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1) UTT/2116/10/FUL & 2) UTT/2117/10/LB - GREAT DUNMOW

1) Conversion of former District Council offices to 2 No. offices, 2 No. apartments, 2 No. cottages together with the erection of 4 No. cottages and 2 No. cottages and associated demolition, landscaping and associated works.

2) Conversion of former District Council offices to 2 No. offices, 2 No. apartments, 2 No. cottages. Associated demolition internal and external alterations.

Location: Former Council Offices 46 High Street. GR/TL 628-217

Applicant: Foxley Builders Ltd

Agent: Andrew Stevenson Associates

Case Officer: Ms K Hollitt 01799 510495

Expiry Date: 28/02/2011

Classification: MAJOR

NOTATION: Within Development Limits/Town Centre/Conservation Area/Grade II Listed Building/Part within Ground Water Protection Zone.

DESCRIPTION OF SITE: The application site consists of a three storey listed building located on the corner of High Street and New Street. Along the New Street frontage there is a two storey element to the building with a 1 ½ storey section. The building then has a large unsympathetic two storey modern red brick extension. To the rear of the principal element of the listed building are various modern flat roof extensions, again unsympathetic in character with the original building. This element of the site slopes with the fall in land levels running from the south to the north. To the rear of 3-9 New Street is a car park with a range of outbuildings and a small brick built building of no particular architectural merit. This section of the site is relatively flat.

DESCRIPTION OF PROPOSAL: This proposal constitutes 2 different applications:

UTT/2116/10/FUL: relates to the conversion of the principal element of listed building to two office suites on the ground floor and two marionettes above (first & second floor). The two storey and 1 ½ storey elements to the rear are proposed to be converted into two dwellings. It is also proposed to demolish the rear two storey modern extension and replace this with a terrace of four 2 bed cottages. In the car park it is proposed to erect two 3 bedroom dwellings. Car parking would be provided within a courtyard.

UTT/2117/10/LB: relates to the conversion of the principal element of the listed building to two office suites and two flats. It is also proposed to demolish the unsympathetic flat roof extensions including the committee room, to the rear of the principal element of the listed building and the large two storey brick extension.

APPLICANT'S CASE: The application is accompanied by a Design and Access Statement, Planning Statement, Bat Survey and an Asbestos Survey. These are available in full on the application file.

Summary of Planning Statement:

- The proposal would make more effective and efficient use of an under-used parcel of land within a sustainably located site in Great Dunmow, a main urban area of the District.
- The proposals would secure the renovation of a listed building and secure its long term future.
- The development would be of a design and appearance that would enhance the character and appearance of the Conservation Area.
- It would meet all space standards for new development.
- The buildings have been designed and orientated to minimise their impact on neighbouring residents.

- The proposals would accord with the terms of the Council's published Design Brief and would not prejudice any future plans for the depot redevelopment.
- In view of the policy support for the scheme a positive recommendation is anticipated.

Summary of Bat Survey:

The reason for the lack of evidence of bats at the site is probably due to the lack of productive foraging in the area. Bats are commonly found in locations where mature trees and water bodies provide sheltered feeding. At the Council Offices, there is no suitable habitat at the site or in the vicinity to sustain a population of bats. There are also eight security lights associated with the buildings where they overlook the parking areas and the High Street would also be artificially lit at night, conditions that would be a deterrent to foraging bats. Since no evidence of the presence of bats was found at the site, it is therefore considered that the planning proposal will not have a detrimental effect on the local bat population.

RELEVANT HISTORY: History relating to the use of the site for its former use. No relevant history to this proposal.

CONSULTATIONS: Sustainability: Code Level 3 and renewable energy conditions required.

Building Control: Potential issues with fire brigade access.

Accessibility: Conversion will not meet the Lifetime Homes standards. Topography of site will not allow level access to plots 1-4 or 5-8. Issue with courtyard parking in that spaces cannot be expanded in size if needed. Internal layouts of plots 5-10 comply with Lifetime Homes Standards.

Environmental Health: Conditions for hours of work, no bonfires on site, contaminated land survey and asbestos survey.

Archaeology: Recommend trenching and excavation condition.

Highways: No objections subject to conditions.

Environment Agency: No objection subject to conditions.

Design Advice: Demolition of large two storey modern building on New Street is welcomed as its removal will enhance the appearance of the conservation area, and the proposed plots 5-8 are an improvement on what is currently on site. No objections subject to conditions.

