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PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 24 SEPTEMBER 2008

APPL NO	UTT/0976/08/FUL
PARISH:	STANSTED
DEVELOPMENT:	Erection of front, side & rear extension. Demolition of existing garage
APPLICANT:	Mr J Rich
LOCATION:	27 Brewery Lane
D.C. CTTE:	13 August 2008 & 3 September 2008 (<u>see report attached</u>)
REMARKS:	Deferred for conditions in the event of an approval and negotiations to improve the scheme
RECOMMENDATION:	Refusal
<i>Case Officer:</i>	<i>Consultant North 2 telephone 01799 510478/605</i>
Expiry Date:	14/08/2008

UTT/0976/08/FUL - STANSTED

*(Called in by Cllr Sell (if to be refused)
(Reason: To assess impact on street scene)*

Erection of front, side & rear extension. Demolition of existing garage

Location: 27 Brewery Lane. GR/TL 514-252

Applicant: Mr J Rich

Agent: Mr J Bagge

Case Officer: Consultant North 2 telephone 01799 510478/605

Expiry Date: 14/08/2008

Classification: OTHER

NOTATION: Within Development Limits.

DESCRIPTION OF SITE: The application site comprises a chalet style detached dwelling located within a spacious curtilage. It is located in the main settlement and within a low-density residential area. Brewery Lane rises up fairly steeply to the west from its junction with High Lane. The application dwelling appears to date from the 1960's and neighbouring dwellings on this north side of the road are also laid out within spacious curtilages.

The dwellings to the south of Brewery Lane, in the close vicinity of the application site, are more closely positioned but nonetheless setback from the highway to create a spacious street scene.

The land to the north of the application site has the benefit of planning permission for the erection of five detached dwellings which would be accessed from Brewery Lane, adjacent to the application dwelling.

DESCRIPTION OF PROPOSAL: This application seeks planning permission to erect a two-storey side extension adjacent to the east facing elevation of this dwelling. The existing garage would be replaced by this extension.

The main feature of note is the considerable footprint proposed for this extension; it would be 6.5 metres wide and 13.0 metres deep, projecting both forward and rearward of the existing property.

This existing property is a chalet style dwelling, whereas it is proposed to erect a conventional two-storey extension. As a result, the ridge of this extension would be 1.6 metres higher than the ridge over the existing dwelling. It is also of note that the plans indicate that the ridge over the existing property is 11.2 metres long, whereas the ridge over the proposed extension would be 14.4 metres long.

APPLICANTS CASE including Design & Access statement: None.

RELEVANT HISTORY: UTT/0835/01/FUL – single storey rear extension – Approved.

UTT/1571/06/FUL - erection of five dwellings on Mont House site – Approved.

CONSULTATIONS: Water Authority: No objection.

Environment Agency: To be reported.

PARISH COUNCIL COMMENTS: Members agreed to ask Councillor Geoffrey Sell to call in this application.

REPRESENTATIONS: Two. Period for representation expired 11 July 2008.

20 Brewery Lane: oppose the application,

- dwellings on this side of road are predominantly chalet/bungalow construction;
- proposed extension would be out of character with existing buildings;
- inappropriate to make comparison with new dwellings on Mont House given that those have not been built.

22 Brewery Lane: support the application,

- would increase the quality of the housing stock;
- would better match surrounding dwellings.

COMMENTS ON REPRESENTATIONS: The issues are considered in the report below.

PLANNING CONSIDERATIONS: The main issues are -

- 1) **Whether the scale, design and external materials of the extension respect those of the original building (ULP Policies H8, GEN2 & [SPD](#) Home Extensions) and**
- 2) **Whether the proposal would result in harm to the amenity of neighbouring properties by way of overlooking, overshadowing or overbearing effects (ULP Policies H8, GEN2 & [SPD](#) Home Extensions).**

1) Policy H8 of the Local Plan states that extensions will be permitted if their scale, design and external materials 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.

Although there may be scope to extend this property, the policy requires that careful regard must be had to ensuring that the existing character of the dwelling is adequately protected and that the overall scale of built resultant is not out of keeping with the existing dwelling and the street scene.

The proposed extension would be substantial. It would project forward of the dwelling, and to its rear. Also, the ridge would be significantly higher than the ridge on the existing property. It would also be a conventional two-storey element whereas the existing property is a chalet bungalow. The extension would broadly double the mass of the existing dwelling. Having had regard to all of these factors it is considered that the proposed extension would completely fail to have any regard to the scale and character of the existing property. ~~It would fail to be subordinate and,~~ By way of its height and the gable projection, it would be a bold and excessively dominant feature of the property. The sloping ground level would exacerbate the height of this extension with an elevated ground floor level. As such the extension would fail Policy H8 as it would not respect the scale or design of the original building.

The resulting dwelling, would also be out of keeping with the scale of built form adjoining to the west. Comparison with the recently approved dwellings on the curtilage of Mont House is inappropriate given that these dwellings are set to the rear of the street and comprise a clearly separate site which would not form part of the Brewery Lane street scene. Furthermore, such comparison is in general irrelevant to Policy H8 which requires that the scale respect the original building and not those elsewhere.

Although the proposals would result in the loss of the garage, adequate off-street car parking within the existing driveway would be retained.

2) Although this would be a relatively large side extension, it is considered that there would be no significant impact upon the amenities of adjoining occupiers, including those within the Mont House development to the north. This extension would be set away from the existing dwelling to the west. It is therefore the case that there would be no significant loss of light and outlook, and a satisfactory back-to-back distance with regard to the new dwellings would be retained.

CONCLUSION: The extension would be of an unacceptable scale and mass, and in particular would fail to have regard to the character and appearance of the existing dwelling contrary to Policy H8 and GEN2 of the Local Plan and SPD Home Extensions. Given the importance of the development plan in planning decision making its failure to meet adopted policy indicates that the application be refused.

RECOMMENDATION: REFUSAL REASONS

The proposed two-storey side extension, by reason of its prominent position and its excessive size and scale in relation to the existing property, would result in an overly dominant element of built form, harmful to the character and appearance of the dwelling, and to the wider street scene. As such, the proposal does not respect the scale and design of the original building and is therefore contrary to Policies H8 and GEN2 of the Uttlesford Local Plan adopted 2005 and Supplementary Planning Document 'Home Extensions'.

Background papers: see application file.

Addendum:

i) At the last meeting Members' attention was drawn to the wording of Policy H8 (Home Extensions) and to the relevant section of the Supplementary Planning Document (Home Extensions). These are reproduced below:

a) Policy H8 – Home Extensions

“Extensions will be permitted if all the following criteria apply:

Their scale, design and external materials respect those of the original building;

There would be no material overlooking or overshadowing of nearby properties;

Development would not have an overbearing effect on neighbouring properties;”

b) Extract from Supplementary Planning Document – Home Extensions 2005 P2-3

“Size

All extensions should respect the scale, height and proportions of the original house. The extension should not be higher or larger than the original house and you should leave enough garden area to allow for leisure activities. More than one extension may be allowed but where the house has been extended a number of times it may reach a point where new extensions will exceed what is reasonable.

Scale

This will involve consideration of the size of the extension itself and the relative size of individual features compared to those in the original building. For example, overlarge window

openings or large areas of roof slope may not be appropriate where they differ from, or have a dominant visual impact over the original building.

Form

The form or shape of an extension is often dictated by the original building and where possible you should design your extension in the same style as the existing house. A simple test of a suitable extension is to see whether it appears “natural”. If a domestic extension is noticeable in the street, it is usually unsympathetic but a good extension will generally go unnoticed. Issues which arise with the three most common forms of extension are listed below. “

ii) The committee also asked for a list of conditions to be considered in the event that it decided to grant planning permission for the development. Officers suggest the following conditions if permission is granted:

1 C.2.1. Time limit for commencement of development

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

2 C.3.1. To be implemented in accordance with approved plans

The development hereby permitted shall be implemented in all respects strictly in accordance with the submitted plans contained in the application, unless agreed in writing by the local planning authority.

REASON: To ensure the scheme will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority

3 C.5.2. Details of materials to be submitted agreed and implemented

No development shall take place until details of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development/works shall be implemented in accordance with the approved details. Subsequently, the external surfaces shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity

4 C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented – extension

No development shall take place until cross-sections of the site and adjoining land, including details of existing levels around the extension hereby permitted and any changes in level proposed, together with the proposed floor levels within the extension, 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: In order to minimise the visual impact of the development in the street scene.

C.8.28 Measures for dwelling house

Within four weeks of the date of the commencement of the development hereby permitted or other such period as agreed by the local planning authority details of Cost Effective Energy Efficiency Measures to be carried out to the extended dwelling shall be submitted to and approved in writing by the local planning authority. These measures shall be implemented during the construction of the development, unless otherwise previously agreed in writing by the local planning authority.

REASON: These measures are required to mitigate the greater use of energy resulting from the provision of the new extension.

In addition, where the above condition (C.8.28.) is used, the following note will also be included:

Note on decision notice: (NB17)

With regard to condition C.8.28 of this permission, the applicant should complete form HEEQ1 provided with this decision and return it to the Council's Building Surveying Section. The applicant will then receive advice on the Cost Effective Energy Efficiency Measures which will need to be reflected in the programme of measures required by condition.

UTT/1031/08/FUL - SAFFRON WALDEN

Erection of 6 No. 2 bedroom apartments, 2 No. 3 bedroom apartments and 2 No. 1 bedroom apartments. Demolition of existing building with associated infrastructure

Location: 8 Station Street. GR/TL 538-381

Applicant: Mr F Bacon

Agent: Mr M Hendry

Case Officer: Ms K Hollitt 01799 510495

Expiry Date: 01/10/2008

Classification: MAJOR

NOTATION: Within Development Limits/Shares common boundary with Conservation Area.

DESCRIPTION OF SITE: The application site is located on the western side of Station Street, approximately 50m from its junction with Audley Road. The site is rectangular in shape, measuring 0.12 hectare. It has a frontage of 18m and a depth of 64m. At the front of the site is a large red brick Victorian building, formerly a dwelling but now a shop. At the rear of the site is a large warehouse building with the remainder of the site being hardstanding. The site is surrounded by residential properties with terraced properties to the south and Audley Court elderly persons complex to the north. To the west is Ingleside Court, a development of flats in buildings with flat roofs. The ground levels within the application site rises gently from the highway up towards the west of the site and datum on the plans indicate that overall the ground level rises overall by approximately 1.5m. The ground levels with Audley Court (north) are significantly different as the Audley Court site slopes from the highway down to the west with ground levels in the Audley Court parking area being approximately 2m lower than the application site. The ground level at Ingleside Court is also substantially lower than the application site. Outside the site to the rear of the warehouse building is a large tree which could be affected by and have an effect on the proposed development.

