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## UTT/0302/09/FUL - THAXTED

Proposed erection of a Short Breaks Centre for up to 8 residents

Location: Site to the rear of 1-12 Little Maypole Newbiggin Street. GR/TL 609-313

Applicant: ResCU

Agent: Portland Planning

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

Expiry Date: 27/05/2009

Classification: MINOR

**NOTATION:** Outside Development Limits.

**DESCRIPTION OF SITE:** The site is on the northern edge of Thaxted and currently part of a field located behind dwellings in Little Maypole, a recently constructed affordable housing development fronting the main road. To the south is the residential development of Clare Court, with two-storey houses close to the boundary with the site. There is a mix of boundary treatment. The topography is such that there are long range views of the site.

**DESCRIPTION OF PROPOSAL:** The proposal is to construct a 775 sqm. building to provide a short break respite centre for up to 8 residents with learning disabilities, aged 16 and over. In addition to the eight bedroom, communal dining and living areas are proposed, in addition to quiet lounges, kitchen, staff accommodation and a hydrotherapy pool.

The building takes the form of two single storey pitched roof buildings, one having a U-shaped, footprint, the other rectangular in plan form, linked together by an area of single storey 'sedum' covered flat roof.

Proposed materials are rendered walls on a brick plinth, roof tiles with a partial green roof (sedum). Low level bollard lighting would be located around the car park area. Eight parking spaces are proposed, and the site would be accessed via the turning head in the Little Maypole development.

**APPLICANT'S CASE including Design & Access statement:** the full document can be viewed at the Council offices or via its website. In summary, the proposal would allow people with learning difficulties to stay in residential environment away from home for short time. Offer opportunity of developing relationships with wider circle of people whilst maintaining access to usual local day services and training/employment. Provides break from caring task for families and carers. In strategic terms, enable care in person's own home to continue for longer, thus reducing need for long-term, expensive care in residential homes provided by statutory health and social care services or private enterprise.

Revised Plans: height of building has been reduced to below 6m and has been moved 3.3m towards western boundary. In terms of activity at site, important to recognise that proposal is for domestic style use with residential pattern of activity. Similar short breaks centre in Suffolk is in residential cul-de-sac and fits in well with neighbouring dwellings. For this proposal, 4-5 carers would be required at any one time. Clients would tend to be out during day, accessing their normal day-time activities, so less staff at these times. Busiest periods when carers required to assist clients (mornings, evening meals, bedtimes) - similar to normal pattern of domestic activity.

With 5 staff, proposed 8 parking spaces represent 1.6 spaces each. It is anticipated that up to one delivery (small van) per day would be required and up to one small van per week for maintenance. Parking and turning for occasional larger-sized delivery vehicle has been

shown on amended drawing. Position of low-level bollard lighting around car park is indicated on amended drawings.

Proof of Need: Main source of evidence is from Essex CC's own document (Modernising Adult Social Care in Essex: Consultation on New Arrangements for Short Breaks for People with a Learning Disability June 2007). ResCU's service is in line with section 3 of document [*attached at end of report*] and also national policy (Valuing People/Valuing People Now). Local needs information and issues:

- Approx. 17% of adults with learning disabilities (21 people) from Uttlesford receive some form of respite care each year. 29% of adults (37 people) have indicated deficiency (or additional future requirement) in Short Breaks provision, with some 328 extra respite days suggested. Given this represents about half of known learning disabled population in Uttlesford, figure of 660 days would be reasonable estimate.
- Need for short breaks services for adults - Uttlesford figure is higher than surrounding areas after comparing for like population numbers, reflecting lack of availability of locally-based services. Local discussions suggest higher need expressed by older carers for residential-type facility in area, whereas younger adult carers indicate need for mix of services, some home-based or local on a daytime basis, with residential at certain times.
- c200 adults with learning disabilities living in area; 83% use local services.
- Some local day training services in area **BUT** no residential facilities, especially for people to have break or receive more intense training.
- Means clients have to travel outside area to receive respite care and cannot access local services whilst away, therefore socially excluded.
- Pressure on families/carers increases as result – increased travelling, more inconvenience, less opportunity to engage with and be part of local community.
- Are committed to supporting development of short breaks services for people with learning disabilities.
- In their Adult Social Care Plan, Essex CC has indicated that they will not directly provide these types of services in future (i.e. by running service themselves from own buildings) but will look to increasingly work with partner organisations (like ResCU) to design, build, finance and operate such services, in line with Government policy.
- Moves towards self-directed care will enable clients/families to be more directly responsible for planning, providing and more directly managing support. Strong support from families in area for local short breaks service to enable continuity of support from other services.

Additional information regarding need for size of building is attached to this report.

**RELEVANT HISTORY:** None for this site. Permission granted for affordable housing scheme (12 units) on agricultural land adjacent, fronting Newbiggen Street (Walden Road), in 2007.

**CONSULTATIONS:** UDC Policy: In ideal world, these uses would be accommodated within development limits in one of larger centres - but with land values being as they are only option likely to be open to charities such as this are sites beyond development limits where landowner is willing to forgo some land value. For this reason, the Council should be a bit flexible in policy terms in order to meet this need. Unlikely this will set a precedent on basis that only likely to be limited demand for this type of facility. Thaxted is reasonably central and relatively accessible by public transport. This would be a much better location than a barn conversion in some remote location.

It is a matter of interpretation as to whether Policy LC3 would relate to this type of use. If it does not, Policy S7 would apply, because this is not affordable housing. Considerations are

same - can a need be demonstrated and is there any other alternative site. In terms of Policy LC3, this site is reasonably well related to settlement. While there will be some impact, this would be viewed in context of adjacent affordable housing.

UDC Engineer: No objection subject to condition C.8.27a (submission of surface water disposal arrangements)

ECC Transportation: no objections subject to conditions.

Water Authority: no reply received.

Environment Agency: assessed as having low environmental risk. Advice regarding location of site within Source Protection Zone III of Environment Agency's groundwater protection policy, and foul sewage disposal.

UDC Building Control: (1) no adverse comments re. B5 access for emergency vehicles. (2) General internal design would appear to meet requirements of Part M for wc and shower provision, wheelchair access, etc. (3) some details have been provided on sustainable drainage and materials (i.e. sedum roof). However, regarding energy use and CO2 emissions development would need to achieve Building Emissions Rate 22% less than its Target Emissions Rate, as determined by an SBEM calculation, and incorporate water saving measures. Require confirmation in writing from applicants that they will meet this standard, and their strategy for doing so. Apply condition C.8.34 if permission granted.

**PARISH COUNCIL COMMENTS:** Original plans - Majority no objection - but recommended it should be sited further away from Clare Court. Comments on revised plans to be reported (due 9 May).

**REPRESENTATIONS:** This application has been advertised as a Departure from the Development Plan, and 4 objections and 155 letters of support have been received. Neighbour notification period expired 5 May 2009 (12 May for site notice and 14 May for press advertisement).

Objections from residents in Clare Court:

1. Errors on application form – no consultation with local residents. Proposal creates 8 residential units. Can be seen from Public Footpath adjacent field, and clearly visible from all approaches to Thaxted from north, including Cutlers Green. Ongoing problems with sewage and drainage of Little Maypole development due to ancient pond. Proposal is contrary to Local Plan policies as development outside parish border; contrary to Policy S7 as neither “appropriate to a rural area” nor “protects or enhances the particular character of the part of the countryside”. Backland site but fails criteria a), b), c) and d) of Policy H4 (re. under-used land, material overlooking and overshadowing of nearby properties and overbearing effect. Disturbance caused by access. Query analysis in terms of affordable housing policy in D & A statement regarding need and local connection. Not near bus route. Properties in Clare Court will be faced with view of gable ends alongside full length windows causing overbearing impact & loss of privacy, and loss of privacy to Little Maypole residents. PPS3 retains priority for brownfield development. Contrary to Policy GEN2 in terms of impact on neighbouring properties. 15, 16 & 17 Clare Court directly affected. Land is substantially higher than that of 15 & 16 Clare Court, and would be prominent in views from north and west.
2. (1 address x 2 letters) - Large development squeezed onto small, elevated site with negative consequences for existing residential development. No mention made of impact on 15 Clare Court in statement. Would be severely impacted as main aspect of living room, dining room, 2 bedrooms and garden all overlook site. Small garden (11m depth) and building would be close, approx. 5m from boundary. Overbearing due to levels (approx 1 – 2m higher than Clare Court). Would exaggerate scale and be overbearing to outlook. Loss of privacy from openings looking directly to house. Inaccurate photomontages. Undue strain on existing services, particularly drainage. Already blocked drains at Little Maypole. Impact on landscape from large development on elevated site. Exacerbate existing flooding problems. No mention of screening to existing development.

Bus stop is ½ mile away and footpath is blocked by parked cars. Outside development limits and proposal is not covered by exceptions. Application states Uttlesford needs an extra 660 days of short break care per year, but 8 –bed unit would provide 2920 days per year, more than 4 times what is needed. Development for whole of Uttlesford and beyond is not appropriate to rural area with limited public transport links. Protection of amenities of nearby residents has not been fully taken into account. Request members site visit to see potential impact. Does not adequately demonstrate need for development on this particular site. Concerned that surplus accommodation would be offered to people from outside Uttlesford and development would benefit more people from outside district and effectively become commercial operation.

3. Realise development of this nature is required in Uttlesford area but suggest there are far more suitable sites on brownfield land within Thaxted adjoining existing housing developments and with far better vehicle access. Building is far too large for plot size. Object to close proximity to boundary hedge in Clare Court, obstructing right to light as land is approximately 2 feet higher than 17 Clare Court and garden. Roof would be approximately 7m high. Too large building would encapsulate whole of our garden towering above hedge by some 14 feet. No provision for sewerage and surface water drainage. No objection if erected further away from boundary and drastically lowered roof height. More environmentally friendly for whole of roof to be sedum.