TOWN COUNCIL COMMENTS: Support subject to rights of way being retained for access to car park.

REPRESENTATIONS: These applications have been advertised and 5 letters of representation have been received. Period expired 20 January 2011.

Warren & Wood: Support in general but raise concerns. New build will be 1m from 3 New Street and concerned about structural integrity of 3 New Street during construction phase. Concerned about future maintenance and suggest terrace should be centrally located. Parking provision does not meet parking standards. No mention of service access for commercial units. Already considerable pressure on available public parking in New Street. Historic nature of existing residential dwellings necessitates on-street parking. The presence of a number of heavily used public buildings adds considerably to on-street parking. Available public and on-street parking is regularly oversubscribed with overspill parking onto pavements and residential areas. Level of on-street parking frequently causes obstruction. Some residents use application site and pavement in front of red brick extension for parking and proposed development will force these vehicles to find alternative parking in nearby areas, compounding the existing congested parking conditions. Proposed commercial units will be facing the High Street on a busy junction with a pedestrian crossing and double yellow lines making it impossible for the parking and turning of service vehicles. Unreasonable to consider any shortfall in parking appropriate.

Mileham: Object. Change of use will result in my property being overlooked outside of office hours by 10 windows. Feel this is total unacceptable invasion of my privacy.

Spong: Size and scale of development will put a strain on an already struggling street with increase in traffic and effect on parking. Loss of privacy/overbearing. Windows will look direct into my property with only 10ft separating their windows from my bedroom which will be overlooked constantly. Development will lead to massive increase in traffic increasing noise and risk to residents and pedestrians. Will see an additional 28 vehicles parking in New Street but will also remove current parking used by residents. Would mean that parking illegally will increase or it will impact wider on Great Dunmow with displaced residents of New Street parking in other streets. This area is 100% listed and in a conservation area. The development will destroy the character and potentially with the increase in traffic the physical structure of the buildings.

Rayner (2 letters): Object. Development could severely affect the parking facilities in the area used by neighbouring residents in New Street and High Street. Existing public car park is well used during the day. During evening and night car park is used by neighbouring residents living in immediate nearby properties most of which do not have onsite parking. Because of historic nature of the architecture within the conservation area car parking provision within existing properties is virtually impossible to achieve. Adequate car parking for development must be provided within development site. Parking standards states that new development should not exacerbate existing parking problems nor create problems where they do not exist. The current overspill area will no longer be available to neighbouring users when the application site is developed. Note the change of Government thinking following changes to PPG13 and hope the Council will either refuse the scheme, or, preferably, seek to obtain from the applicant a revised scheme to overcome the possible effect on the neighbouring area by overspill parking.

COMMENTS ON REPRESENTATIONS: Issues relating to overlooking and parking will be discussed below.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

- 1) the principle of development on this site (ULP Policies S1, H3, H4, RS2, GD1);
- 2) the appropriateness of the proposals on this site including impact on the character and setting of listed buildings and conservation area (ULP Policies S1, H3, H4, H10, ENV1, ENV2, PPS5);
- 3) the proposals would satisfy the design criteria (ULP Policies GEN2, ENV15, RS1 & SPD: Accessible Homes and Playspace; SPD Energy Efficiency and Renewable Energy);
- 4) the proposals would provide suitable access and parking facilities (ULP Policies GEN1, GEN8, PPG13)
- 5) the proposals would have an adverse impact on protected species (ULP Policy GEN7, PPS9) and
- 6) Other material planning considerations.

1) The application site is situated within the development limits of Great Dunmow and forms part of the town centre. The general thrust of the town centre policies set out in the local plan is to protect the vitality and viability of the town centre by maintaining active ground floor units, although the policy does not explicitly prevent the change of use of offices to residential. Policy RS2 seeks to encourage mixed use developments providing they meet certain criteria. Policy H3 permits infilling with new dwellings subject to certain criteria, such as ensuring the development does not result in harm to the character of the settlement. Policy H4 permits backland development on under-used land providing no adverse amenity issues would result. This development for a mixed use scheme of offices and residential development therefore complies with the emphasis of the policies providing it satisfies the individual elements of these policies and other policy criteria.

