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UTT/0985/09/FUL - SAFFRON WALDEN

Replace existing school hall with auditorium/concert/theatre hall and ancillary facilities and a new entrance

Location: Saffron Walden County High School Audley End Road. GR/TL 531-377

Applicant: The Governors of Saffron Walden

Agent: The Tooley & Foster Partnershi

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 30/10/2009

Classification: MAJOR

NOTATION: Within Development Limits.

DESCRIPTION OF SITE: Saffron Walden County High School is situated approximately half a mile west of the Town Centre. There are two main entrances from Audley Road into the site:

- 1) Western access – provides access for cars, pedestrians, coaches, cyclists and motor cyclists
- 2) Eastern access – provides access for residents of Copperfields, cars, pedestrians and cyclists

The site has various building for the use of a secondary school in addition there is a sports hall which is used in the evenings and Saturdays by the public; a cinema operates four days a week and is open to the public; a sports pavilion is open to local clubs and there is a nursery school for pre school children.

The buildings are of various shapes and forms.

DESCRIPTION OF PROPOSAL: The proposal is for the demolition of the existing school hall and the erection of an auditorium/concert/theatre hall including ancillary features such as teaching spaces, green rooms and rehearsals room.

The proposal also includes additional space to the existing 6th form, a new entrance into the school to incorporate access to the school, new auditorium, existing 6th form, existing cinema and the admin building.

APPLICANT'S CASE: The School is Co-educational Comprehensive School; it is a specialist Technology College and is accredited by the Department of Education & Skills as a training school.

In 2005, a new multi-purpose hall was completed which has been fitted out as a cinema serving Saffron Walden and its surrounding area.

The school's auditorium, built in the 1950's, has had a number of additions and enhancements over the years, including new back-of house facilities, but is now no longer appropriate for the School's needs. The main inadequacies of the building are:

- i) The size of the stage and the width of the proscenium (the area in front of the scenery);
- ii) A drop in the ceiling level at the rear of the hall has a negative impact on the acoustics;
- iii) A ground floor at two levels which limits flexibility of use;
- iv) Poor environmental conditions and
- v) Compliance with DDA requirements

The 6th Form Centre, with 500 students, has inadequate facilities and would benefit from additional space. It is therefore within this context that the current proposals for a new auditorium and 6th Form extension have been developed.

Subsequent information provided by email dated 14th September 2009 – letter explaining in more detail the arrangements for parking:

1. The auditorium will not be available until after 4.00pm

2. A marshalling system will be in operation for all major events, both arrival and leaving times
3. The tennis courts backing on to Copperfields will be a last resort, occasional car parking area
4. Car parking is under review

RELEVANT HISTORY: Various extensions and new buildings.

CONSULTATIONS: County Highways: No policy objection to parking but require the vehicular entrance to be improved by way of condition and legal agreement.

Water Authority: To be reported

Environmental Services: No adverse comments providing sound insulation is kept to level described in Noise Report.

Drainage Engineer: The application proposes a sustainable drainage system but no details are included. Therefore a condition should be attached to any permission requiring further information. Subsequent to this a revised report has been submitted and the drainage engineers comments will be given at the meeting.

Additional information received 14th September 2009 – To be reported

Building Control: To be reported.

Landscaping Officer: To be reported.

TOWN COUNCIL COMMENTS: Inadequate Parking; failure to provide adequate access; confusion because of ad hoc parking and disturbance to neighbouring properties.

REPRESENTATIONS: This application has been advertised and 1 petition and 11 further representations have been received. Period expired 7th September 2009.

Over arching all responses was that they had no objection to the auditorium however the concerns raised are with regard parking, access and flooding.

- i. Loss of 9 spaces with no additional parking proposed
- ii. Car parks already over used out of school hours
- iii. Tennis and basketball court parking has restricted use and will cause disturbance to neighbours
- iv. Access to tennis/basketball court parking is along single track lane and not suitable
- v. The main access into the County High is inadequate
- vi. Additional built form will cause more flooding in the surrounding area where there are already flooding issues.
- vii. Concerned re the nature of the events, the frequency of the use, the opening hours and the volume of traffic
- viii. Would like to see measures introduced to prevent parking in Copperfields and penalties if these measures are ignored.

COMMENTS ON REPRESENTATIONS: The comments will be discussed within the Planning Considerations.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Design (ULP Policy GEN2 & [SPD](#) Accessibility);**
- 2) **Access and Parking (ULP Policies GEN1 and GEN8);**
- 3) **Loss of Sports Field etc (ULP Policy LC1) and**
- 4) **Good Neighbourliness (ULP Policy GEN4);**
- 5) **Flood Protection (ULP Policy GEN3 and PPS25);**
- 6) **Access to leisure facilities (ULP Policy LC2).**

1) The proposal is for the erection of a replacement auditorium at the Saffron Walden County High School. The site lies within the development limit and therefore there is no objection in principle of development. The existing auditorium, built in the 1950's, is no

longer useful and a new auditorium which has been specifically designed to meet the modern requirements will mean that it can be used a community facility. With regard to design the proposal meets the policy requirements and the principle of a new auditorium is accepted in this instance.

2, 3) The proposed auditorium would have a capacity to hold approximately 750 seated in the audience; 150 in the orchestra and 120 on stage in a choir. This would generate the need for significant on site parking and increase the use of the vehicular entrance points from the main highway network outside of the normal school operating hours. In conjunction with the auditorium use there would be an overlap with cinema use, sports hall use, outside sports on the sports field as well as during the summer evenings the use of the school swimming pool.

Government guidance indicates that parking standards are a maximum figure opposed to a minimum and in this instance parking needed for these facilities would be as follows:

	Hours of operation	Days of operation	Maximum number of car parking spaces
Sports Hall	To 10.00pm	Mon - Fri	78 UTT/1118/97/DFO Condition C.90A
Sports Field	To 10.00pm To 9.00pm	Mon – Sat Sun	8 pitches = 120 spaces plus 1 in 10 spectator seats?
Swimming Pool	To 7.30pm To 7.00pm	Mon Tue - Fri	1 space per 10sqm of public space 56 spaces
Cinema	To 11.30pm	Fri, Sat, Sun, Mon	44 spaces
Proposed Auditorium	To 11.30pm	Seven days per week	204

The existing marked out spaces total 210 of which 78 are specifically allocated to the sports hall by way of condition C.90A of UTT/1118/97/DFO dated 20th November 1997; Therefore the useable number of marked out spaces is 132.

A Plan (no. 4499 IN 17 P2 submitted 29th September 2009) submitted as additional information indicates that parking spaces will be provided in the tennis courts to the west of the site, close to the pavilion and along the edge of the playing fields; with the tennis courts behind Copperfields providing last resort/occasional parking which received planning permission for this use in 1997.

A travel plan has been submitted with the application but this only deals with the day time activities of school hours. It would not be appropriate to ask for a further travel plan to include details of the use of the venues outside of school hours as it is unlikely that public transport will be available and users would therefore be reliant on motor vehicles, walking and potentially bicycles.

Within the additional plan submitted 29th September 2009 7 disabled parking bays have been provided by the entrance of the auditorium.

Access from the main highway network is also an issue. Highway Authority has been consulted and although there is no policy objection to the proposal the considers that the increased use of the access to the north of the site from Audley Road, outside of school hours, will potentially be a traffic hazard and it is recommending alterations to the access. It has suggested various conditions which can be applied to permission.

3) The parking shown within the tennis courts to the rear of Copperfields received permission for occasional use in 1997. The noise and disturbance issue would have been

considered at that time and the applicants have confirmed that the use of these particular spaces would remain as a last resort. It would be difficult for the Council to refuse the application for noise/disturbance to these properties when the use is already permitted.

4) The County High School is not located within a Flood Risk area however development must not increase the risk of flooding through surface water run off. The local plan policy requires a Flood Risk Assessment (FRA) to demonstrate this. In addition Sustainable Drainage Systems should also be considered as an appropriate flood mitigation measure in the first instance. The application was accompanied by a report in respect of drainage. However the Council Drainage Engineer required further information. Subsequently information has been received with an indication from the Drainage Engineer that this information satisfied the requirements of policy.

6) Uttlesford Local Plan Policy LC2 – Access to leisure and Cultural Facilities. The policy requires proposals such as this application, to provide inclusive access to all sections of the community, regardless of disability, age or gender. The design and layout of the proposed building has taken this into consideration.

CONCLUSIONS: The proposal for a new auditorium is acceptable in principle and is therefore recommended for conditional approval.

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. No development shall take place until details of the provision of suitable temporary access arrangements to the application site in connection with the land forming/construction operations, to include wheel washing facilities, any necessary traffic management, turning and off loading facilities for delivery/construction vehicles within the limits of the site together with an adequate parking area for those employed in developing the site. Details to be submitted to and approved in writing by the local planning authority
REASON: In the interests of highway safety in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006 – 20011 and refreshed by Cabinet Member decision on 19/10/07 and Uttlesford District Council Local Plan Policy GEN1 Access.
4. Prior to the occupation of the building hereby approved the applicant shall remove some of the verge along Audley End Road to the east of the site access to improve visibility to achieve a 2.4m x 90m visibility splay to the right of the access in accordance with details submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. The area within the splay shall be kept clear of any obstruction exceeding 600mm in height at all times.
REASON: To provide highway safety and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006 – 20011 and refreshed by Cabinet Member decision on 19/10/07 and Uttlesford District Council Local Plan Policy GEN1 Access.
5. C.8.32. Compliance with the 10% rule (developments of five or more dwellings or greater than 1000sqm floor area),

Background papers: see application file.

UTT/0645/09/OP - FELSTED

Outline planning application for redevelopment and conversion of former brewery site to a Wellbeing Village consisting of 34 care home rooms, 50 assisted living apartments, 3 guest bedrooms & warden's flat (use class C2) with restaurant, shopping & recreational facilities, landscaping & parking

Location: Hartford End Brewery Mill Lane Hartford End. GR/TL 687-173

Applicant: Hartford End Developments Ltd

Agent: Andrew Martin Associates

Case Officer: Ms K Hollitt 01799 510495

Expiry Date: 26/08/2009

Classification: MAJOR

NOTATION: Outside Development Limits/Partially within Flood Zones 2 and 3/Tree Preservation Order/site straddles District boundary.

DESCRIPTION OF SITE: The application site is situated south of Felsted village with the River Chelmer running east-west through it. To the north of the river are the buildings associated with the former Ridley's Brewery and to the south is open land and a treatment plant associated with it. The river forms the boundary between the administrative areas covered by Uttlesford District Council and Chelmsford Borough Council.

The buildings are a mix of 19th century buildings adjacent to the river with 20th century additions. Facing the highway is a modern office building and between the main brewery buildings and a row of four cottages is a large concrete portal frame warehouse building. There are other smaller buildings within the site including a former hospitality building.

The site lies in a valley with land rising to the north and south with open fields surrounding the site. There are two protected trees within the site, one to the rear of the cottages and one on the banks of the stream feeding into the River Chelmer.

DESCRIPTION OF PROPOSAL: The proposal relates to an outline application with all matters (landscaping, scale, appearance, access and landscaping) reserved for the conversion and extension of the existing buildings to form a 'Wellbeing Village' consisting of 34 care home rooms, 50 assisted living apartments, 3 guest bedrooms and a Warden's flat. Associated facilities include a restaurant, shop, recreational facilities, landscaping and parking. The proposal will involve the demolition of the large portal framed building and the smaller ancillary buildings throughout the site in order to facilitate the development.