Letters of Support: 156 received:

Cllr Silver: I have both supported and worked with this excellent organisation and fully understand what they are seeking to provide. My fullest possible support is given to their requests. These children all have serious problems which place a great strain on their families and any respite care they obtain will make their lives much more liveable.

Uttlesford Area Access Group (UAAG): UAAG has been aware of intention for some time to provide respite care in Uttlesford in dedicated building for members of ResCU. UAAG recognise need for somewhere like this within district and value that such breaks offer to families. Choice of site seems very appropriate, as lovely views of open countryside, but would not be isolated, as it would be part of community. Reasonable transport links. Building would seem to be light and airy by design and well set out internally for comfort of intended visitors. This site would seem appropriate in that it would provide a sense of community from surrounding development, yet rural aspect would complement respite needs of those coming to stay. UAAG recognises difficulties in finding appropriate sites and at last this seems to be. Support application.

Mencap Saffron Walden (3 letters): Very urgent need for this facility. Many carers unable to have break and those that do use services offered are often dissatisfied. Location of present respite services are difficult for many carers due to distance, and many now feel unable to accept places offered. If building is in Thaxted, clients will still be able to attend Community Resource Centre in Saffron Walden and Peter Kirk College in Stansted as they do now, causing less disruption and concerns to individual and parents and carers. Greenfield site, but should be considered on same basis as low cost housing scheme which fronts site. Designed to minimise impact on neighbouring properties in Clare Court and surrounding countryside, as single storey with sympathetic materials. Essential requirement for people with learning disabilities, their parents and carers. Presently no respite facilities in Uttlesford and members have to go to Colchester or Waltham Cross. This means person receiving respite cannot get to Community Resource Centre in Saffron Walden, and miss out on “work” and friends for that week. Most people with learning disability need continuity and security and respite tends to disrupt this making carer reluctant to take that important break. Proposed centre would be a solution of which many have dreamt. Location close to village boundary would enable clients to access many amenities that Thaxted has to offer, including

possible employment. Support proposal as sensible solution to serious community problem. Highest demand amongst carers has been for suitable respite, which is poorly lacking in Essex. More children being diagnosed as having learning disability and will have catastrophic effect on council funds and taxpayer if no suitable respite facilities. Project is in keeping with government policy: Valuing People 2008 - 2011 Commitments; Carers Strategy and Carers at the Heart of the 21st Century; The National Valuing Families Forum Priorities for 2009.

Uttlesford Citizens Advice Bureau; & Mind (2 separate letters): will provide much-needed short-term care for those with learning/physical disabilities and carers. Aware of need for service in Uttlesford. Greenfield site, but should be considered on same basis as low cost housing scheme which fronts site. Designed to minimise impact on neighbouring properties in Clare Court and surrounding countryside, as single storey with sympathetic materials.

Essex Forum of Support Groups: speak to parents of disabled children all the time and they are crying out for help and support in obtaining respite for their children. Respite assists in preventing family breakdown. Location in Thaxted will be like a cottage in countryside. Open space is what these children need. Will help to keep Essex children in Essex rather than in other counties miles away from their home and families.

NHS West Essex: NHS West Essex (and previously Uttlesford PCT) has long association with ResCU and very much values work it undertakes in Uttlesford locality. Respite care is an under provided facility in Uttlesford area and proposal is to be greatly welcomed. Very much support proposal.

Accuro: Accuro is charity which supports individuals with disabilities and their families. Short breaks centre will provide much needed short term care for those with learning and/or physical disabilities and break for carers. Greenfield site, but should be considered on same basis as low cost housing scheme which fronts site. Designed to minimise impact on neighbouring properties in Clare Court and surrounding countryside, as single storey with sympathetic materials.

Standard letter 1 (29 signed letters, no addresses; 8 with addresses): will provide much needed short term care for those with learning/physical disabilities and also break for carers. Aware of need in Uttlesford. Although Greenfield site, centre should be considered on same basis as low cost housing which fronts site. Building has been designed to minimise impact on neighbouring properties in Clare Court and surrounding countryside as it is single storey with sympathetic materials.

Standard letter 2 (64 signed and addressed; 4 unaddressed): aware of ResCU's work and have followed search for suitable location for this much needed centre. Location, close to village boundary will enable clients to continue to attend Resource Centre in Saffron Walden, and have access to many amenities that Thaxted offers. Design is in keeping with rural location and will have minimal impact on neighbours and surrounding countryside.

41 additional letters: Summary of issues raised: respite care badly needed in Uttlesford, no other similar facility. Wonderful design in keeping with surroundings and minimal impact to landscape. Will not be seen behind frontage houses. ResCU provides valuable support. More disabled people are being cared for in community and there is clearly a need. ResCU have been looking for suitable premises in Uttlesford area for some time with no luck. Existing properties are not suitable to meet regulations set down by CSCI and potential development land is sold at prices beyond applicant's reach. Many families in surrounding area who will benefit. Will be a flagship in provision of respite care. Without facility many families will be unable to continue to provide high level of care that is needed. Better access

to local service provision in Uttlesford is major priority for residents. Supporting application would enable UDC to demonstrate commitment to redressing lack of locally accessible services for vulnerable group in community. Although greenfield site, application should be considered on same basis as low-cost housing which fronts site. Facilities should be local so that routine life can continue for users and carers, including access to schools, work placements, colleges or learning for work programmes. Proposal is for community and for what is often marginalised section. Exhaustive search of alternative sites. Cuts in public spending and EU health & safety rules have resulted in closure of other sites in recent years. Lack of facilities has adverse impact on mental and physical health of carers, many of whom are elderly. Need for facility should outweigh possible planning objections. Minimal extension of built up area and would not set precedent. [NB Many letters are from carers who comment on the lack of available facilities and its effects].

**COMMENTS ON REPRESENTATIONS:** the issues raised are addressed in the report below.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) **the principle of the development outside Development Limits (PPS7 & ULP Policies S7, GEN2, & LC3);**
- 2) **the impact on the living conditions of neighbouring residents and the rural landscape (ULP Policies GEN2, H4 & GEN4);**
- 3) **highway safety (ULP Policies GEN1 & GEN8) and**
- 4) **Other material planning considerations, including Flood Protection (ULP Policy GEN3), energy efficiency (ULP Policy GEN2 and SPD 'Energy Efficiency and Renewable Energy), and Light Pollution (ULP Policy GEN5).**

1) The application site is situated outside but immediately adjacent (the southern boundary) the Development Limit for Thaxted. As such, the site is classed as 'countryside' for the purposes of planning policy. In accordance with national policy guidance, ULP Policy S7 states that in the countryside, planning permission will only be granted for development that needs to take place there, or is appropriate to a rural area. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set, or there are special reasons why the development in the form proposed needs to be there.

Thaxted offers a range of services and facilities that are not found in many of the villages in the District. It is also reasonably central in the District, and can be accessed by public transport (albeit with limitations) The settlement is better placed than most in the District as a location for such a facility. Ideally, development of this nature should take place within Development Limits, but given the particular needs of the centre and the budget constraints of the charity, it is accepted that a site within development limits is unlikely to be feasible.

Having established that the development would be technically contrary to Policy S7, it is necessary to be assess whether there are "special reasons why the development in the form proposed needs to be there". If special reasons exist they may justify accepting the principle of this development.

The services provided by the centre are welcomed, and the provision of respite accords with the national strategy of care. There is a recognised shortfall for the District, and the distance to existing care facilities in Waltham Cross or Colchester means that residents do not have the same degree of life continuity in terms of access to education, employment and contact with family and friends. A facility to meet the needs of Uttlesford residents located reasonably centrally within the District would therefore be beneficial.

There are however reservations about the need for a building of the proposed size, as although the submitted information demonstrates a high degree of demand county-wide, the demand for such services in Uttlesford District would equate to approximately 660 days of respite care per year. The proposed 8-bed space would offer up to 2920 (8 x 365 days) days per year. This would appear to be a significant over-supply compared to the identified need for the District, and it would appear that demand could be met in a significantly smaller building, with reduced loss of a Greenfield site and less visual impact. However, the county strategy is for increased reliance on private provision to meet demand, and it is anticipated that the demand for respite care will increase. The size of the proposed building is therefore based on current and projected long-term need. On balance, it is considered that a case has been made to justify a building of the proposed size.

Relatively limited information has been submitted regarding the alternative sites considered before selecting this site. However, the use requires a purpose-built building and it is accepted that land values within development limits are likely to be prohibitive for a site capable of accommodating a building of the proposed size. Options for building conversions have been discounted, and in practice a site close to a village centre with a range of services is likely to be better for the users and in terms of sustainability than a more remote rural location. As continuity will be important for users of the service, access to existing services in Saffron Walden is also a consideration, and this is a further limitation on many parts of the district.

On balance, subject to the size of the building being acceptable in relation to neighbouring development, it is considered that the clear shortfall of current and predicted future respite care would justify an exception to established countryside policies in this instance. Thaxted is an appropriate settlement for such a facility.

Although it predates current planning policy, it should be noted that the principle of allowing other community facilities outside development limits of Thaxted has been accepted in the past, with permission for a nursery school as part of a wider affordable housing scheme off Bardfield Road being granted in 2000. A similar approach has been taken to village halls elsewhere in the District.

2) The application site is adjacent the residential development of Clare Court to the south, and the recently constructed Hastoe affordable housing development which fronts Newbiggen Street. Access to the site would be taken through the frontage housing, and would therefore result in an intensification of vehicular activity close to those properties.