2) Policy GD1 seeks to protect existing commercial units, although not specifically offices. Change of use or redevelopment will not be permitted unless the existing use is surplus to current and foreseen future requirements and the property has been marketed for 6 months. The property is the former Council Offices which are vacant although the two storey red brick extension was still

being used by the volunteer services at the time of the application. Planning permission for Class B1 use has previously been granted and this proposal seeks to retain this use in two office suites on the ground floor of the building fronting the High Street. It is proposed to convert the upper floors and rear sections of the building to residential purposes. Such a proposal would comply with Policy GD1 and Policy RS2 in that it would maintain the ground floor frontage of the building as a service centre and contribute to the diversity of commercial activity. The conversion of the remainder of the building to residential would secure the historic and architectural character of the building and provide additional residential accommodation within a sustainable location.

The demolition of the two storey red brick extension to the rear of the building would allow for the infilling of this brownfield site with a terrace of four residential units. The site is located in an area with reasonable accessibility to jobs, shops and services and residential development would support these. Whilst the building is currently offices it does not form a key employment site and the character of New Street is that of historic residential development. Therefore the demolition of the extension and the erection of four dwellings would be in keeping with the general character of the street scene.

The construction of two residential units within the car park would represent backland development. This is acceptable under Policy H4, subject to criteria that must be satisfied for backland development to be appropriate. The proposed development would represent a more efficient use of the land and no overlooking or overshadowing would result. There would be at least 12m between the rear elevation of the existing properties and the flank elevation of the proposed dwellings and as such should not appear overbearing. The access is existing and currently serves a car park for the office use, a small 10 bay public car park and the Council depot. In principle it is not considered that the proposed development would result in disturbance to nearby properties, but this will be discussed in more detail in section 4.

Policy H10 seeks to ensure that developments of 3 or more properties would provide a significant proportion of smaller market housing. The two maisonettes would be two bedroom units, as would units 3 and 4. Units 5-8 (the new terrace) would be two bedroom units although the second bedroom is shown with the potential to provide a future/possible study. This could potentially be used as a third bedroom although it would measure 1.9m x 2.1m and would have an inward opening door which would severely limit the amount of usable space. Units 9 and 10 would be 3 bedroom units. This mix would comply with the requirements of the policy.

The proposals incorporate the demolition of a large two-storey red brick extension to the listed building as well as a two storey flat roof extension and a large single storey flat roof extension. These elements are not sympathetic to the original listed building and detract from the setting of the building and the character of the conservation area. The removal of these elements represent an improvement to the character of the conservation area. It must therefore be assessed whether the proposed replacement development would protect and enhance the character and setting of the conservation area and listed building. The proposed new dwellings fronting New Street would have the appearance of traditional cottages and would incorporate features such as the use of painted render, exposed rafter feet and brick plinths. The design of the proposed dwellings would be similar in character to other recent developments undertaken in New Street Passage (Harmans Yard). The bulk and scale of the proposed dwellings would be more appropriate to the neighbouring listed properties. This element of the proposals is considered to be appropriate and in accordance with PPS5, ULP Policies ENV1 and ENV2.

The proposed dwellings to be located in the car park area would incorporate similar design features to the dwellings fronting New Street. This element of the site is outside of the conservation area but is visible from New Street which is within it. The development of this site would therefore have the potential impact on the character of the adjacent conservation area and also the setting of listed buildings. The proposed design of the dwellings is considered appropriate and would result in a form of development which would protect and enhance the character and

setting of the conservation area and the setting of adjacent listed buildings. The construction of the dwellings to the front of the site ensures the car parking area to serve the development would be located in a rear courtyard, thus reducing the visual impact on the adjacent conservation area. Furthermore, the layout of the site ensures that access to the current Depot is not hindered and should not the future development potential of that site.

In relation to the listed building, the scheme proposes demolition works, an extension, insertion of dormer windows, and internal alterations. As previously stated the proposed demolition works would involve the removal of the large two story red brick modern extension, a two storey flat roof extension and a large single storey flat roof extension, which formed the former committee room and entrance lobby to the Council Offices. These elements detract from the character of the building and also the conservation area and their removal would represent an enhancement. A single storey rear extension is proposed to enable individual private access points to the two maisonettes. This proposed extension would respect the characteristics of the original building and should not result in detrimental harm to the fabric of the building.

In order to facilitate the conversion of the 1 ½ storey section of the building, it is proposed to insert three dormer windows to the side elevation. These windows would replicate those which already exist on the New Street elevation. These would appear balanced within the elevation and should not result in detrimental harm to the character of the listed building or the character and setting of the conservation area.