DESCRIPTION OF PROPOSAL: The proposal relates to the demolition of the existing buildings on the site (warehouse & shop etc) and the erection of three 3 storey modern blocks with a mix of flat and curved roofs providing a total of 10 residential units. This would comprise 2 x 1 bedroom, 4 x 2 bedroom and 4 x 3 bedroom flats and maisonettes. Units 1 & 2 would be located in a block adjacent to the highway. This would have an overall width of 8.35m and a total depth of 11.9m. Flat 1 would be 2 bedroom (60.6sqm) located on the ground floor and would have no private amenity space and while three would be a small landscaped area to the front it would not be accessible from the unit. Unit 2 would be 3 bedroom (87.2sqm) over 2 floors. This would have a terrace providing approximately 5sqm private amenity space. Flats 3-6 would be situated along the middle of the southern boundary backing on the Barley Court. Flat 3 would be 1 bedroom (51sqm) and have a private courtyard providing 7.9sqm of private amenity space. Flat 4 would be 2 bedroom (63.3sqm) and have a courtyard providing 8sqm private amenity space. Unit 5 and 6 would be maisonettes with their main entrance on the first floor. Unit 5 would be 3 bedroom (84.4sqm) and would have a roof terrace providing 4.8sqm of private amenity space. Unit 6 would be 2 bedroom (90.2sqm) and have a roof terrace providing 5.6sqm of private amenity space. Units 7-10 would be in building 3 which would be located along the rear boundary of the site. Flat 7 would be a 1 bedroom (51sqm) flat with a courtyard providing 6sqm of private amenity space. Flat 8 would be 2 bedroom (65.8sqm) with a courtyard providing 9.4sqm of private amenity space. Flats 9 and 10 would be maisonettes with their main entrance on the first floor. Flat 9 would be 3 bedroom (82.3sqm) with a roof terrace providing 4.8sqm of private amenity space. Flat 10 would be 2 bedroom (91.7sqm) with a private terrace of 5.6sqm of private amenity space. It is proposed to use a mixed pallet of

materials including render, soft red facing bricks, vertical cedar boarding and lead for the roofing. Within the site there would be 14 parking spaces 1.4 spaces per unit, 2 cycle stores (providing storage for 20 cycles) and a refuse store would be located adjacent to the entrance to the site. The larger cycle store would have a 50sqm bat roost as mitigation for the loss of the bat roost at 8 Station Street. Between buildings 2 and 3 there would be approximately 130sqm of communal amenity space (not including the circulation space). The total area of amenity space for the scheme would be approximately 190sqm.

APPLICANT'S CASE including Design & Access statement: The applicant has submitted a Design and Access Statement, a Planning Statement, a Highway Statement and 2 bat survey reports (February and June 2008). These are available on the file.

RELEVANT HISTORY: Erection of 12 x 2 bedroom apartments, vehicular access, parking and associated amenity works approved November 2002 (not implemented).

CONSULTATIONS: Highways: No objections subject to conditions.

Water Authority: Within Source Protection Zone. Works need to be in accordance with relevant British Standards and Best Management Practices. Foul sewerage network can accommodate extra capacity.

Environment Agency: Site within Source Protection Zone and advisory notes required. Advisory notes regarding sustainable construction. Recommend condition that if bats found during works further advice sought from Environment Agency.

Natural England: No objection to the proposed development in respect of legally protected species, provided the mitigation as outlined in the June 2008 'Bat Survey Report' p.5 is incorporated into a permission or part of a suitably worded agreement or planning condition, if necessary.

Essex Wildlife Trust: None received.

Bat Group: None received.

Drainage Engineer: Surface water disposal arrangements condition required.

Building Surveyor: Access satisfactory.

Accessibility: Confirm flat 4 is wheelchair accessible – narrative on stairs is confusing. Confirm provision for storage and recharging of battery. Minimum turning space inside entrance 1200 x 1500 and details related to wheelchair accessible housing provision in SPG.

Sustainability: Details provided but no reference to our standards and energy features likely to be required to reach the energy efficiency levels or renewable energy requirement will only be explored. Need confirmation that standards will be achieved in writing.

TOWN COUNCIL COMMENTS: No objections.

REPRESENTATIONS: This application has been advertised and 2 representations have been received. Period expired 7 August 2008.

Concerned about possible dirt and dust if application approved. Need to be assured that during any work access from the site into Station Street will not restrict my freedom and safety down to Station Street from Barley Court. Hope that any part of the granting of an application will make it mandatory to install solar panels.

Development would be a vast improvement all round on the present situation. Only concern would be how the warehouse will be demolished.

COMMENTS ON REPRESENTATIONS: Access issues during construction work are not planning issues.

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

- 1) **the principle of the development is acceptable in this location (ULP Policies S1, H3, H4, H10);**
- 2) **the scale, design and layout of the development is appropriate (ULP Policies H3, GEN2, ENV1 & [SPD](#) Accessible Homes and Playspace & Renewable Energy and Energy Efficiency);**
- 3) **the proposals would give rise to loss of residential amenity (ULP Policies GEN2 & GEN4);**
- 4) **the access and parking provision is appropriate (ULP Policies GEN1, GEN8);**
- 5) **the proposals would have an adverse impact on protected species (ULP Policy GEN7);**
- 6) **Other material planning considerations.**

1) The site is within the development limits and the principle of residential development is considered acceptable. Although it would normally be desirable to retain employment uses, given that the site is not allocated as employment land in the development plan, it is not considered appropriate to seek retention of the business use. The existing shop is a relatively attractive building and its removal has been considered acceptable in principle when granting planning permission for the redevelopment of this site in 2002. There has been a change in circumstances since that previous consent in that it is now known that the building is used as a bat roost. This is discussed in more detail in section 5. It is considered that the removal of the visually prominent modern warehouse on the rear of the site would be beneficial to the street scene. Development is relatively dense in this part of Saffron Walden and because Government advice is to maximise re-use of previously developed urban sites, the density of the proposed development is considered acceptable in this location. The current proposal is for 10 units offering a mix of 1, 2 and 3 bedroom units. The previous proposal was for 12 x 2 bedroom units. The proposed mix of development is acceptable and complies with Policy H10.

2) The proposal relates to the development of 3 contemporary buildings each 3 storeys in height. There are other 3 storey developments adjacent to the site, notably Audley Court and Ingleside Court. The proposed buildings have been designed to be no more visually dominant than the existing buildings. The scale of the buildings should not affect neighbouring properties any more than the existing buildings in terms of bulk. The design of the buildings with the use of roof terraces and curved roofs helps to reduce the visual bulk. The mix of materials draws on local vernacular. The window mix and sizes suits the design but does not reflect the local character.

The proposed development has 3 blocks, one at the front of the site, one adjacent to the southern boundary and one adjacent to the western boundary. Adjacent to the front boundary and Audley Court it is proposed to locate a refuse/cycle store. Adjacent to the side elevation of Audley Court would be 7 of the proposed parking spaces. An additional 5 parking spaces would be located to the rear of block 1 and two additional spaces would be located to the north of building 2, together with a further cycle store and bat roost. To the front of building 3 would be an area of communal amenity space (approximately 130sqm of usable space). In addition to the communal space each unit would have a small area of private amenity space, either a courtyard or a terrace. The proposed layout results in the central area of the site being dominated with car parking and turning area. By locating the parking area predominantly between buildings 1 and 2 results in the parking area having a poor relationship with building 3 which could give rise to accessibility issues. Delivery vehicles or emergency vehicles calling at the site in relation to building 3 would block access to a large proportion of the car parking area. The entrance to building 3 is approximately 20m from the car parking area. The views into the site would be dominated by the proposed car parking area with significant no landscaping to soften the impact. Whilst it is appreciated that the existing site layout is harsh it is serving a commercial use.

The previously approved scheme proposed 250sqm of communal amenity space to serve 12 residential units. This was approximately 50sqm short of the requirement as set out in the Essex Design Guide. This scheme proposes a mix of communal and private amenity space totalling 190sqm, a shortfall of 60sqm. The applicant's case states that the amenity area in the previously approved scheme was poorly arranged being adjacent to ground floor flat windows and bordered by roads and parking. The proposed communal amenity space is clustered in front of building 3 and comprises two small areas of grass planted with trees. This area would be accessible by occupiers of building 3 and potentially building 2. However its relationship in the site appears to be as a landscaped entrance to building 3 and not an accessible communal area available to all. It would be located immediately adjacent to the windows of the ground floor flats, mainly serving the kitchen/open plan living area to these two units. It would be located approximately 35m from building 1 and would require the occupiers of building 1 to cross the car parking area to access it. It is considered that the communal amenity area is poorly designed and poorly related to the residential units. The proposed private amenity areas would be in the form of terraces and courtyards. In principle the provision of amenity space in the form of roof terraces would be acceptable, subject to no overlooking issues. However the proposed courtyards do not appear to offer usable private amenity space. The courtyards to the rear of building 2 would be located between a 1.8m high fence and a 3 storey building and would have a depth ranging from 0.65m to 1.6m. Whilst these would be south facing it is considered that they would appear as oppressive dark spaces. A similar situation would arise with building 3. The courtyard to the rear of unit 7 would have a depth of around 0.5m along the rear boundary and unit 8 would have a depth of around 0.8m. These units would have an area of courtyard to the side elevation of the building – unit 7 would have an area of approximately 1.2m x 3.5m and unit 8 would have an area of 1.7m x 2.9m. The proposed courtyard area to unit 8 would also be affected by a large tree located to the rear of the site. This tree currently touches the rear wall of the warehouse building and the front wall of one of the blocks in Ingleside Court. No information has been provided about the likely effect on the tree of the development. These courtyards are also considered to be unusable private amenity space. These unacceptable private spaces, together with the shortfall of communal amenity space result in a scheme that would be deficient in amenity space in an area of the town already short of public open space.

