

UTT/1428/08/FUL - QUENDON & RICKLING	3
UTT/1616/08/OP - BIRCHANGER	9
UTT/1438/08/DFO - GREAT DUNMOW.....	14
UTT/1466/08/FUL - SAFFRON WALDEN	24
UTT/1551/08/FUL - SAFFRON WALDEN	28
UTT/1531/08/FUL - GREAT DUNMOW	31
UTT/1550/08/FUL - DEBDEN	35
UTT/1690/08/FUL - STANSTED	38

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 26 NOVEMBER 2008

APPL NO	UTT/1428/08/FUL
PARISH:	QUENDON & RICKLING
DEVELOPMENT:	Erection of 3 No. affordable bungalows
APPLICANT:	Flagship Housing Group
LOCATION:	Land to the rear of 25 Coney Acre
D.C. CTTE:	5 November 2008 (<u>see report attached</u>)
REMARKS:	Deferred for further information
RECOMMENDATION:	Approval
<i>Case Officer:</i>	<i>Mrs K Hollitt 01799 510495</i>
Expiry Date:	24/10/2008

UTT/1428/08/FUL - QUENDON & RICKLING

(District Council is landowner) (Revised report)

Erection of 3 No. affordable bungalows

Location: Land to the rear of 25 Coney Acre. GR/TL 508-300

Applicant: Flagship Housing Group

Agent: The Design Partnership (Ely) L

Case Officer: Ms K Hollitt 01799 510495

Expiry Date: 24/10/2008

Classification: MINOR

NOTATION: Within Development Limits.

DESCRIPTION OF SITE: The application site is located to the rear of 25-31 Coney Acre, Rickling. It forms a car parking area and formerly there were garages on the site. The area has boundary hedging to two boundaries, the rear boundaries of the properties fronting the highway form the third boundary. The fourth boundary is open and the access track forms part of this. The site is accessed via a narrow tarmac driveway with a sharp 90° turn at the entrance to the site. Adjacent to the access track is an area of green providing an area of open space in the street frontage. The site has a width of around 24m and a depth of around 25.8m.

DESCRIPTION OF PROPOSAL: The proposal relates to the erection of 3 bungalows for a Registered Social Landlord (RSL). Three parking spaces and a visitor parking space are proposed to serve the new properties. In addition it is proposed to provide 5 additional parking spaces on the green adjacent to the access track. The proposed bungalows would be in the form of a terrace having a width of 20.6m and a span of 9.6m with a porch adding a further 0.8m to the front elevations. The ridge height of the bungalows would be 5.3m. It is proposed to construct the dwellings using buff bricks, black concrete interlocking double Roman tiles (pantiles) and white pvcu casement windows. Each property would have a garden area of approximately 40 sqm.

APPLICANT'S CASE including Design & Access statement: See full statement on file. Proposal will provide 3 new affordable homes for Rickling Green to help satisfy the increasing demand for low cost housing for local people and meet the District Council's housing requirements. Access is served by a shared road off Brick Kiln Lane which is to remain in the ownership of Uttlesford District Council. Access to the rear gardens of 25-31 Coney Acre will need to be retained. The mix of development and type of house types has been determined by housing need to meet the requirements identified by the Council and the site limitations. Proposed density is approximately 34 dwellings per hectare.

RELEVANT HISTORY: None.

CONSULTATIONS: Highways: Under the service level Agreement this is a development that would be left for determination by your authority. Highway Authority would not raise any objections. However, vehicle access at junction with the highway boundary should not be less than 4.8m and retained at that width for 15m within the site to ensure that vehicles can enter and leave the highway in a safe and controlled manner.

Water Authority: Site within a Source Protection Zone. Construction works and operation of proposed development site should be in accordance with the relevant British Standards and Best Management Practices.

Natural England: No comment.

Essex Wildlife Trust: None received.

Drainage Engineer: Soakaway condition required.

Building Surveying: Turning facility required for fire appliances or domestic sprinkler systems will be required.

Accessible Homes: Appears to comply with criteria.

Sustainability: Sufficient details provided.

PARISH COUNCIL COMMENTS: Concerned that application does not allow for enough parking spaces for each household. View of the councillors that 2 parking spaces should be created for each of the new bungalows and some additional parking spaces, say 8 or 9, be made available for the residents who currently use this area to park their cars. Failure to include this additional parking area will inevitably result in cars being parked on the road creating a potentially dangerous situation.

REPRESENTATIONS: 3 letters of representation have been received. Period expired 23 September 2008.

Concerned that the holly bush by the road is to be cut down. This bush is the roost of numerous birds. We must keep all habitats that we can. Concerned about amount of parking for current tenants and owners especially for visitors. My daughter often stays a night or weekend if I need help. Feel that to bring more elderly people into this village which already has no social life and is to lose the post office is to make us all more depressed. Trust that great care will be taken in the construction not to disturb the elderly residents. We were told that no planning would be allowed for this parking area when our garages were destroyed and those of us who erected our own received no compensation. Regret the loss of the grass area to the front of our bungalows.

If bungalows are built we shall see virtually nothing. How will visitors get to our back door? There are cars in the car park that people own – where are they going? Seems wrong to build on a car park at all.

Great concern as to the parking for residents and visitors. Understand a new parking area is proposed but only 5 spaces for 6 properties and no parking for visitors, carers etc. Will the new parking areas be provided before the building work starts?

COMMENTS ON REPRESENTATIONS: See below.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are whether

- 1) the proposed development is appropriate in this backland location (ULP Policies H4, GEN2 & SPD: Accessible Homes and Playspace and SPD: Energy Efficiency and Renewable Energy);
- 2) the parking provision is adequate to serve the proposed development (ULP Policy GEN8);
- 3) the access is sufficient to serve the development (ULP Policy GEN1) and
- 4) Other material planning considerations.

1) The application site is located in a backland position within the development limits for Quendon and Rickling. The principle of development is considered acceptable in this location subject to meeting the criteria of Policy H4 and ensuring that no adverse loss of amenity issues arise from the proposals (Policy GEN2). Policy H4 (Backland Development) states that permission will be granted if four identified criteria are met.

a) Significant under-use of land: The site forms a car parking area serving several properties in Coney Acre. From the representations submitted it would appear that the site is used and serves the existing residential properties.

b) No material overlooking or overshadowing: The proposed development would be three bungalows, in keeping with the general character of the other properties in this locality. Due

to the single storey nature of these properties no adverse overlooking or overshadowing would result from the proposals.

c) No overbearing impact: Due to the single storey nature of the proposals there will be no overbearing impact from the proposed development.

d) Access not cause disturbance: The access is already in place and runs along the side boundary of 25 Coney Acre. The vehicular movements associated with 3 residential properties should not be greater than the numbers of vehicles previously using the site. However, it is also proposed to provide 5 additional parking spaces as a compensatory measure for the displacement of the car park, adjacent to the boundary of 25 Coney Acre. The impact of such parking on its residential amenity through vehicular movements in proximity to the boundary is likely to be minimal.

The loss of the parking facility serving the existing property has to be weighed up against the Corporate Plan policy to provide an additional 100 affordable residential units within the District and the benefits such provision will bring. It is also note worthy that other parking courts have been developed, for example in Saffron Walden and this proposal would be in keeping with those decisions.

The design of the proposed dwellings is acceptable and in keeping with the general character of the area. The proposed materials are not considered entirely appropriate due to the proposed use of black concrete double Roman tiles. It is considered that a more appropriate roofing material should be sourced for example a brown pantile. No adverse loss of amenity issues are raised as a result of the proposals. The proposed dwellings should achieve Code Level 3 and meet the Lifetime Homes Standards, as required in the adopted SPDs.

2) The proposed development incorporates 1 parking space per dwelling and 1 visitor parking space. In addition 5 parking spaces are proposed to serve the existing dwellings. It would appear that up to 8 residential units would be losing their parking provision, although 23 Coney Acre has created a hardstanding in close proximity to their front door. In addition 21 Coney Acre and 17 Coney Acre appear to park on the grass in front of their properties. This being the case the provision of 5 parking spaces should be appropriate to serve the 5 properties without parking provision. The proposed number of parking spaces would comply be acceptable in the context of the (maximum) standards set out in the Local Plan. Information supplied indicates that the existing and proposed properties are for elderly residents and as such their vehicular requirements are likely to be lower than family accommodation. This needs to be weighed up against the fact that Quendon and Rickling have limited local facilities available. It is understood that the post office is due for closure and there are no retail facilities within the village.

The creation of the parking area to serve the existing properties would result in the loss of an area of open space in this otherwise built-up frontage. This would have an urbanising effect on the character of the area, although this could be mitigated by the use of grasscrete for example. This would also have the additional benefit of being more porous and reduce the potential flood risk from the creation of large areas of hardstanding.

3) The access serving the proposed development already exists and has been used to access the parking area by up to eight residential properties. It is proposed to increase the number of properties accessing this area by a further three. The Highways Department has pointed out that due to the nature of the scheme and local roads it would not normally comment on such a proposal. However having been consulted it has indicated a concern that the access is of insufficient width (approx 2.8m) recommended that this be increased to 4.8m. The location of the proposed parking spaces should ensure that there would be sufficient room for vehicles to turn utilising the access track and ensuring that vehicles could enter and leave the highway in a forward gear. The parking spaces serving the proposed

dwelling are to be located to the front of the new bungalows and there would be a shared drive which would provide a turning area. This would result in vehicular movements in close proximity to the windows serving the bedrooms to plots 2 and 3. This would result in a degree of loss of residential amenity for the occupiers of those new units although this is likely to be very occasional and at a low level and well within the range of acceptability for mews courts and other small sites without on curtilage parking. The turning area should ensure that vehicles parking at these units could enter and leave the highway in a forward gear.

4) There are some deficiencies within the scheme, for example the number and location of parking spaces to serve the proposed and existing residential units. The loss of open space to provide the additional parking areas, although this could be mitigated to a degree. Even in a scheme for market housing these matters would not lead to a recommendation of refusal. In this case these aspects need to be weighed up against the benefits the proposal would bring in contributing towards the council's stated aim to provide affordable units. There are few local alternatives for the provision of affordable housing in village and this one avoids the loss of greenfield site. The principle of development is acceptable in this location and the local authority has the right to remove the current parking provision if they so wish as others have done elsewhere. In addition, permitted development rights as contained in the Town and Country Planning (General Permitted Development) Order [GDPO] 1995, Schedule 2, Class 12 allow local authorities to provide the parking spaces shown on the existing landscaped area in any event. The provision of these parking spaces under permitted development rights would result in the same issues identified above. If constructed under permitted development rights there would be no control over the type of surfacing material used as the need for the use of porous surfacing has not been included in this Class of the GPDO. The creation of these parking spaces as part of this planning permission allows some additional control over the use of materials and to mitigate the impact and this could be seen as an advantage to the scheme.

CONCLUSIONS: The proposals are considered acceptable.