Revised plans have been received which have reduced the height of the building to 6m at its highest point, with the wings closest to the southern boundary being 5.1m high. The building has also been relocated further towards the western boundary. In terms of separation distance, the building would be a minimum 16m to the dwellings in Clare Court (although it would be 12.5m from No.17, it is considered that the resiting results in a less direct impact on that property than originally proposed). The distance to the boundary with gardens would however be only 6m. There is no question that the outlook of those dwellings would be altered, but on balance it is not considered that this would be to such a harmful degree that refusal could be justified. There would be no overshadowing of those properties, and openings in the southern elevation would be confined to two quiet areas. In any event, direct impact from a single storey building would be minimised by boundary screening.

The distance from the frontage dwellings would be approximately 40m, which would be more than sufficient to avoid any direct overshadowing or loss of privacy. Again, although the outlook of those dwellings would change, the proposed single storey building would not be so harmful to warrant refusal of the application.



There could be some disturbance created by additional use of the access, but given the likely low number of traffic movements involved this would be to an unreasonable degree compared to the existing 12 dwellings which already use this access.

Although this is a backland site, ULP Policy H4 supports backland development subject to no material overlooking or overshadowing of nearby properties, no overbearing effect and no disturbance through access. These issues are addressed above. It is accepted that the proposal would not satisfy the first criterion of Policy H4, in that the land is not significantly underused. Policy H4 is normally used on sites within settlement limits where the principle of development is accepted and the failure of this scheme to comply with one aspect of it should be considered in the round with other planning issues.

The proposal would have a large footprint, and the topography is such that the site would be visible from some distance, albeit that the building would be single storey. However, although this is a sensitive edge-of-settlement site, the development would not appear unacceptably intrusive in the context of the adjacent two-storey houses in Clare Court and fronting Newbiggen Street. The recently constructed housing is prominent in long-range views towards the site, and although the proposal would add to the amount of built form, it is not considered that this would be materially harmful to the rural setting. As an edge-of-settlement site, the development would be an expansion into the surrounding fields, but sufficient openness would be retained around the site. On balance, the visual impact would be acceptable in this context, and the boundaries could be enhanced by appropriate planting.

3) Vehicular access to the site would be via the existing access which serves the dwellings fronting Newbiggen Street. This access has good visibility in both directions and has been constructed to current standards. As the proposed building would be used residentially, the traffic to be generated would not place undue additional pressure on this access or the local highway network. People staying at the centre would not be drivers, although there may obviously be visitors. A maximum of five staff would be at the site at any one time and it is considered that the eight spaces proposed would be sufficient to meet the needs of staff, short-term residents and their visitors. The revised plans indicate that there would be sufficient space on site for the manoeuvring of delivery vehicles.

4) The site is not within a flood plain, but surface water arrangements will be important to ensure that the proposal does not add undue pressure to existing drainage arrangements. The Council's engineer raises no objection to the proposal subject to agreement of full details of these arrangements. This matter can adequately be addressed by condition.

Part of the building would incorporate a 'green' roof, but other measures will be required to ensure compliance with the Council's energy efficiency and renewable energy SPD. These matters could be addressed by planning condition.

**CONCLUSION:** Although technically contrary to the Council's policies for development in the countryside, it is considered that an adequate case has been made to demonstrate special reasons why the development in the form proposed needs to be there. On balance the proposal would be acceptable in relation to neighbouring residents and the rural landscape.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.6.1. Excluding future changes of use without further permission
4. The use hereby permitted shall be for short-term respite care only. The maximum period that any person may be resident at the building shall be four weeks in any period of three months calculated from the first day of occupation by that person.  
REASON: Permission has been granted exceptionally based on the specific case put forward, and restriction on occupancy is required to ensure that the facility for short-term care remains available to meet need.
5. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented – building(s).
6. C.4.1. Scheme of landscaping to be submitted and agreed.
7. C.4.2. Implementation of landscaping.
8. C.5.2. Details of materials to be submitted agreed and implemented.
9. C.8.15 Restriction of hours of construction
10. C.8.27a – Surface Water Disposal.
11. C.8.34 - Condition for compliance with BREEAM ‘very good’ (non-domestic buildings less than 1000 sqm floor area).
12. C.8.30.Provision of bin storage.
13. The building hereby permitted shall not be used until the parking and turning areas shown on drawing no. ENJ-251 Rev. B, including any parking spaces for the mobility impaired, have been hard surfaced, sealed and marked out in parking bays, The parking and turning areas shall be retained permanently thereafter in this form for the turning and parking of vehicles for residents, staff and visitors and shall not be used for any other purpose other than the parking and turning of vehicles that are related to the use of the development.  
REASON: to ensure sufficient space is available to meet the needs of all users of the site, in the interests of highway safety and the amenity of neighbouring residents; and to ensure appropriate parking is provided in accordance with the Essex Local Transport Plan 2006/2011 Appendix G: Development Control Policies and Processes Policy 7 Vehicle Parking Standards.
14. The vehicular hardstandings shall have minimum dimensions of 2.5 metres x 5 metres.  
REASON: In accordance with the Car Parking Standard.
15. C.19.1 Avoidance of overlooking – 1.
16. Prior to the commencement of the development, details shall be submitted to the local planning authority for approval in writing, of the type of lighting and levels of illumination of all proposed external lighting, including a mechanism for restricting the hours of operation of the lighting. The lighting shall be installed and subsequently operated and retained in accordance with the approved details.  
REASON: in view of the rural location of the site at the edge of the settlement and adjacent to residential development, in order to minimise light pollution.

*Background papers: see application file, Development Plan & Supplementary Planning Documents*

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## **UTT/0286/09/FUL - GREAT DUNMOW**

Erection of 12 No. residential units, including garages and parking  
Location: Dunmow Salesrooms Chequers Lane. GR/TL 626-218  
Applicant: Trustees of J M Welch Will Tru  
Agent: Strutt & Parker  
Case Officer: Mr N Ford 01799 510629  
Expiry Date: 09/06/2009  
Classification: MAJOR

**NOTATION:** Within Development Limits.

**DESCRIPTION OF SITE:** The site is about 0.17 hectares and comprises three buildings of metal utilitarian appearance on the southern and western boundaries formerly used as auction Salesrooms. The site is otherwise hard surfaced with a brick wall enclosing the site. There are two points of access onto Chequers Lane.

The site is located on the western corner of Chequers Lane, Great Dunmow. This road serves the public car park adjacent Angel Lane (also a pedestrian footpath to the High Street) opposite and terminates at a cul-de-sac of a modern housing estate of Standrums which also forms the southern boundary of the application site as the gardens of 21, 22 and 23 Standrums.

**DESCRIPTION OF PROPOSAL:** This is a full planning application that proposes the demolition of the Dunmow Salesrooms and the erection of 12 residential units comprising houses and flats. This comprises 7 no. three bedroom dwellings, 3 no. two bedroom dwellings and 2 no. two bedroom flats. Access would be provided onto Chequers Lane and a total of 20 parking spaces would be provided. This would result in parking provision at just over 1.5 spaces per residential unit. Buildings heights would vary between about 8-9.5 metres.

The major part of the development would form an arc facing onto Counting House Lane. Access to the rear is taken through plot 11. To the rear are rear gardens of a mixture of sizes from 91 sqm to 34 sqm. There is a parking court for 18 vehicles, 4 of which are integrally located within plot 12. This is a two bedroom coach house style building at the southern boundary adjacent to Standrums.

A building for refuse provision is provided within the site and also a building for cycle storage.

**APPLICANT'S CASE including Design & Access statement:** See Design and Access Statement received 10 March 2009.

**RELEVANT HISTORY:** None relevant.

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

Water Authority: Recommends that informatives be attached to any grant of planning permission.

Natural England: No objection.

Essex Wildlife Trust: To be reported.

Drainage Engineer: The application form states that surface water drainage is to be to mains sewer. This is not the preferred option under PPS25. Whilst accepting that currently the site

probably discharges to a sewer there is an opportunity to improve the existing situation. A surface water disposal arrangement condition is recommended if a scheme is agreed.

Building Surveying: No Building Control comments. Lifetime Homes – Identifies a number of issues where the scheme is not compliant with the standards.

Landscape Officer: To be reported.

ECC Archaeology: Recommends a programme of archaeological work by condition.

ECC Education: The Early Years and Childcare officer has confirmed that 2 new facilities have opened in the last year and that there are surplus places in each and no request for payment is made.

Energy Efficiency Officer: The development needs to meet Sustainable Homes Level 3 and 10% on site renewable energy. A strategy is required. Attach conditions if planning permission is granted.

Waste and Recycling Officer: Each property will be issued with three wheeled bins. Requires confirmation that the collection point is capable of accommodating upto 22 bins for collection day.

**TOWN COUNCIL COMMENTS:** To be reported.

**REPRESENTATIONS:** Six. Notification period expired 1 April 2009. Advert expired 16 April 2009. Site Notice expired 17 April 2009.

Dunmow Society – Concerned that there should be space for a three bin waste system

21 Highfields – Where are wheely bins going to be located as this can look unsightly.

21 Standrums – Parking in Standrums is an issue. 12 properties and multiple vehicles and additional visitors will result in more parking and access problems. Property 12 would be higher than the existing building and close to our boundary. This will shadow our back garden. Ideally it should be removed in favour of parking. If permitted we would like a condition that there are no windows on the rear elevation as currently shown. Concerned that the road layout minimise risk to pedestrians and proximity to the mobile phone base station is not an issue.

Banks Court – Court Manager – There is exceptional height adjacent Banks Court unit 11. Three residents at Banks Court believe the height of the structure close to their windows will adversely affect their light.

16 Standrums – In agreement with the development if sufficient parking is provided - 2 spaces each. There are parking problems in the area and Standrums.