The siting of the buildings close to the boundaries, particularly blocks 2 and 3 would result in ground floor flats having windows that would get very little natural light to rooms. The rooms that would be affected would be bedrooms and bathrooms. This would be exacerbated in respect of the units in building 3 due to the presence of the very large tree to the rear of the site. It is therefore considered that the layout of the site would result in unacceptable living conditions for the occupiers of the ground floor units and be likely to lead to calls to top or fell the tree. In addition, this type of layout does not embrace the sustainability principles of designing new development to gain from natural daylight.

The proposed replacement building on the street frontage would not have a direct relationship with the street. This building would have its entrance to the rear and a wall would be erected along the street frontage. PPS1 requires development to be integrated into the existing urban form and the natural and built environments. This proposal, by nature of its design, would be of a different character to the surrounding developments. However, this could be considered acceptable in principle but in order to better integrate into the built environment the development should have an integrated presence within the street scene.

The proposed refuse store would be located to the front of the site. The Essex Design Guide states that refuse storage facilities should be no more than 25m from the highway and no more than 30m from residential units. Whilst the proposed location would meet the former requirement, it would fail the latter. The location of the store would be approximately

30m from the front entrance to building 2 but approximately 46m from the front entrance to building 3.

The proposals do not demonstrate that the development would meet the requirements of the adopted SPD: Energy Efficiency and Renewable Energy. The only reference to renewable energy is in paragraph 4.12 of the planning statement which states that the proposal falls below the renewable energy requirement of Policy ENG1 of the RSS for the East of England (more than 10 units). The Council's adopted standards require the development to meet level 3 of the Code for Sustainable Homes. In addition, in development of 5 or more residential units at least 10% of the predicted energy requirements should come from renewable energy. These elements have not been demonstrated within the application and the proposals are therefore considered contrary to policy. Reference is made to sustainable construction in the report, but no specific details are given in relation to insulation or other construction methods.

3) The proposed development has been designed to reduce the potential for overlooking. Roof terraces would overlook the parking areas or Station Street. The separation distance between the terrace in Station Street and the front elevation of the properties opposite is approximately 17m. The separation distance between the terraces on building 2 and the rear elevation of Audley Court is between 15m and 22m from the points where overlooking could occur. The separation distance of the terrace on building 3 and the rear elevation of Audley Court is a minimum of 30m. It is considered that these separation distances are acceptable to prevent overlooking. The proposed windows to the upper floors of the rear elevations to building 2 would be obscure glazed where they are adjacent to the side boundary of properties in Barley Court to prevent overlooking.

The proposed refuse store would be located to the front of the site adjacent to Audley Court. There is a window to the front elevation of Audley Court and the proposed refuse/cycle store would be located approximately 3m from that window. The occupiers of this unit in Audley Court could suffer a loss of residential amenity through noise resulting from people using this store due to its close proximity. In addition, if the refuse store is not adequately maintained there could also be a loss of residential amenity through smell.

4) The scheme proposes parking for 14 vehicles and cycle storage for 20 cycles. No indication is given as to how the parking provision would be allocated to the units. However, the proposals do provide a minimum of 1 space per unit which although less than the Council's standards for general housing would accord with Government advice for development in urban areas with pedestrian access to facilities and public transport. It is not considered that the traffic generated by 10 flats would be greater than a retail unit and warehouse, and would replace the more hazardous vehicle movements of delivery vehicles. No highway objections are raised in respect of the proposal.

5) The previously approved scheme allowed for the demolition of all the existing buildings on the site. Given increased awareness and changes in legislation in relation to protected species since that consent was granted a bat survey was requested to be carried out and submitted with the new application. The bat survey has revealed that the red brick building to the front of the site has recently been used as a roost for either Natterer's bats or Brown Long-eared bats. Common pipistrelle bats are also roosting in the building and are foraging for food in the vicinity. This is a material change in circumstances since the previous grant of consent. The current scheme proposes the construction of a 50 cubic metre replacement roost area on top of the proposed cycle store. Natural England has raised no objections to the proposals subject to the mitigation works identified in the bat report being carried out.

6) Reference has been made to a large tree to the rear of the site located between the existing warehouse building and a block in the Ingleside Court area. This tree is outside of the applicant's control but could potentially be affected by the proposed development. The application forms incorrectly state that there are no trees adjacent to the boundary that could be affected by the proposals. No tree survey has been carried out or submitted with the application to clearly demonstrate that this tree would not be affected by the proposals. It is clear that windows to the units in block 3 would be affected by the canopy of the tree which could result in a need for the tree to be cut back in order to allow natural daylight to these rooms. The tree is located within the conservation area and consent would be required to carry out any works to this tree. If the development were to take place it could be considered unreasonable not to allow the works to be carried out and the lopping or felling of this tree could have an adverse impact on the character and setting of the conservation area.

CONCLUSIONS: For the reasons given above the proposal is unacceptable. The proposal would be likely to affect the large tree in the adjacent Conservation Area.

RECOMMENDATION: REFUSAL REASONS

1. The proposal would, by virtue of its layout, result in a scheme that would be unacceptable. The scheme would be poorly related to the existing built environment by virtue of its poor relationship with the street scene. Furthermore it would appear to be car dominated due to the location of the parking area in a prominent location within the site. Furthermore, the proposals do not make adequate provision for amenity space due to poorly designed private amenity areas and an area of communal amenity space poorly related to building 1. The use of the communal area would have a detrimental impact on the residential amenity of the occupiers of the ground floor units of building 3 due to noise or loss of privacy. In addition, the proposed refuse store is poorly located in respect of building 3 being located more than 30m from the entrance to that building. The proposals are therefore considered to be contrary to the provisions of ULP Policy GEN2.
2. The proposed refuse store would be located adjacent to the window of a residential unit in Audley Court. The location of this store would result in the loss of residential amenity to the occupiers of this unit due to noise and potentially smell. This would be contrary to the provisions of ULP Policy GEN4.
3. The proposals do not demonstrate that they can comply with the requirements of the adopted SPD: Energy Efficiency and Renewable Energy. The layout of the site does not ensure that adequate solar gain can be provided to the ground floor units.
4. Building 3 would be located within close proximity to tree subject to protection due to being located within a Conservation Area. This mature tree could have potential constraints in respect of the proposed development, in particular the scale of the new building and insufficient information has been submitted to demonstrate the lack of impact on the tree.

Background papers: see application file.

UTT/1112/08/FUL - STANSTED

Proposed erection of 8 No. 2-bed terraced houses and 6 No. 2 bed apartments with associated car parking

Location: Water Lane. GR/TL 512-247

Applicant: Hanningfield Estates LLP

Agent: Lanpro Services

Case Officer: Mr T Morton 01799 510654

Expiry Date: 03/11/2008

Classification: MAJOR

NOTATION: Inside Development Limit / not within flood plain.

DESCRIPTION OF SITE: This is the former site of the town gasholder, but is now not used for any active purpose, and has become colonised by self sown trees and scrub. It is located beside the Stansted Brook on land that rises up to Water Lane, and has access from Water Lane. This lane is narrow, but serves a number of existing residential properties and lock up garages, and a commercial building. The lane is surfaced up to the beginning of the site, but is then unsurfaced.

Across the brook, the ground rises to a row of houses in Sunnyside that back onto the river.

DESCRIPTION OF PROPOSAL: Eight no 2 bedroom houses and six no 2 bedroom apartments with associated car parking in a three storey block, with basement parking.

It is noted that the submitted drawings omit any layout for the upper two levels of the building, and one is left to infer these from the sections and "type plans" of houses and flats.

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

RELEVANT HISTORY: UTT/1971/05/FUL - Eight terraced dwelling and a pair of semi-detached dwellings. Refused 06 February 2006, on the basis of the excessive height of the terrace combined with its close proximity to the narrow roadway and overbearing effect on the street scene; inadequate and unworkable parking arrangements, including tandem parking, resulting in parking on highway to detriment of highway safety; overdevelopment of the site; intensification of sub-standard access road and increased conflict with pedestrians. UTT/0788/06/FUL - Terrace of 7 two-bedroom houses with integral garages and a single house with open parking spaces. Approved 30 June 2006.

CONSULTATIONS: Essex County Council Schools Families and Children: This development falls in the priority admissions area of Bentfield Primary School. The School has a permanent capacity of 210 places and according to the latest Essex School Organisation Plan (SOP), published in January 2008, the School is forecast to have a deficit of 33 places against its net capacity that also includes temporary accommodation. With regard to secondary provision, the local school for this development would be The 'Mountfitchet Maths and Computing College. The School has a net capacity of 600 places, the School is forecast to have a deficit of 24 places against its net capacity that also includes temporary accommodation, even without taking account of new residential developments in the area.

With regard to early years and child care provision, the Childcare Sufficiency Assessment 2008 states there is a deficit of early years & childcare places in the Ward.

It is clear that early years and childcare, primary and secondary level action will be needed to provide additional places and that this development will add to that need.

Based on the information you have provided, I estimate that this development, if approved, will result in 1 additional early years & childcare places being required. It will also result in 4 additional primary and 3 secondary school places being required. On behalf of Essex County Council, I am thus formally requesting a developer contribution prior to commencement of £109,396 which is in line with our adopted Supplementary Planning Guidance. This figure is calculated using the April 2008 cost multipliers and will need to be index linked from this date using the PUBSEC index

Essex County Council Highways: The high way authority has no objections to this proposal as it is not contrary to transportation policies.

Council Engineer: Condition C.8.27A should be applied to any approval.

Thames Water: No objection under sewerage provision.

Three Valleys Water: You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to Stansted pumping station. This is a public water supply comprising a number of Chalk abstraction boreholes, operated by Three Valleys Water.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Building Surveying: Lifetime Homes – Flats over two storeys require a lift this will change the layout of the submitted plans. The town houses are not compliant with Part M or the Lifetime Homes Standards.

Sustainability – Information provided is inadequate to provide guidance. If permission is granted conditions C.8.29 and C.8.32 should be applied.

Environmental Health Officer: This is the site of a former gasworks and the standard ground contamination condition C.8.23 needs to be used if this application is approved.

PARISH COUNCIL COMMENTS: Very strong objections to this plan on the following grounds;

Inadequate and dangerous access.

Over-development of the site.

Design totally out of character with the area (one comment that this is the worst design for housing the village has ever seen).