Addendum:

Prior to the meeting on 5 November the Committee made a site visit. During the discussion at the meeting the committee asked for information on the following matters:

- Possible variation to the siting of the component parts of the development
- Possible alternative provision of car parking
- Views of the Council's Housing Services division and commitments previously made to users of the car park

Officers have considered other permutations of the layout and concluded that the proposed arrangement is logical and reflects that of adjacent dwellings. Rotating the block may reduce the amenity of neighbours due to the relative positions of the proposed car parking and dwellings in relation to the existing dwellings and gardens. Rotating the block would yield no benefit to car parking and turning. Notwithstanding this, whether there may be a superior alternative arrangement is not a planning issue. This specific development proposal must be judged on its merits and not against those of an alternative scheme (submitted or otherwise).

The committee saw that the proposal involves the creation of five parking spaces for existing dwellings. The number and location of the new spaces has been discussed further with the Head of Housing Management. Housing Services will pursue the matter and investigate whether and how to provide more. However the investigation, design process and

consultation that would be involved would exceed that available in the planning process. Consequently it is recommended that if the Committee decides to require the provision of replacement car parking prior to the commencement of the development of this site, then a Grampian condition (a negative planning condition) should be attached to prevent the development of this site until alternative provision is made. This would ensure that the matter was addressed but not delay the application further. It is likely that alternative parking provision could be achieved as permitted development (i.e. without the submission of a planning application) using the Council's permitted development rights as a local authority (as stated in point 4) above). The wording of the condition is listed below as condition eighteen.

As the application must be determined on its planning merits the views of the Housing Services division are not relevant to the planning decision. However for information the Head of Housing Management has confirmed that she has no objections to the proposal. It is understood that no commitments have been made to adjacent tenants regarding the provision or use of the car park. However such an issue is a matter of housing management not planning.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted approved and implemented.
4. C.4.1. Landscaping scheme to be submitted approved and implemented.
5. C.4.2. Landscaping scheme to be implemented.
6. C.4.6. Retention and protection of trees and shrubs for the duration of development.
7. C.4.9. Use of native species.
8. C.28.1. Accessibility – Implementation of scheme.
9. C.8.35. Condition for compliance with code level 3 (less than five dwellings).
10. C.8.27B Soakaways.
11. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
12. C.11.7. Prior implementation of residential parking.
13. No development of the dwellings hereby permitted shall commence on site until the car parking spaces to serve the existing dwellings, as shown on drawing no. F-419-P01A have been hard surfaced and laid out and made available for use. Such spaces shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.
14. The parking spaces shall be laid out using grasscrete (or similar), details of which shall be submitted to and approved in writing by the local planning authority. Subsequently the surfacing of the car parking spaces shall not be changed without the prior approval of the local planning authority.
REASON: In the interests of the visual appearance of the site.
15. All electrical and telephone services to the development shall be run underground. All service intakes to the dwelling shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned on the dwelling in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form. Satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish should be used. Satellite dishes shall not be fixed to the street elevations of the building or to roofs. All soil and waste plumbing shall be run internally and shall not be visible on the exterior, all rainwater goods shall be black, eaves to all roofs shall be open with expose rafter feet rather than boxed, all windows and doors in masonry walls shall be inset at least 100mm and shall be fitted with sub-cills unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005 and the Essex Design Guide 2005.

16. The development shall not be commenced until an Affordable Housing Scheme has been submitted to and approved in writing by the local planning authority. For the purposes of this condition, an Affordable Housing Scheme is one which:
- a) ensures the provision of 100% of the permitted housing units as affordable housing intended to be occupied by persons in need as defined in the Affordable Housing Scheme, including housing for rent and shared equity but excluding low cost market housing and
 - b) secures the involvement of a Registered Social Landlord (as defined in the Housing Act 1996). The Affordable Housing Scheme shall be carried out in accordance with its terms as approved. The affordable housing shall not be used for any purposes other than the provision of housing accommodation which meets the objectives of the Registered Social Landlord.

REASON: To ensure the development provides sufficient genuinely affordable houses, consistent with the Council's Housing Needs Survey.

Additional conditions:

17. C8.30 Provision of bin stores and collection point.
18. No development shall commence until an agreed scheme of replacement car parking has been provided and made available for use.
Reason: To avoid the displacement of car parking elsewhere.

Background papers: see application file.

UTT/1616/08/OP - BIRCHANGER

Outline application for the erection of a pair of semi-detached dwellings and 2 No. detached dwellings

Location: 300 Birchanger Lane. GR/TL 512-223

Applicant: Mr John Gibb

Agent: Mr I Abrams

Case Officer: Consultant South 3 telephone: 01799 510452/510471

Expiry Date: 01/12/2008

Classification: MINOR

NOTATION: Site within development limits; adjacent but not within the Metropolitan Greenbelt; TPO trees within and adjacent to the site; listed thatched dwelling on opposite of Birchanger Lane.

DESCRIPTION OF SITE: The application site forms part of the curtilage, currently occupied by a detached non-listed dwelling and its garden, which is largely laid to lawn. The dwelling is located near to the western edge of the site. Near to the eastern site boundary is a row of TPO trees. There is mature hedging to boundaries. It is situated on the southern side of an S-bend in Birchanger Lane which is the main village spine road. Opposite the property to the north is a row of interwar semi detached two storey dwellings; a listed thatched cottage is opposite the site on the corner and the Three Willows PH is opposite the site to the east. To the south is a post war two storey detached house. The land to the west of the site is outside development limits/within greenbelt and is under active arable cultivation.

There is no pavement on this side of the road adjacent to this site.

The committee made a detailed site inspection prior to determining the pair of applications for a total of seven dwellings in 2006.

DESCRIPTION OF PROPOSAL: Planning permission has been granted for redevelopment of the site in two parcels. The combined area of the site is 3859m², 0.38 hectares.

Two planning applications were approved in 2006 which proposed development of the site in two parts. This application relates to the smaller of the two land parcels, and in lieu of a single dwelling proposes two 2-bedroom semi-detached houses, one 3-bedroom detached house and one 4-bedroom detached house. The application is in outline with all matters reserved except for access. Detailed information about siting, size and mass of buildings is however provided:

Plot	Beds	Footprint	Height	Garden (Approx.)	Parking
7	4	71.85m ²	7.8m + chimney	106m ²	Single garage +2
8	2	44.8m ²	8.8m + chimney	58m ²	2 spaces
9	2	44.8m ²	8.8m + chimney	54m ²	2 spaces
10	3	62.78m ²	8.3m + chimney	133m ²	Single garage + 1

The access arrangements would be as approved under the outline approval attached to UTT/0446/06/OP, and a Grampian condition (negative planning condition) could be applied to ensure the development did not take place without the altered access being constructed.

APPLICANT'S CASE: A 15 page supporting statement, and Arboricultural impact assessment have been submitted, which may be viewed at the Council offices or on the Council's website. The conclusion is reproduced below:

7.0 CONCLUSIONS.

- 7.01 The proposals provide for an appropriate density, the previously approved plot having been very generous in size to meet the then needs of the applicant. Despite the slightly higher density proposed, replacing one dwelling with four, it is still below the recommended minimum densities, owing to the existence of the trees and the need to provide large visibility splays. However, it is appropriate to the site, and it has been demonstrated that it would not prejudice the amenity of neighbours, highway safety, the preservation of the trees, or the character of the area.
- 7.02 The access has been negotiated extensively with the highways authority prior to the submission of the preceding applications, and the highway department has confirmed that it would have no objections to its use by an additional two dwellings. Their confirmation that its use by an additional three dwellings has been sought, but it is not anticipated by our highway consultants that this would result in any highway dangers. Highways have confirmed that they would have no objections to it being a private drive or an adopted road, subject to it being constructed to adoption standards for either option. This application proposes no changes to the already approved access, and it is proposed to be retained as a private drive.
- 7.03 The proposals are in accordance with policy and your support is sought.

RELEVANT HISTORY: Application ref. UTT/0444/06/FUL was a full application and related to an area of the site of 937m². As 'Plot 7', permission was granted to replace the existing dwelling with a single four bedroom, two storey detached dwelling.

Outline planning permission was granted under UTT/0446/06/OP to redevelop the remainder of the site, 2,922m². This proposed the construction of 6no. two-storey dwellings, with all matters reserved except means of access. In both applications, the existing access was to be altered.

CONSULTATIONS: ECC Transportation: no objection subject to conditions, including amendment to turning head.

BAA Safeguarding/Stansted Airport: Advises applicant of British Standard for use of cranes near aerodromes.

UDC Landscaping: Concern over effect on trees.

Thames Water: no objection

Three Valleys Water: No response received

UDC Engineer: to be reported

UDC Building Surveying: access appears unsatisfactory for fire access [NB the access arrangements have already been addressed in previous applications].

PARISH COUNCIL COMMENTS: See letter dated 6 November 2007 attached at end of report.

REPRESENTATIONS: 4 letters received. Notification period expired 28 October 2008, and additional neighbours notified – expiry period 25 November 2008

In summary: adverse impact on village; contrary to wishes of local residents; will exacerbate existing traffic problems and hazards; poor access for refuse and emergency vehicles; over development of site; loss of privacy; loss of light; damage to surrounding area and beauty of village; no need for additional housing; unwanted precedent.

COMMENTS ON REPRESENTATIONS: These comments are addressed in the relevant section of the report.

PLANNING CONSIDERATIONS: The main issues are

- 1) the principle of development and density (PPS3; ULP Policies S3 & H3);**
- 2) Design issues including impact on the amenity of neighbouring properties (ULP Policies GEN2, GEN4 & H10; Birchanger Parish Plan);**
- 3) the impact on highway safety (ULP Policy GEN1);**
- 4) the impact on trees on the site (ULP Policies ENV3 & ENV8) and**
- 5) Other material planning considerations.**

1) The site is located within development limits outside the greenbelt and meets the definition of previously developed land in PPS3. The principle of redevelopment of the site has already been accepted with the previous grant of planning permission on this and the attached site. Policy H3 of the Uttlesford Local Plan requires development within development limits to be “compatible with the character of the settlement”, and Policy GEN2 requires it to be “compatible with the scale, form, layout, appearance and materials of surrounding buildings”. Advice contained in PPS3 is that more efficient use of land should be sought, and “30 dwellings per hectare (dph) net should be used as a national indicative minimum to guide policy development and decision-making, until local density policies are in place. Where Local Planning Authorities wish to plan for, or agree to, densities below this minimum, this will need to be justified”.

In considering the previous planning applications in 2006, the officer report states that given the overall size of the plot (the current application site and the adjacent land, but excluding land not developable due to tree coverage), “arguably a scheme of 11 or more dwellings would be appropriate”. This would be on the basis of achieving density of 30dph. However, this statement was made in the absence of any layout demonstrating how such a number of properties would be achieved.

