineer: Recommends a condition for soakaways.

Building Surveying: No adverse comments.

Landscaping: To be reported.

**PARISH COUNCIL COMMENTS:** Considers proposed density would be an excessive over development of this site. Concerned at the increase in use of the access facing Burnstie Road junction and the proposal to add six new accesses to Stevens Lane which is a narrow designated Quiet Lane.

**REPRESENTATIONS:** Seventeen. Notification period expired 7 January 2008. Site Notice expired 23 January 2008. 17 letters of objection. Comments are summarised:

8 houses is too much for a Quiet Lane

Overdevelopment of a rural area

The increase in traffic would be at odds with the Quiet Lane

The number of dwellings would be out of character with the area

The extra traffic will pose an increase risk of accidents to pedestrians and other road users

The width of the road is too narrow for vehicles to pass

Construction traffic will cause damage to the road

The wildlife in the area would be affected by the removal of hedge

It would set a precedent for other gardens to ask for development

There is a lack of surface water drainage and increased runoff will result in flooding

Services are already struggling to cope with demand

The removal of trees and hedges will harm carbon footprint

There is a lack of public transport

There will be damage to the verge from parking

There may be disturbance and threat

Contrary to ULP Policy H3

The setting of Yew Tree would not be preserved which is a listed dwelling

Overlooking of the garden of Yew Tree

Loss of light to Drummonds

**COMMENTS ON REPRESENTATIONS:** The Council holds no record of Great Crested Newt in the area. If permission were granted a precautionary condition could be applied.

The Highway Authority has considered the scheme in terms of highway safety and has no objections subject to conditions.

The Drainage Engineer has considered flooding and advises that surface water drainage is acceptable to soakaways.

See planning considerations for discussion of the amount, layout of development and character of the area as well as amenity considerations.

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

**The main issues are**

- 1) whether the proposed dwellings would be compatible with the character of the settlement, adheres to the criteria of policy H3, has an appropriate layout, scale and design, is acceptable in terms of access and parking and meets accessible homes standards (ULP Policies S3, H3, H10, GEN1, GEN2, GEN8 & SPD Accessible Homes and Playspace);**
- 2) whether there would be any harm to neighbouring properties by way of overlooking, overshadowing or overbearing effect ( ULP Policy GEN2);**
- 3) whether the amenity of the protected Field Maple would be protected (ULP Policy ENV3, ENV8).**

1) The application site is located within the defined development limits of Bannister Green contained in the Uttlesford Local Plan and therefore the erection of new dwellings is generally acceptable in principle but is subject to matters of detail.

The governing policy for development limits here is ULP Policy S3 which states that within development limits development compatible with the settlements character and countryside setting will be permitted. ULP Policy H3 relates to new houses within development limits. It generally states that they will be allowed if the development is compatible with the character of the settlement and, depending on the location of the site, its countryside setting. ULP Policy GEN2 requires that amongst other things development be compatible with the scale, form, layout, appearance and materials of surrounding buildings.

The erection of 8 dwellings (7 net increase) would result in a density of development of 36 dwellings per hectare (dph). 30 dph is the national minimum density target for guiding housing until local density policies are in place through the Local Development Framework. More intensive development is however not always appropriate but when well designed and built in the right location, it can enhance the character and quality of an area. The proposed development falls under the threshold for the requirement of affordable housing which is for sites of 0.5 hectares or 15 dwellings or more.

Whilst the application site is within defined development limits it does have a rural character. It is considered that this is generally established by the mature landscaping bounding and around the site. Lyndfields itself is visible from Bannister Green Road behind a low hedge. However, there is a much taller mature hedge that sweeps around the boundary of the garden with Stevens Lane. Behind this are tall mature trees. Further along to the north opposite Yew Tree Cottage is a Field Maple which is a tree subject to a Preservation Order. Stevens Lane is also narrow with a generously wide grass verge. Dwellings are also set back from the highway and particularly so with Yew Tee Cottage and Crossways to the west of the site which contribute to the more spacious arcadian character of this part of the village.

Particular concern rests with the siting of plots 7 and 8 fronting Bannister Green Road adjacent to Royhouse. These two dwellings would sit forward of Royhouse by nearly 5 metres. The existing dwelling 'Lyndfields' does sit forward of Royhouse but much less than the proposed two new dwellings. Furthermore, dwellings extending east from Royhouse are set back from the highway for some distance before reaching 'The Haven' over 60 metres away. This corner of the site is also very prominent being at the junction of two roads and has a rural aspect provided by its mature trees and hedge. The siting of the two buildings that close to the highway is therefore considered uncharacteristic and visually prominent detrimental to the character and appearance of the area. This would appear to be indicative of a proposal for too many dwellings for the site. Generally, there is no harm identified as a result of the siting of plots 1 to 6 fronting Stevens Lane although the advice of the arborist may reflect on their layout including the protected field maple. The impact of the proposed dwellings on the health of the protected field maple tree will be reported to Members.

It is also apparent that layout provides plot 7 on the corner of Bannister Green Road and Stevens Lane with a private garden area next to the highway. This is considered to be a poor relationship as the occupiers of that dwelling would experience a greater degree of noise and disturbance from road users.

PPS3 (Housing) states that whilst design and layouts which make the efficient use of land should be promoted, design which is inappropriate in its context or fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Consequently, and with regard to the above discussion it is considered that the proposal would fail ULP Policies S3, H3 and GEN2.

ULP Policy H10 requires that for all developments of 0.1 hectares and above or three or more dwellings are required to include a significant proportion of market housing comprising small properties. This is defined as 2 and 3 bed homes. The application proposes 2 x 2 bed dwellings and 3 x 3 bed dwellings which is more than 50% small market housing provision and is therefore a significant proportion of the total and complies with ULP Policy H10.

A number of representations are concerned with an increase in traffic and potential conflict and accidents with road users. The Highway Authority has no objection to the proposal in terms of highway safety. They have suggested a number of conditions to attach in the event of the grant of planning permission. One such condition requires that garages be a minimum of 6 x 3 m internal measurement whereas the proposed garages are a little smaller. The Highway Authority has confirmed verbally that they would have no objection to this as there is adequate space for parking to the front of the dwellings.

The comments of Building Control on the acceptability of the house designs in meeting Lifetime Homes Standards in accordance with the SPD will be reported to Members.

2) The impact of the development on neighbouring properties amenity through overlooking, overshadowing or overbearing effect is pertinent. It is considered that the dwellings are sufficiently set away from Yew Tree Cottage and Crossways to the west not to cause significant material harm through overlooking and similarly to Royhouse to the east (provided no bedroom windows are inserted into the first floor side elevation of plot 8 and the bathroom of plot 1 facing Drummonds be obscure glazed by condition).

It is considered that there would be no significant material harm to the amenity of neighbouring properties through overbearing or overshadowing impact.

**CONCLUSIONS:** The erection of 8 dwellings is considered to amount to over development of the site and would result in a form of development that would not accord with the character and amenity of the area.

**RECOMMENDATION: REFUSAL REASON**

The proposed development is unacceptable because it would result in a quantity of dwellings amounting to over development of the site by virtue of its inappropriate layout that would not accord with the character and appearance of the area and would have a prominent urbanising effect on the localities rural aspect and its street scene contrary to Policies S3, H3 and GEN2 of the Uttlesford Local Plan adopted 2005 and Planning Policy Statement 3.

*Background papers: see application file.*

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