The applicant describes the concept of a 'Wellbeing Village' as a residential care facility for the elderly operated as one community, complete with a range of bespoke services and facilities on site. The level of care provided and the type of accommodation available also varies and is dependant on the choices and physical condition of the residents. The village is more simply defined as the merging of a traditional care home with sheltered housing where all care levels can be catered for. Residents have a choice of property options ranging from a care home bedroom to a two bedroomed apartment. All accommodation can be provided with a high level care package. The level of care will be tailored to individual needs. Such a scenario, which is becoming more common, would be an elderly couple, where one partner is in need of close care and the other not having any care needs, but is unable to act as a sole carer to the partner. An apartment in the Wellbeing Village allows for each end of the care spectrum to be provided, allowing close care to be administered to one partner, thereby allowing the other to live a fuller, independent life, but remaining as a partnership, living together, in the knowledge that the partner's needs are being fully met.

Indicative drawings submitted with the application indicate that the proposals would incorporate 30 x 2 bedroom units, 20 x 1 bedroom units in the assisted living area and 34 single bed rooms in the care home. The assisted living area would also include a restaurant, family dining room, hair salon, community shop, gym, pool and treatment rooms. There would be a variety of communal areas both indoors and outdoors.

The indicative proposals indicate that it is proposed to retain the older elements of the buildings on the site and extend these. The modern buildings, in particular the warehouse, would be demolished to allow the construction of a new wing to incorporate the care home facilities. The existing cottages would remain.

The proposals include the provision of 90 car parking spaces, 15 in the basement of the building and the remainder outside. This includes the provision of 9 disabled parking spaces. In addition 25 cycle spaces are proposed and there would be facilities to park electric buggies.

To the south of the river it is proposed to provide landscaped garden areas. As this is a cross-boundary planning application that element of the proposals will be determined by Chelmsford Borough Council.

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

An imaginative and high quality scheme has been prepared, which retains the Victorian character of the main structures and removes the more utilitarian industrial buildings in favour of an extension, which assists viability and harmonises with the industrial character of the site. The rural setting and scale of the site provide an opportunity to remove large areas of concrete hardstanding and replace these areas with carefully designed landscape grounds, which integrate the setting of the building with the natural landscape.

Technical studies have been undertaken to ensure that the proposals do not add to the risk of flooding, impact negatively on the site's biodiversity or increase traffic in this rural location. The studies all confirm that the proposed use would not have an adverse impact and in each case, a slight improvement on these environmental conditions will result. A contamination study reveals that there are some limited "hot spots" within the site and recommends that the material within these areas is removed. The site will, as a result, be cleaned and its more damaging industrial legacy removed.

It is important to recognise that this site is a unique and considerable existing development in the countryside. Market conditions are more difficult now, than they have been for more than eighty years. The prospect of a more suitable scheme coming forward in the short or medium term are at best remote. It is therefore considered that these proposals are perhaps the only opportunity to secure a successful re-use for the site. The alternative will be the prospect of the site deteriorating into a condition where its character is lost, it becomes dangerous and an unwelcome scar on the landscape.

However, not only do these proposals offer a viable and successful planning solution, they have considerable merit in their design and appearance in the secure and comfortable environment they create and in the considerable benefits that will result to the local rural community from the ancillary uses proposed.

The following documents have been submitted with the application:

Planning Statement

Biodiversity survey and report
Flood Risk Assessment
Planning Policy Statement 25 Sequential and Exception Test
Transport Assessment
Draft Travel Plan
Arboricultural Impact Assessment
Ground Investigation report

RELEVANT HISTORY: UTT/1984/08/OP – outline planning permission for redevelopment and conversion of former brewery site to a Wellbeing Village consisting of 57 no. residential units and 50 bedrooms (Use Class C2) with restaurant, shopping and recreational facilities, landscaping and parking – withdrawn following issues with scale and design and objection from the Environment Agency. Prior to that history relates to the use of the site as a brewery.

CONSULTATIONS: Environment Agency: Object in the absence of any evidence to demonstrate that the flood risk Sequential Test has been applied. Contaminated land – recommend conditions. Ecological consideration – recommend condition.

Further letter: Sequential Test passed and recommend approval with conditions.

Drainage Engineer: Flood risk management measures condition required.

Natural England: No objections.

Anglian Water: No assets owned by Anglian Water.

Archaeology: Historic building survey condition required.

Sustainability: Information provided sufficient. Condition required.

Accessibility: Level access, Part M compliance, access to light/windows for bedrooms, restaurant, shopping and recreational facilities needs to meet public use and DDA requirements. Transport and accessible parking a requirement.

Uttlesford Badger Group: Site survey carried out earlier in year. No badger setts found.

Highways: No objections subject to conditions.

Chelmsford Borough Council: To be reported to Committee on 29 September 2009. Officer recommendation is that there are no objections in principle subject to there being no objection from the highway authority and the outstanding issue in relation to the Sequential Test being addressed to the satisfaction of the Environment Agency.

PARISH COUNCIL COMMENTS: Welcomes this imaginative proposal for a difficult brownfield site and appreciates the sensitive proposed treatment of a much-loved building. Requests condition is imposed requiring the amenities to be completed early in the project, before occupation begins. The B1417 road providing access to the site is dangerous in respect of speed, narrowness, poor visibility and the road junction opposite the site. Safety on this stretch of road needs to be addressed with improved lighting and traffic calming measures to be funded by S106 agreement. Implementation of the Flood Plan measures should be enforced by condition. Requests that the planning authority is satisfied that proposed changes to accommodate flood flows will not adversely affect upstream properties. The Parish Council welcomes and approves of the steps taken in the new application to improve the 'roofscape' of the development.

REPRESENTATIONS: This application has been advertised and 4 representations have been received. Notification period expired 9 July 2009.

Feel that a much more sympathetic design proposal has been put forward which is far more in keeping with the existing Victorian building. As owner of Mill House I am much happier to be able to continue to use the existing access point on to the B1417 and not have to share a route through the site. Have concerns relating to the practicalities of the flooding prevention methods. The compensatory lagoon proposed to capture flooding displaced by the new development is so close to the river that it will be constantly full or part full most of the year,

thereby not providing sufficient protection. Similarly the proposed bowling green location is firmly within a common flooding area. Have right of access which would be compromised by the proposed landscaping for woodland and bowling green.

Hartford End is a hamlet with a narrow B-road that has no pavements or street lights. Increase in traffic would be detrimental to existing residents' quality of life. Draft Travel Plan cannot confirm that transport to and from the site will be minimised as it only seeks to provide advice and guidance to residents and staff. Have concerns about the health and safety of new residents and staff who may wish to walk in the local area. New development will increase both noise and artificial light levels. Proposal includes a reduction in the current green land opposite the brewery. This will create an eyesore in the area and reduce the greenbelt land significantly changing the environment of the locale. New plan includes the provision that "the proposals will provide accommodation for personal care for people in need of such care by reason of old age, disablement, **past or present dependence on alcohol or drugs or present mental disorder**, including medical treatment". As a small hamlet community we have very serious concerns and objections to such residents living within the locale and see no provisions for the levels of security that would be required to ensure that they would not provide a threat to the local community.

Proposed use of site is a good one and the landscaping looks attractive. Keen to see the site put back into use and in principle have no disagreement with the idea of a wellbeing village. Support Parish Council's comments about traffic calming and this must include a reduction in the speed limit. Travel report states walking will be encouraged but there is no mention of installing pavements. To encourage walking is reckless as those who have experience of trying to walk along this road do so at peril. A reduction in speed limit would help. Facilities on site will reduce the need for a minority of residents to leave the wellbeing village, this doesn't seem to be in support of the point that traffic will be less than that created by the Brewery when it was fully operational. Concerns about scale as Hartford End has a small resident population which will be significantly multiplied by the number of rooms still proposed.

Justification of local need has not been explored. Sustainable objections are set out in PPS1, PPS3, PPS7 and PPS12. Whilst it is acknowledged that the proposals in part involve the reuse of existing built fabric and that a limited level of services will be provided on site, the application documents recognise that the site is located in an unsustainable location away from public transport and that as such residents will rely on the private car for access to higher order services and facilities. We submit that without evidence of need and given the unsustainable location of the proposals that there is an in principle objection to these proposals. We note traffic comparisons are only made between the previous use and the current use in terms of staff levels with a reference to visitor traffic. Given that the proposals include a substantial proportion of over 55s accommodation together with able spouses, together with a substantial amount of car parking proposed, the traffic generation from existing residents is one that should properly be included within the transport assessment. Transport Survey accompanying application admits that development does not encourage movement by means other than driving a car. Although reference is made to cycle provision and potentially looking at enhancing existing bus provision, such comments do not overcome this breach of policy. No mention what contingency arrangements will be made at times of flood for the car parking spaces within the basement. Sequential test and exception test – no evidence that the District Council has endorsed the methodology. Disappointing to note that whilst the site straddles local authority boundaries the applicants have sought only to apply the sequential test to one district whose main settlements are some considerable distance from the application site. Development will only be permitted within the floodplain where there is a need. We are not convinced in sustainability or need terms that this use needs to take place in this location. Policy H6 is relevant and this states that substantial building reconstructions or extensions will not be permitted and that conversion will not be

permitted on isolated sites in the open countryside located well away from existing settlements. The extent of new building on the site, irrespective of whether it replaces existing buildings, is excessive compared to the extensive building that will remain and be converted. Our client objects to the proposals on the basis that they are ill-conceived, poorly justified within the application and in many instances breach clear policy within the adopted Uttlesford Local Plan. Request the application is refused.

COMMENTS ON REPRESENTATIONS: Rights of access are a civil matter and outside the jurisdiction of the planning authority.

The planning authority seeks advice from the Environment Agency in respect of the flood plan measures. If the Environment Agency is dissatisfied with the proposals they will object. In this instance they do not object and therefore it is assumed that the proposals are deemed sufficient to meet the requirements of PPS25.

The reference to residents with past or present dependency on alcohol or drugs or with mental disorders is taken from PPS25 and has been quoted in full. This description is given to a Use Class which potentially incorporates all or any of these uses. However, the planning application is quite explicit in its aims to provide accommodation for those elderly people with care needs. It is not intended to provide accommodation for those seeking treatment for alcohol, drugs or mental disorders.

Speed limits are a matter for the Highways Authority (Essex County Council) and outside the scope of this planning application.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) **the concept of the proposals are acceptable in this rural location (ULP Policies S7, E5, H6, GEN2 & [SPD](#) Accessible Homes and Playspace & SPD Energy Efficiency and Renewable Energy);**
- 2) **the development would result in increased flood risk issues (ULP Policy GEN3);**
- 3) **the proposals would result in detrimental harm to biodiversity or important landscape features (ULP Policies GEN7, ENV3, ENV8);**
- 4) **would result in significant highway and parking issues and**
- 5) **Other material planning considerations.**

1) The site is located outside development limits and therefore in an area of restraint policy aimed at protecting the character of the rural area. New build development is not normally permitted within the rural area unless it is development that needs to take place there. Government guidance as set out in PPS1, PPS3 and PPS7 all aim to ensure that development takes place in a sustainable way and allows alternative means of access than the private car. This site is remote from the village of Felsted and other villages located within the Chelmsford Borough and the nature of the road does not readily permit access to the site by foot or by bicycle. Public transport is limited in this rural location although a bus route does pass by the site and there is a bus stop approximately 400m from the site. Policy guidance and Uttlesford Local Plan policy E5 do permit the re-use and adaptation of buildings in rural areas for alternative uses subject to various tests being met. In addition, Policy H6 allows the conversion of rural buildings to residential use subject to similar tests as set out in Policy E5 being met and that there is no demonstrable need for the building for commercial uses. This proposal does not seek consent for general residential use but rather for a more specific use for elderly people requiring care packages and this use falls within Class C2 (residential institutions).