Since the last applications were considered, examples have emerged to demonstrate that in certain circumstances rigidly applying density guidelines is not appropriate. For example, in September 2006 (after approval of the earlier applications) a planning appeal was dismissed in respect of development of a site at Seven Devils Lane, Saffron Walden, to replace 3 dwellings with 32 (ref. UTT/1640/04/OP). Like the current application site, that appeal site was located at the edge of a settlement, and the Inspector noted the relatively low density development at this point adjacent to the settlement. In dismissing the appeal, the Inspector stated:

“Residential development predominately surrounds the site on three sides, with the estate development being of a different character to those properties off Landscape View. The characteristics of the appeal site also take on a different pattern and appearance. It is somewhat unique, enjoying what I would describe as a semi rural character, situated on the edge of the settlement where regard must also be had to its countryside setting.

In my view, it is the low density characteristics of the appeal site, the large gardens containing mature trees and planting and the undeveloped area to the front of the properties adjacent to Seven Devils Lane, together with the spaciousness between the properties, that contributes to the semi rural characteristics of Seven Devils Lane..... it provides a pleasant transition between the built-up pattern of development and the open countryside.

... a higher density development including two and possibly three storey properties would extend the sub-urban form of development much closer to Seven Devils Lane. I consider this would markedly detract from and diminish the sense of openness on

this part of the lane, unduly eroding the semi-rural, spacious characteristics of the site.

...whilst advice in PPG3 seeks to ensure the efficient use of land, this is not at the expense of good design which should respect and respond to local context. It is not disputed between the main parties that the proposal would achieve the recommended densities advocated in PPG3... in my view, an intensification of the site to the densities proposed in both appeals would result in an unsympathetic change to the character of this part of Saffron Walden. It would fail to respect the local context of the site and neither create or reinforce local distinctiveness. I conclude on this issue that the proposed residential development at the densities proposed would unacceptably consolidate development on the site and unduly diminish the sense of openness”.

Officers are not suggesting that the two sites are the same, but it is considered there are similarities which raise the same issues. More crucially, Birchanger is not as urban as Saffron Walden and the development pattern in the area is much lower density. More efficient use of the site has already been approved, whilst ensuring the edge of the site remained open and spacious to provide a softer transition to the green belt beyond. It should be noted that advice in PPG2 states that “*the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt*”. The application site has an area of 0.11 hectares, equating to a density of 36 dph (the agent advises not all of the site is developable, but the extent of the area of exclusion is not stated). The rear walls of the dwellings would be positioned between 6.2 and 11m from the western boundary with the fields beyond, and it is considered a development of almost 38m (from the southern wall of plot 10 to the northern wall of the garage to plot 7), with minimal separation between buildings would create an unacceptably harsh urban edge to the development limit.

The applicant advises that overall, the density of this and the attached site would be in the region of 25dph. However, it is unacceptable that the greater density should be located on the outer edge of the settlement, for the reasons stated above.

Although the principle of re-use of the site is not questioned it has not been demonstrated that a layout for four dwellings of the size proposed can be accommodated on this part of the site without material harm to the character and appearance of the site, located in a sensitive position adjacent to the green belt. Although this is an outline application with all matters other than access reserved, it has not been demonstrated that the development parameters proposed as part of the application are achievable in a satisfactory manner.

2) The principle of redevelopment of the site is already accepted. Although residents have commented on increased overlooking, overshadowing and loss of amenity arising from the development, the new dwellings would not be so close that material harm would arise. Dwellings could be designed to avoid overlooking.

In terms of the proposed design, the dwellings would be of traditional scale, materials, and form and in themselves are well designed. However, it is the scale of development in this sensitive edge of settlement location which renders the proposals unacceptable.

Although the gardens would generally meet the size requirements of the Council’s policies, there is concern that in contrast to the more open and spacious development in Birchanger, the dwellings would appear unacceptably cramped in this location, particularly as much of the garden areas would be dominated by hedging and trees.

The proposed housing mix would satisfy the requirements of Policy H10.

In terms of design, the proposals would not conflict with the requirements of Birchanger Parish Plan. However, there is a requirement for existing hedges and trees to be retained, and when trees are retained they should be allowed room to develop to their full stature without putting surrounding buildings at risk. It is considered this proposal would be in conflict with this requirement.

3) The existing access serves a single dwelling and has poor visibility to the east. Improvements to the access have been approved as part of the wider redevelopment scheme. The alterations involve increasing access width to enable two vehicles to pass, and the removal of a section of Beech hedge to provide a 2.4m by 50m wide visibility splay. Subject to amendment to the internal turning head, the requirements of which have already been incorporated into the planning permission for the adjacent part of the site, ECC Transportation raise no objections to the proposal subject to conditions. Although residents concerns about the increased hazards arising from extra dwellings are noted, it is not considered refusal on this point can be justified. ECC Transportation is satisfied that the access arrangements would be suitable for the number of units proposed.

4) The application is accompanied by an Arboricultural assessment. Although it may be technically possible to construct dwellings in the proximity shown, there is concern that the excessive size of the trees in close proximity to the houses will give rise to future pressure for significant works or removal of those trees. All of the dwellings would be affected by tree canopy, although the gardens for plots 8 & 9 in particular would have small rear gardens overhung by trees. This would have a material impact on the usability of these already small gardens. The loss of additional planting to the western boundary would increase the visual impact of the resultant dwellings, to the detriment of the character and appearance of this part of the settlement and the adjacent greenbelt.

The Council's Landscape Officer concurs with this view.

5) There are no other material considerations to override the conclusion.

CONCLUSIONS: Although the development may technically comply with density standards, it is not considered that it has been demonstrated that the number of units proposed can be accommodated on the sensitive edge of settlement site without adverse impact on the character and appearance of the area. The proposal would be out of keeping with the more spacious form of development in the vicinity, and would provide a poor transition to the green belt beyond the site. It is considered that although it may be technically possible to construct dwellings in the locations proposed, there is concern about future pressure for removal significant works to the boundary planting to enable usable gardens for occupiers.

RECOMMENDATION: REFUSAL REASONS

1. It has not been demonstrated that the site is capable of accommodating four dwellings in a manner compatible with the character, appearance and density of the settlement. The proposed development would appear unacceptably cramped in this important and sensitive location on the edge of the settlement adjacent to the Metropolitan Green Belt. The development would be out of keeping with the more spacious and open pattern of development in the vicinity, to the detriment of the setting and street scene. The development would also be harmful to the character of this part of the Green Belt. The proposal is therefore considered contrary to ULP Policies S1, S6, H3 and GEN2.
2. Although it is technically feasible to construct dwellings in close proximity to the trees along the western boundary, such close proximity is likely to lead to potential pressure for significant works to or removal of trees in order to provide safe and usable garden space for future occupiers. The proposal is considered contrary to ULP Policies ENV3 & ENV8.

Background papers: see application file.

UTT/1438/08/DFO - GREAT DUNMOW

Reserved matters for details of siting, design, external appearance, landscaping and cyclepath/footpath link for 39 dwellings

Location: Land South of Springfields. GR/TL 627-214

Applicant: Mr P Donohoe

Agent: Mr D Weakford

Case Officer: Mr N Ford 01799 510629

Expiry Date: 04/12/2008

Classification: MAJOR

NOTATION: Within Development Limits. Residential Development within Great Dunmow's Built Up Area. Northeast part of site is adjacent to a Conservation Area. Public Rights of Way run along northern and part of western site boundaries.

DESCRIPTION OF SITE: This application relates to a roughly rectangular parcel of land in Great Dunmow that once formed the grounds of a house that has now largely fallen down. The application site has an area of approximately 5800m² (0.58ha). The south of the site borders the B1256, with a terrace of dwellings named New Street Fields to the east (within a designated Conservation Area) leading to Alan Hasler House, which is a retirement home. To the west are the rear gardens of a post war housing estate on Woodview Road and to the north is a cul-de-sac of semi detached dwellings named Springfields leading from High Stile. The area of land parcelled between the application site and Spingfields has received full planning permission for the erection of four dwellings (this site has been cleared of scrub but construction has not yet commenced).

The site itself has an undulating topography but generally slopes down from Springfields to the B1256. A number of trees border the B1256 (none are protected), with a mix of varying dense vegetation, scrub, rough ground, grass and several trees covering the remainder of the site.

DESCRIPTION OF PROPOSAL: This scheme is a reserved matters application seeking approval of details not agreed within the grant of outline planning permission for residential development. Outline planning permission for residential development was granted in 2007. That application only agreed the means of access onto the B1256. The siting, design, external appearance of the buildings and the landscaping of the site are now detailed matters to be considered.

The application proposes a mix of 39 units of dwellings and flats of a type and characteristics set out in the table below. This would provide a density of development for the site of 68 dwellings per hectare.

There would be ten units of affordable housing provided (i.e. 25.6%) grouped together in the north western portion of the site. The type and bedroom size of all units is shown in the table below.

Parking provision is proposed to be arranged predominantly in courts or to the front of dwellings. The houses would be provided with two spaces each with flats provided with one space each.

The applicant suggests a range of materials including red and yellow stock bricks, render, steel, timber boarding and artificial slate roofs.

The following table sets out the key characteristics of the proposed units:

Plot no. House/Flat type	No. of bedrooms	No. of storeys	Private amenity area sqm
1B	5	4	70
2B	5	4	43
3B	5	4	44
4B	5	4	44
5B	5	4	44
6B	5	4	52
7A	4	3	81
8A	4	3	59
9A	4	3	56
10A	4	3	53
11E	4/5	4	78
12E	4/5	4	51
13C	4	3	83 inc balcony
14C	4	3	55 inc balcony
15C	4	3	54 inc balcony
16D	3	2	54 inc balcony
17D	3	2	50 inc balcony
18D	3	2	46 inc balcony
19D	3	2	63 inc balcony
20C	4	3	61 inc balcony
21C	4	3	56 inc balcony
22C	4	3	52 inc balcony
23C	4	3	44 inc balcony
24Flat A	2	3	22 per unit aprox
25Flat A	2	3	22 per unit aprox
26Flat A	2	3	22 per unit aprox
27Flat A	2	3	22 per unit aprox
28Flat A	2	3	22 per unit aprox
29Flat A	2	3	22 per unit aprox
30Flat B Affordable	1	4	20 per unit aprox- Inc balcony
31Flat B Affordable	1	4	20 per unit aprox- Inc balcony
32Flat B Affordable	1	4	20 per unit aprox- Inc balcony
33Flat B Affordable	1	4	20 per unit aprox- Inc balcony
34Flat B	1	4	20 per unit

Affordable			aprox- Inc balcony
35G Affordable	4	3	48
36H Affordable	2	2	62
37F Affordable	3	3	68
38F Affordable	3	3	53
39F Affordable	3	3	50

APPLICANT'S CASE including Design & Access statement: A detailed design and access statement has been submitted with the application.

RELEVANT HISTORY: In 1965 planning permission for residential development was refused (DUN/0285/65). In 1968 planning permission for residential development was refused (DUN/0233/68). In 1976 planning permission was refused for the erection of three detached dwellings on the eastern part of the current application site (UTT/0204/76). Immediately to the north of the application site, outline planning permission was granted in 2001 (0548/01/OP) for the erection of three dwellings on land to the south of Nos. 60 and 67 Springfields. Full planning permission was granted for four dwellings on that same site earlier this year.