The proposed conversion works would necessitate various internal alterations. On the ground floor this would result in the loss of the relationship between the front door and the main staircase. However, in this instance this is considered acceptable due to the need to secure a long-term use for the building. The proposed design solution enables the retention of an active ground floor and a secure access to the upper floors. Other minor alterations are proposed such as blocking up a doorway and the insertion of a new partition wall. A new stairway is proposed between the ground floor and the first floor which would link the proposed new extension and the listed building and provide access to one of the maisonettes. On the first floor the proposed alterations would be minor, such as creating a new doorway, blocking off a doorway and the removal of modern partition walls. A new staircase would be installed between the first and second floor to provide access to the upper floor of one of the maisonettes. On the second floor new partition walls are proposed together with the removal of some doorways. The scheme has been designed to have a minimal impact on the character and fabric of the listed building and is considered to be acceptable.

Overall, the proposals satisfy the relevant policy criteria and should improve to the character and setting of the conservation area. The proposals would respect the character, fabric and setting of the listed building and the setting of adjacent listed buildings.

3) ULP Policy GEN2 seeks to ensure that development protect the amenity of the locality and neighbouring residents. It also seeks to ensure that new development is accessible to all and minimises water and energy consumption. In terms of visual impact, this was discussed in section 2. With regard to potential affects on neighbours, several representations refer to the potential for overlooking. The scale of development along New Street would be no greater than the existing. The proposed replacement for the two storey red-brick element would result in a reduction in the number of first floor windows. No changes are proposed to the two storey and 1 ½ storey sections to the rear of the principal element of the listed building. The concerns relating to overlooking relate primarily to the change of use of the site from offices to residential. It should be noted that there is no time restriction on the hours of use of the building for office purposes and, if such an occupier for the building had come forward, there would be no means of preventing the use of the building 24 hours a day, 7 days a week. Residential occupation of the site is unlikely to result in a significant loss of residential amenity due to overlooking from the New Street frontage windows. The Essex Design Guide seeks to prevent loss of amenity to rear elevations, particularly private

amenity space in rear gardens. No such protection is afforded to front elevations and natural surveillance of public space is beneficial to all. The overall bulk of the proposed new terrace of dwellings would be less than the existing red-brick extension and therefore the proposals should not result in a loss of amenity due to overshadowing or overbearing impacts.

The proposed dwellings at plots 9 and 10 would not have any side elevation windows at first floor level and as such no adverse overlooking issues should arise from the proposals. Plot 9 has the potential to partially or obliquely overlook the end of the rear garden to 11 New Street, but not the area most likely to be used as private amenity space. There would be approximately 12m between the rear elevation of 9 New Street and plot 9 and as such this proposal should not result in an adverse overshadowing or appear overbearing.

Policy RS1 seeks to ensure that all new commercial development is accessible to all, even when the proposals result from a conversion. The commercial element of the scheme would be contained on the ground floor of the principal element of the listed building fronting onto the High Street. There is an existing accessibility ramp to the front door, albeit slightly substandard. No proposals have been made to alter this ramp and it does enable accessibility for all to the commercial units. Within the building the commercial elements will all be level access. This element of the proposals complies with this policy.

Residential conversions cannot always result in a development that will comply with lifetime homes standards. This is particularly the case where the building is a listed building. In this instance the proposals indicate two maisonettes, located on the first and second floors of the principal frontage element of the listed building. Level access is not possible and, due to the historic nature of the building and the potential adverse impact of the installation of a lift, alternative means of access would not be possible. However, this would need to be balanced against securing an appropriate re-use of this listed building which would secure its long term viability. The proposed residential conversion scheme has been carefully considered to ensure that only modern partitions are removed and the historic fabric is retained. Rooms have been carefully laid out to ensure that there would be no adverse loss of privacy due to overlooking between the units.

Due to the change in levels within the site it is apparent that plots 3-4 and 5-8 will require stepped access. The nature of the site is likely to prevent any alternative means of access (ie ramp) and therefore these units would not satisfy all the criteria of the Lifetime Homes standards. This issue is becoming more apparent throughout the district with several developments having to incorporate stepped accesses due to the topography or other constraints within the site. Where possible full compliance is sought, but in this instance it is acknowledged that the majority of these units will be unable to comply. When weighed against the benefits the scheme would bring to the character of the conservation area and also securing the long-term viability of the listed building, it is considered that a lower level of compliance would be acceptable on this site.