32 Counting House Lane – Object as density is too high. Concern about the environmental credentials of the development.

Standrums Residents Association – Appears to be a sympathetic design to its surroundings if not exceeding two storey. Will abut 21, 22 and 23 Standrums. Privacy should be provided. Wall should be preserved. There should be no windows to the rear of the plot overlooking 21 Standrums - There are parking problems in the area.

**COMMENTS ON REPRESENTATIONS:** Parking, design and amenity considerations are discussed further below.

The applicant's agent has been in discussion with UDC Waste and Recycling Officer regarding bin provision for the proposed development.

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

- 1) **Whether the development would be compatible with the character of the settlement, has an appropriate layout, scale and design, and is acceptable in terms of access and parking and meets accessible homes and energy**

**efficiency standards (ULP Policies S1, H3, GEN1, GEN2, GEN8 & SPD Accessible Homes and Playspace and Renewable Energy) and**

**2) Whether there would be any harm to neighbouring properties by way of overlooking, overshadowing or overbearing effect (ULP Policy GEN2).**

1) The application site lies within the development limit of Great Dunmow in the built up area to which ULP Policy S1 applies. As such the erection of dwellings and flats is acceptable in principle subject to matters of detail including compatibility with the character of the settlement. The auction rooms are not a traditional employment use that planning policy would be seeking to protect.

The site is about 0.17 hectares and twelve dwellings would result in a density of development of 71 dwellings per hectare (dph). This is above the minimum threshold Government guidance contained in PPS3 of 30 dph but there is no stated maximum and making efficient use of land in new development proposals does sometimes require more dense built development and subject to details this can be appropriate.

Building heights vary between 8 and 9.5 metres. The scale of the development is not considered out of place here. Different heights help to break up the size of the units. For comparison Campions Court constructed in recent years opposite the site is between 8 and 10 metres high. Banks Court to the west of unit 11 appears similar in scale.

The design of the buildings takes its reference from the local vernacular. Elevations are provided with much visual interest. The mass of the buildings are successfully disguised by employing different heights and breaking the building line with different designs. This would provide a form of development that benefits from appearing to evolved over time. The use of brick, weatherboarding and render to various elevations helps to provide visual interest and skyline emphasis.

The Council's adopted parking standards are expressed as a maximum and for units upto 3 bedroom upto 2 spaces are required. It is possible that the three bedroom units might provide family accommodation where more than one space for such unit would be necessary but the site has close walking proximity to the town centre where services and public transport are available and so a lower vehicle space provision acknowledging this is appropriate. The development would provide for 20 parking spaces as just over 1.5 spaces per dwelling. This is considered reasonable provision for central location and is similar to that accepted at other similar locations therefore parking provision is adequate.

The rear garden areas are compact and located to the rear of the dwellings and for plot 12 to its side. The garden areas vary in size from 91 sqm for plot 1 to 32 sqm for plot 9. Many of the two bedroom plots have garden that fall below the 50 sqm minimum recommended by the Essex Design Guide for small two bedroom properties. How they are similar to comparable developments approved in other central locations.

Compliance with Lifetime Homes Standards and the provision of adequate bin storage is subject to the submission of revised drawings and comments will be reported to Members.

2) The potential for harm on the amenity of neighbouring properties has been considered and the concerns of neighbouring residents noted.

There are no windows identified to the first floor rear elevation of plot 1 facing Banks Court or plot 12 facing 21 Standrums and in this regard overlooking is prevented in this regard subject to a condition to ensure that no windows are inserted into this elevation. Further, no windows are identified to the first floor south elevation of plot 1 facing 23 Standrums and this can also be prevented by condition.

With regard to the existing site levels and neighbouring properties it is considered that there would be no significant harm to neighbouring properties.

**CONCLUSIONS:** The scheme would make efficient use of land and be of an appropriate scale and design to respect the appearance of the area. Subject to conditions there would be no harm to the amenity of neighbouring properties.

**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.7.1. Slab levels.
4. C.8.27A Surface water disposal arrangements.
5. C.16.2. Full archaeological excavation and evaluation.
6. C.4.1. Landscaping scheme.
7. C.4.2. Implementation of landscaping scheme.
8. C.5.1. Samples of materials.
9. C.8.15. Restriction of hours of operation.
10. C.8.29. Condition for compliance with code level 3 (five or more dwellings)
11. C.8.32. Compliance with the 10% rule (developments of five or more dwellings or greater than 1000sqm floor area)
12. C.6.2. Excluding all rights of permitted development within the cartilage of a dwelling house without further permission.
13. The vehicle access shall be constructed at right angles to the existing carriageway and by the way of drop kerb crossings. The width of the driveways at their junction with the highway boundary shall not be less than 2.4 metres for the access to serve plot 1 and not less than 4.1 metres for the access to serve the remaining plots. Both should be retained at those widths for 6 metres within the site.  
REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner.
14. The accesses shall be laid to a gradient not exceeding 4% for the first 6 metres from the highway boundary and not exceeding 8% thereafter.  
REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner.
15. No unbound material shall be used in the surface finish of the driveways with 6 metres of the highway boundary of the site.  
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.
16. The development hereby permitted shall not commence until details of the means to prevent the discharge of surface water from the development onto the highway have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.  
REASON: To prevent hazards caused by flowing water or ice onto the highway.
17. Any gates provided at the vehicular accesses shall only open inwards and shall be set back a minimum of 4.8 metres from the nearside edge of the carriageway.;  
REASON: To enable vehicles using the access to stand clear of the carriageway/footway whilst gates are being opened and closed.
18. Prior to occupation of the development hereby permitted the existing crossovers shall be removed and the footpath resurfaced and kerb reinstated for use as approved in writing by the Local Planning Authority.  
REASON: In the interests of highway safety.
19. The development hereby permitted shall not be occupied until the car parking area indicated on the approved plans, including any parking spaces for the mobility impaired

has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.  
REASON: To ensure appropriate parking is provided.

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

REASON: To ensure appropriate powered two wheeler and bicycle parking is provided.

21. Vehicular hard standings shall have minimum dimensions of 2.4 metres x 4.8 metres.

REASON: To ensure appropriate parking provision.

22. The development shall not be occupied until the car parking area indicated on the approved plans have been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

REASON: To ensure appropriate parking is provided in the interests of highway safety.

23. 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 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.

24. All windows shall be balanced casements with equal size panes of glass unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of visual amenity.

25. No windows, rooflights, or other form of opening shall be inserted into the first floor side elevation or roof slope of plot1 without the prior written consent of the local planning authority.

REASON: In order to avoid overlooking in the interests of residential amenity.

26. No windows, rooflights, or other form of opening shall be inserted into the first floor side elevation or roof slope of plot 11 without the prior written consent of the local planning authority.

REASON: In order to avoid overlooking in the interests of residential amenity.

27. No windows, rooflights, or other form of opening shall be inserted into the first floor rear or side elevations or roof slope of plot 12 without the prior written consent of the local planning authority.

REASON: In order to avoid overlooking in the interests of residential amenity.

28. No approval is granted hereby to the first floor rear balcony to plot 11 in the application or specified on the submitted plans. No development shall be commenced until revised details of the rear elevation of plot 11 omitting the balcony have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained in that form.

REASON: In order to avoid overlooking in the interests of residential amenity.

29. Plot 5 shall be built to wheelchair accessible standards in accordance with drawing no. X unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure the provision of a wheelchair accessible dwelling in accordance with the Supplementary Planning Document 'Accessible Homes and Playspace'.

30. The development hereby permitted shall not commence until a scheme of boundary treatment has been submitted to and approved in writing by the Local Planning Authority. Such details shall include provision for the retention of the wall to the southern boundary with Standrums. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing.  
REASON: In the interests of amenity.

*Background papers: see application file.*

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## UTT/1801/08/FUL - ELSENHAM

Construction of a new health facility, swimming pool, squash courts, badminton courts, reception, restaurant, 40 parking spaces and ancillary works

Location: Elsenham Golf Centre Henham Road. GR/TL 545-265

Applicant: Mr Colin Pharoah

Agent: Mr Stephen Kuschel

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 16/02/2009

Classification: MAJOR

**NOTATION:** Outside any development Limit/Within Countryside Protection Zone; former quarry; access onto Class III road.

**DESCRIPTION OF SITE:** The application site currently forms a golf course with associated clubhouse and related facilities, including golf driving range. It is situated between Elsenham and Molehill Green to the north of the airport. The existing buildings are located in the north-west corner of the site, and there is a car park for 90 for vehicles. The premises include facilities for keep fit, changing rooms, beauty therapy, shop and café.

**DESCRIPTION OF PROPOSAL:** The proposal seeks to remodel and extend the existing buildings to provide a greater range of facilities. The proposals include:

- A building with a footprint of approximately 436m<sup>2</sup> to accommodate an 8m x 18m swimming pool, changing facilities, wc's, jacuzzi, steam and sauna rooms, storage and a plant room.
- The remodelling and extension (approximately 240 m<sup>2</sup>) of the existing lounge area to provide further toilets, kitchen and restaurant.
- The existing café, sauna, offices and golf shop would be remodelled and extended to provide a large seating area, replacement shop, new reception and office area, gymnasium, dance studio, changing rooms and toilets, plant room, two squash courts and a crèche. The extension would be approximately 610 m<sup>2</sup>, but would be sited in place of an existing extension with a footprint of approximately 61m<sup>2</sup> plus driving range bays (although the latter are to be replaced elsewhere on the site).
- An extension of approximately 700m<sup>2</sup> would create a sports hall with four badminton courts and storage area. This building would have a ridge height of 11m.
- An open roof terrace.
- Five new driving range bays adjacent to existing bays, to replace 3 demolished to accommodate the extension.
- An increase in parking spaces from 94 to 138 – 44 additional spaces.