Water Lane is a designated foot and cycle way linking the village to the Foresthall Park development on the old Rochford Nursery site. It is currently well used by many pedestrians and is only wide enough to accommodate one vehicle in either direction. We request a site visit by a senior highways engineer and for a copy of their report to be sent to us.

REPRESENTATIONS: This application has been advertised and 14 representations have been received all raising objections to the proposals. Period expired 3 September 2008.

Excessive number of dwellings proposed.

Lane has no pavement and is well used by pedestrians with no provision for passing vehicles

Lane is already congested and visibility is impaired by overhanging trees with blind spots, and no passing spaces, generation of extra traffic would worsen this.

Lack of provision of off street parking proposed

Lane unable to cope with large delivery lorries,

Appearance out of keeping with the area

Flat roofs not in keeping with the area.

Architectural scale out of place with Victorian terraced cottages.
The design is ugly and unappealing, overbearing
Excessive height
Overlooking of house in Sunnyside Road
Balconies will overlook nearby houses and gardens
This piece of land has been flooded many times in the past
Ground contamination – previous study concluded the site was unsuitable for residential use.
Braemar House is now fully let and this generates traffic problems. Additional traffic is unacceptable.
Does not meet lifetime homes standards
Tree Preservation Orders should be placed on the trees along the river.
Development will obliterate a wild green area.

COMMENTS ON REPRESENTATIONS: The planning issues raised are discussed in the following sections.

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

- 1) **Principle of development (ULP Policy S1);**
- 2) **Design and amenity (ULP Policy GEN2);**
- 3) **Highways and parking (ULP Policies GEN1 & GEN8);**
- 4) **Effect upon wildlife. (ULP Policy GEN7)**
- 5) **Flood risk (ULP Policy GEN3)**
- 6) **Contamination and**
- 7) **Other material planning considerations**

1) The site is within the Development Limit of Stansted where Policy S1 accepts development if compatible with the character of the settlement. Stansted has a very tight urban character with narrow lanes and properties placed close to the carriageway, to give a very strong character and form to the town. The proposed density, of 14 dwellings on a site of 0.401 hectares is 35 dwellings per hectare, within the accepted range of 30 to 50 dwellings per hectare.

2) The majority of the units proposed would be in a single monolithic block with a flat roof bearing no design resemblance to any surrounding buildings and failing to draw any references from the locality. The building would strike a discordant relationship to the existing terrace at 1 to 8 Water Lane. The building has three residential floors raised up above undercroft parking and would have a height above road level of 13.6 metres maximum. This greatly exceeds the height of typical houses in the vicinity. The building is proposed to be clad externally in "weather boarding of painted wood" whilst most of the buildings in the area are of brick, apart from the traditional black boarded business premises in Water Lane. The external treatment would not be sympathetic to the area or local vernacular and would serve to give the buildings an undue prominence in the area to the detriment of its character and appearance.

The flat roofed form of the building and lack of any modeling means that it will be read as a single mass, and one which overwhelms the scale and form of other nearby buildings.

Objections have been made about the outlook from houses on the opposite side of the river towards the block, and whilst the right to a view is not recognised in planning law, the proposed development would be an alien intrusion into the landscape visible from many properties in the vicinity.

The flats and houses would apparently not be provided with outdoor amenity space, apart from a margin around the building which would be overshadowed by the building itself, thereby failing to make adequate garden provision for the residents of the proposed dwellings.

External balconies are proposed at all three levels and these coupled with habitable room windows would provide a view towards the windows of habitable rooms in houses in Sunnyside across the river to the west at a distance of less than 25 metres, thereby failing to meet the 25 metres separation required in the Essex Design Guide.

The proposal is considered to be a completely unacceptable design response to the constraints of this site and the area, and would be harmful to the appearance of the lane and to amenity of nearby residents.

3) Water Lane is a very narrow but adopted road, with the limit of adoption ending at the east end of this site. For much of its length it is single track with few passing places and it is not always possible to see oncoming traffic before entering the lane. Whilst it appears to work well enough to serve the needs of the occupiers of the premises presently here, there must be a question about the addition of further traffic generators to this lane.

Whilst the approved scheme included proposals to improve the section of the lane that it fronts, by providing a widened and surfaced carriageway with a turning head, this proposal makes no provision at all for improvements to the lane, and without a turning head access for refuse freighters and other large vehicles would be impractical.

The adopted parking standard for new dwellings is a maximum of 2 spaces per dwelling, and for the 14 dwellings proposed here the local planning authority would be looking for up to 28 parking places. Only 8 spaces are proposed (0.57 spaces per dwelling) and the applicant appears to regard this as acceptable in view of the availability of public transport in the area, which is the subject of a lengthy statement accompanying the application. The local planning authority regards this as disingenuous, as public transport in the area is limited in scope and observation shows that existing houses in Stansted generate a large on-street parking problem. The reality is that people will want cars and if no provision is made within the site they will park in the surrounding area, which cannot accommodate any on-street parking. To have such a shortfall for so many dwellings (all being 2-bedroom houses or flats) is unacceptable.

4) The site is currently overgrown and free from human disturbance. It will have been colonised and used by wildlife, but no Protected Species are believed to be present. Government advice on biodiversity conservation still gives weight to sites that have special value for wildlife, rather than accepting that vacant sites in towns should not be allowed to be developed, because of any acquired low key wildlife value. The surrounding area is characterised by gardens, and it is now gardens that form the principal habitat for much of our urban wildlife, with people actively providing food for birds and mammals. However, it is not possible to say that the development of this site should be refused on wildlife grounds.

5) Whilst this site was formerly within the flood plain, amendments to the flood zone map by the Environment Agency have removed it from the flood plain. A Flood Risk Assessment is therefore not required.

6) The only contaminated soils survey appears to have been conducted in 1989. This was submitted with the previous proposals, and concluded that the site has contamination underground of metals and tars from the former gasworks use. The report recommended location of underground pipes and tanks and all pumpable liquids, with any pipes left sealed. The site may not be well suited to domestic housing and allotments and may be best suited

for light industrial use. It would appear that considerable work would be required to remove or treat the contaminated ground.

The Council's Environmental Health Officer considers this study to be out of date and a fresh study would be required.

7) No other issues are considered to arise.

CONCLUSIONS: The proposal is considered to be an insensitive overdevelopment of the site failing to provide a satisfactory standard of amenity for its residents and failing to make adequate provision for parking, and represents an overbearing intrusion into the street scene failing to make design references to the existing character of the area, and would be harmful to the amenity of nearby residential properties by virtue of overlooking of habitable rooms and by overbearing impact.

RECOMMENDATION: REFUSAL REASONS

1. The proposed development of this constrained site with fourteen units is considered to be an overdevelopment of the site and it is considered that the scale, height, bulk form and materials of the building, and relationship to surrounding buildings combined with its close proximity to the narrow roadway, would have a harmful and overbearing impact on the street scene and locality contrary to the aims of Policy GEN2 of the Uttlesford Local Plan.
2. The proposed development would be harmful to the amenity of nearby residential premises by virtue of overlooking of habitable room windows in the rear elevations of houses in Sunnyside at a distance less than the minimum standards of 25 metres required by the Essex Design Guide and therefore fails to achieve the aims of Policy GEN2 of the Uttlesford Local Plan
3. The proposed development fails to make provision for outdoor amenity space for the proposed dwellings to the standards required by the Essex Design Guide and therefore fails to achieve the aims of Policy GEN2 of the Uttlesford Local Plan that development should meet the reasonable needs of all potential users.
4. The proposed development is considered to provide inadequate provision for on site parking, and this would result in pressure for on road parking on the adjacent highway, with the potential to create obstruction and detriment to highway safety. The proposals are therefore considered to be contrary to the aims of Policy GEN8 of the Uttlesford Local Plan.
5. The proposed development fails to make provision for the turning of vehicles within the site which would lead to the reversing of vehicles into the highway to the detriment of the safety of other uses of the highway, contrary to the aims of Policy GEN1 of the Uttlesford Local Plan, and may render the building inaccessible to fire tenders.
6. The proposed development fails to make provision for refuse bin and recycling materials storage areas and collection points to meet the separable collection system provided by the Local Authority and fails to meet planning standards for such provision thereby failing to meet the aims of Policy GEN2 of the Uttlesford Local Plan.
7. The proposed development fails to attain the Lifetime Homes standards set out in the adopted Supplementary Planning Document Accessible Homes and Playspace and Policy GEN2 of the Uttlesford Local Plan by virtue of failure to provide a lift for Flats over two storeys, and this would require a change to the layout of the submitted plans, and the town houses are not compliant with Part M or the Lifetime Homes Standards.
8. The proposed development fails to attain the standards for sustainable development set out in the adopted Supplementary Planning Document Energy Efficiency and Renewable Energy and Policy GEN2 of the Uttlesford Local Plan by virtue of failure to provide information adequate to prove compliance with the adopted guidance.

9. The application fails to provide full drawings of all parts of the proposed building and the inadequate level of detail provided would be inadequate for an approval of the application.
10. The proposals are accompanied by an inadequate investigation of known ground contamination and the impact of the development upon this and vice versa has not been adequately demonstrated, contrary to the aims of Policy ENV 14 of the Uttlesford Local Plan.

Background papers: see application file.

UTT/1295/08/DFO - SAFFRON WALDEN

(Called in at request of Cllr Perry)

(Reason: Poor Design; Out of character to rest of neighbourhood; access)

Details following outline planning permission UTT/0426/08/OP for erection of new dwelling

Location: Site to the rear of 125 Thaxted Road Thaxted Road. GR/TL 545-379

Applicant: Acorn Developments Ltd

Agent: Mr B Christian

Case Officer: Ms K Hollitt 01799 510495

Expiry Date: 26/09/2008

Classification: MINOR

NOTATION: Within Development Limits.

DESCRIPTION OF SITE: The application site is located in a backland position to the rear of 125 Thaxted Road. The Slade runs along the western (rear) boundary and to the east is a pair of semi-detached bungalows. To the south is the rear garden to 127 Thaxted Road and to the north is an access track serving further properties to the west of The Slade. This track is also a public right of way leading to Victoria Avenue. The site slopes towards the Slade and there are several trees adjacent to the northern and western boundaries. The properties fronting onto Thaxted Road are bungalows.

