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UTT/1021/09/FUL - ELSENHAM

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

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

Applicant: Mr Colin Pharoah

Agent: Mr Stephen Kuschel

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 20/11/2009

Classification: MAJOR

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

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

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

- An 8m x 18m swimming pool, changing facilities, beauty suite, storage and a plant room.
- The remodelling and extension of the existing lounge area
- Creation of a sports hall with four badminton courts, two squash courts and storage area. This building would have a ridge height of 11m.
- An open roof terrace.
- An increase in parking spaces from 94 to 138 – 44 additional spaces.

APPLICANT'S CASE: A supporting statement was submitted with the application and is available to view at the council offices and via the website. In addition a covering letter, Travel Plan and Business Need Statement has been submitted. The conclusion of the supporting statement is reproduced below.

The planning application proposes a well designed scheme for improved complementary facilities at an existing golf centre. Careful thought has been given to how the proposed new buildings will relate visually to the existing centre, and how the development will site in the landscape.

The proposals have been prepared with reference to recent Sport England publications and in consultation with their planning department.

The application complies with national, regional, and local planning policies for the provision of sports and recreation facilities, and would not harm the objectives of the Countryside Protection Zone. Although not directly outside or immediately on the edge of a village or town, the location is easily accessible to a large population, and therefore meets sustainability objectives. As pointed out by the officers in dealing with the previous application, the expanded centre will enable families to use different facilities on the site simultaneously.

The Planning Authority is therefore urged to support the scheme and facilitate its early implementation.

The applicant is a local man who is passionate about this project. This is not a speculative venture from a property developer. He is keen to protect Essex as much as any other Essex resident, and believes that this project achieves that, and provides much needed facilities for the local community to enjoy and to be proud of.

RELEVANT HISTORY: Change of use of agricultural land (restored after sand extraction and land filling) to 9-hole golf course granted 1988, and similar applications granted 1991 and 1995. Erection of two-storey extension to clubhouse including employee's flat granted 1997. Extension to storage building, enclosure of open bays and erection of terrace granted 1999. Construction of new health facility, swimming pool, reception, café extension, 5 new bays, 40 car parking spaces and ancillary works granted 2003. Application for construction of a new health facility, swimming pool, squash courts, badminton courts, reception, restaurant, 40 parking spaces and ancillary works refused May 2009 following site visit. Reasons: Size of proposal outside development limit and within Countryside protection Zone; inaccessible and unsustainable location and inadequate information on nature conservation interests.

CONSULTATIONS: Highways Authority (Essex County Council): No objections – not contrary to relevant transport policies.

Sport England: Support principle of proposed scheme.

Thames Water: No objection – restrictions on emptying of swimming pool and pollution control from catering facility.

Environment Agency: Unclear about whether the proposal would involve operational development exceeding 1 hectare (10,000 sq metres). If it would it would fall outside the remit of the Agency.

Natural England: Objects on basis of insufficient information to demonstrate whether the scheme would have an adverse effect on protected species.

Essex Wildlife Trust:

UDC Environmental Services: Environmental Protection - Recommend conditions concerning contaminated land and lighting. Commercial section – comments about design which will be passed on to application

UDC Drainage Engineer: Apply drainage condition.

UDC Building Control: None

UDC Planning Policy: A balance needs to be struck between the benefits of the facilities and the size of the development in the CPZ. Not considered to overcome the objections to the scale of the development in the last application.

UDC Leisure Services: None received.

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

PARISH COUNCIL COMMENTS: No comment

REPRESENTATIONS: This application has been advertised and one letter of support has been received. Period expired 1 October 2009.