The footprint (excluding driving range bays and first floor of the clubhouse) of the existing building is approximately 345m<sup>2</sup>.

**APPLICANT'S CASE:** The full supporting statement is available to view at the council offices and via the website.

"In summary, in 2003 permission granted for swimming pool, gym, multi purpose room, changing facilities, reception, 5 golf driving bays, extension to bar, 40 parking spaces, and ancillary works. Part implemented by providing golf bays. Application proposes improved and additional facilities to those approved in 2003. As before, the proposal would make use of original building, but now proposes more coherent design, better suited to proposed uses and landscape setting. Application prepared in consultation with Sport England, with reference to The Essex Sports Facilities Strategy 2007 –

2020, and Active Hertfordshire - Sports Facility Strategy 2007-2016. Will cater for identified need.

Site of 35 hectares comprising 9-hole golf centre and associated facilities. Established course with 707 members. Access from hard surfaced lane connecting to Hall Lane. Site benefits from small wooded areas around boundaries. Few buildings close to site, nearest houses in Henham Road some 350m away, separated by substantial wood. Centre is 1 mile from Elsenham, 2 miles from Stansted and 4 miles from Bishops Stortford.

Previous application proposed one large dome-roofed building. Proposal is series of smaller linked buildings, with narrower spans and pitched roofs. Will be increase in floor space, but more traditional in scale and appearance and more appropriate to countryside setting. Essex Sports Facilities Strategy for Uttlesford notes that there is potential to meet needs of community but restrictions on accessibility means that in foreseeable future there will be shortfall in sports halls, swimming pools and fitness stations (e.g. although 34 Courts available in District, only 14 accessible to public). By 2020, identified need for 20.83 courts and with more participation this rises to 21.87. Proposals will cater for identified need and be accessible to all members of public. Sports hall can provide multi-use facilities such as badminton, football and tennis. Designed to cater for all generations and whole family.

Proposed timber frame construction to reflect existing barn. Roof finishes are mixture of slate, cedar shingles and sedum. Buildings will meet high standards of sustainability and energy efficiency. Will consolidate and improve existing leisure facility, will be open to all members of public and accessible to large population from surrounding towns and villages. Suggested catchment area of 20 minutes. Designed to minimise size but take into account national sports provision standards. Complementary facilities such as restaurants and crèche. Low rise development in proportion with existing building. Well landscaped location. No trees would be lost and opportunities for more landscaping. Complies with guidance in PPG 17 and companion guide, PPS7 in respect of tourism and leisure, and ULP Policies LC2, LC4 and S8, and Council's Quality of Life and Leisure Strategies.

Main planning considerations are whether extension to existing facilities comprises acceptable scale and form of development given encouragement in national and local policy towards provision of sports facilities, evidence of need and support by Sport England, balanced against location of site outside development limits within CPZ. Previous report noted golf course is relatively isolated and extensions were substantial, but that this would not be out of place in context of existing built development. Principle of extending range of facilities in location is therefore established. Proposed greater floorspace but in response to need for greater range of activities in accordance with objectives of Sport England, Council's leisure strategy and national and local policies. Will consolidate and expand existing facility in well-designed attractive buildings, in keeping with landscaped setting of club.

Additional comments: details of other golf clubs developed into country clubs. Sport England supportive of project and have indicated eligibility for lottery funding, but dependent upon providing full range of sports facilities. Concern about size of development overridden by nature and location of site in shallow valley surrounded by trees. Not overlooked by neighbours. Planning policies support application. Facilities will complement local community and provide much-needed facilities for Elsenham, Henham, Takeley and other surrounding villages. Will alleviate need for local people to visit similar facilities at airport hotels and reduce traffic in area. Will endeavour to create bus stop in conjunction with local public transport operator. In process of

purchasing minibus to provide collection and returns service for customers, particularly local schools. Will work closely with County Council to restore footpath to Elsenham. Community Use Agreement template supplied by Sport England can form part of permission. Proposals will enable whole family to visit one venue in one journey. Existing club is cramped, over 50% of proposal would create better facilities for existing customers. Gym, pro shop, restaurant, bar and reception will double in size, fitness studio will increase, crèche will be much larger (currently free to members using facility), larger kitchen, much-needed staff room, enhanced corporate facilities. Much-needed storage to allow multitude of sheds and outbuildings to be demolished. Full disabled access. Sports hall vital for lottery funding and will double up as venue for corporate events, weddings and private functions. Improved security. Will enable sustainable business throughout year. Job creation. Environmentally friendly. Potential for Olympic training purposes".

**RELEVANT HISTORY:** Change of use of agricultural land (restored after sand extraction and landfilling) to 9-hole golf course granted 1988, and similar applications granted 1991 and 1995. Erection of two-storey extension to clubhouse including employee's flat granted 1997. Extension to storage building, enclosure of open bays and erection of terrace granted 1999. Construction of new health facility, swimming pool, reception, café extension, 5 new bays, 40 car parking spaces and ancillary works granted 2003.

**CONSULTATIONS:** ECC Transportation: No objections.

Sport England: Planning Policy Objective 7 of Sport England's 'Planning for Sport and Active Recreation: Objectives and Opportunities document' 2005, supports development of new facilities that will secure opportunities to take part in sport.

Provision of sports hall, fitness suite, dance studio, squash courts and swimming pool would complement current golf related facilities by providing wider range of facilities for existing and potential users. Offer potential to retain current golf centre members and attract new members. Concept of indoor sports/health/leisure facilities provided on golf course offers potential to attract larger number of people than golf course by itself and can help sustain golf course by providing facilities for use throughout year. Potential to increase participation in sport.

Potential to address identified needs. Countywide sports facilities strategies have recently (2008) been prepared for Essex and Hertfordshire. The Essex Sports Facilities Strategy identified that in Uttlesford there was adequate supply of sports halls, swimming pools and fitness suites to meet existing and future community needs, but a shortage of facilities accessible to general community as majority are on education sites/commercial facilities with restrictions on access.

Extent to which facilities could help meet deficiencies in practice will depend on golf centre's access policy. If only available to golf centre members, potential will be limited as only users able to pay centre's membership fees would be able to access facilities. Supporting statement is unclear about unrestricted community use e.g. pay and play or block bookings for local clubs.

Further consideration is acceptability of centre in view of its rural location and distance from settlements. While facilities would be accessible to residents and workers in area with access to a car, those who do not are less likely to be able to use facilities at peak times (evenings and weekends) due to limited public transport. Consequently, proposed facilities may only meet potential needs of part of local community in practice. If accessibility of facilities to whole community is significant in Council's determination, recommend further information sought on this issue. If appropriate, could secure community use agreement. Facilities would offer potential to help address sports facility needs of workers at airport.

As proposal involves new sports facilities which would offer potential to make contribution towards meeting strategic and local sports needs, and could increase participation in sport, proposals are considered to meet planning policy objective. Support principle.

Thames Water: request conditions regarding restriction on emptying swimming pool into public sewer to prevent risk of flooding or surcharging (to be emptied overnight and in dry periods; control of discharge rate). No objection with regard to sewerage infrastructure.

Three Valleys Water: no comments received – due 8 December.

Environment Agency: surface water drainage - within Flood Zone 1, the low risk zone. Whilst site is outside flood plain, operational development greater than 1 ha can generate significant volumes of surface water. Unclear from plans exact scale of operational development. If in excess of 1 ha, flood risk assessment needed. If less than 1 ha, Agency's standing comments on surface water drainage apply. Object until this aspect is confirmed. If objection overcome, recommend condition relating to sustainable construction, and offer advice on waste from swimming pool.

Natural England: objection. Recommend LPA refuses permission as insufficient survey information to demonstrate whether or not development would have adverse effect on legally protected species. Concerns relate specifically to likely impact upon legally protected species within or close to site of proposed development.

Essex Wildlife Trust: immediately to north of site there is a public footpath (No.39) running east-west several hundred yards. Beside it runs a ditch, and beyond the ground rises into a scrubby area. Along ditch and behind it grow large number of bee orchids (800 counted three years ago, but numbers vary from year to year). Found from shortly after beginning of Footpath 39 into quarry, up to Regents Spring. Request condition to avoid disturbance to important feature during construction.

UDC Environmental Services: As site is close to filled ground, risk assessment for ground gas which could affect human health and buildings and building services required. Recommend condition requiring further submission. Condition also required for details of external lighting to prevent loss of amenity or nuisance to close by residents.

UDC Engineer: consultation with EA required. Recommend condition C.8.27A (further submission of surface water disposal details).

UDC Building Control: (1) B5 (fires access) appears satisfactory. (2) access for disabled visitors to be included. Accessible WCs included but not accessible showers. Accessible parking needs to be defined. (3) Sustainability – to be reported.

UDC Planning Policy: Recommend refusal. 2008 application involves considerably more built form than that approved under 2003 permission in Countryside Protection Zone where there is supposed to be strict control on new development. While I would not question need for additional sports facilities in district this is not best location for them – they are only accessible by private car and do not meet objective in Local Plan to improve access to leisure and cultural facilities and to ensure that such provision is accessible for benefit of whole community.

In relation to Policy LC4 criteria (a) would relate to the sort of built development which would accompany an outdoor sports use e.g. changing rooms, cricket pavilion etc. In terms of a golf course this might be a club house, changing rooms, cafe/bar etc but not the scale of development proposed. 2003 proposal may have been judged against criteria b) because it was a former quarry - but it is also within CPZ and there must come a point at which the scale of development is inappropriate in this zone.

UDC Leisure Services: to be reported.

BAA Safeguarding: proposal does not conflict with safeguarding criteria. No objection, but require consultation if landscaping proposed outside site plan area shown on drawing No. 0811/108. Request informative regarding use of cranes.

Essex County Council: no comments received - due 3 December.