DESCRIPTION OF PROPOSAL: The proposal relates to a reserved matters application for the erection of a bungalow. The proposed access would be via the right of way/track along the northern boundary. The proposed bungalow would have a frontage of 10.8m, a span of 6.95m, an eaves height of around 2.6m (varying due to sloping ground levels) and a ridge height of around 5.9m. This would appear higher from the rear elevation due to the variances in ground level within the site. The proposed dwelling would be two bedroom with a lounge and kitchen/dining room.

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

RELEVANT HISTORY: Outline consent granted for a single dwelling May 2008.

The outline permission included details of access and scale, leaving appearance, landscaping and layout as reserved matters.

Planning conditions covered the following issues:

- Time limit for submission of details and implementation of development
- Submission of details of trees to be retained
- Achieving code for sustainable homes level 3.
- Development limited to single storey with no rooms in roof
- No part of dwelling to be within Flood Zone 2 or 3
- Submission of detail's of surface water drainage prior to commencement
- Submission of samples of materials
- Withdrawal of permitted development rights within cartilage of dwellinghouse and of fences etc
- Restriction of works Monday to Friday 0800-1800, Saturday 0900-1300 only

CONSULTATIONS: Highways: No objection subject to informatives.

Water Authority: Site within groundwater Source Protection Zone. Work must be in accordance with British Standards and Best Management Practices.

Ramblers: None received.

Environmental Services: None received.

Drainage Engineer: A surface water drainage condition exists on UTT/0426/08/OP.

Building Surveying: Access for fire service satisfactory.

TOWN COUNCIL COMMENTS: Consultation period expired 10 April 2008.

Object. Out of character with surrounding buildings.

REPRESENTATIONS: This application has been advertised and 1 representation has been received. Period expired 18 September 2008.

Plans show 2 car parking spaces adjacent to boundary fence which will cause noise and pollution in our garden which will also be overlooked by lounge, bathroom and bedroom. Existing vehicular access is a public right of way used by mothers and children. Access and egress from proposed property will compromise safety in the lane. Condition of access lane will be damaged during development. Utility services may be damaged.

COMMENTS ON REPRESENTATIONS: See below.

PLANNING CONSIDERATIONS including Design & Access statement:

The only issue is whether the three matters reserved for later at the outline stage – landscaping, appearance and layout are satisfactory. More particularly whether the scale and form of development would be appropriate in this backland location and whether the access is acceptable (ULP Policies S1, H4, GEN2, GEN1, SPD: Accessible Homes and Playspace, SPD: Energy Efficiency and Renewable Energy).

The application site is located within a backland position in a residential area. The concept of backland development is already established by the properties served by the public right of way – Thatched Cottage and Greentiles. The principle of the development has been considered in respect of Policy H4 and guidance contained in PPS3 and in principle it was accepted and outline consent has been granted for the erection of a small single storey dwelling on this site. This reserved matters application is in line with the outline consent, relating to the proposed erection of a bungalow, similar in style to those fronting Thaxted Road. 125 and 127 Thaxted Road also have gables projecting from the main element of the building and the constraints of this site restrict the scale and size of the proposal.

Criterion b) of ULP Policy H4 and ULP Policy GEN2 requires new development to not result in material overlooking issues. In this instance the proposal relates to the erection of a single storey dwelling. The existing boundary screening between 125 and 127 Thaxted Road is of a relatively low level. The property has been designed with a lounge and bedroom to the rear elevation, both of which could cause loss of residential amenity if appropriate screening is not in place. However, screening is an issue that can be conditioned.

Criterion c) of ULP Policy H4 requires development to not have an overbearing impact on neighbouring properties. The proposed dwelling would be located between 4 and 5m from the boundary with 127 Thaxted Road and some 16m from the rear elevation of that property. It is not considered that the proposal should have an overbearing impact on the neighbouring property.

The issue of access has already been determined at the outline stage and is no longer a matter for consideration. However for information criterion d) of ULP Policy H4 requires the access to not cause disturbance to nearby properties. In this instance the proposed access already served backland properties. It was considered that the extra traffic generation from a small bungalow was unlikely to result in significant disturbance to warrant refusal of the outline permission. The access to the dwelling offers clear visibility to pedestrians accessing the right of way from Thaxted Road and similarly when approaching the dwelling from Victoria Gardens pedestrians are likely to have clear visibility to the access.

Concerns relating to services for the property are also noted. However these are outside the control of the planning system.

CONCLUSIONS: The details of the proposal are considered acceptable.

RECOMMENDATION: APPROVAL OF RESERVED MATTERS WITH CONDITIONS

1. C.3.1. To be implemented in accordance with approved plans.
2. C.12.3. Prior provision of boundary enclosure 2.

Background papers: see application file.

UTT/1124/08/DFO - TAKELEY

Details following outline planning permission UTT/0816/00/OP for the construction of 38 dwellings comprising 30 Affordable housing and 8 private for sale units and associated landscaping

Location: Phase 9 Priors Green Dunmow Road. GR/TL 546-016.

Applicant: Countryside Properties

Agent: Grafik Architecture

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 03/10/2008

Classification: MAJOR

NOTATION: Within Takeley (Priors Green) Local Policy 3 limits and the Master Plan area for Priors Green.

DESCRIPTION OF SITE: The site is roughly rectangular with an out shot to the north. To its north are the properties along Jack's Lane. Part of this northern boundary already has the six metre wide (five metre planted and one metre path) planting strip required by the Committee along the perimeter of the sites to the west. To the east is Willow Tree Cottage, an Island Site which was subject to a recent unsuccessful application for residential development. Running east-west along the southern boundary of the site is the spine road and on the opposite side of the road is *The Laurels* which is currently being developed for forty four dwellings. To the West of the site a residential development is underway (Phase 8).

The site is currently overgrown grassland with an area of self set small trees towards its northern western edge and a drainage ditch crossing its western edge. The land is set at a lower level than the land to the north and to the Spine road running along its southern boundary.

DESCRIPTION OF PROPOSAL: The application seeks the approval of the matters reserved pursuant to outline planning permission for the Priors Green site (UTT/0816/00/OP), for 30 affordable dwellings and 8 market dwellings with associated parking. The outline approval (The Permission) approved the principle of the development and all matters except:

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

The proposed layout of the development has been largely dictated by its shape, the road network established by the approved Master Plan for Priors Green, the provision of an extended planting buffer around the northern edge of the site and the provision of a route to provide a possible vehicular access to the Island Site to the east. The proposed buildings are predominantly two storey with two flats at second floor level and achieves a density of 51 dwellings per hectare on this 0.744 hectare site.

The designs are of broadly traditional appearance. Proposed materials would comprise bricks, boarding and render, with tiles to include browns and reds and artificial slates. Use of individual materials from this pallet of materials would vary from plot to plot.

APPLICANT'S CASE: See Summary and Conclusion from agents Design Statement copy attached at end of report.

RELEVANT HISTORY: On 23 June 2005, outline planning permission (with siting, design, external appearance of the buildings and means of access and landscaping reserved for later determination) was granted for the development of a new residential neighbourhood, including residential development, a primary school site, local centre facilities, open space, roads, footpath/cycle ways, balancing ponds, landscaped areas and other ancillary or related facilities and infrastructure (UTT/0816/00/OP). This permission is subject to conditions, a Section 106 legal agreement to secure the provision of public open space, play areas, a community hall, community facilities, structural landscaping and sports and community facilities. Committee has also approved a Master Plan dated 10 August 2000 for the Priors Green site. This current application relates to reserved matters to that permission.

The outline permission is subject to the following conditions:

Condition reference	Subject of condition	Comments
C90A	Submission of phasing plan	This submission complies with the specified phasing.
C.1.1 – 1.4	Time limits for submissions and implementation	This submission complies with the specified timing
C90B	Maximum of 650 dwellings at Priors Green	Subject to application UTT/1086/07/FUL to increase that number. That permission has not been issued to date.
C90C	Overall density achieves 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	Forms part of this submission
C90F	Submission of ecology strategy	Being dealt with as part of the overall site.
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 specified on this phase.
C12.1	Scheme of walls and fences	Forms part of this 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 is part of the affordable housing provision and complies with the agreed scheme. There are also units allocated to phases elsewhere

Members will recall that application UTT/1086/07/FUL proposing an increase in the number of dwellings at Priors Green from 650 to 706 received a resolution for approval at the committee meeting on 28 November 2007 subject to a S106 agreement. This agreement is under negotiation. An application for 46 affordable units on this site was withdrawn earlier this year. This submission results from negotiations between the applicant and officers. Since submission this application has been amended to provide a route to access the Island Site to the east.

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

Environment Agency: No further comments

Thames Water: No observations

Essex Police: No objections to the general concept and layout but needs to address Safer Places guidance.

Essex County Council Highways and Transportation: Recommend highway conditions covering visibility splays, surface materials, construction of estate road up to base road level prior to commencement of dwellings; submission of details of cycle facilities.

Building Surveying: Fails to demonstrate compliance with lifetime homes standards. Should provide details to show compliance with Code for Sustainable Homes Level 3.

Landscaping: To be reported

Housing Enabling and Development Officer:

1) The affordable housing mix meets the housing need information that was given to Countryside on 12th November 2007.

2) Detailed discussions have taken place regarding the tenure split with Countryside and an RSL (Registered Social Landlord) has now been decided upon.

3) The only concern regarding the scheme is the two units of two bedroom, second floor flats, which are not popular with small families to whom they would be allocated. This can have an impact on the Council's Housing Register as experience has shown that tenants are likely to want to transfer soon after moving. (See comments by Swan Housing Association in 'Representations')

PARISH COUNCIL COMMENTS: Takeley: (Original Plans) - No objection: Generally welcomes the development but objects to the three storey building and makes particular

reference to Flat type 'C'. This height of building is not in keeping with this environment. Some of this development backs onto Jacks Lane which consists of bungalows and 1.5 storey property.

(Revised plans): Contravenes the requirement to provide a protected and maintained buffer zone. Unhappy about removal of trees on site of plots 29-38. Plots 24-27 show buffer zone incorporated into gardens.

Little Canfield: (Original Plans) Consider a lift system should be included. Revised plans: Number of dwelling is too many and will give rise to parking and delivery problems. Parking provision is too low.

Comments on Parish Council comments: The issues related to the three storey element (two flat type 'C' at second floor level) are covered in the section '*Design & external appearance of the buildings*'. The trees to be removed a line of mixed semi mature trees. These are not subject to protection and in officers' view do not merit retention. Some replacement planting is proposed in this area. The proposal includes a buffer zone of six metres. This buffer zone is around the edge of the Priors Green development and not around the perimeter of each phase. Consequently concerns about plots 24-27 are unfounded – there is no planting zone required on that part of the site.