In February 2007 outline planning permission (UTT/0900/04/OP) was granted at appeal for residential development with all matters reserved except means of access. The position of the access was not finalised by the appeal decision however the principle of all vehicular access to the site being via a new access from the B1256 and not from Springfields or New Street Fields was established.

Subsequently two reserved matters applications were submitted to the Council and one of these was the subject of appeal on the basis of non determination. The appeal was later withdrawn by the applicant.

Conditions attached to the outline planning permission relate to:

- Submission & implementation of Programme of archaeological work
- Details of foul and surface water drainage
- Details of levels and sections
- An affordable housing scheme
- Details of energy efficient construction and processes
- Details of an access onto the B1256
- Details of a footpath and cyclepath between the development and New Street Fields

CONSULTATIONS: Highway Authority: The outline planning permission has a condition attached relating to an agreement of the technical details of an access onto the B1256. The principle of an access has been established and is not to be considered under the reserved matters application.

Water Authority: To be reported.

UDC Housing: Comments in relation to affordable housing provision relate to the affordable housing scheme condition attached to the outline consent and as such are not to be considered under the reserved matters application.

ECC Design Advice: The proposal is not acceptable for the following reasons:

Layout

The scheme does not take enough account of the surrounding development and the urban grain of the locality. Indeed, it appears to deliberately turn its back on adjoining development.

The development should try to knit into the existing street network or at least relate to it in some way. This is particularly the case on the eastern side of the site which abuts the Conservation Area, the outlook from which will be very poor comprising predominantly rear garden boundaries. In this respect the proposed scheme would be detrimental to the setting of the Conservation Area.

The proposed layout will result in the outlook of some properties being very poor – some properties will face directly onto parking areas or towards unsatisfactory gable ends of nearby properties. The overall impression is likely to be of a car-dominated estate which will not provide a satisfactory living environment. Generally, the ‘public realm’ parts of the scheme would be of rather poor quality which the proposed car parking ‘loggias’ would do little to ameliorate.

The proposed cyclepath/footpath route along the northern boundary would be an unpleasant alleyway between garden fences that would not benefit from natural surveillance and could be potentially unsafe. Instead, as suggested in an earlier consultation, the footpath/cycleway should go through the middle of the development.

Previous Urban Design comments for schemes on this site have referred to the loss of trees at the proposed road junction and have queried whether this is the most appropriate position for an entrance to the site.

Building forms

Some of the building forms do not relate well to the existing development in the area, either by reason of the proposed heights or their overall bulk. In particular the wide-based gables with low-pitched roofs are an inappropriate building form with a massing that does not have any historical precedent in the area. The low-pitched roof does not enhance the design of these buildings. Some elevations show an array of half dormers breaking up the eaves line which will result in an unsatisfactory proliferation of rainwater downpipes on the elevations

There will be a predominance of 3 and 4 storey buildings resulting in the overall heights of the scheme being incompatible with surrounding development.

No details, or incomplete details, are provided for the flats at plots 24-34 but they would not appear to fulfil the ‘gateway’ function identified in the accompanying Site Opportunities Plan. Nor, indeed, have this plan’s identified ‘landmark’ buildings been properly addressed.

Architectural treatment

The above points indicate that, in my view, some fundamental changes are needed to produce a satisfactory scheme which could not be achieved by altering existing elevations. However, I would make the following points on the proposed elevations:

There are a number of instances of pairs of windows used on gable ends. These create an unfortunate visual duality which should be avoided. This issue is outlined in the Essex Design Guide (2005 version, page 93) and in fact I suggest that the whole ‘Building Form’ section of the Guide (pp 81-109) would provide a beneficial reference point for a number of aspects of the submitted scheme. Eaves and verges, for example, would benefit from using one of the recognised traditional types (p.106). The provision of appropriate window cills and lintols together with the positioning of the window frames within the depth of the wall should be covered by a planning condition. The provision of chimneys in the scheme would add skyline interest (they feature on many of the context photographs included with the submission).

The application makes no mention of renewables, SuDS (Sustainable Urban Drainage Scheme) and rainwater harvesting nor the Code for Sustainable Homes. I consider that a

scheme of this nature should address these issues in line with the adopted Urban Place Supplement.

Summary

PPS 1 states that 'there should be no acceptance of ill conceived designs which do not contribute positively to making places better for people'. The key test should be whether a development positively improves the character of an area and the way it functions. On the basis of the above concerns I recommend refusal of the application.

Further comments received:

The scheme does not take sufficient account of the surrounding development and the urban grain of the locality and would be detrimental to the setting of the adjoining Conservation Area.

I do not think that consistency of roof ridge heights above Ordnance datum is the basis upon which compatibility with adjoining development should be judged. If this approach were to be adopted, a development on sloping land would become progressively more alien in character the further it advances down the slope; I consider that the development should respect the existing land form in the way that, historically, development in the remainder of Dunmow has.

To some extent, a change in character in land form between the adjoining land and this steeply sloping site is going to produce a change in the character of the built form upon it and it is appropriate to take advantage of the change in level to produce more inventive design solutions. In this respect the use of 'undercroft' parking is to be commended in principle but this, in itself, would not necessitate the use of building forms which, because of the proposed heights or their overall bulk, do not relate to existing development in the area.

As regards the proposed flats buildings, I consider that these would constitute a disappointing entrance to the site that would not really fulfil the 'gateway' function which is necessary at this point and is identified in the site opportunities analysis. In particular, my concern regarding these buildings are, the awkward voids under Flats B which would be very prominent features at the site entrance and in the street scene generally, the wide-span, low-pitched roof to the northerly element of Flats A and the rather bland elevations; overall these flats would not provide a positive contribution to the character of the area.

Natural England: To be reported.

Essex Wildlife Trust: To be reported.

ECC Archaeology: Recommends an archaeological work condition (this is attached to the outline planning permission).

UDC Landscape Advice: To be reported.

UDC Environmental Services: To be reported.

UDC Building Surveying: No issues relating to emergency vehicle access.

Lifetime Homes – Comments on the provision of a lift to access to some of the houses at upper level rather than ground floor level access but acknowledges that this meets the requirements of the Supplementary Planning Guidance (SPD). Wheelchair housing has been provided for flats rather than houses but this is in accordance with the SPD.

UDC Conservation Officer: The above proposal has been a subject of a previous application and extensive negotiations. The past scheme of a more or less matching layout was considered to be inappropriate on many levels. One of which was its architectural make up consisting of selection of tall housing blocks of shallow pitched curving roof forms. Ensuing

discussions resulted in the make over of the elevations to be more in keeping with the local vernacular but the inherent problems with the layout have not in my view been addressed.

The present scheme has been scrupulously assessed by the Essex County Council's Build Environment team. The very detailed points made are valid and have been made clear to the applicant in the past. I would like to reiterate however how poorly the scheme relates to the nearby conservation area or indeed the surrounding locality.

Apart from the almost extraneous footpath running along back gardens, the scheme has no community link with this very important historic town. The views out of the conservation area would be uninspiring especially towards mostly rear gardens of the development.

The scheme does not take advantage of the topography of the land which could provide a natural architectural interest. The housing blocks gain height as the land slopes down. Such concept would be bias to the possible maximum financial returns of the site rather than historical precedent of development on hilly sites. Argument has been made that the development would be hidden by the band of vegetation along the trunk road. I consider it unfortunate that the only remedy to bad architecture is to hide it behind the trees and shrubs.

In terms of design by far the most unacceptable element of the scheme is the 'gateway', which is formed by low-pitched roof blocks of uninspiring elevational detail. I fully agree with the ECC design assessment and also consider it a missed opportunity.

In general although the applicant in some measure responded to officers previous design concerns relating to the house types, some details like untraditionally wide spans or use of half dormers resulting in unsightly down pipes would further detract from the quality of the development.

In conclusion I consider that to in order for this development to positively improve the character of the area and be fully compatible with the local historical character of Great Dunmow, fundamental redesign has to take place.

UDC Waste and Recycling: Flats A: - More than enough 1100 Eurobins for six flats. Flats B: -Just enough 1100 Eurobins for five flats. Houses 1-6: - Good storage facilities for 3 x standard domestic bins. Houses 7-23: - Not enough 1100 Eurobins. The bin store needs to be larger. I would recommend a total of 7 x 1100 Eurobins and 3 x 140 litre wheeled bins. Surface of the parking court will be allowed to take the weight of a 26 tonne RCV as we will have to reverse to bin store B.

Ramblers Association: To be reported.

TOWN COUNCIL COMMENTS: Strongly object. The design is unacceptable for a small rural market town. Pleasant site on the periphery of town deserves a well thought out and pleasant development. The height is excessive and overwhelms adjacent properties and the rest of the town. Modernistic development is inappropriate to the adjacent Conservation Area.

REPRESENTATIONS: Three. Notification period expired 25 September 2008. Advert expired 16 October 2008. Site Notice expired 22 October 2008.

70 Springfields - What is proposed is not in keeping with Springfields, Woodview and High Meadow. It would be more in keeping to develop the site with the same design of houses approved on the site to the north of Springfields – four dwellings.

58 Woodview – We are closest to three storey houses G, H and F. The roof line is between 1- 1.75m higher than adjoining properties in Woodview Road and dominate our back garden. Overlooking from second floor rooms. Three storey block are inappropriate in this position. Will suffer loss of privacy and loss of light. The density of development is too high. Social housing blocks are poorly sited. Concern for the footpath to the rear of Woodview.

57 Springfields – The heights of the buildings are excessive and will overshadow existing properties. The density of the buildings is excessive and not in line with densities of adjacent developments.

COMMENTS: See planning considerations for discussion relating to layout, scale and amenity.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

- 1) the principle of residential development on this site (ULP Policies S1, GD4);**
- 2) the proposed design of the development and impact on the adjacent Conservation Area (ULP Policies GEN2, ENV1 & [SPD](#) Essex Design Guide and Accessible Homes & Playspace, Urban Place Supplement);**
- 3) parking provision (ULP Policy GEN8);**
- 4) amenity consideration (ULP Policy GEN2).**

1) This site is located within the development limits for Great Dunmow and together with the land to the north is allocated under ULP local policy GD4 as suitable for residential development with a minimum capacity of 23 dwellings. In addition, in 2007 outline planning permission for residential development was granted at appeal with the principle of access from the B1256 also agreed. Therefore this site is acceptable for residential development.

2) National Planning Policy expressed in PPS1 states that ‘there should be no acceptance of ill conceived designs which do not contribute positively to making places better for people’. Policy GEN2 of the Local Plan requires that development be compatible with the scale, form, layout, appearance and materials of surrounding buildings. The County Council has provided detailed specialist urban design advice. The Councils Conservation Officer has also commented on the scheme.

Both consider that the scheme does not take enough account of the surrounding development and the urban grain of the locality. It appears to deliberately ignore adjoining development. The development should try to knit into the existing street network or at least relate to it in some way. This is particularly the case on the eastern side of the site which abuts the Conservation Area, the outlook from which will be very poor comprising predominantly rear garden boundaries. In this respect the proposed scheme would be detrimental to the setting of the Conservation Area.