The site is currently occupied by a range of buildings having a total footprint of 5350sqm and some buildings have additional floor levels resulting in a greater total floor area. The large Victorian brewery building also has substantial areas of void which are capable of accommodating additional floors should the building be converted to another use. The

brewery has been considered for listing and whilst the site is acknowledged to be of local interest English Heritage considered it to be of insufficient national merit to warrant listing. Notwithstanding this, it is a substantial structure and forms a local landmark and is of sound construction, capable of conversion. Its historic form enhances the character and appearance of the area and re-use of the building is essential to ensure its long-term future. The site was actively marketed from February 2006 and 14 offers of interest from commercial or residential operators were received. In June 2006 the initial sale of the property was aborted and negotiations were opened with one of the under bidders. This sale was also aborted in January 2007 and the property was placed back on the open market with offers invited by 2 March 2007. Ten offers of interest were received, again from commercial and residential property developers. In the 14 months of advertising there were no enquiries relating to the potential re-use of the site as a brewery and therefore an alternative use for the site is the only option of retaining the building(s).

Due to the isolated nature of the site and its position partially within a flood zone residential development would not be appropriate and would fail the sequential test. PPS25 sets out the developments that would be appropriate in various flood zones and those where an exception test must be applied. Uses such as residential institutions (Use Class C2) are appropriate where it can be demonstrated that the exception test has been passed. The exception test has 3 criteria;

- Development provides wider sustainability benefits that outweigh the flood risk
- Site should be on developable previously- developed land
- The Flood Risk Assessment (FRA) must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

This site is a previously developed site and would enable the re-use of existing locally important buildings, albeit with some sustainability issues due to the remote position of the building. However, these issues must be weighed up and a balance found and in this particular instance it is officer's opinion that the reuse of the buildings outweighs the sustainability issues. On this basis it was considered that the proposals met the first two criteria of the exception test and the Environment Agency took this information into consideration along with the details in the FRA and raises no objections to the proposals subject to conditions being imposed.

The application seeks outline planning permission for the proposed scheme with all matters reserved. Notwithstanding this, detailed drawings showing the scale of the proposals and the proposed internal layouts have been submitted, illustrating the site to be capable of accommodating the proposed development. The plans indicate that the total footprint of built form within the site would be reduced from 5350sqm to around 3531sqm, approximately 34% reduction. Some of the buildings to be demolished are very low key and unobtrusive within the countryside and the replacement buildings would have an increased scale. The indicative drawings indicate a scale of proposals that would respect the character of the original buildings that are to be retained and ensures the footprint of the building is tightly contained within one area of the site. The scale of the proposals as shown on these plans is acceptable in principle and should not result in a scale of development having a detrimental impact on the character of the rural area.

The development is envisaged to meet Code Level 3 and the applicant is aiming to achieve Code Level 4, although these details would depend on the final design which would be submitted as a reserved matters application. It is proposed to incorporate a carbon neutral woodchip burning boiler, fuelled by a willow plantation on another parcel of land within the

applicant's control. It is also proposed to install a heat recovery system and a grey water system to harvest and re-use rainwater.

2) The application site has the River Chelmer running through it in an east-west direction with the buildings located to the north and an open field with a treatment plant in it to the south. Due to the proximity to the river the site falls partially within flood zone 3, 2 and 1. Guidance contained in PPS25 aims to steer development away from flood zones 3 and 2 (those being the most likely to flood). As stated above, some developments may be considered acceptable in flood zones 2 and 3 if certain criteria are met and in this instance it is considered that the re-use of the buildings, despite the sustainability issues, is important to ensure the long-term future of the site. The principle of development has been accepted by the Environment Agency. Part of their deliberations in respect of assessing the principle is to ensure that the FRA demonstrates that there would not be any increased risk of flooding to other areas outside of the site. The advice of the Environment Agency is that, subject to conditions being imposed, the proposals are acceptable.

3) The site is located within a river valley and forms a focal visual point when approaching the site from the north and south along the B1417. The area around the site is predominantly rural in character and there are trees within and adjacent to the site. Two trees within the site, a Turkey oak and a Horse Chestnut tree are protected by a Tree Preservation Order. The trees within the site have been surveyed and it is proposed to remove three trees, a cricket bat willow located within the area covered by Chelmsford Borough Council, an Ash tree to the rear of the existing cottages and a Poplar tree adjacent to the cottages. In addition a group of Elm adjacent to the northern entrance to the site are proposed to be removed. All the other trees are to remain and would be protected by fencing during construction works. The proposals would not adversely impact on existing open spaces or trees and would be in line with adopted policies.

The site has been surveyed in respect of protected species and no evidence of bats, water voles, otters, badgers or reptiles were found during the survey. Bats were found to be foraging within the site and the survey recommends that there should be little artificial illumination along the riverbank in order to reduce the potential impact on this protected species. Natural England does not raise any objection to the proposals and it is unlikely that the proposed development would have a detrimental impact on protected species. As protected species are migrant by nature further surveys may be required prior to the submission of applications for reserved matters.

4) The site is located to the west of the B1417 which is a fairly narrow road with the national speed limit in operation. Visibility from the junctions is relatively poor, particularly from the southern access point due to the bend in the road and the bridge over the river. Historically this appears to have been one of the main vehicular accesses to the brewery site. This proposal seeks to move the majority of vehicular movements to the northern access point. There is a further vehicular access in the centre of the site and the proposals indicate that this would be used as an access point to the basement car park only. All vehicles leaving the site would use the northern access point. The sight lines at this point are the best from the access points although they do fall short of current standards. To date no comments have been received from the Highways Department although negotiations appear to indicate that there are no concerns about the proposals in terms of vehicular access. In view of the previous commercial use of the site and the potential use that could take place without the requirement for planning permission it is not envisaged that the proposals would give rise to significant highway issues.

The proposals include 90 vehicle parking spaces and 25 cycle spaces. The parking standards for Class C2 use is 1 space per resident and 1 space per 3 bed spaces/dwelling units. This would result in a requirement for 29 spaces (1 for the warden and 28 for the

residential units/care home). Due to the nature of the development and the lack of alternative means of transport it may be appropriate to seek a higher level of parking on this site, but not to the degree proposed. This could be controlled by condition as this would be a reserved matter. A recommended level of parking would be 100% for the residential units (50 spaces), 11 spaces to meet the standards for the care home, 1 space for the warden and 3 spaces to serve the visitor's flats. This would total 65 spaces. The lower provision of parking would enable more of the site to be soft landscaped and this could assist with alleviating potential flooding risks.

5) The application site includes land to the south of the river. This area would be developed to provide a new lake, gardens, and a bowling green to serve the proposed development. This area lies within the administrative boundary of Chelmsford Borough Council and this element of the proposals will be determined by that authority.

CONCLUSIONS: The site is not located within a sustainable location but the proposals would provide the re-use of the existing site and secure the long-term future of a focal local building. The indicative proposals would respect the character of the area and the existing building. The proposals have been subjected to a sequential test and exceptions test and the Environment Agency raise no objections to the proposals subject to conditions. On balance the proposals represent an appropriate use of the site and are recommended for approval.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.1.1. Submission of Reserved Matters: 1.
2. C.1.2. Submission of Reserved Matters: 2.
3. C.1.4. Time limit for commencement of Development.
4. The scale of the proposals to be submitted in the reserved matters application shall not exceed the scale of the proposals shown on the indicative drawings submitted with this application.

REASON: The indicative scale of development shown in the application is the maximum size that would be considered appropriate in this rural location.

5. C.4.7. Detailed landscaping survey to be submitted (outline permissions).
6. C.4.9. Use of native species.
7. C.5.1. Samples of materials to be submitted agreed and implemented.
8. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

10. Prior to the commencement of development a plan for the protection and/or mitigation of damage to white clawed crayfish, both during construction works and once the development is complete and including management responsibilities, shall be submitted to and approved in writing by the local planning authority. The white clawed crayfish protection plan shall be carried out in accordance with a timetable for implementation as approved. The scheme shall include the following elements.

- Detailed drawings of the location and construction of the proposed development (including timing of works, methods and materials to be used);
- Details of how the white clawed crayfish is to be protected during construction works;
- A scheme for the long-term management and protection of the white clawed crayfish population and its habitat;
- Details of mitigation and/or compensation for the loss of habitat used by the white clawed crayfish.

REASON: This condition is necessary to protect the white clawed crayfish within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in Planning Policy Statement 1 and Planning Policy Statement 9. The white clawed crayfish is identified under the UK Biodiversity Action Plan 1994 (UK BAP) identifies species and habitats of 'principal' importance for the conservation of biological diversity nationally. These are listed for England under s41 of the Natural Environment and Rural Communities Act 2006.

11. The development hereby permitted shall not be commenced until such time as a scheme which meets the following conditions has been submitted to, and approved in writing by, the local planning authority.
- i) General ground levels across the flood plain shall not be raised as a result of the development.
 - ii) Finished floor levels for habitable areas of the development shall be provided at a minimum level of 39.25 as detailed within section 7.3. of the submitted FRA.
 - iii) A minimum of 2724 cubic metres of compensatory flood storage shall be provided on site as detailed within the submitted FRA. The storage area shall be constructed and functional prior to the water exclusion strategy being applied to the basement area.
 - iv) Prior to the commencement of development, a scheme for the provision and implementation of surface water drainage, incorporating sustainable drainage principles as detailed within the submitted FRA shall be submitted and agreed, in writing, with the local planning authority. The scheme shall be constructed and completed before occupancy of any part of the proposed development.
 - v) The basement area will be designed to ensure that floodwater is unable to enter it. Details of how this will be achieved must be provided prior to the commencement of development from a suitably qualified structural engineer.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: This condition is required for the following reasons:

- To avoid adverse impact on flood storage
- To reduce the risk of flooding to the proposed development and future occupants
- To ensure there is no loss of floodplain storage as a result of the redevelopment of the site
- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site
- To prevent flooding of the basement area and ensure the structural integrity of the existing building.

12. C.29.1. Flood risk management measures.

13. C.8.29. Condition for compliance with code level 3 (five or more dwellings).

14. C.8.33. Condition for compliance with BREEAM 'very good' (non-domestic buildings with 1000 sqm or greater floor area).

15. C.8.32. Compliance with the 10% rule (developments of five or more dwellings or greater than 1000sqm floor area).

16. The reserved matters application relating to the car parking provision for the site shall indicate a maximum of 65 car parking spaces.

REASON: The indicative plans show an over-provision of parking to serve the needs of the proposed development.

17. C.8.22B. Control of lighting.

18. C.20.4. Condition Restricting Construction Works to Specified Season to Protect Breeding Birds.

19. C.20.1. Acceptable survey mitigation/management plan – Implementation of scheme

20. No development, conversion or preliminary groundworks, of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

REASON: The Essex Historic Environment Record shows that TD Ridley and Sons Brewery, Harford End (EHER 15139) was building in 1842 by Thomas Dixon Ridley. The business was expanded in 1882 and continued as a small independent brewer until the company was purchased by the brewers Greene King in the mid 2000s. Given the proposals for its redevelopment into a Well Being Village, the alterations to the existing buildings and the level of demolition, it is inevitable that the surviving historic and architectural integrity will be impacted by the scheme and therefore the extant brewery as it stands should be 'preserved by record' through the implementation of a programme of historic building survey.