The parking proposed is at 150% (i.e. 1.5 spaces per dwelling) this is the same level as recommended nationally and agreed elsewhere in the District including on other phases of Priors Green. The layout should not present any particular problems for delivery vehicles.

REPRESENTATIONS:

Swan Housing Association: "It has been queried as to whether a lift should be incorporated within the block of flats for the affordable element of the scheme. Swan's experience shows that this is definitely not a preferred option and would only be requested for blocks of 4 storeys or more. The installation of a passenger lift places a long-term maintenance obligation on the association and the costs for this have to be recovered via a service charge paid by the tenants. In this case, with only 10 flats in the block to share the expense, the cost of the service charge per flat to maintain the lift would be completely unaffordable for the residents. Swan has previously experienced instances of lifts in blocks being vandalised and they thus can also present a management liability for the housing management department.

Swan currently has a number of 3 storey blocks of flats, without lifts and including two bedroom flats, which do not pose particular problems for the families living there or particular management issues. Therefore we support the proposed mix of units for the front block of flats on the site."

Original Plans – 3 other representations have been received:

1. Object due to the number of affordable units and the effect in the devaluation of my property.
2. I would have expected the existing buffer zone fencing to remain the same as the fencing behind the properties already being built behind Warren Close. I wish to object to the intensity of the number of plots (38). The number of plots have only been reduced by 8 from the original proposals. Why can't we have only Private houses. Since our properties were built our sewerage has been draining into the ditches at the rear of our properties which are now going to be built on & concreted over for parking areas.
3. The affordable units should be integrated within and amongst other areas of accommodation. There are, in our observation, at least five inaccuracies in the site layout plan.

Revised plans – Any comments received will be reported

COMMENTS ON REPRESENTATIONS: Many of the comments relate to issues stemming from the design of the scheme since superseded by revised plans and have therefore not been reported. Those issues that remain relate to the location of affordable housing, the number of dwellings and drainage. The number of affordable units complies with the phasing plan and the agreed affordable housing scheme (condition C90R). Drainage is subject to a condition on the outline permission (C90G) and has attracted no objections from the Environment Agency, Water Authority or the Council's Drainage Engineer.

PLANNING CONSIDERATIONS: The issue is whether the proposal is acceptable in the context of the outline permission (ULP Policies S2, GEN1, GEN2, and GEN8);

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

The original permission required the agreement of a phasing plan. The agreed plan fixed the size of the site and identified that it be allocated for part of the affordable housing provision. A further condition (condition C90R) required the developer to enter into an agreement with the authority detailing various aspects of the affordable housing to be provided. The affordable housing scheme was agreed in July 2006. Among other things it limits the maximum number of affordable dwellings to be provided on any one group to thirty. This development complies with this requirement. The location and number are therefore dealt with. The only matters left for consideration are those reserved by the outline permission i.e. siting, design, external appearance of the buildings, landscaping and the means of access.

a) Siting

The proposed siting of the buildings, car parking and internal roads has allowed the provision of a planting strip along the external boundaries of the overall development to compliment that on adjacent phases. This is to the same specification as to the west i.e. five metres of planting and one metre access to the inside face of the zone. The one exception to this is in the top centre of the site where there is provision for a footpath link to Jacks Lane. This would dissect the planting strip. In discussions with the applicant, it seems that while it believes that the footpath would provide a benefit to Jacks Lane residents by providing access to the bus stop at the phase, if the committee took the view that the omission of the link was preferable, for example to reinforce the planting strip, there would be no objection to a condition being attached to the approval to require the omission of the link. Officers believe that the link does provide for a scheme that is better integrated with the locality and do not recommend its omission. The provision of the planting strip and the other aspects of the siting of dwellings will provide a distance of approximately 15 metres from the dwellings to the common boundary of the site (including the planting strip in between). In other respects the siting of buildings is also acceptable. Parking provision averages at just over 1.5 per dwelling, a total of 57 spaces including three garages, comparable to similar developments elsewhere.

Only one building has a second floor. This is a smaller version of one approved elsewhere on the Priors Green site. The block would be positioned near the spine road. Its south elevation faces the access to the Laurels site and its north elevation would maintain a twenty

five metre distance to proposed new dwellings towards to northern edge of the site. The building is between fifty and seventy metres from the common boundary of the site with the Jacks Lane properties and easily maintains sufficient distance to boundaries to avoid material overlooking of those properties. See comments on design and appearance below.

b) Design & external appearance of the buildings

The design of the buildings is fairly conventional incorporating pitched roofs, tiles, render and brick work. There is no discernable difference in design or materials between the market, shared equity or rented dwellings. All but two of the thirty eight units are two storey houses or flats on either ground or first floor. The front building – units 29 to 38 include a central three storey element containing 2 two bedroom flats. This creates a landmark building which is well away from the edge of the estate and is considered to be satisfactory. A similar, though larger, building has been approved on Phase 4A (UTT/0664/06/DFO) backing onto Jacks Lane and performs a similar landmark function.

The one building which contains units above first floor level does not contain a lift. In the Supplementary Planning Document (SPD) Accessible Homes and Playspace the authority has stated that where there are flats provided in building having more than two floors that a lift(s) is required. The housing association that will provide and rent these units (Swan) has written (see Representations) that it does not want to provide a lift. This issue has come up before, including at Priors Green (in similar circumstances, when the committee agreed not to insist on a lift), and the committee will have to judge whether the lack of a lift should be fatal to the scheme given that the housing association does not want it and it is only required by the SPD due to two flats being provided above first floor level.

The application does not demonstrate that the development complies with the Code for Sustainable Homes Level 3. However compliance with the code is a requirement of Housing Corporation funding and therefore will happen and officers consider that a condition requiring further submissions is appropriate. A condition is also recommended concerning accessible homes.

c) Landscaping

There are two main landscaping issues on the site. The first is the inclusion of a continuation of the planting buffer zone around the northern edge of the site which was first provided in phases 7 and 8 in order to protect the amenity of properties along the edge of the development site. Indicative information has been provided but a condition will require submission of further details. The second issue relates to the impact on the protected (TPO) trees at Willow Tree Cottage. Details have been submitted and the comments of the landscape officer will be reported.

d) Means of access

The means of access to the site is wholly from the internal spine road and represents a logical and acceptable proposal, complying with the requirements of the Masterplan (condition C90D). It will also be noted that the revised plans provide for a route into the adjacent Island Site – Willow Tree Cottage – to the east which was refused permission due to its proposed access from Broadfield Road. Ultimately whether this is provided will depend on negotiations between the two land owners but the important issue for the application is that approval of this scheme provides for a route into the adjacent site and does not prevent it.

CONCLUSIONS: The proposed scheme is acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.3.1 In accordance with approved drawings.
2. C.8.29. Condition for compliance with code level 3 (five or more dwellings).
3. C.8.32. Compliance with the 10% rule (developments of five or more dwellings or greater than 1000sqm floor area)
4. C.8.33. Accessibility – further submission.
5. C.8.30. Provision of bin storage and collection points.
6. Compliance with secured by design standards.
7. Submission of detailed specification of proposed tree belt along ‘Jacks Lane’ and Willow Tree Cottage boundaries of the site, in accordance with the indicative details shown on drawing 08-1396-102, together with details of the timing of its provision and subsequent maintenance.
8. Prior to occupation of each property, each vehicular access shall be provided on both sides a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary. There shall be no obstruction above a height of 600mm as measured from the finish 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 existing public highway for the safety and convenience of users of the highway.
9. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site. REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.
10. C.10.5. Carriageways of estate roads.
11. Details of the number, location and design of powered two wheeler and bicycle parking facilities shall be submitted to an approved in writing by the local planning authority. The approved facilities shall be provided before occupation and retained at all times. REASON: To ensure appropriate powered two wheeler and bicycle parking is provided.

Background papers: see application file.

UTT/1293/08/DC & UTT/1294/08/LB - SAFFRON WALDEN

(District Council Proposal)

Demolish and rebuild section of retaining wall
Location: Saffron Walden Museum Museum Street. GR/TL 538-387
Applicant: Uttlesford District Council
Agent: Uttlesford District Council
Case Officer: *Madeleine Jones 01799 510606*
Expiry Date: 25/09/2008
Classification: OTHER

NOTATION: ULP: Within Development Limits. Conservation Area. Grade II Listed building.

DESCRIPTION OF SITE: The property is a large detached red brick building, standing in the grounds of Walden Castle and is the second oldest purpose built public museum in the country. The grounds are on a higher level than the rear gardens of the listed dwellings, in Castle Street, to the north of the site. A retaining (predominately red brick) wall to the rear of 30 Castle Street has cracks and is therefore considered to be unsafe. The wall is approximately 3m high. At the top of the brick wall is a timber fence set slightly away from the embedded wall.

DESCRIPTION OF PROPOSAL: The proposal is to demolish and rebuild a section of a boundary wall of the Saffron Walden Museum. It would be rebuilt with a wall slightly wider than the existing and the timber fencing would be replaced by black metal railings (which would be 900mm high).

The wall would be built from hand made mixed red bricks and flint panels.

The proposal is also for the removal of three trees which are adjacent to the top of the wall. The trees will be replaced with one semi mature yew.

APPLICANT'S CASE including Design & Access Statement (summary): The wall between 30 Castle Street and the museum is constructed from 5 percent fletons dating from the 1930's. The rest of the wall is composed of 25 percent flint and 25 percent render. It is intended to replace the wall with the existing wall is 11m long and 230mm wide. The new wall will be slightly wider than the existing dimensions. It will be constructed in the same position as the existing. There will be an addition of wrought iron railings positioned on top of the new wall with a black finish. New drainage will be positioned at the base of the wall which will connect into the existing surface water network. The concept of the design is to create a replacement wall with a visual and similar appearance to the existing that respects its surroundings. The materials selected will complement the existing walls of the Museum and the walls that back onto Castle's medieval ambience.

RELEVANT HISTORY: None

CONSULTATIONS: Specialist Design Advice: No objections subject to conditions listed below.

Landscaping Officer: The trees to be removed are not considered worthy of Tree Preservation Orders.