The proposed layout will result in the outlook of some properties being very poor and some properties will face directly onto parking areas or towards unsatisfactory gable ends of nearby properties. Within the site the overall impression is likely to be of a car-dominated estate which will not provide a satisfactory living environment. Generally, the ‘public realm’ parts of the scheme would be of poor quality which the proposed car parking ‘loggias’ would do little to ameliorate. The upgraded cycle path along the northern boundary would become an unpleasant route alongside garden fences that would not benefit from natural surveillance due the layout of houses.

Some of the building forms do not relate well to the existing development in the area, either by reason of the proposed heights or their overall bulk. In particular the wide gables with

low-pitched roofs are an inappropriate building form with a massing that does not have an historical precedent in the area. The low-pitched roof does not enhance the design of these buildings. Some elevations show an array of half dormers breaking up the eaves line which will result in an unsatisfactory proliferation of rainwater downpipes on the elevations. There will be a predominance of 3 and 4 storey buildings resulting in the overall heights of the scheme being incompatible with surrounding development.

To some extent, a change in character in land form between the adjoining land and this steeply sloping site is going to produce a change in the character of the built form upon it and it is appropriate to take advantage of the change in level to produce more inventive design solutions. However, the development should respect the existing land form in the way that, historically, development in the remainder of Dunmow has rather than becoming progressively more alien in character the further it advances down the slope as a result of ridge heights.

The flats buildings would constitute a poor entrance to the site that would not fulfil a 'gateway' function which is necessary at this point. There are awkward voids under Flats B which would be very prominent features at the site entrance and in the street scene generally, the wide-span, low-pitched roof to the northerly element of Flats A and the rather bland elevations; overall these flats would not provide a positive contribution to the character of the area.

There are a number of instances of pairs of windows used on gable ends. These create an unfortunate visual duality which should be avoided. This issue is outlined in the Essex Design Guide. Eaves and verges would benefit from using one of the recognised traditional types. The provision of appropriate window cills and lintols together with the positioning of the window frames within the depth of the wall should be covered by a planning condition in the event of permission being granted. The provision of chimneys in the scheme for example would add roofline interest (they feature on many of the context photographs included with the submission).

The above points indicate that fundamental changes are needed to produce a satisfactory scheme which could not be achieved by altering existing elevations.

Criterion C of Policy GEN2 requires development to meet the reasonable needs of all potential users. The Supplementary Planning Document (SPD) relating to Accessible Homes and Playspaces sets out 16 Lifetime Homes standards which new residential developments are required to comply with. The aim of the SPD is that new residential properties are designed and constructed in a manner which would enable them to be long term accessible properties and also permits the properties to be adapted to meet the changing needs of users without it being necessary to undertake significant building works.

The SPD requires that for developments of over 20 units, at least 5% are required to be fully wheelchair accessible. With regard to this proposal, this would amount to two units being fully wheelchair accessible. The scheme indicates that units 24 and 30 would be fully wheelchair accessible and these units are ground floor flats.

The SPD also requires that lifts are provided in all new developments of flats above two storeys. There are two separate blocks of flats that require lift access (Units 24-34) and the drawings indicate such provision to satisfy SPD requirements.

Garden Sizes -

The Essex Design Guide (EDG) specifies that for two-bedroom flats, communal residents' gardens of 25m² per flat should be provided. These should be useable spaces and not be

formed from unusable strips of space between car parks or roads or buildings. The size of the private amenity areas proposed for the market housing vary between the Plots. Considering that the entire element of market housing would be made up of four and five bedroom houses, there is no consistent standard for the garden areas proposed for the properties. The areas can vary in size from as small as approximately 44m² for a five-bedroom property to 83m² for a four-bedroom property with balcony.

The EDG specifies that a minimum garden size of 100m² should be provided for three-bedroom properties and above. Smaller gardens may be appropriate for smaller dwellings or where properties are located close to areas of open space but it is unacceptable in this instance to provide 44m² as the garden area for a four or five-bedroom dwelling remote from existing areas of open space.

In addition, the landscaping masterplan submitted with the application indicates that a proportion of the north facing rear gardens to Plots 1 – 6 would have shrub and tree planting located on them further reducing the usability of the already poor level of amenity area. Overall, many of the garden areas proposed would be inadequate and would fail to meet the requirements of the EDG. Furthermore, the communal amenity areas available for the occupiers of the flats would fall below the 25 sqm per unit set out in the EDG.

It would also appear from reference to the site levels submitted that the amenity area for flat block B is set on a steep slope which would make it impractical as a sitting out area.

3) ULP Policy GEN8 sets out a vehicle parking standard for residential use and indicates that for properties upto 3 bed – upto 2 spaces are required and for properties 4 bed or more – upto 3 spaces are required. It is recognised that a realistic approach must be taken to the provision of parking together with consideration given to the standard being a maximum one. The site is located in an area where it is possible to walk into the centre of Great Dunmow however there are limited facilities and employment opportunities available in the town centre and public transport provision and facilities within the District as a whole are limited. Each house irrespective of its number of bedrooms is provided with two car parking spaces. Each flat is provided with one parking space. On balance the parking provision is considered to be adequate for family houses with a lower provision for flats which may be less likely to be occupied by families appropriate.

4) The proposed development would result in the loss of privacy and give rise to overlooking both of existing dwellings surrounding the site and between units of the proposed properties. The following issues are identified as amenity deficiencies:

Plots 11 – 12. The upper floor windows would overlook the garden of 7 New Street Fields. There are first floor rear facing living room and bedroom windows. Approximately 10m to rear boundary.

Plot 12. The upper floor living and bedroom windows to the south elevation overlook first floor front facing bedroom windows of plots 14 and 15. Approximately 11m.

Plots 27 – 29. The east facing living room windows would overlook the garden of plot 23. Approximately 12m and 7m respectively.

Plots 31 – 34. The first and second floor west facing bedrooms and balconies would overlook the gardens of 56 and 58 Woodview Road.

Plots 32 – 34. The north facing first and second floor living room and bedroom windows would overlook the living room and bedroom window of Plot 36. Approximately 9m.

Plot 35. First and second floor south facing bedroom windows would overlook the amenity area of Flats B. Approximately 1m.

Plot 36. First floor bedroom window would overlook Plots 32 and 34 living room and bedroom windows. Approximately 9m.

CONCLUSIONS: It is considered that the proposed development is unacceptable because the layout, scale and design of the buildings would not respect the character of the area, insufficient amenity areas would be provided for its occupiers and there would be loss of amenity to neighbours.

RECOMMENDATION: REFUSAL REASONS

1. The proposed units would be unacceptable as they do not take enough account of surrounding development and provide a poor layout that ignores existing development and is car dominated. Building form and design does not relate well to existing development in relation to design bulk and height. The development would become progressively more alien in character as it advances down the slope. Wide based gables with low pitched roofs are inappropriate to the area. The proposed flats would not fulfil the 'gateway' function necessary for this site. The building designs are subject to a number of deficiencies including visual duality of windows, untraditional eaves and verges, lack of chimneys which provide skyline interest and are part of the context of the area and prominent voids under flats B. The proposed development would therefore be contrary to Policy GEN2 of the Uttlesford Local Plan adopted 2005, the Essex Design Guide adopted 2005 and Government guidance contained within PPS1.
2. The proposed units would result in the loss of privacy by virtue of the overlooking of private garden areas to both existing properties and between proposed properties on the site. In addition the layout of the units on the site would enable views between a number of the proposed properties resulting in a loss of privacy to the occupiers of these units contrary to Policy GEN2 of the Uttlesford Local Plan adopted 2005.
3. The proposed units would provide inadequate private amenity provision for occupiers as a result of small gardens for family sized homes and limited communal amenity areas for flats. This is contrary to Policy GEN2 of the Uttlesford Local Plan adopted 2005 and the Essex Design Guide 2005.

Background papers: see application file.

UTT/1466/08/FUL - SAFFRON WALDEN

Erection of a 79 bedroomed Care Centre (including day care centre, garden area and parking areas) to replace existing Nursing Home, alternative scheme to that approved under UTT/0920/08/FUL

Location: Stanley Wilson Lodge Four Acres. GR/TL 541-381
Applicant: Exelcare Equities Ltd
Agent: Mr Glen Dixon
Case Officer: Mr T Morton 01799 510654
Expiry Date: 03/12/2008
Classification: MINOR

NOTATION: Inside Development Limit / adjacent to Conservation Area

DESCRIPTION OF SITE: The site stands on the west side of a square of buildings arranged around a central grassed area, with two-storey terraced houses on the north, east and south sides of the square. To the rear of the site are houses in South Road, with their gardens backing onto this property. The site currently has a two-storey care home upon it providing 37 bedspaces, with a grassed area to the front facing the square.

DESCRIPTION OF PROPOSAL: Redevelopment to provide a larger, three-storey care home of 79 bedroom capacity.

APPLICANT'S CASE including Design & Access statement: The statement is available in full on file and is accompanied by a Parking and Traffic Generation Report. Relevant points from these are discussed within the report.

The main differences between the roof granted planning permission under the permission No. 0183 and the current proposal are:

- The roof pitch will be raised marginally from 30 to 37 degrees. Having regard to the relatively long viewing distances (see below on this) to neighbouring residential accommodation) it is considered that this increase in pitch will not have material impact on neighbouring occupiers. The ridgeline facing the rear gardens of South Road will be maintained at the same height as the previously approved building. The other ridgelines will be only 950mm taller. On such a large site with significant distances to adjacent buildings this will not cause any adverse townscape impact.
- There will be no alteration to the eaves height. This is an important consideration in maintaining the general size of the building and its roof mass.
- As before, no dormer windows will face towards the gardens of South Road. This is the viewline with the shortest distance and potentially the greatest impact.
- Only two dormers (and these being at right angles to the main street) will face Four Acres. This means that in the main public domain view the roof extension will be hardly visible.
- As before, 8 of the dormer windows will be in the central courtyard and not visible.
- As before most of the proposed dormer windows (9) will face the school on the south side of the site.

RELEVANT HISTORY: UTT/1247/05/FUL – 27 bedroom enlargement of existing nursing home, of which 17 would have been within the new build elements and 10 gained by internal rearrangement of the existing building. . Approved 23 September 2005.

[NOTE; the resulting building would have provided a total of 64 bedrooms, and would have had an almost identical floorplan layout to the current proposal, and similar overall bulk and scale.]

UTT/0183/08/FUL - Redevelopment to provide a larger, two-storey care home of 61 bedroom capacity. Approved

UTT/0920/08/FUL - Redevelopment to provide a larger, three-storey care home of 79 bedroom capacity. – Approved

CONSULTATIONS: Environmental Health Officer: In view of complaints received by this section concerning refuse storage at the existing building, a condition is recommended requiring the bin store area as described in the application to be provided before occupation of the development, retained in the approved form thereafter, and no refuse to be stored outside the bin store prior to collection.

Conditions C 8 15 (hours of construction work) and C 8. 21 (air pollution from construction) are recommended

Essex County Council Highways: There are no objections to this proposal.

Anglian Water: You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to Debden Road 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 site 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".