21. Prior to development commencing on site there shall be the provision of suitable access arrangements, including visibility splays, to the application site in connection with the land forming/construction operations, to include, if necessary, wheel washing facilities, traffic management, turning and off loading facilities for delivery /construction vehicles within the limits of the site together with an adequate parking area for those employed in developing the site. Details shall be submitted to and agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07 and Uttlesford District Council Local Plan Policy GEN1 Access.

22. Prior to development commencing on site measures to ensure the safeguarding of Public Bridleway 111 during construction and occupation of the site shall be submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway safety in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07 and Uttlesford District Council Local Plan Policy GEN1 Access.

23. Prior to occupation of the development hereby permitted the accesses, as shown in principle in drawing number 2835-101, shall be provided to adoptable standards. These shall include visibility splays of 90m by 2.4m by 90m at the northern access and the amending of the central access to allow for entry only of vehicles. Details shall be submitted to and agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07 and Uttlesford District Council Local Plan Policy Gen1 Access

24. Prior to occupation of the development hereby permitted a package of measures including highway signage, carriageway markings and the removal or cutting back of vegetation within the vicinity of the site shall be provided. Details of the measures proposed shall be submitted to and agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07 and Uttlesford District Council Local Plan Policy Gen1 Access.

25. Prior to the occupation of the development hereby permitted there shall be the provision of a dedicated demand responsive passenger transport service to be available for the residents, for as long as the development provides accommodation to the elderly. Details shall of the service shall be submitted to and agreed in writing with the Local Planning Authority.

REASON: In the interests of accessibility in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006/2011 and refreshed by Cabinet Member decision on the 19/10/07 and Uttlesford District Council Local Plan Policy Gen1 Access and Uttlesford District Council Local Plan Policy Gen1 Access.

26. Not later than 6 months from the first occupation of the development hereby permitted a Travel Plan shall be submitted to and agreed in writing with the Local Planning Authority.

REASON: In the interests of accessibility in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006/2011 and refreshed by Cabinet Member decision on the 19/10/07 and Uttlesford District Council Local Plan Policy Gen1 Access.

27. The parking provision for cars, cycles and powered two wheelers shall accord with the requirements of the Essex County Council/Essex Planning Officers Association Parking Standards, Design and Good Practice document dated September 2009 unless a reduced figure is agreed by the Local Planning Authority.

REASON: In the interest of highway safety, efficiency and accessibility in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006/2011 and refreshed by Cabinet Member decision on the 19/10/07 and Uttlesford District Council Local Plan Policy GEN8 Vehicle Parking Standards.

28. The provision of secure powered two wheeler and secure and covered cycle parking in accordance with the Essex County Council/Essex Planning Officers Association Parking Standards, Design and Good Practice document dated September 2009, details of which shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before occupation and retained at all times.

REASON: In the interest of accessibility and sustainability in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006/2011 and refreshed by Cabinet Member

decision on the 19/10/07 and Uttlesford District Council Local Plan Policy GEN8 Vehicle Parking Standards.

29. Condition relating to the age of occupants of the 'Wellbeing Village'.

Background papers: see application file.

UTT/0671/09/FUL - LITTLE CHESTERFORD

(Referred at the request of Cllr Redfern Reason: Concern over safety of access)

Change of use to residential and creation of new vehicular access

Location: Coach House Walden Road. GR/TL 520-411

Applicant: Julian, Rosalind & Richard Mash

Agent: Hibbs & Walsh Associates

Case Officer: Nick Eagle 01799 510389

Expiry Date: 13/08/2009

Classification: OTHER

NOTATION: Outside Development Limit. Special Verge. Groundwater Protection Zone. Adjacent to Grade II Listed Building known as Spring Well Cottage. Access onto Category 'B' Road (B184).

DESCRIPTION OF SITE: The application site forms part of a group of buildings to the north of Springwell Nursery and Garden Centre and Joseph Farm and is located on the east side of Walden Road the B184 towards the southern end. The site is set within the open countryside.

The site contains a coach house, built in the 19th Century the building is in need of repair. The coach house is a two-storey building arranged over two floors, set within extensive grounds and is setback approximately 20 metres away from the main highway. The site area is 600 square metres.

The property is generally surrounded by a high hedgerow on its southern boundary, fenced off with a low-rise post and rail fence adjacent to Springwell Nursery. There is a boarded fence closing off an opening to the site opposite the Springwell Nursery and a cattle grid, where the proposed access would be located. Along the eastern boundary the property is enclosed by a medium to high brick wall with fencing above. It is noted that on the application form question 16 asks the question 'Are there trees or hedges on the application site?' which was answered as no. However as outlined above it is evident that there are trees and hedges.

At the front of the property facing the highway on the western boundary, lies a low brick wall with small trees, planting and shrubs. Outside the property lies a grassed verge. In addition there is a lay-by where vehicles can temporarily stop north-west of the site and opposite Springwell Cottage.

Vehicular access to the site is gained from Walden Road adjacent to the lay-by and leads onto Springwell Place, which is 60 metres long and occupied by a number of buildings, including the Coach House. Outside Springwell Cottage there are two traffic signs, which inform drivers that the road approaches a slight bend from both directions of the main highway on Walden Road.

There is separate access south of the site, leading onto an access road which serves Springwell Nursery and Joseph Farm.

DESCRIPTION OF PROPOSAL: This planning application relates to the conversion of the coach house to residential and the creation of an additional vehicular access, which would be off the access road currently used by the occupiers and/or visitors to Springwell Nursery and Joseph Farm.

A revised plan was received on 11 September 2009 (reference number 03-110-02 Rev1) which shows an increased width of the existing entrance to Springwell Nursery and the proposed entrance to The Coach House by 1.2 metres. This is in line with the previously approved scheme UTT/1179/04/FUL.

There would be no additional structures/extensions added to the building as a result of the proposal.

The external alterations that would result would be the removal and replacement of ground floor window to provide a new front entrance timber door, removal and replacement of garage door to provide new glazed French windows, removal and replacement of front entrance timber door to provide a new window and new roof light to front of premises.

To the rear of the property, there would be a new roof light and a new chimney stack.

On the side elevation (east), there would be new French windows and at first floor level the removal and replacement of timber door to new window.

There would also be new window design to existing windows, maintaining the window dimension. In addition there would be the insertion of a new window on the side elevation (west).

The proposed use for the property would provide a three bedroom house, to include en-suite principal bedroom, sitting room, kitchen diner, separate bathroom and W.C unit.

The existing highway access would be widened by 1.2m and once off the public highway occupiers would turn into the property from the drive that leads to the car park and serves Springwell Nursery and Joseph Farm. (The proposal would provide two on-site parking spaces).

A previous approved scheme for a similar proposal under reference UTT/1179/04/FUL had a similar access arrangement however the existing access to the Coach House and Springwell Place will be maintained as part of the current scheme. The previously proposed new access to the stables is not included as part of the current scheme.

The proposed entrance access is to be widened by 1.2 metres in line with the previously approved application UTT/1179/04/FUL. The access is to be in the same location, albeit at an acute angle and measures approximately 7 metres wide from the access road which would narrow to 3 metres on entry to the new driveway and widen further to enable manoeuvrability of vehicles.

The existing vehicular access off Walden Road serving the Coach House and Springwell Place in general has a 4 metre wide vehicular access. The existing vehicular access serving Springwell Nursery and Joseph Farm is 8 metres wide.

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

RELEVANT HISTORY: UTT/1179/04/FUL Change of use to residential. New vehicular access. Conditional Approval 10/12/2004.

Further planning application history associated with site; however is not relevant to this application.

CONSULTATIONS: Road Side Verge Specialist: No objection subject to a condition applied to the prevention of construction vehicles parking on the Special Roadside Verge.

Energy Efficiency Surveyor: No objection subject to a condition applied relating to energy efficiency requirements.

Highways Authority: No objection, proposal is inline with County Council's Highways and Transportation Development Control Policies.

External: Natural England: Has no objection to the proposal

LITTLE CHESTERFORD PARISH COUNCIL COMMENTS: The Parish Council Objects to the Proposal for the following reasons:

- Objects to the proposed access on the basis of road safety.
- Concerns with the proposed residential curtilage; and details of the application form and plans are inadequate.

REPRESENTATIONS: Notification period expired 15 July 2009.

Three representations were received, the majority of the concerns raised relate to the proposed access and highway safety as a result of the proposed access. One letter dated 25 August was sent to all Development Control Members.

On the 23rd of September 2009 a representation was received with regard to the safety for vehicles entering and exiting the site and the visibility of those vehicles.

- The safety of vehicles in general is considered acceptable and is discussed in detail under planning considerations.

COMMENTS ON REPRESENTATIONS: Issues addressed in report.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

- 1) Meeting the criteria of conversion policies (ULP policy H6) whether the design would respect the adjoining buildings, including listed buildings, and the area in general (ULP Policies ENV1, ENV2, GEN2, S1, [SPD](#) Home Extension);
- 2) Whether the proposal would result in any amenity impact to neighbouring properties (ULP Policy GEN2);
- 3) Whether there would be any highway and access implications as a result of the proposal (ULP Policy GEN1, GEN8 & SPD Accessible Home and Playspace)
- 4) Whether the proposal would result in a harmful effect on wildlife or geological features (ULP policy GEN7) and
- 5) Other material planning considerations.

1) The conversion of the unlisted Coach House to a residential dwelling is considered acceptable as it is of sound structural condition; the conversion works to the exterior of the existing building are limited and as such will respect and conserve the characteristics of the original building; there is also sufficient residential curtilage in order to provide private garden area unobtrusively. As such it is considered the proposal complies with policy H6 of the ULP.

This application is acceptable in design terms given the building is mostly sound in condition; furthermore the principle of conversion was accepted by the 2004 permission. A separate business use may give rise to a greater level of vehicle movements than the residential use which would be inappropriate UTT/1179/04/FUL. A number of internal and external alterations are proposed to meet Life Time Homes requirements. These include the introduction of an illuminated porch, with the remainder changes being to the internal partitions; it is considered that these alterations would not have an adverse effect on the design of the building or the adjoining listed building and surrounding area and as such is

considered to be acceptable and inline with the Councils Local Plan and supplementary planning guidance.

2) The doors, windows and roof lights are to be in the same position as the previously approved application UTT/1179/04/FUL; except that the rear first floor window is to be retained as a bedroom window rather than being bricked up as previously proposed. As such it is considered that the proposed development would not result in an undue adverse impact on the amenities of the adjoining properties given their nature and location. The additional window as part of this application is reinstating the coach houses original form and as such is not considered to adversely impact on the adjoining properties amenities. Therefore the scheme would not undermine the amenities of the adjoining properties and surrounding area and as such is considered to be acceptable and inline with the Councils Local Plan and supplementary planning guidance.

3) There is no objection from the Essex County Council Highway authority who considers the proposed access is to be acceptable. It is similar in arrangement with the previous access approved under planning application UTT/1179/04/FUL; and the proposed access would improve access to all the properties in the vicinity.

There have been representations that the proposal would lead to conflict with traffic to the nursery site. However the existing entrance to Springwell Nursery and proposed entrance to The Coach House would be widened by 1.2 metres; the number of vehicles travelling to or from this single dwelling are unlikely to be significant and vehicles travelling along the access will be travelling at low speeds this access which will and safe passage for vehicles. The access will be capable of carrying the traffic generated by the development safely. Furthermore there is sufficient space within the site to accommodate the manoeuvring of all vehicles.