Essex County Council – Archaeology Section: The proposed development lies within the highly archaeologically sensitive area of the centre of the medieval town of Walden and within the area of the Scheduled Monument of the medieval castle. This was a flourishing medieval town, with a defensive circuit and a Motte and Bailey Castle. The proposed development lies in the centre of the medieval town and will potentially disturb and destroy deposits associated with the towns development

TOWN COUNCIL COMMENTS: No objections

REPRESENTATIONS: These applications have been advertised and no representations have been received. Period expired 4th September 2008.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

1) Design, impact on neighbours amenity and effect on character and setting of a Listed Building and Conservation Area. (ULP Policies S1, GEN2, ENV1, ENV2);

1) The wall to be replaced is considered to be potentially unstable and therefore needs to be replaced to be made safe. The proposal would be in keeping with its surroundings and would not impair the special characteristics or the setting of the listed building. The design (by way of materials and form and detail) is a scheme that would represent the most practical way of preserving the visual impact of the wall and its architectural and historic characteristics. The trees (Ash, Sycamore, Lime and Yew) are not considered worthy of Tree Preservation Orders and in view of their position in relation to the existing wall it would be prudent and may be necessary to actually carry out the work. It is therefore considered acceptable to remove these trees.

CONCLUSIONS: The proposals are considered necessary in view of safety and are therefore recommended for approval.

RECOMMENDATIONS:

UTT/1293/08/DC - APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C3.1. To be implemented in accordance with approved plans.
3. C5.3. Matching materials.
4. No development, or preliminary groundworks, of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.
REASON: To record archaeological deposits associated with the development of the castle and the medieval town which will be threatened by the development.

UTT/1294/08/LB - LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development – listed buildings.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.3. Matching materials.
4. The flint panels to the wall hereby permitted shall be formed purpose made (not prefabricated) .Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.
5. The wrought iron railings hereby permitted shall be painted black. Subsequently, they shall not be changed without the prior written consent of the local planning authority.
Reason 4 & 5: In the interests of preserving the appearance of the setting of the listed building and the character of the conservation area.

Background papers: see application file.

UTT/0998/08/FUL - GREAT CANFIELD

Long stay caravan pitch for one gypsy family

Location: Canfield Drive Canfield Road. GR/TL 572-209

Applicant: Mr T Boswell

Agent: Dr R K Home

Case Officer: *Consultant North 3 telephone 01799 510469/510478*

Expiry Date: 27/08/2008

Classification: MINOR

NOTATION: Countryside outside development limits.

DESCRIPTION OF SITE: The application site is a 0.93 hectare vacant parcel of grassland, which is hedged to all boundaries. There is an existing metal gate providing access into the site. Canfield Drive is a private road containing sporadic housing.

DESCRIPTION OF PROPOSAL: The development proposal is described as a "long stay caravan pitch for one gypsy family". The proposal is to site a 2-bedroom mobile home 14.63m x 6.1m in floor area and 4.3m high. It would be located towards the eastern side of the site, set back approximately 20m from the frontage hedge, generally in line with the dwelling to the east. The submitted details indicate that the existing hedging and gate would be retained.

APPLICANT'S CASE: The applicant (Mr Boswell) is a gypsy within the statutory definition and intends to live on site with his wife, also a gypsy. From my experience (as agent) of planning and gypsies over 28 years, I can confirm their status, and they are related to other gypsies in Essex, Cambridgeshire and Kent, for whom I have acted in the past. The applicant formerly lived on a single-family private gypsy site at Hamilton Road, Little Canfield (agent acted on the original appeal for it in 1983), but the land was allocated for housing and he sold it reluctantly in 2006, since when he has been stopping temporarily with his brother on land near Braintree. He and his wife have suffered health problems as a result of stress associated with the sale of the Hamilton Road land. There are additional compassionate personal factors of which the committee should already be aware. Mr Boswell was formerly self-employed in land related work, but has now stopped due to poor health.

Essex county council accepted that Mr Boswell was reluctantly displaced from his site at Hamilton Road, and have offered him the present site as alternative accommodation, on an option, subject to him obtaining planning permission. Mr Boswell wishes to be near his daughter, settled in Takeley.

Caravans would comprise a twin unit mobile home and touring caravan. The existing boundary hedge and access are to be kept. There is sufficient parking and turning space within the site.

The following conditions would be acceptable to the applicant: a limit to the number of caravans to be placed on site; controls on business activity on the site; retention of the existing boundary treatment (native planting). A personal condition would be acceptable, but the council should consider whether this would accord with advice on the use of conditions In Circular 01/06 (Planning for Gypsy and Travellers Caravan Sites).

With regard to alternative sites, Mr Boswell does not wish to be on a council site, but has discussed over several years with various officers at the council some possible sites, none of which justified an application. Sites include land at Aythorpe Road, Keers Green

(discouraged by officers at UDC following an appeal dismissal for 3 dwellings); Philpot End, Dunmow (seller withdrew); Thaxted Rd, Elsenham (UDC officers discouraged); nursery site at Thaxted (UDC officers discouraged); land at Broxted (negotiations commenced but under flight path); land at Hawkins Hill, near Finchingfield (UDC officers discouraged); and Duton Hill (UDC officers discouraged).

The proposed caravan is a mobile home (sometimes called a static), and conventional mobile home parks are generally recognised as unsuited to gypsy occupation (there are appeal precedents on these points).

RELEVANT HISTORY: There have been no relevant planning applications for this site. However, applications for new dwellings on vacant sites on Canfield Drive have been refused over the years.

CONSULTATIONS: UDC Policy: Policy advice requires an assessment of need within the District (which the Council does not have at the moment). Research has been commenced but the results will not be available until the autumn. The Council does not have high levels of unauthorised encampments (see figures below) which is usually seen as evidence of need.

Policy H3 in the East of England (Regional Special Strategy/RSS) says local planning authorities should make provision for sites/pitches to meet identified needs of Gypsies and Travellers living within or resorting to their area. Pending the single issue review to this RSS on Gypsy and Traveller accommodation, needs provision in Local Development Documents and decisions on planning applications should be based on the latest available information on need within the region and local area, in the context of the urgent need for improved provision across the region.

The single issue review on the RSS for gypsy and traveller sites gives UDC a provision of 15 extra pitches (a pitch is defined as an area of land where a gypsy or traveller household can reside. Typically this may contain a building, parking space and one or more caravans. Average number of caravans per pitch is currently estimated as 1.7. A site is an area of land comprising multiple pitches).

The Council will have to identify these 15 pitches through the Local Development Framework (LDF)/local plan review but this will be in the site specific or development control documents which have not yet commenced. The Core Strategy includes some general points about meeting housing need including the needs of gypsies, travellers and travelling show people.

Dealing specifically with this site, it is not ideally located because it is some way from shops and facilities in Takeley, but there are less sustainable locations. The Council should take account of the local connection if there are relatives living in Takeley. There is other development on the lane so it would not be critical in terms of impact on open countryside. However, in other circumstances, this application would be refused as inappropriate development in the countryside – in terms of precedent, need to be sure that the development proposed is consistent with the Circular and other advice.

Most up-to-date data:

Table 19: Count of Gypsy and Traveller Sites in Uttlesford – January 07				
	July 06		Jan 07	
	No of Sites	No of Caravans	No of Sites	No of Caravans
Socially Rented	1	18	1	18
Private	14	34	14	33
Total on Authorised Sites with PP	15	52	15	51
'Tolerated' sites without PP	1	1	1	2
'Untolerated' sites without planning permission	0	0	0	0
Total on Unauthorised Sites without Planning Permission	1	1	1	2
Source: UDC & Department for Communities and Local Government 2007				

UDC Housing: To be reported

ECC Gipsy & Travellers Liaison Services: No comments to make.

PARISH COUNCIL COMMENTS: Wishes to express its concerns and those of significant number of residents in area who attended Parish meeting. Canfield Drive is a narrow private track on which very few houses were allowed at a time before current UDC planning policy was defined. The land subject of this application is agricultural land. Great Canfield is an entirely rural area outside any development areas defined by Policies S1 to S3. As such, Policy S7 only allows planning permission for development that needs to take place there. Parish Council is concerned that granting permission for residential use would permanently change status of land to Brownfield and allow greater development in future. Great Canfield is currently producing Village Design Statement, and although not yet complete, results of questionnaire to which some 70% of villagers responded, show that retaining rural nature of village was one of most important issues.

Applicant lived for a number of years on a plot in Takeley which he sold to developers. In view of this, Parish Council believes that applicant is capable of purchasing a site that conforms to planning policy, and there is absolutely no need for an exception to be made in these circumstances. Alternatively, an exception site is already available to applicant. Takeley Mobile Home Park has recently been expanded and homes of type proposed are for sale. That site also has benefit of amenities, including bus service, which are not available at Canfield Drive.

Parish Council also questions agent's inference that land was offered to applicant on compassionate grounds. In fact the land was placed on the open market through estate agents Lambert Smith Hampton, Chelmsford.

Parish Council has been directed to ODPM Circular 01/06 'Planning for Gypsy and Traveller Caravan Sites' for further background and can find nothing in document, or in this applicant's circumstances, that suggests that planning policies that are in place to protect all citizens and the countryside, should be overridden.

Great Canfield Parish Council would urge you, in the strongest possible terms, to refuse this application.

REPRESENTATIONS: 17 letters received, including 1 letter signed by 17 residents in Canfield Road (addresses not supplied). Notification period expired 29 July 2008. The following is a summary of the objections received:

1. Unacceptable redevelopment of a Greenfield site. Registered agricultural land
2. Village is in process of preparing design statement and results of questionnaire returned by 70% of village show overwhelming desire to retain Great Canfield's rural character
3. No mains services (water or drainage) to site. Water supply to existing dwellings is already inadequate.
4. Inadequate access. Canfield Drive is a narrow, single track private road
5. Mobile home would be excessively large, and not mobile.
6. Traffic movement of caravan/mobile home would create great difficulty.
7. Erosion of area's character and appearance. Mobile home would be out of character with general style of houses in vicinity
8. Reduction in property values
9. Proposal is speculative and applicant is in position to buy site that already has planning permission
10. Precedent for further development
11. There is a mobile home site in Takeley, which would provide better access to facilities for applicant, and closer proximity to family
12. Although understand accommodation must be provided for gypsies, planning policies should be applied equally to all. Discrimination whether positive or not should not occur.
13. Contrary to Council's policies to protect countryside for its own sake.
14. Poor access to public transport and other facilities
15. Other interested parties in land had been told by council that there would be no potential for planning permission
16. The private road is in poor condition
17. It would be inconsistent to grant this when applications have been refused for other developments by local residents.
18. Potential increase in number of occupants and caravans at site if permission granted. Two-acre plot for a mobile home is excessive.
19. There is alternative social housing available at Priors Green.
20. Site is in Green Belt
21. Not in a location where infill development is allowed
22. Would intensify an already unsatisfactory junction with Canfield Road.
23. Impact on local road bridge with weight restriction.