PLANNING CONSIDERATIONS: This application is a revision to one refused in May 2009 and therefore the main issues are those that formed the basis of the reasons for refusal. The main issues therefore are:

- 1) The principle of extensions to the existing facilities within the Countryside Protection Zone (PPS7, ULP Policies S8, GEN2 & LC4);

- 2) **Sustainable transport and access (ULP Policies LC2, GEN1 & GEN8);**
- 3) **Effect on protected species (PPS9 & ULP Policies GEN7 & ENV7) and**
- 4) **Other material planning considerations of relevance to a planning decision, including flood risk, accessibility and energy efficiency (PPG17, PPS25 & ULP Policies GEN3 & GEN2, and SPD 'Energy Efficiency and Renewable Energy').**

1) The site is situated outside any development limit and within the Countryside Protection Zone (CPZ) around Stansted Airport. The purpose of the zone is to maintain a local belt of countryside around the airport - which the local plan states "is to be seen as an airport in the countryside". ULP Policy S8 contains the normal aspects of development restraint applicable to all rural areas and in addition embodies a stricter requirement that development should be resisted if it would promote coalescence between the airport and existing development in the surrounding countryside, and/or would adversely affect the open characteristics of the zone.

In this case, it is acknowledged that there is an existing golf facility, and changing rooms, and some small ancillary facilities for example beauty therapy area, sauna and café. The existing building is housed in a barn-style 1½ storey building, with a single storey extension, and the submitted application states the existing floor area as approximately 625m². The proposed application would increase built form at the site, and would provide a swimming pool and solarium, beauty suite, gym, dance studio, two squash courts; a crèche; and a sports hall with four badminton courts. In addition, the new facilities would be served by an increase in changing facilities, plant and storage areas, and parking. The floorspace would increase by 1690 sq metres as apposed to 1900 square metres in the last scheme and 1150 square metres in the 2003 permission.

A key consideration in this case, as with the last application, is that in 2003 permission was granted for a swimming pool, dance studio and gym. The last application proposed a scale of development that was larger (see the figures for floorspace given above) and excessive for this site in the CPZ. The current application has scaled this back somewhat and omits the frontward extension of the existing buildings to a point where the proposal is largely a renewal and remodelling of the now expired 2003 permission with the addition of the sports hall and pair of squash courts behind and side extension to the main 'barn'. It could be argued that the proposal fails to meet the requirements of rural restraint policy as it would add a further 540 square metres to the 1150 square metres approved in 2003. Indeed the report on the 2003 application said that:

"It could be argued that the development would strictly be contrary to the CPZ policies but given the existing uses on the site it is considered, exceptionally, that the proposed development would not harm the objectives of planning policies."

However this increase in size is disguised by being mostly concentrated at one end of the building and by the reduced bulk of the swimming pool/gym/dance studio. For this reason the increase in the size of the proposal would arguably not create coalescence which is the special concern in the CPZ.

ULP Policy LC4 supports the provision of outdoor sports and recreational facilities beyond development limits, including facilities such as associated changing rooms and clubhouses. There is no functional reason for indoor sports facilities to be located in the countryside. However as part of the applicant's case it is stated that golf clubs are seasonal and this particular one requires a greater range of facilities to sustain its existence. This point was implicitly accepted in 2003 with the permission for swimming pool and additional business information has been provided with this application. The club has changed hands since then and the applicant has indicated that the 2003 scheme would not be sufficient to sustain the club, hence the requirement for a larger development. Indirectly this scheme would support

the (continued) provision of the outdoor sports and recreational facilities supported by Policy LC4.

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

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

ULP Policy LC2 requires sports facilities to provide inclusive access for all sections of the community. The applicant has offered a travel plan which could be secured by condition and may be able to provide access to the site by means other than private car. Officers consider that there ought to be a facility for the village link 7, bus to divert onto the site if that is acceptable to the bus company.

3) Natural England has object to the application as insufficient survey information has been submitted to demonstrate that the development could take place without harm to any protected species. Essex Wildlife Trust has also identified the presence of rare bee orchids in the vicinity. It is not normally appropriate for local planning authorities to consider the impact on protected species through planning conditions but should be assessed prior to the grant of any planning permission. However as the committee will recall much of the site of the proposed extension are tightly cropped grass and of no obvious interest to protected species. The applicant is in contact with Natural England as is confident that this objection can be withdrawn. Further information will be provided at committee is submitted.