Council Engineer: Condition C.8 27 should be applied to any approval.

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 Debden Road 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 site 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".

TOWN COUNCIL COMMENTS: Consultation period expired 9 November 2008

Comments are awaited.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 6 November (Site Notice) and 7 November (Letters) 2008.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

- 1) Principle of development (ULP Policy S1.);
- 2) Design considerations (ULP Policy GEN2);
- 3) Amenity Considerations (ULP Policy GEN2);
- 4) Access and Parking (ULP Policy GEN1, GEN8);
- 5) Other material planning considerations.
- 6) Other non-material planning issues

1) The site is Inside Development Limits where in principle development is acceptable subject to the requirements of other policies of the Uttlesford Local Plan and planning standards. The Local Plan contains no specific policy relating to provision of care homes.

2) The existing building is in a suburban design style apparently dating from the 1960s. Whilst this is innocuous it does not relate well to the older more characterful properties in South Road, or to the Conservation Area. The proposed building is of a more traditional style using brick and ashlar stone on quoins and at the entrance, with projecting hipped and gabled sections to break up the shape of the building and add points of definition and visual interest. The entrance is defined by a classical portico. This would be a more suitable building for this location in terms of appearance.

In comparison to the recent approval for a new 2 storey building plus accommodation within the roof volume, this proposal retains a comparable overall appearance but has a slightly higher ridge line to the roofing to improve lighting to the upper floor, and makes use of the space within the roof to provide a second storey of bedrooms and associated spaces. The total amount of accommodation remains unchanged at 79 bedrooms. The rooms are lit by dormer windows placed mainly on internal facing roof slopes and the south facing slope towards the school grounds, but leaving the elevations to north and east, (facing Four Acres), and west, (facing the rear of house in South Road), without dormers. The overall appearance to those sides is little altered from the previous approved design. The current proposal therefore makes better use of the internal volume of the building to provide much needed additional capacity, but without noticeably changing the overall scale of the building.

3) The proposed building stands in a similar position to that now existing, and in a similar position and of a similar size to the building as approved with extensions in 2005, and as a replacement earlier in 2008.

There are already first floor windows in the rear elevation of the existing building looking towards the rear of the houses in South Road, so the degree of overlooking between the two ranges of buildings remains effectively unaltered. In common with the recent approved two storey building, the proposed replacement building comes further forward on the east side, onto the existing grassed front lawn, and at its southern end will stand virtually in alignment with the end of the row of houses/flats in Four Acres with number 42 & 43 being closest. Although they do have first and ground floor windows in their flank wall, there would still be sufficient space between the two opposed buildings to allow sufficient daylight to reach those windows. Again, the principle of building here was accepted with the approved extensions in 2006 which would have occupied the same area. Overall the new building will tend to complete the form of the square rather than detract from it.

4) By its nature the building has to meet high standards of accessibility.

Parking standards call for 1 space per resident staff and 1 space per three bed spaces/dwelling units. There are no proposals for resident staff. Parking provision is made to meet this standard.

The Parking and Traffic Generation Report submitted with the earlier proposals looked at three homes operated by the applicant elsewhere to establish likely need. A 35 bed home has 11 spaces, a 41 bed home has 16 spaces and a 49 bed home has 12 spaces. The report identifies a maximum trip rate per room of 2.27 per day, mainly associated with staff movements. Whilst this is interesting it does not equate to a number of parking bays, and it must be noted that two of the homes are in Cambridge where public transport provision is very good.

Currently there are 19 spaces plus 2 disabled spaces. The proposal shows 26 marked parking bays, plus some unallocated hardsurfaced area that could accommodate another 4 or 5 cars, whereas the 79 bedspaces would equate to 26 spaces parking provision. It is considered that adequate space for vehicles is provided.

5) Access for fire tenders has to be provided to meet standards of the Building Regulations. The layout is adequate to meet these standards.

No other issues are considered to arise.

CONCLUSIONS: The proposal is considered satisfactory.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. The construction of the external surfaces of the building hereby permitted shall have the following external materials unless alternatives are submitted to and agreed in writing by the Local Planning Authority;
Hanson Brick Arden Special reserve as brick to main elevations
Meadowstone Portland Castle Stone Stonework features to Window Heads Cills Quoins and Porch Entrance to stone Ashlar blocks
Eternit NT Thrutone synthetic black slate to roofing and to dormer cheeks and fronts
The development 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 the building is visually well related to its surrounding.
4. C.8.29. Details of sustainable construction for new residential parking.
5. C.11.7. Prior implementation of residential parking.
6. C.4.1. Scheme of landscaping to be submitted and agreed.
7. C.4.2. Implementation of landscaping.
8. Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies. Only clean, uncontaminated surface water should be discharged to any watercourse or surface water sewer.
REASON: It is an offence to pollute surface or groundwater under the Water Resources Act 1991.
9. The bin store area as described in the application shall be provided before occupation of the development, retained in the approved form thereafter, and no refuse shall be stored outside the bin store prior to collection.
REASON: To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.
10. C.8.15. Restriction of hours of operation.
11. C.8.22. Control of lighting.
12. C.8.27A Surface water disposal arrangements.
13. C.8.33. Condition for compliance with BREEAM very good (non-domestic buildings with 1000 sqm or greater floor area).
14. C.8.21. Air pollution from construction.
15. 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 site 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".
REASON: To protect an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to Debden Road pumping station station from pollution.

Background papers: see application file.

UTT/1551/08/FUL - SAFFRON WALDEN

(This application has been called into committee by Councillor Ketteridge whatever the recommendation and has also requested a site visit to assess the visual impact of the proposal)

Retrospective application for erection of three sheds

Location: 11 Hill Top Lane. GR/TL 540-372

Applicant: Mrs A Pearce

Agent: Mr R Patrick

Case Officer: Mr C Theobald 01799 510464

Expiry Date: 26/11/2008

Classification: OTHER

NOTATION: Within Development Limits.

DESCRIPTION OF SITE: The application site is situated within an established residential area in the southern part of the town and comprises an older style whitewashed bungalow with side garage and modern, flat roofed front conservatory/lobby. The site appears from aerial photographs to have formerly had vegetation along the front boundary. This has been removed in recent years and the area of hardstanding increased all without the need for planning permission. It now has a completely open frontage and the area between the lane and the bungalow is hard surfaced with tarmac and an area of gravel. A chalet dwelling exists to the immediate east of the application site, whilst a bungalow is situated to the immediate west. Houses lie opposite. The western boundary of the site is heavily tree screened. The site is situated on rising ground.

DESCRIPTION OF PROPOSAL: This retrospective application seeks the retention of three stained weatherboarded and felt roofed sheds that have been erected without planning permission in a staggered line along the front boundary of the site. The sheds are sited on a small area of gravel. Two of the sheds measure 2m wide by 3m deep, whilst the third shed nearest the open tarmac area measures 2m wide by 6m deep, which in effect represents two sheds joined together. The two rows of windows of the longer shed have been covered by weatherboarding shutters. Some climbing plants have been attached to the sheds on their front gable ends facing the lane in an attempt to soften their impact. It is declared in the application that the sheds were erected in March 2006. The application has been made for the temporary retention of the sheds, (a period of five years has been requested by the applicant).

APPLICANT'S CASE: None submitted, although a written request has been made by the applicant for the application to be heard by the Development Control Committee.

RELEVANT HISTORY: No relevant planning history. Enforcement investigations commenced in 2007 concerning the erection of the sheds the subject of this report (ENF/12/07/B). Information was received that the sheds were to be used for the growing/selling of organic produce and as a place where local "homeless" young people could be taught skills, including simple fuel efficient cooking techniques for use in the Third World. A letter sent to the owner by the Council in January 2008 stating that planning permission was required for the erection of the sheds in view of their position adjacent to the highway, but advised that permission was unlikely to be forthcoming in view of their impact upon the streetscene. A request was made in the letter for the sheds to be removed from their unlawful position by 14 March 2008 as otherwise the Council would take enforcement action to secure their removal. A reminder letter was sent to the owner on 4 September 2008 in view of the lack of response concerning the Council's original letter, when a further twenty-eight days was given for the sheds to be removed. A response was received on

behalf of the owner requesting a stay of enforcement proceedings in view of the charity/community work that the owner carried out (Box Aid) and a further communication was received stating that a retrospective planning application would be submitted for the temporary retention of the sheds.

CONSULTATIONS: Community and Leisure: We are aware of the applicant's cooking activities for local young people and her charity involvement in third world countries. The applicant approached the department some time ago to promote her activities, although to date we have not provided her with any community funding and are unlikely to do so.
Environmental Services: We are aware of the applicant's activities involving cooking pots. No health and safety issues have been identified and have no further comments to make at the present time.

TOWN COUNCIL COMMENTS: No objections subject to a temporary grant of planning permission for a period not exceeding five years.

REPRESENTATIONS: 4 letters of objection. Notification period expired 22 October 2008.

3 Hill Top Lane: A very old established hedge was removed by the applicant to site the sheds, thus straight away spoiling the rural aspect of that part of Hill Top Lane. The sheds have been erected adjacent to the front boundary, therefore making them immediately visible along the lane. The siting of the sheds close to the lane was intentional so that the applicant could sell organic food from the windows of the sheds. This is totally inappropriate for this quiet cul-de-sac. The sheds are unsightly and entirely unsuitable for Hill Top Lane.

9 Hill Top Lane: Not right or suitable to have three such large sheds erected at the front of a house in an exclusively residential area. There is already enough traffic along this one track lane and any activities associated with these sheds would increase the number of vehicles driving up and down.

13 Hill Top Lane: Sheds within the front garden of a property are totally inappropriate to the general appearance of a residential lane. The future value of our house is hardly enhanced by the presence of the sheds. The sheds have already caused some minor vandalism and are potentially a focal point for future disturbances. The window areas in the sheds have now been boarded up because of past broken windows. I understand from the applicant that the sheds are part of a proposed business venture, which again is inappropriate in a residential lane.

15 Hill Top Lane: The sheds are unsightly, too large and inappropriately positioned. The dimensions on the plans submitted are possibly incorrect as the sheds appear to be much closer to the boundary with 9 Hill Top Lane than the plans suggest. Concerned that the applicant intends to trade from the sheds for whatever purpose this may be (selling organic fruit and vegetables/organic soup kitchen?). Possible traffic problems.

COMMENTS ON REPRESENTATIONS: See Planning Considerations below.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Siting, scale, design and appearance of the proposal and its effects on local amenity (ULP Policy GEN2) and**
- 2) **Other material planning considerations.**

1) The smaller sheds which have been erected within the front corner of the application site are conventional in size, the third is double length (6m), being two sheds joined together. The effect of this grouping is to produce an elongated line of structures which in terms of siting, scale, design and appearance is out of character with the street scene particularly given the open nature of the front of the application site.