SPD: Energy Efficiency and Renewable Energy requires new development to secure Code Level 3 and, when the development relates to 5 units or more, to secure 10% of predicted energy requirements from on site renewables or low carbon energy sources. Insufficient information has been submitted with the application to demonstrate this. However, this can be secured by condition.

4) The proposed development would utilise the existing vehicular access which currently serves the office car park, the small 10 bay public car park and the Council depot. Nearby residents also use this access to park their vehicles in the car parks in the evenings and at weekends. The amount of traffic which uses this access, or could do if the offices were fully let, would be substantially higher than that envisaged by the 10 residential units. Therefore it is considered that the access point is acceptable and would not result in the loss of residential amenity.

Representations have been made in respect of the loss of the use of the existing car park as a parking facility of nearby residential properties who have no means of providing on-site off-street parking. These concerns are noted. However, the use of the existing office car park is unofficial and had the building been sold for office purposes the new occupiers could have chosen to remove this unofficial parking facility at any time. Concern has also been raised in respect of the proposed parking provision to serve the new development. The Council's adopted parking standards require the provision of two spaces per residential unit plus an extra 0.25 spaces per dwelling for visitor parking. The overall requirement for the residential element of this scheme would therefore be 23 spaces. The scheme includes the provision of 18 parking spaces, including two visitor spaces. It is proposed that the units within the converted building would have 1 space each and the new build units (5-10) would have 2 parking spaces each, set out in tandem. No provision has been made for the commercial units.

The applicant argues that this is a prime example of a location where a reduced parking standard could reasonably be applied. It states that Great Dunmow is relatively well serviced by public transport and other amenities and that the town is defined as a main urban area within the local plan. The Essex County Council Parking Standards states that "for main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment." This site is in very close proximity to healthcare facilities, shopping facilities, public transport routes and in the wider area schools and employment opportunities. The applicant's statement gives examples of other developments that have been approved since the adoption of the parking standards where a lower level of parking provision has been considered acceptable including various sites in Great Dunmow, such as Harmans Yard, New Street, land rear of 6 High Street, 14 Stortford Road and the site adjacent to 17 Waldgrooms. In comparison with some of these sites, this proposed development is more centrally located. This proposal would make a provision of 1.8 spaces per unit, which exceeds the other examples where the provision was generally 1.5 spaces. Harmans Yard is in very close proximity to this site and the applicant states that in that instance it was argued that "the location of this site close to the town centre, it is not considered that there is any justifiable case to refuse planning permission for reason of inadequate parking." It therefore concludes that the same principles should apply to this development.

As state above, no provision is made within the scheme for the commercial units. However, the site is in close proximity to town centre car parks and such a situation would be similar to the vast majority of other commercial uses within the town centre. The proposed development does ensure all new build units would have 2 spaces each, albeit in tandem. However, each tandem space would be controlled by the same unit. This development has sought to ensure that adequate parking is provided, parking is screened from view from the conservation area and also it does not interfere with the potential to develop the Council yard to the east. In this instance it is considered that the proposed parking provision, whilst slightly deficient, represents a compromise required by the constraints of the site.

5) A bat survey has been submitted with the application which clearly indicates that there is no suitable bat habitat within the site and, more importantly, no suitable foraging habitat to encourage their presence. The urban nature of the site makes it unsuitable for reptiles. Therefore the proposals should not have a detrimental impact on protected species.

CONCLUSIONS: The proposal is considered satisfactory / acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development