4) The application is supported by Sport England (a body whose purpose is to further the opportunities for sport) and the consultation response from that body acknowledges that the rural location raises accessibility issues due to the limited public transport passing the site. To address this matter the applicant's supporting statement refers to a travel plan which can be covered by condition. Sport England also identifies that this application will only address an identified need if the facilities are open to all sectors of the community as opposed to members of the golf complex.

With regard to issues of flood risk and the objection of the Environment Agency, the operational development on the site would be below 1 hectare and as such the objection would not apply. Surface water issues could be addressed by condition. If the development is acceptable in principle, matters of accessibility and energy efficiency can adequately be addressed by conditions.

CONCLUSION: This application is finely balanced and on balance the revised proposal overcomes the objections to the last application by being a smaller, more compact design, largely concentrated to the left-hand side of the clubhouse; together with containing more information relating to transport and business need.

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. Submission of landscaping (in accordance with Advice note relating to Bird Strikes) & reason.
4. C.4.2. Implementation of landscaping.

5. C.5.2. Submission of details of materials.
6. C.7.1. Submission of slab levels.
7. C.8.23. Ground contamination.
8. Submission of sustainable drainage & reason.
9. Submission of details of lighting.
10. Submission of details of management plan for swimming pool.
11. Submission of facilities to deal with pollution of water courses by drainage from catering facility.
12. C.8.32. Compliance with the 10% rule (developments of greater than 1000sqm floor area)
13. C.8.33. Condition for compliance with BREEAM 'very good'(non-domestic buildings with 1000 sqm or greater floor area)
14. C.10.23. Travel Plan.
15. C.25.3. Ban on airport related parking.
16. Details of public access to the sport facilities to be agreed.

Background papers: see application file.

UTT/1174/09/FUL - LITTLE CANFIELD

Erection of 9 no. dwellings with associated garaging. New vehicular and pedestrian access

Location: Land adjacent The Rest Dunmow Road. GR/TL 573-212

Applicant: Go Homes Ltd

Agent: Go Planning Ltd

Case Officer: Mr N Ford 01799 510629

Expiry Date: 11/11/2009

Classification: MINOR

NOTATION: Takeley Local Policy 3.

DESCRIPTION OF SITE: The site is located approximately 1.2km to the northeast of the Takeley Four Ashes junction north of the B1256 Dunmow Road and lies within the boundary of the Parish of Little Canfield. The site is situated near to the eastern entrance to Prior's Green – the one adjacent to the pair of balancing ponds. The site covers an area of approximately 0.22ha and comprises a garden land previously associated with a dwelling named The Rest to the east and has mature trees within the hedgerow boundaries. A dwelling has recently been approved adjacent to it by Committee. To the north are new dwellings constructed on the Priors Green estate along Ramblers Way and Clarendon Road. Across Dunmow Road to the south lies a former garage site. The site is generally level.

DESCRIPTION OF PROPOSAL: This is a full planning application for the erection of 9 dwellings. The dwellings would stretch across the site east to west and be set back about 13 metres from the highway behind the tree belt that borders the back edge of the footpath. The dwellings would all be linked together with parking and garages mainly located behind the frontage.

There would be a central terrace of 3 no. three bed homes (plots 4-6). Either side would be link detached four bed homes (plots 3 and 7). There would be semi detached dwellings that would 'bookend' the development. Plot 1 would be three bed. Plot 2 would be four bed. Plot 8 would be four bed and Plot 9 would be three bed. Overall there would be 5 no. three bed homes and 4 no. four bed homes. Materials proposed are brick, render and weatherboarding with slate roofs.

All of the dwellings would have a ridge height to about 9 metres. Garden areas range from around 45 sqm (plot 2) to 100 sqm across the site (plots 7-9). Each dwelling would be provided with two parking spaces either within a garage or as a hard standing.