In addition to the above, no attempt has been made by the applicant to reduce the visual impact of the sheds on the streetscene and upon neighbouring properties through appropriate mitigating measures, notwithstanding the minor planting already carried out. It would be possible for the applicant to erect a 1m high frontage fence and a 2 metre high side boundary fence under permitted development. However, whilst the side fence would likely to obscure most of the side elevation of one of the sheds and thus reducing its visual impact, a 1 metre high frontage fence would not adequately screen the sheds from public view along the highway. Alternatively a higher than one metre fence could be erected with planning permission although that does not form part of the proposal. Officers have reached this view despite there being closeboarded fences close to the road at nearby properties and a carport close by that detract from the streetscene.

2) Given the details supplied by the applicant and the information received by third parties, there is an indication that the sheds have not been erected principally for a purpose incidental to the enjoyment of the dwellinghouse as such, but rather for other purposes. The function of the sheds has not been clearly expressed, although uses suggested to the Council have been the storage and sale of organic produce, teaching local young people cooking skills, calligraphy and key living skills. Such activities, unless occurring at a low level, would require planning permission and may not be compatible with maintaining the amenity that would normally be expected in a residential area. There is inadequate evidence to judge that activities occurring on the site due to the presence of the sheds is, or is likely to be, harmful to residential amenity.

CONCLUSIONS: Whilst the charitable work of the applicant and her attempts to engage with local, disadvantaged young people are noted, the larger shed in particular dominates the front of the application site and collectively the sheds are visually detrimental to the streetscene. The proposal has generated strong letters of objection and it is considered that for the reasons given a temporary grant of planning permission would not be appropriate in this instance. The proposal is therefore considered contrary to UDC Policy GEN2 and is unacceptable.

RECOMMENDATION: REFUSAL REASONS

1. The sheds erected represent a dominant feature within the front part of the application site in view of their size and collective nature and the openness of the front of the site. As such, they are both damaging to the domestic character of the remainder of the site and visually detrimental to the streetscene in general contrary to Policy GEN2 of the Council's adopted Uttlesford Local Plan 2005.

Background papers: see application file.

UTT/1531/08/FUL - GREAT DUNMOW

Erection of 2 no. flats. Construction of garage for 2 Hoblong Cottages
Location: 2 Hoblongs Cottages Chelmsford Road. GR/TL 737-206
Applicant: Mr Warren Brown
Agent: Mr Warren Brown
Case Officer: *Consultant South 3 telephone: 01799 510452/510471*
Expiry Date: 19/11/2008
Classification: MINOR

NOTATION: Outside Development Limits.

DESCRIPTION OF SITE: the application site currently forms the side garden to a semi-detached dwelling accessed via a road which runs parallel with Chelmsford Road. The site backs onto an area of land south of Hoblongs industrial estate proposed for a civic amenity site and depot.

DESCRIPTION OF PROPOSAL: the application seeks the construction of a two storey building to contain a ground floor one-bedroom flat and a first-floor two-bedroom flat. The footprint of the building would be 5.8m wide with an overall depth of 10.2m. There would be a shallower two-storey side wing 2m wide and 4.1m deep, set 2m back from the main front wall of the building. A single storey flat roofed porch is also proposed 1.6m deep. In addition, a single garage is proposed to linking the new building to the adjacent dwelling, 2 Hoblongs Cottages. The only side facing windows would be obscured glazed to serve the bathrooms.

The submitted plans indicate that the height of the building would be no higher than 2 Hoblongs Cottages, but because of the depth of the building the pitch would be considerably shallower.

Access to the site would be directly off the access road that serves these dwellings the stub road of the former A130. On-site turning would be provided in front of the new garage. Three parking spaces are proposed on the frontage for the new flats.

APPLICANT'S CASE including Design & Access statement: site has planning permission for single three-bedroom house. Application is to incorporate two flats into building without changing outward appearance of house. Also includes single garage for 2 Hoblongs Cottages. Building is modest with gross internal floor space of 53sqm. on each floor. Three off-street parking bays provided and dedicated bin storage area. Proposed building is typical in scale to neighbouring buildings. Frontage aligns with the terraced cottages to continue street scene and eaves and ridge equally align. Existing cottages were built around 1850 and feature black painted plinths and white painted rendered stone and natural slate roofing. Proposed building complements style and features of cottages in appearance and materials. Existing boundary of tall conifer hedges will be maintained. Forecourt will be mixture of lawn and block paving. Inclusive access to building is addressed by design and layout fully compliant with current Part M of Building Regulations. Area is serviced by public transport, and site is adjacent a bus stop with routes to Stansted, Dunmow, Braintree and Chelmsford. Building will make material contribution to area and is in keeping with scale, massing, materials, bulk and height. Would not infringe on amenities enjoyed by neighbouring properties.

RELEVANT HISTORY: applications for erection of dwelling approved 1990, and 1998, 2003 and 2007.

CONSULTATIONS: Environmental Services: no concerns.

ECC Transportation: no objection subject to conditions (no unbound material within 6m of highway; access gradient; details of surface water drainage; restriction on gates; hardstanding size; garage size; position of garage door).

Anglian Water: no response received - due 16 October.

Environment Agency: no objection. Advice regarding use of septic tank.

UDC Engineer: no response received.

UDC Building Surveying: B5 fire access appears adequate; confirm ramped access will be suitable under Building Regulations application. Confirm hoist and tracking under Lifetime Homes requirement. No details submitted under SPD. No details provided of sustainability. Needs to achieve code level 3 equivalent - request further details and provide guidance document.

ECC Archaeology: no objection subject to a condition.

TOWN COUNCIL COMMENTS: Object – further development on this site will only add to increasing traffic congestion at the adjacent Chelmsford Road/A130 major road junction.

REPRESENTATIONS: None. Notification period expired 29 October 2008.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are whether

- 1) the principle of a building to accommodate flats would be acceptable in this location (PPS7; ULP Policies S7 & H3);
- 2) there would be any highway safety issues (ULP Policy GEN1);
- 3) there would be any amenity issues (ULP Policy GEN2);
- 4) Other material planning considerations - [SPD](#) 'Accessible Homes and Playspace' & 'Energy Efficiency and Renewable Energy'.

1) The application site is located outside any development limit, but has an extant planning permission for the construction of a three-bedroom dwelling, following the grant of a number of permissions for a dwelling since 1990 as infill. Notwithstanding that there would normally be a policy presumption against the construction of new dwellings outside development limits, the principle of development on this site has already been established.

Visually, there would be no material difference between a single dwelling and two flats. The footprint of the building would be virtually the same, but the proposed design would be simplified to better reflect the appearance of the adjacent cottages.

Subject to meeting residential amenity and parking, there is requirements no objection in principle to the construction of two flats on the site. The provision of two smaller units would contribute to providing more low cost market housing than the approved single dwelling.

2) The highway authority raises no objection to the proposal. The principle of development of the site has been accepted and the traffic to be generated by two flats as opposed to a single dwelling would not be so different to raise traffic issues. The proposed parking provision would be a total of 3 spaces for the two units, and given the proximity to a bus stop it is not considered further spaces are required. The property would access the former A130 stud access road as opposed to the main road, and the additional traffic movements would not significantly affect the existing arrangements. Replacement parking would be provided for the adjacent house.

3) The principle of a dwelling on this site has been established, and the potential for overlooking and loss of amenity would not be significantly different from this proposal as for

the approved single house. As the development would relate to flats, further extensions and alterations would require planning permission and their impact could be controlled.

4) The application site backs on to land allocated as a civic amenity site. However, the principle of residential development has been established over a number of years, and the site is between existing housing. The council's environmental health officer raises no concerns about the development, and as such there is no reason why the development would be un-acceptable in close proximity to the civic amenity site.

In addition, although located relatively close to a busy junction on the A120, the site is outside the poor air quality zone, and again there is no reason why development of the site would be unacceptable.

Additional information has been provided to demonstrate compliance with the adopted Supplementary Planning Document (SPD) in respect of Lifetime Homes. The agent has confirmed that compliance with the 'Energy Efficiency' SPD will be achieved, but due to timescales has requested that the matter be addressed by a planning condition.

CONCLUSIONS: The principle of a dwelling outside development limits has already been accepted. The impact of two flats in a two storey building compared to a single two storey dwelling would not be significant. The increased potential for overlooking of neighbouring properties would not be so harmful to warrant refusal. There would be no noticeable impact on traffic compared to the approved single dwelling.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. The development/works 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.5.3. Matching materials.
4. C.5.4. Natural Slate.
5. C.6.7. Excluding conversion of garages.
6. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented – buildings.
7. C.8.26. Internal sound insulation to flats [dwelling] – flats.
8. C.8.27. Drainage Details to be submitted agreed and implemented.
9. C.8.27.B Soakaways.
10. C.8.35. Condition for compliance with code level 3 (less than five dwellings).
11. C.8.30 Provision of bin storage.
12. C.11.12. Cycle parking no details shown.
13. C.12.3. Prior provision of boundary enclosure 2.
14. C.16.2. Full archaeological excavation and evaluation
15. C.19.1. Avoidance of overlooking – 1.
16. C.28.1. Implementation of accessibility scheme.
17. C.10.19. Access gradient.
18. C.10.26. Prevention of runoff from access.
19. C.10.16. Gates over highway – 4.8m.
20. The vehicular hardstanding shall have minimum dimensions of 2.4 metres x 4.8 metres.
REASON: In accordance with the adopted Car Parking Standard.
21. The single garage shall have a minimum internal measurement of 6m x 3m. Any garage erected with its vehicular door(s) facing the highway shall not be set back more

than 1.5m from the highway boundary, unless a full 6m parking space is provided in front.

REASON: To encourage the use of garages for their intended purpose and also to enable vehicles using the garage to stand clear of the highway whilst the doors are being opened/closed and prevent vehicles parking and overhanging the highway. In accordance with the Essex Local Transport Plan 2006/2011 Appendix G: Development Control Policies and Processes Policy 7 Vehicle Parking Standards.

Background papers: see application file.

UTT/1550/08/FUL - DEBDEN

Siting of static caravan on existing hardstanding for permanent domestic use

Location: Matthews Hamperden End Debden Green. GR/TL 567-309

Applicant: Mr William Camp

Agent: Mr William Camp

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

Expiry Date: 27/11/2008

Classification: MINOR

NOTATION: Outside development limits.

DESCRIPTION OF SITE: The application site comprises a 500 square metre (0.05 hectare) parcel of land in an isolated location at Hamperden End, a hamlet between Debden Green and Henham. The site is occupied by a mobile home and several sheds.

DESCRIPTION OF PROPOSAL: This is a retrospective application to retain the existing mobile home for residential occupation. The structure is currently occupied by the applicant's mother-in-law and brother-in-law, the applicant being the tenant farmer of the surrounding land.

The mobile home has a footprint of 8.35m x 3.048m and has two bedrooms.

APPLICANT'S CASE including Design & Access statement: site has existed since 1967 containing a 6 x 6 metre mobile home until its destruction by fire in 2006. Overall design has not significantly changed. Consists of concrete hardstanding for static caravan, hardstanding for 2 metal sheds and garden. Although the caravan can be seen from the adjacent lane, it is unobtrusive due to its colouring and size.