2. C.3.1. To be implemented in accordance with approved plans
3. C.5.1. Samples of materials to be submitted, approved and implemented.
4. The roofing materials to the development hereby permitted shall be of hand made clay plain tile or natural slate, samples of which shall be submitted in accordance with condition C.5.1.
5. No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, boiler flues, ventilation grills or ducting shall be fixed to the exterior of the building until details have been submitted to and approved in writing by the local planning authority. Subsequently they shall be installed in accordance with the approved details.
6. Works shall not be commenced until additional drawings that show details of the proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
7. C.5.8. Joinery details
8. C.5.11. Smooth rendered walls
Reasons 3-8: In the interests of protecting the character and setting of the listed building, adjoining listed buildings and the conservation area.
9. C.4.1. Landscaping scheme to be submitted and approved.
Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
 - a) proposed finished levels
 - b) means of enclosure
 - c) hard surfacing, other hard landscape features and materials
 - d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
 REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.
10. C.4.2. Implementation of landscaping
11. C.8 29. Condition for compliance with code level 3 (five or more dwellings)
12. C.8.32. Compliance with the 10% rule (developments of five or more dwellings or greater than 1000sqm floor area)
13. C.10.10. Details of parking and surface materials
14. C.11.6. Prior provision of residential communal parking
No dwelling shall be occupied until the car parking spaces to which it relates as shown on layout no. 103B dated August 2010, submitted on 29 November 2010, hereby approved have been hard surfaced, laid out and made available for use. Thereafter these areas shall remain available for the parking of domestic vehicles in connection with the normal residential use of the dwellings to which they relate and shall not be built over or similarly developed, notwithstanding Permitted Development Rights of extensions contained in the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification).
REASON: In the interests of highway safety.
15. Prior to the commencement of the development hereby permitted, there shall be the provision of suitable access arrangements to the application site in connection with the construction of the development, to include wheel washing facilities for the duration of the development to prevent the deposition of mud and other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with adequate parking area for those employed in developing the site. The details shall be submitted to and approved in writing by the local planning authority and subsequently be implemented as approved.
Reason: In the interests of highway safety and efficiency.

16. Prior to the occupation of the development hereby permitted, the developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport. The scheme shall be submitted to and approved in writing by the local planning authority.
Reason: In the interests of promoting sustainable development and transport in accordance with policy F.32 of the Essex Road Passenger Transport Strategy 2006/11.
17. Prior to the commencement of the development hereby permitted details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the accesses becoming operational and shall be retained at all times.
Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety.
18. C.16.2. Full archaeological excavation and evaluation
19. C.13.9. Hours of construction
No demolition or construction work relating to this permission shall be carried out nor machinery operated on, nor materials be delivered to the site at any time on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 07.30 and 18.00 on Mondays to Fridays and between the hours of 08.00 to 13.00 on Saturdays. No bonfires shall be lit within the site at any time.
REASON: To safeguard the amenities of the occupiers of neighbouring properties.
20. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission
21. 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 the contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.
22. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reasons 22& 23: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protecting Controlled Waters.

- 23. The recommendations set out in the asgen limited environmental services report, report number S416, shall be carried out as detailed.

Reason: In the interests of the safe removal of asbestos and to protect the amenity of neighbouring residents.

- 24. The demolition of the existing buildings on site and the elements of the listed building to be demolished shall be designed to enable the maximum possible on-site recycling of materials of properties to be demolished.

REASON: In the interests of amenity and sustainability.

RECOMMENDATION: LISTED BUILDING CONSENT WITH CONDITIONS

- 1. C.2.2. Time limit for commencement of development – listed building consent.
- 2. C.3.1. To be implemented in accordance with approved plans.
- 3. C.5.1. Samples of materials to be submitted, approved and implemented.
- 4. The roofing materials to the development hereby permitted shall be of hand made clay plain tile or natural slate, samples of which shall be submitted in accordance with condition C.5.1.
- 5. Works shall not be commenced until additional drawings that show details of the proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- 6. C.5.8. Joinery details
Reasons 3-6: In the interests of protecting the character and setting of the listed building and adjacent listed buildings.
- 7. C.5.16. No historic timbers to be cut
Reason: In order to protect the fabric and character of the listed building.

Background papers: see application file.

UTT/2285/10/FUL & UTT/2286/10/CA STANSTED

(Referred at request of Cllr A Dean Reason: Concerns over access and egress and off street parking)

Change of use from residential (C3) and shop (A1) to restaurant (A3), hotel (C1) and drinking establishment (A4). Erection of single storey side and rear extensions and rear porch

Location: 1 & 3 Silver Street GR/TL 509-250

Applicant: Hill House Associates

Agent: Jason Bagge Architecture

Case Officer: Katherine Benjafield 01799 510494

Expiry Date: 09/02/2011

Classification: OTHER

NOTATION: Within development limits / Conservation Area.