APPLICANT'S CASE including Design & Access statement: See Design and Access Statement received 16 September 2009.

RELEVANT HISTORY: The Development Control Committee resolved to grant outline planning permission for the erection of 5 dwellings subject to a legal agreement. The applicant indicated he no longer wished to proceed with the legal agreement.

On 7 November 2006 an outline planning application for the erection of eleven dwellings from two points of access was refused (UTT/1161/06/OP). The subsequent appeal was dismissed. The Inspector considered that the material increase in vehicle trips associated with 11 dwellings both from a new access and the greater use of an existing one would interfere too much with the free, safe and convenient flow of traffic on this stretch of road. At that time it was also considered that access should be taken from the internal estate road

network but both Development Control Committee and the Highway Authority have since agreed that access onto the B1256 is appropriate.

CONSULTATIONS: Highway Authority: No objection subject to conditions (on the basis the Committee are prepared to forego the requirement to take access from the internal estate road as built development now encloses the site).

Water Authority: No objection to sewerage infrastructure. Advice for surface water drainage.

Environment Agency: Low environmental risk. No response.

ECC Archaeology: Requests an archaeological programme by condition.

ECC Education: Requests a S106 Agreement for education contributions in accordance with the SPG.

Three Valleys Water: To be reported.

Drainage Engineer: The access and hard standing would not be permeable construction.

Requests a condition to agree surface water drainage details.

Building Surveying: No comments.

Landscape Officer: The submitted arboricultural assessment [JBA 09/132] is considered satisfactory. There are trees which have been identified to be removed to accommodate the development, together with some subjects which are dead or in poor condition. These include Willow, Cypress trees, and mixed subjects in boundary hedges. There is no objection to these subjects being removed. The report also includes details of protective measures to be undertaken during construction. These details are satisfactory.

PARISH COUNCIL COMMENTS: None received.

REPRESENTATIONS: Three. Notification period expired 13 October 2009.

Wisteria House – The site looks crowded. Concerned that plot 1 is close to my boundary. Concerned that privacy may be affected by window direction. One or two less dwellings on the plot would be more acceptable as the previous application only allowed 5 dwellings with garages.

Countryside Properties – Object. Concern for highway safety due to proximity of the proposed access close to the Priors Green development and the pedestrian crossing. Existing landscaping to the northern boundary should be retained. Wheel washing and construction vehicle parking should be provided on site.

1 Warwick Road – Object – Three storey houses are not in keeping with surrounding properties. Will harm the enjoyment of our property by effecting our light and will overlook the south and west aspects. The density is too high. We had no objection to 5 as a reasonable number.

COMMENTS ON REPRESENTATIONS: Compatibility with the character of the area and amenity issues are considered below. The Highway Authority is satisfied that the point of access would maintain highway safety subject to conditions.

PLANNING including Design & Access statement:

The main issues are whether:

- 1) **The development would be compatible with the layout and character of the area, has appropriate access and would preserve amenity (PPS3, ULP Local Policies 3, H10, GEN1, GEN2, Accessible Homes and Playspace, Energy Efficiency and Renewable Energy and;**
- 2) **Social, amenity and infrastructure contributions are required (ULP Policy GEN6).**

1) Policy LP3 recognises that there is opportunity for infill of development where there are remaining pockets of existing housing with the allocation of the master plan for Priors Green 'The Island Sites'. Development should use existing access ways and those in the master plan.

The Supplementary Planning Guidance emphasises that the principle of development of this and the other "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, community and landscaping facilities; that affordable housing should be provided.

The character of development on this side of the B156 Dunmow Road is mixed and its character has changed as a result of recent housing development to the north and east beyond The Rest. The northern side of the road has a more urban built up character than the southern side which retains a more spacious character. The dwellings would utilise much of the width of the site but would retain space between the "Homestead" and "Rest" sites. The dwellings would be set back from the road and have front elevations set slightly behind those to the west and east. The dwellings would be taller than those recently constructed and approved (subject to legal agreement) to the west and east but this is not significantly so at between 500-700mm so as to be visually prominent that would detract from the character of the area. This site benefits from existing planting to the front and built from will be softened by these trees.