**PARISH COUNCIL COMMENTS:** No comment.

**REPRESENTATIONS:** This application has been advertised and no representations have been received. Period expired 6 January 2009.

**PLANNING CONSIDERATIONS:**

The main issues are

- 1) the principle of extensions to the existing facilities within the Countryside Protection Zone (PPS7 & PPG17; ULP Policies S8, GEN2, LC2 & LC4);
- 2) highway safety (ULP Policies GEN1 & GEN8);
- 3) impact on protected species (PPS9 & ULP Policies GEN7 & ENV7);
- 4) Other material planning considerations, including flood risk, accessibility and energy efficiency (PPS25 & ULP Policies GEN3 & GEN2, and SPD 'Energy Efficiency and Renewable Energy').

1) The site is in the Countryside Protection Zone (CPZ) around Stansted Airport. The local plan advises that the purpose of designating the zone is to maintain a local belt of countryside around the airport that will not be eroded by coalescing developments.

ULP Policy S8 states that within the CPZ permission will only be granted for development that is required to be there, or is appropriate to a rural area. It also states that there will be strict control on new development. It therefore embodies the normal restraint exercised in the countryside by planning policy. It is a stricter policy as even for those developments that meet conventional policies aimed at prospecting the countryside it embodies additional protection and continues that development will be resisted if it would promote coalescence between the airport and existing development in the surrounding countryside, and/or would adversely affect the open characteristics of the zone.

ULP Policy LC4 supports the provision of outdoor sport and recreational facilities beyond development limits, including facilities such as associated changing rooms and clubhouses. However, a key factor in this policy is that support is identified for recreational facilities in the context of outdoor sports, as opposed to recreational facilities generally which is what is now proposed.

In this case, it is acknowledged that there is an existing golf facility, and changing rooms, and some small ancillary facilities beauty therapy area, sauna and café. The existing building is housed in a barn-style 1½ storey building, with a single storey extension, and the submitted application states the existing floor area as approximately 625m<sup>2</sup>. The proposed application would significantly increase development at the site, and would provide a swimming pool and sauna/steam rooms & Jacuzzi; gym and dance studio; a restaurant and separate seating area; 2 squash courts; a crèche; and a sports hall with four badminton courts. In addition, the new facilities would be served by an increase in changing facilities, plant and storage areas, and parking.

It is accepted that the 2003 permission allowed for a swimming pool, dance studio and gym, but is the scale of the proposed development is much larger and excessive for this site in the CPZ. The 2003 permission enabled an increase in facilities but the primary function remained that of a golf centre. The current proposals would establish what is tantamount to a full leisure complex at the site, with a significant increase in built form and activity.

Although the provision of a golf course and associated facilities is an outdoor sport appropriate to the CPZ, there is no reason for facilities such as badminton and squash courts to be located in the countryside, and the facilities proposed in this application would be more appropriately located in existing settlements closer to centres of population. ULP Policy LC2 requires sports facilities to provide inclusive access for all sections of the

community, but this would not be achieved here given the limited accessibility of the site by means other than private car.

The proposal would increase the footprint of the building from approximately 345m<sup>2</sup> to over 2000m<sup>2</sup>. The existing clubhouse is the most dominant element currently with a height of approximately 8.5m, but set into the ground so that it does not appear much higher than the adjoining single storey development. In contrast, the proposed sports hall would be taller at 11m, and set on higher ground than the clubhouse. Furthermore, the clubhouse extension and swimming pool area would also appear as two-storey buildings (or at least with the height of such). Notwithstanding the applicant's arguments regarding screening at the site, both national and local planning policy seek to protect the countryside for its own sake, and the proposal would result in a significantly greater proportion of built form at the site than currently exists, resulting in a gradual erosion of the countryside which would undermine the principles behind the policies.

The development is considered to be sited sufficiently distant from any residential property to avoid any adverse impact on residential amenity.

2) The existing golf course has reasonably good access onto a classified road. No information has been provided of the likely increase in visitors to the site, but a significant increase in parking area is proposed. However, the highway authority raises no objection to the proposals and it is therefore considered that the existing access arrangements are capable of accommodating the increased traffic without any materially adverse impact on highway safety.

3) Natural England object to the application as insufficient survey information has been submitted to demonstrate that the development could take place without harm to any protected species. Essex Wildlife Trust has also identified the presence of rare bee orchids in the vicinity. It has been established that it is not appropriate for local planning authorities to consider the impact on protected species through planning conditions, but that it is a fundamental issue which should be assessed prior to the grant of any planning permission. In the absence of such detail, it would be premature to grant any planning permission if the development were acceptable in all other respects.

4) National policy guidance set out in PPG17 (Planning for Open Space, Sport and Recreation) was issued in 2002, and therefore predates more up-to-date guidance on sustainable development. However, a general principle identified in that document states that in identifying where to locate new areas of open space, sports and recreational facilities, local authorities should promote accessibility by walking, cycling and public transport, and to ensure that facilities are accessible for people with disabilities; and to locate more intensive recreational uses to sites where they can contribute to town centre vitality and viability. Although there is an existing outdoor sports facility on the site, it is considered that the siting of further unrelated facilities at this rural location, away from any settlement, would fail the general principles set out in PPG17. Paragraph 26 of that document also states that "in rural areas those sports and recreational facilities which are likely to attract significant numbers of participants or spectators should be located in, or on the edge of, country towns. Smaller scale facilities will be acceptable where they are located in, or adjacent to villages to meet the needs of the local community. Developments will require special justification if they are to be located in open countryside".

Although the application is supported by Sport England (a body whose purpose is to further the opportunities for sport), the consultation response from that body acknowledges that the rural location raises accessibility issues due to the limited public transport passing the site. Although the applicant's supporting statement refers to potential for an on-site bus stop and minibuses, there are no formal proposals or mechanisms for achieving them put forward as

part of this application. Plans to clear an existing footpath for improved access are unlikely to generate significant pedestrian travel to the site. Sport England also identifies that this application will only address an identified need if the facilities are open to all sectors of the community as opposed to members of the golf complex. The precise arrangements for the degree of public access are unclear, but if these facilities are intended for non-member use, they are likely to generate a greater degree of traffic, and such facilities would therefore be more appropriately sited closer to existing settlements where the majority of potential users live.

Although the importance of supporting sport and recreation is recognised, this must be weighed against other planning considerations, and in this case the unsustainable location and degree of new built development proposed in the countryside especially in the Countryside Protection Zone is considered to outweigh leisure benefits.

It is acknowledged that significant extensions to the building were granted in 2003, but this predates the current local plan and sustainability guidance set out in PPS1 (Delivering Sustainable Development 2005) and PPS7 (Sustainable Development in Rural Areas 2004). It has not been established that the 2003 planning permission has been lawfully implemented, but in any event the current proposal is materially different, with a much larger footprint and height, and would have greater visual impact than the approved scheme. It is not considered that the 2003 planning permission sets any precedent for the current proposal.

With regard to issues of flood risk and the objection of the Environment Agency, the operational development on the site would be below 1 hectare and as such the objection would not apply. Surface water issues could be addressed by condition.

If the development were acceptable in principle, matters of accessibility and energy efficiency could adequately be addressed by conditions.

**CONCLUSION:** the size and scale of the proposed extensions are considered excessive in this rural location in the Countryside Protection Zone, and would be an unacceptable further incursion into the rural landscape at this point. The site is considered to be in an unsustainable location where additional sport facilities of this nature cannot be encouraged, and which are better related to sites closer to settlements and centres of population. The need for publicly accessible sporting facilities in the district does not outweigh the material harm that would arise from the construction of this large-scale development in the countryside. Insufficient information has been submitted to demonstrate the proposals could take place without any adverse impact on protected species.

#### **RECOMMENDATION: REFUSAL REASONS**

1. The site is located in the Countryside Protection Zone (CPZ), as defined in the Uttlesford Local Plan. Within the CPZ, planning permission will only be granted for development that is required to be there, or is appropriate to a rural area. There will be strict control on new building, particularly that which would promote coalescence between the airport and existing development in the surrounding countryside, or would adversely affect the open characteristics of the Zone. In this case, the proposal would result in a significant additional built form in the countryside, which due to its large footprint and, in parts, its height and bulk, would have a materially adverse impact on the character and appearance of the rural setting. The development would consolidate existing development, and would result in piecemeal erosion of the Countryside Protection Zone and contribute to coalescence. Furthermore, it is not evident that the proposed development is required to be located at the site, and the proposal would represent an unsustainable form of development that would increase traffic movements by private car

to this rural area. The rural location of the site would also limit access to the facilities by all members of the community. The proposals would be contrary to national and local policies contained in Planning Policy Statement 1, Planning Policy Statement 7, Planning Policy Guidance note 17 and ULP Policies S8, GEN2, LC4 & LC2.

2. The absence of any survey information prevents the local planning authority from fully assessing the impacts, and therefore from fulfilling its duty on biodiversity issues under Section 40(1) of the Natural Environment & Rural Communities Act 2006, Regulation 3(4) of the Conservation (Natural Habitats) Regulations 1994 and Section 74 of the Countryside & Rights of Way Act 2000. The proposal is therefore contrary to advice contained in PPS9 and ULP Policy GEN7.

*Background papers: see application file.*

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## **UTT/0303/09/FUL - ELMDON**

Change of use from shrubland to garden land. Retention of replacement stables/storage and proposed addition of opensided firewood store and photo voltaic array. Retention of commenced drive and gateway and proposed completion and surfacing, retention of commenced pond excavation and bridge. Proposed undertaking of landscaping works to include pond completion, orchard hedgerows and tree planting. Proposed building of folly/owl box structure, greenhouse and walled kitchen garden enclosure

Location: Highwood House Formally Windrush Langley Road. GR/TL 453-359

Applicant: Mr R Wilson

Agent: Mr R Wilson

Case Officer: Mr N Ford 01799 510629

Expiry Date: 09/06/2009

Classification: MAJOR

**NOTATION:** Outside Development Limits.

**DESCRIPTION OF SITE:** Highwood House (formally named Windrush Kennels) is located to the south west of Dudenhoe End on the western side of the road to Langley within the countryside and isolated from any neighbouring properties.