DESCRIPTION OF SITE: The site is located on the corner of Silver Street and Chapel Hill and covers an area of 0.1ha. The site currently comprises 2 x two-storey properties, one of which is residential and one residential with a retail use. A vehicular access from Chapel Hill to the rear garden of 1 Silver St has previously been granted planning permission in association with the existing residential use of the site. The vehicular access to 3 Silver St runs adjacent to the southern site boundary and provides access to an existing single garage.

Refurbishment works and minor extensions and alterations to No. 1 Silver Street have been approved on the application which also related to the wall and access from Chapel Hill.

DESCRIPTION OF PROPOSAL: This application relates to the change of use of the existing buildings on the site for use as hotel, restaurant and drinking establishment. Existing single storey elements in the form of a flat roof to the rear of the access to No. 3, a rear bay window and the existing outside toilet to the rear of the buildings are proposed to be demolished; these cover a combined area of 17m².

The proposal also involves the erection of two single storey extensions to the rear of No. 3 and a single storey extension to the side between the existing boundary wall and the side wall of No. 3. The extensions would provide a lounge area to the rear, a covered area leading to the entrance lobby and a kitchen extension. The side extension would allow for additional area for customer toilets; the extensions would cover a combined area of 45m².

Since the receipt of this application the plans have been revised to remove the originally proposed flat roofs to the extensions and replace them with pitched roofs.

APPLICANT'S CASE including Design & Access statement: A design and access statement has been submitted with the application which provides detailed information with regard to how the proposal has been amended and the measures proposed in order to overcome the previous reasons for refusal.

In order to address the reasons for refusal the following is proposed:

No vehicles other than service and vehicles used by people with mobility impairments will be allowed to park on the site.

All other vehicles will be informed that they should use the public car parks in the vicinity, primarily Crafton Green.

The floor underneath the arch to the side of No. 3 Silver Street will be dug out to lower the ground level and increase clearance for service vehicles.

A noise management plan has been detailed which would prevent noise and disturbance to neighbouring properties.

RELEVANT HISTORY: A previous application for the same proposal was refused in May 2010; for reasons of highway dangers and inadequate turning and disabled parking facilities this application aims to overcome those previous reasons for refusal. In November 2010 planning permission was granted for alterations and extensions to No. 1 Silver Street as well as the creation of a vehicular access from Chapel Hill to the rear of No. 1 Silver Street and the repositioning of the boundary wall.

CONSULTATIONS: ECC Highways: The Highway Authority would not wish to raise an objection to the above application as shown on drawing no: 1100 Rev A dated 3 December 2010 subject to the following conditions:

1. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

2. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

Informative:

The Highway Authority still has concerns, that despite the best efforts of the applicant, this proposal may lead to unloading of deliveries on Silver Street due to the height restriction at the proposed exit.

Environmental Health: The applicant has gone to considerable lengths to overcome the objection to the previous application on grounds of noise, notably by proposing that there would be no customer parking at the rear of the hotel, and that the car park would be closed between the hours of 11pm and 7am.

I therefore do not object to the present application, subject to the following conditions:

- No parking shall be provided on site except for disabled drivers and bicycles.
- The car park shall be kept closed between the hours of 11pm and 7am by a barrier at the Chapel Hill entrance and No Entry signs at the Silver Street exit, or other means agreed with the planning authority, except for access by disabled patrons.
- C.8.4. No deliveries shall be taken to or despatched from the site between 7pm and 7am Mondays to Saturdays or at any time on Sundays and Bank or public holidays.
- No external area shall be used for dining or drinking between 9pm and 7am
- No external area shall be used for smoking between 11pm and 7am
- Prior to the commencement of the use hereby permitted, a noise management plan shall be submitted to and approved in writing by the local planning authority. The plan agreed shall be effectively implemented for as long as the proposed use continues.

NOTE: The noise management plan will need to address the control of noise from the external dining area, the smoking area, patrons leaving the premises at night, and deliveries. The measures proposed in the draft management plan submitted with the application would be an acceptable basis.

- C.8.18. Prior to the commencement of the use hereby permitted, a scheme for the extraction and filtration of cooking fumes shall be implemented in accordance with details submitted to and agreed in writing by the local planning authority. The implemented scheme shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.

NOTE: The kitchen extraction and filtration equipment will need to provide adequate ventilation and odour filtration at all times the kitchen is in use. The details required include: the number and types of meals to be served; a plan showing the dimensions and route of the ductwork and the location of fans and filters; the outlet height (which should normally be 1m above ridge height); the noise produced by the system; manufacturer's details of all filters to be used; a maintenance schedule.