All dwellings are shown to be set more than 15 metres from the rear boundary with recently erected residential properties in the Priors Green estate to the north. Each new dwelling would also maintain a 25 metre rear facing window to rear facing window distance which the Essex Design Guide specifies as sufficient spacing between dwellings so as to restrict overlooking. There are no first floor windows to the side elevation of the dwelling recently constructed adjacent The Homestead to the west and no windows to the side elevation of plot 1. To the east a detached dwelling has been given resolution to approve subject to a S106 agreement and in any event there are now windows shown to the side elevation of plot 9.

Access would be onto the B1256 with a single central point of access and egress. The Committee will recall that it has previously accepted that access can be taken onto the B1256 (the SPG states that access should be from the internal estate road). The land at the rear has been developed and there is now no practical alternative to providing an access to the B1256 because development of the land would otherwise be stymied and the Highway Authority are satisfied from a safety point of view subject to conditions.

Some trees are proposed for removal but these are either dead or in a poor condition. Other than the access trees would be retained and supplemented by additional planting. Protection for existing trees and new planting can be secured by condition.

2) The SPG requires that the island sites should make appropriate and proportionate contributions to social, amenity and infrastructure requirements. These are based on an assessment of the costs of primary and secondary education, a contribution to transport enhancement and a contribution to the enhancement of local sports and/or community facilities, a contribution to fitting out, equipping and furnishing the on-site community centre and a financial contribution to structural landscaping and a 15-year landscape sum for its proper maintenance. The total basic financial contribution for wider and longer-term benefits excluding affordable housing and any associated additional educational payments and landscape contributions totals £5,969 per dwelling at 2002 prices. Because this site is outside the Master Plan area these contributions will need to be made in full.

CONCLUSIONS: The development of this site is acceptable in principle provided a Section 106 agreement is entered into to ensure contributions to social, amenity and infrastructure requirements as set out above.

RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO A SECTION 106 OBLIGATION REQUIRING CONTRIBUTIONS IN ACCORDANCE WITH THE TAKELEY/LITTLE CANFIELD SPG

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.4.6. Retention and protection of trees and shrubs for the duration of development in accordance with submitted details.
6. C.16.2. Full archaeological excavation and evaluation.
7. The development hereby permitted shall not commence until suitable access arrangements to the application site in connection with the demolition/construction operations, to include wheel washing facilities, 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 have been provided in accordance with details to be submitted and agreed in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
8. The development hereby permitted shall not commence until a 4.8m wide access formed at right angles to the B1256 with 6m radii and dropped kerb crossing points has been provided in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Such access shall have visibility splays with dimensions of 2.4m by 90m to the west and 2.4m by 70m to the east as measured from and alongside the nearside edge of the carriageway. The area within each splay shall be kept clear of obstruction exceeding 600mm in height at all times.
REASON: To provide highway safety and adequate inter-visibility between users of the access and the existing public highway for the safety and convenience of users of the highway and the access.
9. A size 2 turning head shall be provided in accordance with the Essex Design Guide unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.
10. No unbound material shall be used in the surface finish of the driveway within 6m of the highway boundary of the site.
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.
11. Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 6m 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 in the interests of highway safety.
12. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall provide information about the design storm period and

intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; ii. include a timetable for its implementation; and iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To control the risk of flooding to the development and adjoining land.

13. 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.

14. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling.
15. C.7.1. Slab Levels.
16. C.8.15. Construction hours
17. C.8.35. Code Level 3 Sustainable Homes.
18. C.28.1. Implementation of accessibility scheme.
19. C.6.7. Excluding the conversion of garage.

Background papers: see application file.