The house is set back around 60 metres from the highway and is single storey and appears to be of brick and render construction with a glazed conservatory. To its rear is a detached building with a garage and ancillary space that appears to be used for domestic storage. Adjacent are 2 no. steel containers, a building describe as a kennel block and a static caravan and further a modest building described as an old isolation kennel. This land and buildings comprise the area stated by the applicant as curtilage to Highwood House. South beyond a bank of trees and hedge lies agricultural land. To the west is a dense tree plantation with a preservation order named Highwood. Agricultural land also lies to the east beyond the highway.

To the north is land owned by the applicant subject of the planning application. Part of the land has been excavated to form a lake around an island with wooden bridge and garden seat. At the time of the site visit this appeared to have been recently formed due to bare graded earth surrounding. The submitted application form states that the work began on 1 July 2007. There is a concrete bridge with brick piers and metal railings running over part of the excavated land to the west. Over this bridge and sweeping round the north of the lake east is a gravel formed access road which adjoins the original access close to the highway. Either side of this junction are brick walls and piers with metal gates between. At this junction between the original and new access road is a blockwork and brick building under a corrugated roof. To the north beyond a timber boundary fence lies agricultural land.

**DESCRIPTION OF PROPOSAL:** The planning application is in part retrospective relating to the retention of the change of use to residential of the land described above described by the applicant as shrubland and associated engineering work for the land associated with the lake excavation, new access road, and development of the bridge and gateway.

It is also proposed to retain the store building adjacent the entrance to the site as a store and energy hub with photovoltaics. Also proposed is a folly to replace the isolation kennel, a kitchen garden wall and a greenhouse.

**APPLICANT'S CASE including Design & Access statement:** See Design and Access Statement received 10 March 2009. Sets out the site history, design methodology and future plans for the site.

**RELEVANT HISTORY:** A single storey side extension was granted planning permission on 21 May 1981 (UTT/0553/81). A double kennel was granted planning permission on 12 May 1994.

**CONSULTATIONS:** Landscape Officer: Verbally indicated that the gates, wall, bridge and access drive are urbanising features harmful to the fabric of the countryside.

Energy Efficiency Surveyor: The ambition of this proposal and future stages is to reduce negative environmental impacts (e.g. from use of fossil fuel energy, imported food) and create positive environmental impacts (e.g. improve biodiversity), an aim I wholeheartedly support. The proposed combination of solar PV, wood fuel, ground source heat and (in the final phase) wind energy will be an effective way to provide the site's energy needs without fossil fuels. From my point of view, I recommend that approval is granted.

**PARISH COUNCIL COMMENTS:** To be reported.

**REPRESENTATIONS:** One. Notification period expired 31 March 2009. Site Notice and Advert expired 16 April 2009.

Greenleas, Langley Upper Green – Has noticed considerable changes to the site in recent months. What was once a small bungalow, with kennels, a large garden area and paddock seems to have become a substantial development with additional roadways, gates and work on the paddock. My concern is that a small rural property is becoming a substantial development out of keeping with its immediate environment and that there is a potential loss of the paddock which may once have been agricultural land. Would recommend to the Local Planning Authority that it does not become over – developed with buildings and associated structures so converting a rural property into a major property.

Further comment – Having seen the application field I am even more convinced that this widely spread development of numerous buildings, functional and ornamental structures and landscaping is totally out of keeping with the plot and setting and leaves too much scope for further development. I can recall from personal experience that about 20 years ago the northern area was a productive hay meadow with grazing, presumably agricultural.

**COMMENTS ON REPRESENTATIONS:** Discussion surrounding issues of effect on the character and appearance of the countryside and erection of buildings and structures is discussed below.

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

The main issues are

**1) Whether the change of use to garden results in a material harm to the character and appearance of the surrounding countryside (PPS7, ULP Policies S7, ENV6 and GEN2 of the Uttlesford Local Plan adopted 2005).**

1) The existing dwelling and its curtilage as well as land outside the curtilage to the north of the dwelling subject to change of use lies outside of development limits for the purposes of the Uttlesford Local Plan adopted 2005. Policy S7 requires that the countryside is protected for its own sake. Planning permission will only be granted for development that needs to take place there or is appropriate to a rural area. There will be a strict control on new building. Development will only be permitted if its appearance protects or enhances the

particular character of the countryside in which it is set or there are special reasons why the development in the form proposed needs to be there.

Policy ENV6 states that "change of use of agricultural land to domestic garden will be permitted if the proposal, particularly its scale, does not result in a material change in the character and appearance of the surrounding countryside. Conditions regulating development rights associated with the proposal may be necessary".

In relation to the most recent planning history the kennels approved in 1981 clearly show on that application drawing that the land subject of the change of use within this application to garden lies outside of the contemporary curtilage. Furthermore, the extension application of 1981 also shows the land outside of that application site. The land to the north is indicated was paddock. In the absence of evidence to the contrary it is considered the land is has not had any domestic use that would be immune from planning control. The work began on 1 July 2007 and the applicant has accepted that a planning application is necessary. The previous use was likely agricultural.

The accompanying text to Policy ENV6 interprets how the policy should be interpreted. It explains that proposals to change agricultural land to domestic garden are not likely to change the character and appearance of the surrounding countryside which for instance use unworkable corners of fields and do not create wedges of domestic features intruding into an agricultural landscape. Appropriate planting, boundary treatment and removal of permitted development rights should be considered where approval is granted.

The form and size of this change of use to garden does not relate to an unworkable field corner. The land does (and could potentially further following completion) intrude a more formal domestic landscape north into an otherwise relatively flat agricultural landscape. From the north looking south it is presently difficult to see the altered character of the site. However, the changes to the character to the site are significant. In the context of surrounding land and the indicated site levels it is apparent that the gradient of the land did not change significantly prior to the excavations to form the lake. On this land, formerly described as scrubland, this does provide a formal appearance at odds with the character of the countryside particularly to the north.

In particular however, the bridge combined with gate piers, access road and associated walls intrude a domestic urban form into the agricultural landscape to the north. These features are not development that needs to take place in the countryside such that would protect it for its own sake. The rural character of the area has been eroded.

There is no objection to the proposed buildings and structures within the existing garden curtilage of the dwelling. These include a garden wall indicated as extending south from the existing dwelling towards the southern boundary and is between 2 and about 2.4 metres high, a folly structure in the north west corner of the site which is 2.7 sqm and around 5 metres high and a greenhouse extending west from the side elevation of the dwelling and adjacent the annexe. Similarly there is no objection to the stable building located between the dwelling and the highway.

Harm has been identified as a result of the excavations and the extent of domestic intrusion into the agricultural landscape and therefore it is considered that the application fails to comply with Policies S7 and ENV6 relation to the protection of the character and appearance of the countryside.

**RECOMMENDATION: REFUSAL REASONS**

This proposal is unacceptable because the use of the land as garden with its domestic urban features including bridge, gates, gate piers, wall and access drive and potential for further erection of sheds, greenhouses, garages and other outbuildings has and would have the effect of adding to the urbanization in the area. Such features result in the erosion of the existing open rural character and appearance of the countryside contrary to Policies S7 and ENV6 of the Uttlesford Local Plan adopted 2005.

*Background papers: see application file.*

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## **UTT/0045/09/FUL - STANSTED**

Change of use for up to 1,900 sq m of total existing floor area from B1 (Light Industrial) to dual use B8 (Storage and Distribution) or B1 (Light Industrial)

Location: Parsonage Farm (M11 Business Link) Site A Forest Hall Road. GR/TL 517-231

Applicant: Frep (Stansted) Ltd

Agent: Frogmore Property Company

Case Officer: Mr R Harborough 01799 510457

Expiry Date: 25/03/2009

Classification: OTHER

**NOTATION:** Policy SM5 Parsonage Farm

**DESCRIPTION OF SITE:** New industrial units nearing completion on a part of the redevelopment Parsonage Farm site known as 'Site A'. One building measuring approximately 520m<sup>2</sup> has been excluded from the site as it has a tenant. Approximately 150 metres to the south is 'Site B' which is being developed for 8200m<sup>2</sup> of office space, of which approximately 3315m<sup>2</sup> has been built.

**DESCRIPTION OF PROPOSAL:** Change of use for up to 1900 sq m of floorspace from B1 to dual B1 or B8 use.

**APPLICANT'S CASE:** A significant amount of marketing effort has already been undertaken in order to find new occupiers for the new business park. It has become evident from the marketing process that a more flexible approach to the B1 uses is required.

**RELEVANT HISTORY:** The site has a long planning history of allocation for Class B1 redevelopment with a series of approvals from the early 1990s, culminating in UTT/0581/07/FUL, which consolidated all earlier approvals.

**CONSULTATIONS:** Essex County Council highways: No objections. It is not contrary to the relevant transportation policies as refreshed by a Cabinet Member decision in October 2007.

**PARISH COUNCIL COMMENTS:** Consultation period expired 28 February 2009. Stansted PC objects – this development was originally given consent as a base for start-up businesses. Storage and distribution will result in many more vehicle movements to the site, particularly in the vicinity of the Mountfitchet Mathematic & Computer College.

**REPRESENTATIONS:** None. Notification period expired 19 February 2009.

**COMMENTS ON REPRESENTATIONS:** None.

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

The main issues are;

- 1) principle of development (ULP Policy SM5);
- 2) traffic and amenity (ULP Policies GEN1, GEN2);
- 3) Other material planning considerations.