4) As part of the application a Bat survey was undertaken on the 12th of June 2009, it concluded that there was no evidence of the presence of bats on the site. As such it is considered that the development would not result in a harmful effect on wildlife of the area, and as such comply with policy GEN7 of the ULP.

5) This application raises no other implications.

CONCLUSIONS: The proposal is considered acceptable and should be granted. There are no grounds to warrant a refusal.

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. C4.1 Scheme of landscaping to be submitted and agreed.
4. C.5.2. Details of materials to be submitted agreed and implemented
5. The vehicle access shall be constructed inline with the approved plans. The width of the driveway at its junction at the edge of the residential curtilage shall not be less than 6 metres and retained at no less than 3.6 metres in width for 6 metres within the site.
REASON: To ensure that vehicles can enter and leave the site in a safe and controlled manner.
6. Prior to commencement of the development hereby permitted full gradient details to be submitted and agreed in writing by the local planning authority.
REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner.

7. Prior to commencement of the development hereby permitted a turning space of a design to be agreed in writing by the local planning authority enabling a motor car to enter and leave the highway in a forward gear shall be constructed, surfaced and made available for use and shall be retained for that sole purpose.
REASON: To ensure appropriate turning facilities are provided so that vehicles can enter and leave the highway in a safe and controlled manner.
8. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.
9. Prior to commencement of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.
REASON: To prevent hazards caused by flowing water or ice on the highway.
10. Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 4.8 metres from the nearside edge of the carriageway/ shared access.
REASON: To enable vehicles using the access to stand clear of the footway/carriageway whilst gates are being opened and closed
11. No bonfires or materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
REASON: To protect the amenities of the occupiers of adjoining properties.

Background papers: see application file.

UTT/1823/08/OP - HIGH RODING

Outline planning application for the erection of 25 dwellings including access

Location: Land at Meadow House Nursery The Street. GR/TL 604-173

Applicant: Mr R Coxeter

Agent: Savills (L& P) Ltd

Case Officer: Mr N Ford 01799 510629

Expiry Date: 26/01/2009

Classification: MAJOR

NOTATION: Within Development Limits. Public Right of Way alongside western and northern boundaries/small portion of the site near the highway lies within the Conservation Area.

DESCRIPTION OF SITE: Meadow house Nursery is located in High Roding with access onto the B184 'The Street'. The application site comprises 0.773 hectares with detached two storey modern dwelling set back from but near the site entrance and a range of storage and mushroom sheds along a track to the east and extending south. The applicant states that the mushroom farm ceased operation in 1991 for economic reasons.

To the north are dwellings fronting 'The Street' both detached and semi detached and their rear gardens. Both Rose Cottage and Mount View as well as Swifts Cottage are grade II listed. To the west is 'Ways End Cottage' and its rear garden which is also Grade II listed. There is a Public Right of Way that bounds its rear garden running from 'The Street' towards a recreation ground further south. A small part of the site lies within the Conservation Area but most of it is outside and its the boundary runs along the northern site boundary with properties along 'The Street' to the north and west and there is also mature hedging and trees alongside these boundaries.

Land to the south (outside of the application site but owned and controlled by the applicant) comprises the garden of Meadow House with a large pond and further agricultural buildings. To the south and east are agricultural fields.

DESCRIPTION OF PROPOSAL: This planning application is in outline and proposes the erection of 25 dwellings. The applicant is only seeking access (covers access to and within the site) for approval. An indicative site layout has been submitted to show how 25 dwellings might be accommodated on the site with an indication of the likely scale which would be predominantly 1.5 to 2 storey construction with possible 2.5 storey houses.

The existing access would be used and upgraded and used for entry and exit for the dwellings. Dwellings would face onto this access and a central 'green' at the eastern portion of the site. Off of this green would be access to parking areas.

10 affordable houses are proposed as 40% of the total provision of 25 dwellings. The affordable dwellings would comprise predominantly smaller dwellings and be located facing the green shown on the indicative layout. Two of which would be closer to the site entrance. Overall provision of housing would comprise:

	AFFORDABLE	MARKET
1 Bed dwelling	2	0
2 Bed Dwelling	7	0
3 Bed Dwelling	1	11
4 Bed Dwelling	0	4

TOTAL	10	15

The overall density of development would be 32 dwellings per hectare for a site area of 0.773 hectares.

APPLICANT'S CASE: A comprehensive Design and Access Statement has been submitted which describes in detail the site and proposal and how the layout and potential scale and appearance of the proposal could relate to the character and landscaping of the surrounding area. The applicant has also submitted a Transport Assessment, Habitat Assessments and a Drainage Assessment.

RELEVANT HISTORY: There are no planning applications specifically relevant to this application. Planning permission was granted for use of a building for B8 Storage and Distribution in 2002. Planning permission was granted for a pair of dwellings immediately to the north of the point of access in early 2009.

CONSULTATIONS: Highway Authority: No objection subject to a financial contribution for upgrading of an uncontrolled crossing on the B184 and conditions.

Drainage Engineer: The Drainage Assessment suggests that the impermeable area will be reduced when development is complete and that the existing ditch network will be able to cope with the runoff without attenuation. The aim is to maintain or improve the existing situation when development takes place and it would be desirable to disperse some of the surface water run-off within the site. Requests agreements of surface water disposal arrangements by condition.

Essex Wildlife Trust: No objection. Would like to see temporary fencing to protect trees, hedges and ponds during construction. Works to be carried out outside the breeding season.

Building Control: Access appears satisfactory. Lifetime Homes – Wheelchair housing provision will be applicable.

ECC Education: Requests a financial contribution for education provision towards early year, child care and secondary school places.

Natural England: No objection.

ECC Archaeology: Given the nature and location of the development it is likely to disturb archaeological features. Requests a programme of archaeological work by condition.

Water Authority: No objection to sewerage infrastructure.

Building Control: Access appears to be satisfactory. Lifetime Homes – Wheelchair housing provision will be necessary. Energy Efficiency – Apply conditions for Code Level 3 Sustainable Homes and provision of 10% renewables.

Housing: Require the following mix to provide a more sustainable scheme: 2 x 1 bed house, 4 x 2 bed house, 4 x 3 bed house. Although tenure split has not been discussed as yet, the scheme would need to provide 70% for social rent and 30% for intermediate rent. To ensure social integration on a development of this size, it would be expected that the affordable units would be pepper-potted across the site rather than having the majority in one place. The involvement of a Registered Social Landlord has not been secured to our knowledge. We are able to advise on which RSLs are currently working in the district, who would also need to be involved in the development of the scheme.

Note: As the application is in outline with access only to be considered the mix of affordable housing can be agreed through a detailed reserved matters scheme.

PARISH COUNCIL COMMENTS: The Parish Council and local residents are extremely concerned about noise and traffic as vehicles enter and leave the site. There is a one way in/one way out system at the entrance and this will cause considerable tail back in The Street. There is currently a traffic calming scheme scheduled in High Roding and the build outs will be restricting flow of traffic just beyond Roding Hall and the combination could

create chaos. Too large and out of keeping. There are little services and infrastructure in the village and development should be concentrated in Dunmow, Stansted or Saffron Walden.

REPRESENTATIONS: 25 letters of objection. **Notification period expired 15 October 2009 (Advert).**

Comments summarised:

- Traffic would be worse
- Quality of life reduced
- Scale and density inappropriate
- Overlooking
- Rural views would be lost
- Low water pressure and electricity problems
- No shops or public transport in the village
- Access is inadequate
- Removal of hedges and trees
- Will not preserve the character or appearance of the Conservation Area
- Noise pollution of extra traffic
- Insufficient parking which is already a problem
- Increased crime in the area
- Concern for any risk of flooding
- The site is not a gap for infill development
- Part of the site is outside the settlement boundary

COMMENTS ON REPRESENTATIONS: Right to a view is not of significance as a planning issue. Planning considerations including access (see Highway Authority comments) are considered below.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Whether new dwellings would be compatible with the character of the settlement, adhere to the criteria of policy H3, the site can accommodate the form of development proposed, considers protected species (ULP Policies S3, H3, H10, GEN2, GEN7, GEN8);**
- 2) **Whether the development would be acceptable in terms of access and highway safety (ULP Policy GEN1) and**
- 3) **Whether there would be any harm to neighbouring properties amenity (ULP Policy GEN2).**

1) The land is located within the development limits of High Roding in the adopted local plan, where in accordance with Policy S3 development is acceptable in principle and subject to matters of detail including compatibility with the settlements' character and countryside setting. There is a kink in the line of the development limit as it runs east – west between the existing dwelling Meadowlands and the pond to its south. The application site however takes a slightly more straight line across the southern boundary and its effect would be immaterial and no objection is raised.

The indicative site layout shows that 25 dwellings can be satisfactorily accommodated with adequate parking, turning and amenity space provision. Views within the site focus towards a green which would, it is considered, be an attractive feature onto which dwellings face and provide a welcome environment for pedestrians.

A drainage assessment submitted with the application shows that dry ponds on the site do not form part of the wider catchment. The Drainage Engineer is satisfied that the impermeable area will be reduced when development is complete and that the existing ditch network will be able to cope with the runoff without attenuation. The aim is to maintain or improve the existing situation when development takes place and it would be desirable to disperse some of the surface water run-off within the site and a condition can deal with such details.

Habitat and reptile surveys have been undertaken on the site to assess any impact on protected species. A small number of Great Crested Newts were recorded. Other ponds that will be lost are unsuitable for these newts. A licence will be required from Natural England before development can commence and this will cater for habitat creation in particular the pond that will remain outside the development area. Natural England has no objection to the application.

2) The B184 'The Street' has a 30 mph limit and is street lit. The Transport Assessment finds that residential development would result in more traffic movements than the existing mushroom farm or storage uses but that overall HGV movements would be substantially reduced and highway safety would be enhanced through access and visibility improvements.

The access would be upgraded to provide 6m diameter kerb radii, a 4.8m wide carriageway and 1.8m wide footpaths. Visibility splays of 2.4m x 90m in both directions are proposed. The internal estate road layout would allow for the turning of emergency and refuse vehicles.

None of the existing Public Rights of Way would be lost as a result of the development and it is intended to divert the northern footpath along the internal estate road of the proposed development. Such Orders to divert will be made should planning permission be granted.

The Highway Authority raises no objection to the proposal subject to a financial contribution for upgrading of an uncontrolled crossing on the B184 and conditions that ensure that the junction meets access and visibility requirements as well as details of the estate road and footpaths.

CONCLUSIONS: The application site is an appropriate location for new housing within the development limits of High Roding. The existing access would be upgraded and improved and in accordance with Highway Authority advice would sufficiently cater for the traffic associated with the development. The number of dwellings proposed would make efficient use of land at the lower end of the recommended minimum density in Government advice and the indicative layout shows that the site would adequately accommodate the development with space for gardens, parking and appropriate spacing to maintain residential amenity.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND S106 LEGAL AGREEMENT

It is requested that the Head of Development Control, in association with the Chairman, be authorised to issue the decision notice after the neighbour notification period has expired so long as no further representations are submitted that raise new material considerations which have not be taken into account by the Committee.