A mobile home has been at Matthews since 1967 until it burned down in 2006 (39 years). In that time no alterations were made to the structure. It was rented out over the years to 7 tenants. There was a short time when no mobile home was on the site following the fire, due to fire investigation, clearance of the site and a planning application. As tenants of the farmland and farm buildings near Matthews site, to have someone living on the site is invaluable to me for the security of my farming business as I live and farm from Lyndhurst bungalow about a third of a mile away. There are two byways and a footpath running through the farm buildings, cameras and alarms are useless. The previous mobile home known as Matthews measured 400 ft.² (37 square metres). Original idea was to replace Matthews with another of the same size and would still like to do this eventually. The land is held in trust and is unlikely to be sold. As trustee and tenant I would not want Matthews site developed further than a mobile home. Trust would sign an agreement backing this up. If permission is refused the present tenant will have to find somewhere else to live.

RELEVANT HISTORY: See report.

UTT/0762/06/FUL – replacement bungalow – refused 23/08/06

CONSULTATIONS: Environment Agency: advice to applicant

UDC Engineering: no response received

UDC Environmental Services: No adverse comments. Advisory: Site will require a licence from this section if approved

PARISH COUNCIL COMMENTS: object for the following reasons:

1. We do not believe that the proposed development is architecturally in keeping with the local vernacular.
2. We do not feel that the proposed development has any architectural merit.
3. We have concerns about the long term viability of a static caravan as permanent residence as they are not designed with the same longevity in mind as a house.

REPRESENTATIONS: None notified but site notice displayed. Notification period expired 11 November 2008. One letter received from former tenant – query why permission was refused following fire and what circumstances have changed.

COMMENTS ON REPRESENTATIONS: The policy position is addressed in the report below.

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

- 1) **whether the principle of the development is acceptable (ULP Policies S7 & H12);**
- 2) **whether the design and appearance is acceptable (ULP Policy GEN2) and**
- 3) **Other material planning considerations.**

1) The application site is outside development limits where new residential properties not required in connection with agriculture and forestry, etc are not normally permitted. Although the applicant states that the mobile home is required for security for the farm, the application has not been presented as being required in connection with agriculture and is not occupied by anyone working on the farm. Therefore an agricultural link has not been justified, and no case has been put forward to demonstrate that residential occupancy is required in this location for the business. The proposal is therefore contrary to Policy S7 and would normally be refused unless material considerations indicate otherwise. These are considered in section three below.

2) The mobile home is of standard design. It is modest in size, measuring approximately 8.3 x 3 metres and 2.7 metres high. It is in an area near utilitarian farm buildings and it is not considered the design of the mobile home in itself detracts from the setting to such a degree to warrant refusal on design grounds.

3) The history of this site is material to the consideration of the application. The applicant states that a mobile home was on the land from around 1967. At about this time two applications were submitted for a mobile home that were both refused. Ordnance Survey maps indicate a square on the site, with the name 'Matthews' next to it, which suggests that it had been established on the site for sometime. The structure seems to have first come to the authority's attention in 1991, but it would appear that insufficient grounds were available to take enforcement action, although no regularising application for planning permission or certificate of lawfulness was ever submitted. A previous occupier claims to have lived at the mobile home for over twenty years prior to 2006 when the previous structure was destroyed by fire. Evidence of such occupation is supported by Council Tax records. Community Charge and before that Rates may have been paid but those records are no longer accessible. It therefore seems clear that the previous mobile home had been on site and occupied for sufficient time to have become lawful. If it had not burnt down it is likely to have been on the site today and if so permission would probably be unnecessary to replace it with a new mobile home.

Case law indicates that if a development that had become lawful overtime ceases for a short period of time it is not necessarily fatal to the owners ability to recommence the activity. There appears to have been a gap of some months before the replacement structure (a different size and form) was moved onto the site. It is therefore necessary to consider

whether the use was 'abandoned'. The concept of abandonment has become endowed with particular meaning through case law and is more than just a use ceasing. Factors to be considered when judging abandonment include period of the break, the intentions of the owner and any actions of the owner in removing physical works necessary for the use to continue. In this case the break was for a few months, there is no evidence that the owner intended not to recommence the use or remove its infrastructure. There is no evidence to claim that the use has been abandoned. Consequently the use of the site for a residential mobile home appears capable of being shown to be lawful. A further judgement that the authority needs to make is whether to refuse this application and insist on the submission of an application for Certificate of Lawful development (when it would be necessary for the applicant to demonstrate on the balance of probability that the continued use of the land by a residential mobile home would be lawful) or determine this application because the authority's own investigations have indicated that activities are most likely to be lawful. Following the later course would not be unusual as many structures have received permission as replacements, for example new dwellings to replace interwar dwellings (prior to the modern planning system) , where they were originally erected without planning permission but are judged on their own merits to be lawful. It is of note that the refusal of a replacement mobile home when the previous one was lost through fire would be contrary to natural justice.

Following the fire, a planning application was submitted for a replacement bungalow, but was refused. This was on the basis that the replacement of a mobile home with a permanent structure was not appropriate development in the countryside. However, the current structure on site is clearly a mobile home rather than a permanent building. The previous tenant has expressed concern that replacement of the mobile home has already been refused and circumstances have not changed in policy terms. The previous application was presented as replacement of a mobile home with a permanent dwelling. This raised different policy issues and a more favourable recommendation may have been made to an application for a replacement mobile home at that time.

CONCLUSIONS: The application is contrary to normal policy in relation to development in the countryside, but the individual circumstances of the case are a material consideration of sufficient weight to warrant approval of the application.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.6.2. Excluding all rights of permitted development within the cartilage of a dwelling house without further permission.

Background papers: see application file.

UTT/1690/08/FUL - STANSTED

The installation of a radio base station consisting of a 17.5 metre high column supporting 6 No. O2 antennas and 1 No. ground based equipment cabinet and Armco protection barrier
Location: Land at Long Border Road Stansted Airport. GR/TL 541-220
Applicant: Telefonica O2 UK Ltd
Agent: Knapp Hicks & Partners Ltd
Case Officer: *Consultant South 3 telephone: 01799 510452/510471*
Expiry Date: 16/12/2008
Classification: MINOR

NOTATION: Within boundary for Stansted airport (Policy AIR2).

DESCRIPTION OF SITE: The application site forms part of a green verge in front of the Diamond Hangar on Long Border Road. The boundary with the commercial premises is landscaped but the application site is open and exposed, and highly visible next to one of the main routes through the airport. The committee made a visit to the site of the new Ryanair hanger on land adjacent in summer 2007.

DESCRIPTION OF PROPOSAL: The proposal is to install a 17.5m high telecommunications column, supporting 6no. antennas with a ground-based equipment cabinet. The column would be grey coloured, in the form of a single pole rather than a lattice mast. The six vertical antennas would be attached to the top. The green coloured equipment cabin would have a footprint of 1.48m x 0.35m and height of 1.5m. There would also be a 750mm high Armco protection barrier at the base. The mast would be for the operator Telefonica O2 and is required because the approach road runs through a cutting which is an area hidden from radio, giving poor network service.

APPLICANT'S CASE including Design & Access statement: a detailed package of documents has been submitted which is available to view at the council offices and via the Council's website. In summary:

The applicant has provided a list of 17 alternative sites with reasons for each being discounted. Network coverage maps have been provided. Some sites within the search area would be too close and would impede coverage by causing shadowing or overlap in radio signals. Existing O2 sites were considered but due to the topography would have required 10m taller antenna, which was impractical from an air safety view.

The application site is suitable to fill the coverage gap. The scheme proposed has been chosen as the best compromise between ideal radio design and sympathetic visual appearance. It is located away from residential areas and has minimal visual intrusion in the area. There would be no compound enclosure. The equipment cabinet will have a similar appearance to other service boxes found in typical street scenes. Access to the site will be by foot. Pre-application consultation was undertaken with the Council and Parish Councils.

The proposal accords with PPG8, the Code of Best Practice and ULP Policy T4. Site selection was progressed in accordance with licence obligations, advice in PPG8 and the Code of Best Practice and represents the least environmentally intrusive, technically suitable, available option. No suitable site sharing masts were identified within the required coverage area. There are no suitable or available rooftops or existing buildings. The antenna height has been kept to the absolute operational minimum to clear the immediate buildings and provide adequate coverage. O2 have opted to connect the site into the national network via an underground link rather than rely on a transmission dish, which the applicant judged might affect the linear nature of the design and increase its prominence.

An ICNIRP Compliance Statement and certificate has been submitted.

RELEVANT HISTORY: none relevant to this part of the airport site.

CONSULTATIONS: BAA Safeguarding: to be reported – due 16 November

NATS (National Air Traffic Service): No safeguarding objections.

UDC Environmental Services: to be reported

STANSTED AND TAKELEY PARISH COUNCIL COMMENTS: To be reported – (due 23 November)

REPRESENTATIONS: None received. Notification period expired 26 November.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are whether the proposal would

- 1) interfere with the operational activity at the airport (PPG8; ULP Policies S4 & AIR2);**
- 2) have any adverse impact on the character and appearance of the area (ULP Policies GEN2 & AIR6) and**
- 3) Other material planning considerations (ULP Policy T4).**

1) The application site is located within the boundaries of the airport but on a grass verge as opposed to any land in operational use. There are commercial premises to the rear of the site but the proposal would not interfere with the activity.

Given the height of the proposed development the key issue is whether it would interfere with the activity of the planes, and would pose any air safety risk. NATS raise no safeguarding objections.

Subject to conditions and informatives that the proposal would not interfere with air safety or the activity on the airport, but would have the benefit of improved network coverage for users.

2) The application site is an open and exposed parcel of land in a prominent location next to a major route through the airport. However, given the number of lighting columns in the vicinity, and the Diamond Hangar as the backdrop to the site, it is not considered this column mast and associated equipment would have any material detriment to the wider landscape. The character and appearance of the area would not be harmed, and the benefits of improved site coverage would outweigh any potential concern about proliferation of street furniture.

The mast would not be sited on any strategic landscape area (Policy AIR6) identified in the Local Plan.

3) ULP Policy T4 states that telecommunications equipment will be permitted provided there are no practicable alternatives such as mast sharing; there is a technical requirement for the equipment that outweighs its visual impact; that it is designed and located so as to reduce its impact as far as possible; and that it complies with the safety requirements of the International Commission on Non-Ionising Radiation Protection (ICNIRP).

The submitted coverage maps have demonstrated need. The sequential search has demonstrated that no suitable alternatives are available. The single column mast and associated equipment has been designed to minimise the visual impact and ensure the

development is better integrated into its setting. A signed and dated ICNIRP certificate stating compliance with exposure guidelines has been submitted. On that basis, it is not appropriate or necessary to further consider the health aspects and concerns of the development as part of this planning application.

CONCLUSIONS: The proposal would accord with national and local telecommunications policy, and would have no adverse visual impact on the landscape. The mast would not pose any additional hazard to air traffic safety, and would not interfere with the operational activity of the airport.

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.21.1. Excluding extensions to telecommunications masts without further permission.
4. C.21.2. Removal of telecommunications equipment upon cessation of use.

Background papers: see application file.