1) The Uttlesford Local Plan states that;

"17.1. The fact that the site is identified as an area in which redevelopment for business uses may be permitted is not intended to imply that other development would be permitted. Only development complying with policy SM5 will be permitted.

Policy SM5 - Parsonage Farm

**Within the Policy Area redevelopment of existing buildings for Class B1 purposes, primarily in small individual units, will be permitted, if all the following criteria are met.**

- a) **Schemes for replacement buildings form part of an agreed overall plan for the phased improvement of the whole site, which may include arrangements for the regulation of existing haulage and car breaking uses.**
- b) **The design of new buildings suits the rural character and appearance of the locality, and associated activities and car parking are concealed from principal public viewpoints.**

**Permission may also be granted for a lesser proportion of Class B2 uses. No increased floorspace will be permitted in any phase until all existing buildings in that phase have been replaced. Permission will not be granted for new haulage or car breaking uses".**

The policy is permissive i.e. it says that a specified development will be permitted. It is silent on the change of use post redevelopment. The policy does state that in the redevelopment for haulage will not be permitted but such an activity is vehicle based and should not be confused with warehousing where goods or material storage is the focus of the use rather than the vehicles themselves.

The range of unit sizes that were approved by the Class B1 development application varies between;

- 660 sq.m (1 of)
- 460 sq.m (2 of)
- 440 sq.m (2 of)
- 550 sq.m (6 of)
- 380 sq.m (2 of).

It is not clear in the application how the application for 1900 sq.m. of floorspace would be applied to these units since none of the combinations appears to total 1900 sq.m but it would cover up to about 5 units of the total of 13 in the development, roughly 28% of the floorspace.

Levels of traffic generation have always been a consideration here, as all approaches to the site involve the use of narrow and indirect roads from the strategic route network. The Council has been keen to avoid the area becoming a bulk distribution hub based on the presence of the nearby Stansted Airport and M11 Motorway. Prior to redevelopment the site was occupied by a range of local businesses in small and life expired buildings, or open site uses which attracted large commercial vehicles, and the redevelopment was intended to sweep that form of unsatisfactory development away and replace it with modern units for locally based business (Class B1 or B2 ) use. The Policy SM5 makes no provision for other uses, and to that extent the proposal would be contrary to the adopted Local Plan Policy. However, the policy does not explicitly exclude B8 uses in the way that new haulage or car breaking uses are addressed. B8 uses would have similar absence of impacts in terms of noise and vibrations, smell, dust, fumes to B1 uses and less impact than B2 uses, for which some provision is made in the Policy.

2) The Parish Council has raised an objection to the proposal on traffic generation grounds and impact on pedestrian safety. The generalised view of Class B8 uses compared to Class B1 uses is that storage and distribution involves more vehicle movements in larger vehicles, but provides fewer jobs on site than would be typical for an industrial use, and therefore fewer travel to work trips. It is not possible to control the type of vehicles that call at premises (whether for B1, B2 or B8 uses) by means of planning conditions, as this requires the occupier to exercise control over third parties which in reality it cannot achieve. The Local Planning Authority therefore has to take a view upon the type of traffic likely to be associated with certain types of uses.

The first section of the entrance road to the Parsonage Farm site is also a public bridleway until that takes a separate route through an avenue of trees (the route of the original, now abandoned, access road). A new improved route (seen on a committee site visit at the time of the application) has been provided from Parsonage Road to the site.

The risk of B8 uses as proposed actually generating more traffic than the permitted B1 uses is mitigated by the limited percentage (approximately 28%) of the floorspace on site A which totals 6800m<sup>2</sup>, for which B8 permission is being sought (a maximum of 1,900 sq metres), the relatively small size of the units on the site, and the lack of provision for large numbers of large commercial vehicles within the site layout which has been developed as an enclosed courtyard. A company that depends on frequent deliveries and distribution of goods by large vehicles would not be attracted to this development. Consequently there is unlikely to be any significant change in pedestrian safety or amenity both on the bridleway and on the approach highways to the site, or affect on houses in the vicinity of the entrance junction with Foresthall Road. It is noted that site B is unaffected by this application but is a site of 8200m<sup>2</sup> of office floorspace which is likely to be served by smaller vehicles.

3) Other issues

The terms of the current permission appear to be constraining some of the completed units from being occupied by businesses. The commercial property market is clearly weak in the current economic climate, and it is a material planning consideration that permitting some B8 uses could allow some modest economic activity, probably from the expansion of local businesses, without any significant risk of harm.

The applicant has provided details of its marketing of the site. It has instructed two agents Barker Story Matthews and CBRE, either to lease or sell units freehold. Locally based small and medium enterprises have been targeted and around 2,200 companies on a list of potential and local occupiers have been contacted by mail with follow up contact by telephone. The agents held an open day in March.

Letting of only one unit has been secured to date. Another 5 potential tenants are showing interest more recently. Summary details of 36 enquiries have been provided to officers on a commercial in confidence basis. Of these, 20 are looking for accommodation specifically in the vicinity of Bishop's Stortford/ Stansted. However, it is understood that converting these 36 enquiries including the 5 stronger expressions of interest into contracts is proving difficult. The applicant comments: "This we expect is due to the economic background and also difficulties in raising funding. The problems are further exacerbated by the restricted B1(c) use class, with which many potential occupiers as well as their funders are uncomfortable." "Given the current market, flexibility will be imperative in order for the employment opportunities on the site to be delivered."

Officers have agreed to minor amendments to one of the units to meet the specific needs of a B1 user (an expanding local company) in order to assist in securing its letting. This has been successful.

**CONCLUSIONS:** The key issues are whether the lack of specific provision for B8 uses in the policy for the site is significant, whether there would be any significant change in the nature or volume of traffic flows that would adversely affect local amenities from 1,900 sq m of accommodation being used for B8 as opposed to B1 or B2 uses, and a modest contribution to enabling economic activity locally by responding to market interest where it exists. Officers consider that the proposal would not result in material harm and that it would benefit the local economy.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. The permission shall not be implemented until details of where on the site. The 1900m<sup>2</sup> of B8 use is to be created.  
REASON: Insufficient details were submitted in the application.
1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans
3. C.5.2. Details of materials to be submitted agreed and implemented.
4. C.20.3. If Protected Species discovered get Licence from DEFRA/Natural England (amended to include badgers)
5. C.8.29. Details of sustainable construction for new residential or commercial development.
6. C.4.2. Implementation of landscaping.
7. Lockable bollards and warning signage as shown on drawing 05\_0343 CL\_01 rev T2 shall be provided and maintained at all times except for purposes of maintenance access to the bridleway track along the carriageway of the old access road to Parsonage Farm  
REASON: To provide a segregated traffic free route for users of the statutory bridleway in the interest of the safety of users of this route.
8. The public right of way in the vicinity of the site should not be obstructed or adversely affected in any way by the proposed development either during construction or at any time following completion of the development.  
REASON: To protect the safety of users of public right of way.
9. Detailed drawings showing actual cross sections in each of two directions at right angles of the two balancing ponds to serve the development shall be submitted to and approved in writing by the Local Planning Authority before their construction.  
REASON: to clarify their form of construction in the interest of protection of the appearance of the countryside.
10. Before the commencement of construction of the development hereby approved the applicant shall either;
  - a) Net the entire area of open water in the balancing ponds, details of netting to be submitted to and approved in writing by the Local Planning Authority
  - OR
  - b) Produce a Bird Management Plan, details of which are to be submitted to and approved in writing by the Local Planning Authority.  
The Bird Management Plan should include the following:  
Visits to the balancing ponds by a nominated person(s) need to be conducted three times a day, at dawn, noon and dusk (time periods to be arranged)  
A log must be kept of numbers and types of birds and times they were spotted  
The log must be kept available for audit and inspection when requested by BAA.  
Details of dispersal methods  
There will be target groups of species specified and maximum numbers of each species allowed, possibly zero tolerance for water fowl (details to be agreed)



Failure criteria to be agreed

The measures that are agreed shall be put in place before first use of the pond and shall be maintained permanently thereafter.

REASON: To satisfy the Local Planning Authority and BAA that the risk of birdstrike to aircraft is minimised.

11. C.8.3. No outdoor working (amended).
12. C.9.1. No outdoor storage.
13. C.10.1. Bell Mouth junction.
14. C.10.17. No occupation until spaces laid out.
15. Prior to the commencement/occupation of the development the details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided before occupation and retained at all times.  
REASON: To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with policy T6 of the Essex and Southend-on-Sea Replacement Structure Plan.
16. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.  
REASON: To ensure a satisfactory method of pollution control.
17. The vehicle parking spaces and service yards shown on drawings 236 034 and 236 022 date stamped as received 23 April 2007 shall not be used other than for the parking of vehicles in association with the use of the Class B1 accommodation hereby permitted. No vehicle shall be parked in the approved parking spaces or service yards unless it belongs to or was driven there by a person who is working at the premises hereby approved. No vehicle parked at the site by or on behalf of a person visiting the premises hereby approved shall remain on the site overnight unless that person is working at the premises hereby approved on the night that the vehicle is parked.  
REASON: To ensure adequate car parking spaces are provided to serve the Class B1 accommodation in the interests of highway safety. Furthermore, it is the policy of the Council that all parking required for Stansted Airport should be accommodated within the airport boundary, in order to protect the appearance of the countryside.
18. C.8.22. Control of lighting.
19. C.4.1. Scheme of landscaping to be submitted and agreed.
20. C.8.29. Details of measures providing energy and water efficiency and sustainable power and drainage for new residential or commercial development.
21. C.13.8. Hours of deliveries

*Background papers: see application file.*

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