Heads of Terms of Legal Agreement

- 1. Provision of 10 dwellings as affordable housing.*
- 2. No occupation of any dwellinghouse shall take place unless a financial contribution has been paid towards the cost of an uncontrolled crossing on the B184 in the vicinity of the site.*

3. *Financial contribution for educational provision*

1. C.1.1. Submission of Reserved Matters 1.
2. C.1.2. Submission of Reserved Matters 2.
3. C.1.3. Time Limit for submission of Reserved Matters.
4. C.1.4. Time Limit for commencement of Development.
5. The bellmouth junction with the existing highway shall have a carriageway width of at least 4.8 metres with radius kerbs of 7.5 metres.
REASON: In the interests of highway safety.
6. Prior to the commencement of development visibility splays with dimensions of 2.4 metres by 90 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the access/junction. The area within each splay shall be ept clear to ground level.
REASON: To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.
7. All details of the estate roads and footpaths (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Area Highways Manager, Warwick House, Roydon Road, Harlow, Essex, CM19 5DX a copy of which shall be supplied to the Local Planning Authority.
REASON: In the interests of highway safety.
8. C.8.27A. Surface water disposal arrangements and standard reason
9. C.8.29. Condition for compliance with code level 3 (five or more dwellings)
10. C.8.32. Compliance with the 10% rule (developments of five or more dwellings or greater than 1000sqm floor area).
11. C.5.2 Details of materials.
12. C.16.2B Full archaeological excavation and evaluation.
13. Electrical and telephone services to the development shall be run underground. All service intakes to the dwelling shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned on the dwelling in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form. Satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish should be used. Satellite dishes shall not be fixed to the street elevations of the building or to roofs. All soil and waste plumbing shall be run internally and shall not be visible on the exterior, all rainwater goods shall be black, eaves to all roofs shall be open with expose rafter feet rather than boxed, all windows and doors in masonry walls shall be inset at least 100mm and shall be fitted with sub-cills unless otherwise agreed in writing by the local planning authority.
REASON: In the interests of visual amenity.
14. All casement windows shall be balanced (equal size panes of glass) unless otherwise agreed in writing by the local planning authority.
REASON: In the interests of visual amenity.
15. C.6.2. Remove permitted development rights.
16. C.28.2. Accessibility Scheme.
17. In accordance with details to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby permitted 5% of dwellings shall be designed to wheelchair accessible standards in accordance with the Supplementary Planning Document 'Accessible Homes and Playspace' Appendix 2. Thereafter, the development shall be carried out in accordance with the approved details.
REASON: In the interests of providing an environment that meets the needs of all potential users, is inclusive and sustainable.
18. C.8.15. Restriction of hours of operation.
19. C.6.7. Excluding conversion of garages.
20. C.10.13. Wheel washing equipment.

- 21. C.12.1. Boundary scheme details required.
- 22. The reserved matters application shall include details of first floor rear elevation windows for any application dwelling with a boundary adjacent to that of an existing dwelling and shall be designed in a manner so as to restrict any overlooking from habitable rooms to which they relate.
REASON: In the interests of residential amenity.
- 23. C.20.2. Development not to proceed until licence from Natural England obtained
- 24. C.20.1. Acceptable survey mitigation/management plan – Implementation of scheme
- 25. C.20.4. Condition Restricting Construction Works to Specified Season to Protect Breeding Birds.

Background papers: see application file.

UTT/0838/09/OP - STANSTED

Outline planning application with all matters reserved for 3818 sq meters of B1 space, 107 car parking spaces and landscaping and access roads

Location: Site B M11 Business Link Parsonage Lane. GR/TL 515-229

Applicant: FREP (Stansted) Ltd

Agent: Ms H Puttonen

Case Officer: Mr J Pine 01799 510460

Expiry Date: 02/11/2009

Classification: MAJOR

NOTATION: Within Metropolitan Green Belt / ULP Policy SM5 (Parsonage Farm) relates

DESCRIPTION OF SITE: The site measures 0.8 of a hectare, and forms the southernmost part of "Site B", which is the southern of two separate pieces of land accessed by a long private road from Foresthall Road. Both pieces of land (Sites A and B) formerly contained a collection of ageing buildings in various business uses, which have now been demolished.

DESCRIPTION OF PROPOSAL: Although this is an outline application with all matters reserved for subsequent approval, the indicative site layout shows that a 2-storey building of "L" shaped plan form would be erected on the southwestern part of the site, with car parking to the north and east, including spaces for people with disabilities. Vehicular access would be from the estate road from Foresthall Road, which serves Site A and the northern part of Site B. Maximum floorspace would be just under 3,820 sqm, replacing the unimplemented part of the Site B development approved in 2007. The applicant anticipates that the design of the building would either reflect that of the other buildings on Site B, or be tailored to an end-user. Final eaves and roof levels would be as per the other buildings on Site B.

APPLICANT'S CASE including Design & Access statement: The statement is available in full on file. It describes the site and surroundings and the proposal. The background paragraph states that: *"this alternative development strategy is born out of the present economic climate and resultant concern that the consented scheme provides too much of the same product for current or foreseeable market demand"*.

RELEVANT HISTORY: Redevelopment of Site A and the northernmost half of Site B for Class B1 business purposes has taken place under a planning permission granted in 2007 (UTT/0581/07/FUL). That permission consolidated a number of earlier planning permissions for two alternative development schemes. Under UTT/0581/07/FUL, permission was granted for 11 B1 buildings on Site B with a total floorspace of just over 8,200 sqm. 6 of those buildings have been erected, leaving about 3,820 sqm in 5 buildings unimplemented.

CONSULTATIONS: ECC Highways & Transportation: No objections subject to conditions.
Water Authority: No objections.

PARISH COUNCIL COMMENTS: No objections in principle. Request that the external appearance of the buildings should be as sympathetic to the rural surroundings as possible, and therefore coloured green if possible.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 11 September 2009.

COMMENTS ON REPRESENTATIONS: The Parish Council's comments are noted. The external appearance of the buildings is a reserved matter.

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

- 1) the principle of development of the site remains appropriate (ULP Policy SM5);
- 2) the design would be acceptable in this location (ULP Policy GEN2);
- 3) material highway dangers would be created issues (ULP Policies GEN1 and GEN8);
- 4) there would be a material impact on landscape and / or wildlife (ULP Policy GEN7);
- 5) there are any other material planning considerations that would weigh against granting planning permission.

1) The principle of the redevelopment of this site has been established with the earlier outline and full planning permissions, and also by the allocation in the Local Plan under Policy SM5. The planning history of the site is protracted and complex, but business use was established by 1991 with the first application for redevelopment, and redevelopment was seen by the Council as the way to tidy up and improve the site.

Policy SM5 of the ULP states;

“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 outline proposals would be in accordance with Policy SM5.

2) The indicative images show that a single 2-storey “L” shaped building would be provided on Site B instead of 5 separate buildings under UTT/0581/07/FUL. The height of the building would be comparable to those on the northern half of Site B and would be appropriate in this setting.

3) The proposals would have a neutral effect on highway safety compared to the previously approved scheme as no additional commercial floorspace would be provided.

4) A planting scheme would be submitted as a reserved matter for the area around the new buildings to provide a landscape setting for the parking area, as well as a small area of amenity planting adjacent to the northern half of Site B. The planting scheme would include some planting in the southeastern corner of the site, in addition to the “shelter” belt planting approved under UTT/0581/07/FUL. This will eventually offer some screening from the M11 motorway, but the scale of these buildings means that they will always be highly visible in the landscape.

Although no ecological survey has been submitted with this application, concern was raised at earlier stages about the use that protected species (Badger, Great Crested Newt and Bats) might make of the site. A full ecological assessment was provided, and it is accepted that although badgers and bats may make passing use of the site, they are not apparently

resident. Of course, the provisions of legislation giving legal protection to Protected Species is not over-riden by any planning consent, but the LPA has to consider any possible impact upon them in reaching its decision. On the basis of the available evidence it is considered that there should be no impact.

5) No other issues are considered to arise.

CONCLUSIONS: The proposal is considered satisfactory.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.1.1. Submission of Reserved Matters: 1.
2. C.1.2. Submission of Reserved Matters: 2.
3. C.1.3. Time Limit for Submission of Reserved Matters.
4. C.1.4. Time Limit for commencement of Development.
5. C.4.2. Implementation of landscaping [amended].
6. C.5.2. Details of materials to be submitted agreed and implemented.
7. C.8.3. No outdoor working [amended].
8. C.8.22. Control of lighting.
9. C.8.33. Condition for compliance with BREEAM “very good” (non-domestic buildings with 1,000 sqm or greater floor area).
10. C.9.1. No outdoor storage.
11. C.20.3. If Protected Species discovered get Licence from DEFRA/ Natural England [amended to include badgers].
12. C.10.17. No occupation until spaces laid out.
13. Any vehicle parking spaces and service yards approved as reserved matters 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.
14. The submission of reserved matters shall include provision for secured parking for powered two wheelers and bicycles. The parking facilities as subsequently approved shall be provided before occupation and retained at all times.
REASON: In the interest of highway efficiency and accessibility in accordance with Essex County Council’s Highways and Transportation Development Control policies as originally contained in Appendix G of the LTP 2006-11 and refreshed by Cabinet Member decision on 19/10/07 and Uttlesford District Council Local Plan Policy GEN8 Vehicle Parking Standards.
15. The development hereby permitted shall not be implemented until a travel plan has been submitted to and approved in writing by the local planning authority. The travel plan shall make provision for means of travel to and from the site for employees and visitors other than by private car, and shall also provide for the monitoring of its implementation.
REASON: In the interests of accessibility and to promote the use of public transport, walking and cycling in accordance with Essex County Council’s Highway and Transportation Development Control policies as originally contained in Appendix G of the LTP 2006-11 and refreshed by Cabinet Member decision on 19/10/07 and Uttlesford District Council Local Plan Policy GEN1 Access.

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 development 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. No movement of vehicles in excess of 30 CWT unladen weight shall take place either to enter or leave the site from Foresthall Road other than between the hours of 08:00 and 18:00 Mondays to Saturdays, nor at any time on Sundays, Bank or Public holidays. No movement of vehicles up to 30 CWT unladen weight shall take place either to enter or leave the site from Foresthall Road other than between the hours of 06:30 and 19:00 Mondays to Saturdays, nor at any time on Sundays, Bank or Public holidays.
REASON: To safeguard the amenities of the occupiers of residential properties located on surrounding approach roads to the site.

Background papers: see application file.

UTT/1007/09/OP - TAKELEY

Outline application (with all matters reserved except access, layout) for 7 dwellings

Location: 1 & 2 Broadfield Villas Dunmow Road. GR/TL 569-211

Applicant: Mr I & A Parish

Agent: Philip Livings Limited

Case Officer: Mr N Ford 01799 510629

Expiry Date: 02/10/2009

Classification: MINOR

NOTATION: Within Takeley / Little Canfield Local Policy 3 – Prior's Green Site.

DESCRIPTION OF SITE: This site contains a pair of semidetached dwellings with rear gardens to the north of the B1256 approximately 0.85km to the east of the Four Ashes crossroads. The site covers an area of 0.257ha. The rear gardens to the dwellings have a hedge dividing the gardens running north – south. To the rear of the site is Broadfield Wood and to the east, running north – south, is Broadfield Road. The western edge of the site is bounded by dwellings of recent construction. Two of which face onto Dunmow Road with a terrace behind and a parking court with garaging.

DESCRIPTION OF PROPOSAL: The application is in outline and proposes the erection of seven dwellings with access and layout to be considered (the submitted drawing shows that the existing dwellings 1 and 2 Broadfield Villas would be retained).