COMMENTS ON REPRESENTATIONS: The policy background and impact on highway safety are addressed in the following section of this report. The impact on property prices is not a material planning consideration. The site is located in the countryside, but is not in the Metropolitan Green Belt. The applicant's ability to purchase an alternative site is not relevant to the consideration of the merits of this application.

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

- 1) **The principle of residential use of this greenfield site in the countryside, and whether there are other material planning considerations (ODPM Circular 01/06; RSS Policy H3; ULP Policy S7);**
- 2) **The impact on residential amenity (ULP Policies GEN2 & GEN4);**
- 3) **The impact on highway safety (ULP Policy GEN1) and**
- 4) **The impact on wildlife (PPS9 and ULP Policy GEN7).**

1) The application site is a greenfield site devoid of buildings, outside any development limit. National and local planning policy direct new housing towards existing settlements and facilities, and new housing in the countryside is only permitted in exceptional circumstances. In accordance with national policy, ULP Policy S7 states that the countryside will be

protected for its own sake, and that planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. There will be strict control on new building, and development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set, or there are special reasons why the development in the form proposed needs to be there. In this context, the construction of a mobile home or permanent dwelling on this site would be contrary to both national and local planning policies, unless required exceptionally, in association with for example agriculture.

However, there is policy recognition of the need to make provision for housing for the Gypsy and Traveller population (for the purposes of this report, hereafter reference to 'Gypsy' will encompass both Gypsy and Traveller). National policy seeks to ensure that members of Gypsy communities have the same rights and responsibilities as every other citizen, including access to housing.

To provide some background, it should be noted that there have been planning appeals and case law which have established that the provision of gypsy accommodation is the only area of planning control where the lifestyle of the applicant, and the need to maintain it, is a material consideration. Positive discrimination towards the provision of gypsy caravan sites was promoted following the 1977 Cripps Report. Subsequent cases involving the Human Rights Act also established that applications for gypsy accommodation could not be considered solely in planning policy terms. Personal factors could be taken into account, including for example, old age, health, and break up of families.

For the purposes of considering this application, Gypsy and Travellers are defined as: *"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organized group of travelling show people or circus people travelling together as such"*. The fact that the applicant in this case has ceased to travel at this current time does not therefore mean that he does not accord with this definition.

Current national guidance is set out in Circular 01/06, 'Gypsy Sites', which states that Gypsies and Travellers are believed to experience the worst health and education status of any disadvantaged group in the country. It is intended that the housing needs of the Gypsy community will be addressed through the LDF process, with allocation of sites. Local housing authorities must also include Gypsies in their accommodation assessments and take a strategic approach to demonstrate how the accommodation needs of this group will be met as part of the wider housing strategy. At this stage, the East of England Plan (Regional Spatial Strategy) has identified that a further 15 pitches are required within the Uttlesford District. The table above sets out the current provision in the District, but it is understood that none of these are currently available to the applicant. The applicant does not wish to occupy a public site, but this would not justify refusal of the current application.

The main intentions of Circular 01/06 were stated as (in summary):

a) to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work;
b) to reduce the number of unauthorised encampments and developments and the conflict they cause
c) to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision

- d) to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;*
- e) to underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;*
- f) to identify and make provision for the resultant land and accommodation requirements;*
- g) to ensure that Development Plan Documents include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;*
- h) to promote more private gypsy and traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites; and*
- i) to help to avoid gypsies and travellers becoming homeless through eviction from unauthorised sites without an alternative to move to*

Paragraph 13 of the Circular states that “many gypsies and travellers wish to find and buy their own sites to develop and manage. Increasing the number of approved private sites may also release pitches at local authority sites for gypsies and travellers most in need of public provision.” It should be noted that this application is for a single pitch rather than a larger site containing a number of pitches. It is however considered that the Government guidance envisages the release of some Greenfield land to meet this demand.

The Circular advises that in advance of sites being identified through the LDF process, temporary permissions may be justified where there is unmet need, no available site provision in an area, but a reasonable expectation that new sites are likely to become available at the end of that period. It may not however be reasonable to impose such restrictive conditions where there is financial outlay involved. In areas where there is a lack of affordable land to meet local gypsy and traveller needs, councils may consider a rural exceptions site policy. In formulating such a policy, authorities should consider in particular the needs of households who are either current residents or have an existing family or employment connection. More sensitive designations such as green belt sites, Sites of Special Scientific Interest, conservation areas, etc., may not be suitable sites, but local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for gypsy sites.

The circular states that rural settings, when not subject to special planning constraints, may be acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability of alternatives to the car in accessing local services. The site should respect the scale of, and not dominate the nearest settled community. They should also avoid placing undue pressure on the local infrastructure.

In this case, the applicant has sought alternative sites, none of which have proved suitable for various planning reasons. In this case, although the site is greenfield and in a rural area, it is located approximately 3km from Takeley and its facilities. It is not far from a site for a new dwelling where the Inspector declared the site to be sustainable. The applicant has settled family in Takeley. Although the siting of a mobile home and touring caravan would have a visual impact on the character and appearance of the landscape, there is already sporadic housing in Canfield Drive, and such development would not appear unduly out of place. Case law has established that local connections with an area, plus factors such as age and health can be material considerations.

In advance of the allocation of further public sites through the LDF process, it is considered likely that there are insufficient sites available to meet this particular need. In any event the applicant does not wish to occupy a public site, and guidance suggests private pitches relieve public pitches for those in need of them. In addition, the local connection to Takeley is a material consideration. However, if this proposal were to be considered acceptable, it

would be an exception to normal policies, as required to meet a particular housing need. It would be on the basis of meeting the needs of the applicant and to maintain his gypsy lifestyle, but would not be a precursor to the construction of a permanent dwelling. In this context, the siting and scale of development is considered acceptable.

However, it is not considered that this site is necessarily appropriate as a long term gypsy or traveller site. The merits of the proposal are influenced by the personal circumstances and local connections of the applicant, and as such it is appropriate to limit occupation through conditions. The Royal Town Planning Institute advises that “the granting of special circumstances permissions and applying personal conditions should, on the grounds of equality, be avoided as far as possible, and be as rare for the Gypsy and Traveller communities as they are for applications from the settled community. As the policy framework develops, and allocations make land available, it should become normal practice to grant planning permissions that authorise uses and developments consistent with a nomadic way of life, not particular occupancies by particular individuals or families, granted as policy exceptions”. However, at this stage in the LDF process, the application must be considered as an exception, and a personal permission would be appropriate for any occupant of the land, be it traveller or someone from the settled community. It is considered that all the recommended conditions would meet the tests of Circular 11/95, ‘Use of Conditions in Planning Permission’, as without these controls the application would be recommended for refusal. Although personal permissions should not normally be used where there would be significant financial outlay, in this case without a personal permission the recommendation would be refusal. It will be the applicants decision whether to pursue a sale restricted by a personal permission.

There has been considerable public representation in response to the application, but many local residents are concerned that this would set a precedent for further residential development in the area. It has already been stated that the site would not be suitable for the construction of a permanent dwelling, and the provision of an occupancy-restricted mobile home for the applicant and his immediate family would not set a precedent. Any other application for a mobile home in the district would need to demonstrate comparable circumstances.

2) The application site is large and the mobile home would be well separated from surrounding dwellings. Subject to conditions limiting business activity on the site, and the number of caravans, it is not considered that the proposal would have any materially adverse impact on the amenity of other residents in the area. Conditions are recommended retaining the existing boundary planting.

3) Canfield Drive is a private road serving a number of dwellings. There is an existing gate and access into the site, and it is not considered that the additional traffic generated by one residential unit would significantly impact upon the use of the road and highway safety. Although moving a mobile home onto the site would create some difficulties, this would be a transitory event. Traffic movements of a touring caravan would be no more hazardous than occasional delivery or refuse vehicles.

4) The existing hedgerow would afford some wildlife benefits, but otherwise the site is open grassland. Subject to conditions requiring the retention of the existing native planting to boundaries, it is not considered that the existing wildlife would be harmed.

CONCLUSIONS: The need to make provision for gypsy accommodation is recognised. The RSS requires 15 extra pitches to be located with the District, but site allocation will be through future stages of the LDF. Although not ideally located in relation to an existing settlement, the site has the benefit of being within a residential hamlet, and accessible to facilities and services of Takeley. The applicant has local family connections with Takeley.

Although not ideally placed for a permanent traveller site, subject to appropriate conditions limiting occupation, the personal circumstances of the applicant make the site suitable for a personal permission. Any future applicant would need to demonstrate comparable circumstances. The provision of a mobile home on the site would not set a precedent for the construction of a permanent dwelling on this or other sites in the area.

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.13.4. Personal occupation of mobile home with reinstatement.
4. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
5. No more than one twin unit mobile home and one touring caravan shall be sited on the land subject of this application at any one time, with the exception of two short-term visitor caravans at a time, which may remain on site for up to fourteen consecutive days, with no return to the site within 28 days.
REASON: in the interests of the appearance of the site and the rural landscape.
6. No business operation involving storage of vehicles and machinery shall take place on any part of the application site without details specifying the area of the site involved, the type and extent of the storage, and the proposed hours of operation first being submitted to and approved in writing by the local planning authority. The business activity shall thereafter operate in accordance with the approved details unless otherwise first submitted to and agreed in writing by the local planning authority.
REASON: in the interest of the appearance of the site and the amenity of surrounding residents.
7. C.8.22. Control of lighting.
8. C.4.1. Scheme of landscaping to be submitted and agreed.
9. C.4.2. Implementation of landscaping – hard landscaping .
10. C.4.5. Retention of hedges.
11. C.8.27.Drainage Details to be submitted agreed and implemented.
12. C.8.27.A.Surface water disposal arrangements.

Background papers: see application file.