The layout shows that access would be taken from the B1256 (Dunmow Road) approximately in the position of the existing access on the western side of the existing dwellings. A detached dwelling would be positioned to the east adjacent no.1 facing Dunmow Road. Behind this would be a parking court and two semi detached dwellings facing west. Two offset semi detached dwellings would face the access road and at the rear of the site would be two detached dwellings with a garage terminating the access road.

With regard to bedroom sizes it is indicated that there would be 4 no. two bed dwellings, 1 no. three bed dwelling and 2 no. four bed dwellings.

There would be 18 parking spaces in total at 2 spaces per dwelling overall. This would provide 3 spaces each for 2 no. 4 bed dwellings and 2 spaces each for 2 and 3 bed and the existing dwellings. Garden sizes vary from around 270 sqm for a 4 bed dwelling to around 54 sqm for a two bed dwelling.

APPLICANT'S CASE including Design & Access statement: See Design and Access Statement received 7 August 2009 attached at the end of report.

RELEVANT HISTORY: On 10 September 2008 planning permission was refused for demolition of semi detached dwellings and erection of 14 dwellings, vehicular access and associated works (UTT/0926/08/FUL).

On 7 July 2008 planning permission was refused for the demolition of two semi detached dwellings and the erection of 14 dwellings with parking, new pedestrian access and alteration of vehicular access (UTT/2287/07/FUL).

The application was refused owing to inadequate amenity space, overlooking between properties, the design of the dwellings would not meet Lifetime Homes standards and no

wheelchair housing provision. It was also considered that there would be inadequate turning and parking provision.

CONSULTATIONS: Highway Authority: No objection subject to conditions and financial contribution in accordance with the Takeley Supplementary Planning Document.

Water Authority: No objection to sewerage infrastructure. Provides advice with regard to surface water disposal.

Environment Agency: Low environmental risk. Provides advice in relation to drainage.

Drainage Engineer: Foul drainage disposal is stated as to mains which is the preferred option. Surface water is stated as to soakaway. A sustainable drainage scheme for all run off from roofs, roads and other surfaced areas will be required. A condition should be applied.

Building Surveying: No concerns.

Policy: None received.

ECC Education: Requests a financial contribution for additional education provision.

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

PARISH COUNCIL COMMENTS: No objection. The Parish Council objected to a previous application for 14 dwellings but this application is a significant improvement. There should be adequate turning for vehicles. Hope that the design will be appropriate to the surroundings.

REPRESENTATIONS: None received. Notification period expired 30 September 2009. Site Notice expired 9 September 2009. Advert expired 17 September 2009.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are whether

- 1) the development is acceptable in principle and would be compatible with the and character of development Little Canfield Local Policy 3 and GEN2, [SPD](#) Accessible Homes and Playspace, Energy Efficiency and Renewable Energy;
- 3) the proposed indicative car parking layout and provision would be appropriate for the development (ULP Policy GEN8).
- 2) social, amenity and infrastructure contributions are required (ULP Policy GEN6) and

1) The Supplementary Planning Guidance (SPG) emphasises that the principle of development of the "island sites" is acceptable; that new development should gain access from the approved internal road network; that financial contributions should be made towards education, transport, sports, and community facilities; and that affordable housing should be provided where appropriate and in accordance with the requirements of the adopted local plan. However this is not one of the island sites indicated in blue if the Takeley 'Island Sites' Supplementary Planning Guidance. Therefore the suggestion in the guidance that new accesses onto the B1256 are to be avoided is not relevant. The highways authority is content with the principle of an access here. As the site is not an "island site". There is no argument in which to make requests for monies for transport enhancements and education contributions.

2) The development density would be 35 dwellings per hectare which would make efficient use of land in accordance with Government guidance. Planning permission has previously been refused for residential development of this land however those reasons related to matters of detail of a scheme for much more dense form of housing.

The size of the site would permit 7 dwellings in an appropriate provide layout and for a continuation of an active site frontage with regard to plot 7 adjacent the existing dwellings.

In terms of amenity to the north and east the site bounds a dense tree belt 'Broadfield Wood' and there is no concern for the amenity of neighbouring properties as a result. However the western boundary now accommodates housing constructed by David Wilson Homes. Plot 1 has a flank elevation that would face west but this would be over a parking court and so no significant harm is identified. The orientation of plot 3 indicates that its rear elevation would be within 6 metres of the boundary of a neighbouring garden. Therefore a two storey dwelling would have potential to overlook its garden should there be windows to the first floor rear elevation. As the application is in outline form this level of detail is absent but as it is considered reasonable to conclude that other elevations that could accommodate bedroom windows without harm through overlooking that the rear elevation can be designed to zone landing and bathroom windows to avoid any overlooking. A condition is proposed to achieve this and on this basis no significant harm is considered to arise.

This scheme in proposing 7 new dwellings allows for a greater degree of parking and garden areas than the refused scheme. As such is considered that the parking provision is now adequate and would achieve suitable off road parking and turning in accordance with the local plan. Garden areas are of a more usable size for enjoyment. They are smaller for two bedroom homes but reasonable in accordance with the Essex Design Guide subject to the removal of permitted development rights to ensure that amenity provision is preserved for those properties in the future.

CONCLUSIONS: Seven dwellings is considered to make both efficient use of the land and allow a suitable layout with regard to parking and amenity and is therefore recommended for approval subject to conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.1.1. Submission of Reserved Matters: 1.
2. C.1.2. Submission of Reserved Matters: 2 (omitting ref to; access, layout).
3. C.1.3. Lime Limit for submission of Reserved Matters.
4. C.1.4. Time Limit for commencement of Development.
5. There shall be either no habitable room windows to the first floor rear elevation of plot 3 or details shall be provided with a reserved matters application indicating high level windows with a cill height to prevent overlooking of neighbouring properties to the west.
REASON: In the interests of residential amenity.
6. C.6.2 Removal of permitted development rights (plots 1-2, 5-6, 8-9).
7. C.16.2 B Full archaeological excavation and evaluation.
8. C.5.2 details of materials.
9. C.4.1 Landscaping Scheme.
10. C.4.2 Implementation of Landscaping Scheme.
11. C.7.1B Slab Levels.
12. All electrical and telephone services to the development shall be run underground. All service intakes to the dwelling shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned on the dwelling in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form. Satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish should be used. Satellite dishes shall not be fixed to the street elevations of the building or to roofs. All soil and waste plumbing shall be run internally and shall not be visible on the exterior unless otherwise agreed in writing by the local planning authority.
REASON: In the interests of visual amenity.
13. C.8.35 Code Level 3 Sustainable Homes.
14. C.28.2 Submission of an accessibility scheme.
15. C.8.15 Construction hours

16. Prior to commencement of the development hereby permitted details shall have been submitted to and approved in writing by the local planning authority showing the provision of suitable temporary access arrangements in connection with the land forming/construction process to include wheel washing facilities, any necessary traffic management, turning and off loading facilities for delivery/construction vehicles within the limits of the site together with an adequate parking area for those employed in developing the site. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: In the interests of highway safety.

17. The access shall be former at right angles to the B1256 with visibility splays of 90 by 2.4 metres by 90 metres as measured from and alongside the nearside edge of the carriageway with minimum of 7.5 metre radii with a carriageway width of 5.5 metres for the first 10 metres which then may reduce to 4.8 metres with a 2 metre footway one side of the carriageway and a 500mm overhang on the other side. A size two turning head should be provided within the site details of which shall be submitted to and agreed in writing by the local planning authority.

REASON: TO provide adequate safety and inter-visibility between users of the access and the existing public highway for the safety and convenience of the users of the highway and of the access.

18. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

19. The carriageway of the proposed estate road shall be constructed upto and including at least road base level prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed upto and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from the occupation of such dwelling.

REASON: In the interests of highway safety.

20. Any trees proposed within the highway shall be agreed in writing with the Highway Authority prior to the commencement of the development hereby permitted. Such trees shall be sited clear of underground services and visibility sight splays.

REASON: To protect services and in the interests of highway safety.

21. The development hereby permitted shall not commence until details of boundary treatment have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity.

Background papers: see application file.

UTT/0922/09/FUL - BIRCHANGER

Construction of 16 No. dwellings with associated roads, paths, parking and garages

Location: North-west corner of Phase 2A Foresthall Park Forest Hall Road
GR/TL 512-240

Applicant: Persimmon Homes Essex

Agent: Mr Michael Smith

Case Officer: Mr J Pine 01799 510460

Expiry Date: 22/10/2009

Classification: MAJOR

NOTATION: Within Development Limits / Allocated for residential development in the adopted Uttlesford Local Plan (720 dwellings – Policy SM4/BIR1).

DESCRIPTION OF SITE: Rochford Nurseries lies on a plateau immediately south of Stansted Mountfitchet. It was underused for many years, comprising significant areas of mainly derelict glasshouses. Since residential construction works commenced, the character of the Nurseries site has fundamentally changed from dereliction to a village extension. The site forms part of the eastern section of the residential land which is bordered to the north by houses in Manor Road, to the west by the Croudace development land and to the south and east by Foresthall Road and Church Road respectively. Newman's Plantation, a significant area of preserved woodland, extends northwards away from Foresthall Road, bordering a diverted bridleway.

The site is L-shaped, measures 0.38ha and forms a large part of the western frontage of Livings Way, which is a cul-de-sac running north-south to the west of the new link road from Foresthall Road to Church Road. At its northern end, Livings Way joins Reeve Road at a point opposite the proposed primary school site. Reeve Road connects to the Croudace land to the west.

Beyond the site, the two blocks of affordable flats at the corner of Reeve Road and Livings Way have been completed. Works are also well underway on the open market housing and a further block of affordable flats down the east side of Livings Way.

DESCRIPTION OF PROPOSAL: These proposals would be a re-planning of part of the earlier approved open market housing layout for the reasons set out in the applicant's case. There would be no change to the overall principle of the layout, namely frontage development to Livings Way and Reeve Road, with a mews court off Livings Way. The main change would be to the mix, which would result in one extra house. The following table compares what was previously approved on this part of the site with what is now proposed.

House type	UTT/0204/05/DFO	UTT/0922/09/FUL
2-bed apartment	0	1
2-bed house	1	9
3-bed house	3	3
4-bed house	9	1
5-bed house	2	2
TOTAL	15	16

A full application is submitted in this instance (rather than reserved matters) because the one extra house would be in excess of the 600 dwellings approved in outline in 2004 on the Nurseries site as a whole. However, there is an unimplemented balance of 120 dwellings compared to what is allocated in the Local Plan (720, compared to 600).

The proposals would be a mix of detached, semi-detached and terraced houses either 2 or 2½ storeys in height. The larger houses on the west side of Livings Way would be detached, with driveway access to rear garages. The mews court and Reeve Road frontage development would consist of smaller 2-bedroom 2½-storey semi-detached and terraced houses with allocated parking via the mews court. The terraced block on Reeve Road would also contain one 2-bedroom flat over a garage block. Garden sizes would be provided proportionate to each house type, and all houses would be designed to Lifetime Home standards as per the Council's adopted SPD "Accessible Homes and Playspace". Materials would be brick, render and brown or grey tiles as used elsewhere within this part of the Nurseries layout. Each 2-bedroom house or flat would have 2 allocated parking spaces, and each 3-bedroom house would have 3 on-plot spaces (Council standards are 2 spaces each). The 4 and 5-bed houses would have 4 or more on-plot spaces each (Council standards are 3 spaces each).

APPLICANT'S CASE: See letter from JCN Design dated 15/7/09 (attached at end of report). This is a re-planning of part of Phase 2A of the Persimmon layout, reflecting recent changes in the housing market and the current difficulties in obtaining mortgages and credit. The following is an extract: *"As a rule of thumb, smaller houses are now sought in preference to flats or larger houses, but where large houses (with four or more bedrooms) continue to be sold, they are detached properties with off-street car parking on private drives. 2½ storey properties remain popular, but only where the balance between the family accommodation on the ground floor and the bedrooms on the upper floor is correct"*.

RELEVANT HISTORY: Outline planning permission for 315 dwellings, new vehicular access, public open space, play area and school was granted on the eastern part of the allocated land (Pelham Homes, now Taylor Wimpey / Persimmon) in February 2004. The permission included an approved master plan / design brief, and was granted subject to appropriate conditions and Section 106 / 278 Agreements. The agreements included a community payment, an education contribution and a payment towards local highway improvements. Reserved matters approval for 315 dwellings (UTT/0204/05/DFO) was granted on 4 May 2005.

Construction work has started, the erection of dwellings being split between Taylor Wimpey and Persimmon. Since the granting of reserved matters approval in 2005, Persimmon obtained a revised reserved matters approval for 35 dwellings along the northern boundary of the site on 14 December 2006 (UTT/1685/06/DFO), but with no increase in overall dwelling numbers.

Outline planning permission for 285 dwellings was granted on the western part of the allocated land (Croudace) in February 2004 in similar terms to that for Pelham Homes. Reserved matters approvals for 77 dwellings (UTT/0557/06/DFO) and for 208 dwellings (UTT/2265/07/DFO) were granted on 29 June 2006 and 28 February 2008 respectively.

Construction work has started on the first phase of 77 dwellings.

CONSULTATIONS: ECC Transportation & Operational Services: No objections subject to conditions and a proportionate increase in the contribution towards local highway improvement measures to offset the increase in traffic on local roads caused by the Rochford Nurseries development.

ECC Education: No material change to pupil numbers would result, so no additional education contribution is requested.

Thames Water: No objections re sewerage infrastructure.

Environment Agency: No objections.

BAA Safeguarding: No safeguarding objections.

Building Control: The sustainability statement does not satisfy requirements. The stated level of carbon reduction of 10% is short of the Code 3 standard of 25%. A full code assessment is required as there are more than 5 dwellings. There is no information on the requirement for 10% onsite renewable energy.

PARISH COUNCIL COMMENTS: Birchanger: Looks overcrowded and the parking provision has not accounted for visitor parking which will have no option but to use the road. This will likely lead to road congestion and a crowded street scene with cars. Restricted manoeuvring and turning space. There are parking issues within the overall development. It appears that second car owners have to park behind the first, leading to on-street parking as residents prefer the convenience of not having to move cars out.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 17 August 2009.

COMMENTS ON REPRESENTATIONS: The Parish Council's concerns have been considered. The number of parking spaces would be to the Council's standards, and partly in excess. The number of spaces is appropriate taking into account the switch to a larger number of smaller dwellings on this part of the Persimmon layout. On-plot tandem parking (one space behind another) is common in residential areas.

PLANNING CONSIDERATIONS including design & access statement: The main issues are whether:

- 1) **the revised layout, design, dwelling mix and numbers on this part of the site would still be in accordance with the approved masterplan (ULP Policies S2, GEN1 & 2 and SM4/BIR1),**
- 2) **the buildings would have an adverse impact on the amenity of adjoining residents (ULP Policy GEN4), and**
- 3) **adequate car parking would be provided and highway dangers would be created (ULP Policy GEN1 & 8), and**
- 4) **there are any other material considerations which either warrant refusal of planning permission or fresh conditions to those imposed in 2005**

1) The original approved masterplan concept of frontage development with a mews court would be retained. Masterplan principles of permeability, with parking courts or rear on-plot parking to avoid a car-dominated street scene would be carried through into this revised layout. The revised designs would be appropriate in this area, reflecting those of other parts of the Persimmon layout. The revised mix away from 4-bedroom houses towards 2-bedroom houses is welcomed, particularly as it would increase the choice for first time buyers looking for housing in the area. Due to the unimplemented balance of 120 dwellings in the Local Plan, the extra one house above the 600 approved in outline would be of no material significance.

2) Compared to the previously approved layout for this part of the site, there would be a neutral effect on the amenity of existing or prospective residents of the adjoining houses or flats. Adequate "back to back" distances with houses on the Croudace land to the west, when they are built, would be retained.

3) The Council's car parking standards would be met and exceeded in some instances. Detailed highway engineering conditions are required to ensure highway safety.

4) This would be a re-plan of a small unimplemented part of a larger scheme approved in 2005, much of the surrounding infrastructure having already been built, including the road and drainage system. This limits what can be done to achieve Code 3 certification through

such measures as passive design. The energy efficiency surveyor's comments have been discussed with the applicant, and an updated sustainability statement has been submitted which sets out the sustainability measures that the developer intends to implement. On the basis that the developer could still implement the 2005 scheme on this part of the site as the fallback position, the new condition is considered to be a reasonable compromise. The condition is similar in its wording to the one imposed on recent re-plans at Prior's Green.

CONCLUSIONS: There are no objections to this re-plan of part of the originally approved layout.

RECOMMENDATION: APPROVAL WITH CONDITIONS (AND AMENDMENT TO THE PREVIOUS SECTION 106 AGREEMENT)

It is understood that the applicant will offer a unilateral undertaking under Section 106 of the 1990 Town and Country Planning Act dealing with the extra proportionate contributions towards local highways improvements and community facilities for the one extra house proposed above the 315 previously permitted. If the unilateral undertaking is not submitted, an amendment to the previous Section 106 Agreement will be required.

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.28.1. Implementation of accessibility scheme.
4. No development shall commence until details of measures to ensure energy efficiency, CO² emissions reduction, water conservation, use of sustainable materials and pollution control have been submitted to and approved in writing by the local planning authority. The measures shall be based on the sustainability statement dated 7 September 2009. The houses shall subsequently be constructed in accordance with the approved measures.
REASON: In the interests of the promotion of sustainable forms of development.
5. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.
6. Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 6 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.
7. The carriageway of the proposed estate road shall be constructed up to and including at least road base level prior to the commencement of the erection of any dwelling intended to take access. The carriageway shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months or three months in the case of a shared access road or a mews from the occupation of such dwelling.
REASON: In the interests of highway safety.
8. For the first 8 metres of the mews court, as measured from the back of the footway, the mews court shall be restricted in width to 4.8 metres (except for the 1.5m x 1.5m sight splays) and contained by buildings or walls of a minimum height of 1.8 metres. The 1.5m x 1.5m vehicle / pedestrian sight splays shall be provided on both sides of the access and shall be adopted as part of the highway.

REASON: To ensure roads / footways are constructed to an acceptable standard in the interests of highway safety.

9. There shall be no doors or other entrances onto the mews / mews court within the first 8 metres. No windows or doors shall open outwards or overflow or downpipes etc project over the net adoptable area of the court or other areas where the public have unrestrained access.

REASON: To ensure roads / footways are constructed to an acceptable standard in the interests of highway safety.

10. Provision of bin stores and collection point.

Background papers: see application file.

UTT/1842/08/FUL - GREAT HALLINGBURY

Two storey and single storey rear extension to form additional bedrooms and meeting facilities

Location: Woolcott House. GR/TL 503-189
Applicant: East Anglia Developments
Agent: Philip Livings Limited
Case Officer: Miss K Benjafield 01799 510494
Expiry Date: 14/01/2009
Classification: MINOR

NOTATION: Within Metropolitan Green Belt.

DESCRIPTION OF SITE: Woolcott House is a restaurant with living accommodation above set within a site with an area of 2.87 hectares. The building is set towards the front of the site but is set back approximately 65m from the road. It is a two-storey structure and currently has five rooms available for accommodation. There is parking and turning to the front of the building.

DESCRIPTION OF PROPOSAL: A two storey rear extension is proposed in the form of two gable ends with a lean-to to one side and to the rear. The extension would provide reception and garden rooms on the ground floor and three additional bedrooms with en-suites on the first floor.

APPLICANT'S CASE: A six page Design and Access statement was submitted with the application, describing the proposal, making reference to national and local policy and making supportive comments.

RELEVANT HISTORY: Proposed two-storey house conditionally approved 1980. Change of use of private dwelling to restaurant conditionally approved 1986 – subject to S52 agreement (the contemporary equivalent of a S106 agreement) to prevent any further application for additions, alterations or additional buildings. This was later removed. Retrospective application for conservatory erected at rear unconditionally approved 1992. Two-storey side extension conditionally approved 2000. Renewal of planning permission for two-storey extension refused 2005. Application for rear extension refused 2008.

CONSULTATIONS: Natural England: No objection

Thames water: No objections.

Environmental Health: No comments to make.

Environment Agency: No objections.

PARISH COUNCIL COMMENTS: No objection.

REPRESENTATIONS: None. Notification period expired 12.12.08.

COMMENTS ON REPRESENTATIONS: None.

PLANNING CONSIDERATIONS: The main issues are whether 1) the proposal would constitute an appropriate form of development within the Metropolitan Green Belt (MGB) and 2) would comply with ULP Policy LC5 regarding hotels and bed and breakfast accommodation and GEN2 Design.

1) National policy on greenbelts (Planning Policy Guidance 2 Greenbelts – [PPG2]) applies the normal development restraint applicable to rural areas but in addition seeks to protect the openness of greenbelts by invoking the concept of ‘inappropriate development’ which it defines as harmful by definition. Not all development in the greenbelt is inappropriate and PPG2 specifies the types of development that are not inappropriate. These are agricultural development, outdoor recreation, limited extensions to dwellings, infill or redevelopment of major sites where identified in local plans. The application relates to none of these and therefore must be defined as inappropriate development. Inappropriate development should not be permitted except in “very special circumstances” which would outweigh the harm to the greenbelt and would warrant the application being approved.

Through negotiations with officers the applicant has demonstrated that a two storey side extension approved in 2000 was implemented prior to the expiry of that permission in 2005. Foundation works were created within the five year period for commencement and consequently that development could lawfully continue without a further planning permission. The applicant is willing to carry out no further work on the commenced scheme in order to be able to build the new proposal. Officers consider that this swap of this implemented permission amounts to very special circumstances. It could be judged that the application proposal due to its size and location would have less of an effect on the openness of the greenbelt than the previously permitted and commenced side extension. As the side extension has been commenced – photographs have been taken of the works – the appropriate mechanism for preventing further work to the commenced side extension is a S106 agreement.

2) ULP Policy LC5 allows for the extension of existing accommodation if the development would not harm the character or amenities of the surrounding area. In addition where a site is outside Development Limits, development will only be permitted if it is an extension or replacement of existing serviced accommodation. Due to the size, location and swapping of the 2000 scheme the application scheme would meet these criteria. The design of the extension is in character with the building and with conditions would meet the requirements of Policy GEN2.

CONCLUSIONS: This revised proposal, given the very special circumstances of this case, is acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND A S106 AGREEMENT TO PREVENT THE ERECTION OF THE COMMENCED TWO STOREY SIDE EXTENSION AS WELL AS THE REAR EXTENSIONS PROPOSED UNDER THIS APPLICATION

1. C.2.1. Time limit for commencement of development.
2. C.8.29. Details of sustainable construction for new residential or commercial development.

Background papers: see application file.