- C.8.22. No external lighting shall be installed until details have been submitted to and approved in writing by the local planning authority.
- C.8.15. No construction work shall be carried out on, nor machinery operated on, nor materials be delivered to, the site at any time on Sundays or Public Holidays, or before 8.00am or after 6.00pm on Monday to Friday or before 8.30am or after 2.00pm on Saturdays. All building or construction material shall be stored within the site and no materials deposited on the public highway.
- C.8.21. No 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 for all conditions: To protect the amenities of the occupiers of adjoining properties.

PARISH COUNCIL COMMENTS: The Parish Council has concerns about lorries exiting the site under the archway at No.3 Silver Street as we believe that it only gives a 2cm clearance - further reduction in ground level would be required. We agree with the principle of a small hotel in this location but support Cllr Dean's request for referral to the DC Committee for further scrutiny. Query whether CA consent was required or received for the removal of trees in the front garden of No. 1 Silver Street.

REPRESENTATIONS: These applications have been advertised and 5 representations have been received. Period expired 20 January.

4 representations in support of the applications have been received and 1 objection.

Main points:

Support:

Welcome the opening of a new restaurant/hotel - it will help boost other businesses. There is a need for a restaurant like this. The development of this site would enhance the street scene and improve the character of the area. A sensible and sympathetic restoration of two run down properties to provide well needed amenities for the village.

Object:

It is untrue that the buildings have been unoccupied for a long period. There is a need for residential buildings in this area, they should remain residential. The corner of Silver Street and Chapel Hill is inappropriate for the proposed use. There should not be a reliance on off site parking. There is no dropping off possibility for customers except on the road side which already has significant problems. The entrance from Chapel Hill is likely to cause more traffic difficulties and the exit on to Silver Street is inadequate.

If this is approved, why was a similar application at the Three Colts refused previously.

COMMENTS ON REPRESENTATIONS: Consent has not been granted for the works to the trees to the front of No. 1 Silver Street. The trees were assessed by the Council's Landscape Officer during the consideration of the previous application and none were considered to be worth of retention or protection.

There will be the opportunity for passengers to be dropped off to the rear of the buildings.

With regard to the Three Colts an application for a two storey extension was refused in 2002. That development is not comparable to this. In 2003 an application 12 rooms at the Three Colts was approved.

Each application is determined on its own merits and although different site may have received a refusal for a similar proposal, this application must be determined on its merits and in accordance with the current Development Plan policies and other material considerations.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are whether the proposed development would comply with policies relating to:

- 1) Hotels and Bed and Breakfast Accommodation and Design of Development within Conservation Areas (ULP Policies LC5, ENV1 & PPS5)**
- 2) Design (ULP Policy GEN2)**
- 3) Access (ULP Policy GEN1)**
- 4) Vehicle Parking Standards (ULP Policy GEN8)**
- 5) Good Neighbourliness (ULP Policy GEN4)**

1) ULP Policy LC5 allows for the change of use of existing buildings to hotels provided that the development would not harm the character or amenities of the surrounding areas. This site is located within Development Limits where, in principle, development is acceptable subject to compliance with all other relevant policies.

The general appearance of the two buildings on the site would be maintained with only single storey extensions to the rear of No. 3 and to the rear of the site the existing garden areas would be altered to form a one way access route through the site with disabled and service parking. These proposed alterations, including the removal of a modern flat roof extension, a bay window and the small external toilet and their replacement with new extensions, are not considered to detrimentally impact on the appearance of the surrounding areas or the Conservation Area.

2) The proposed extensions would be single storey structures and would be positioned well away from the site boundaries, to the rear of No. 3. In relation to the requirements of ULP Policy GEN2 the development would be acceptable and would protect the residential amenity of the occupiers of neighbouring properties with regard to privacy, daylight, overbearing impact or overshadowing.

3) ULP Policy GEN1 identifies 5 criteria which proposed development should meet in order to be permitted. In relation to this proposal, criteria a) and c) are particularly relevant. These are that a) access to the main road network must be capable of carrying the traffic generated by the development safely and c) the design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.

Planning permission for the access onto Chapel Hill was granted in November 2010 in association with the existing residential use of 1 Silver Street. Works to construct that are currently underway.

ECC Highways has been consulted with regards to the highway implications of this proposal. As the access from Chapel Hill has previously been approved and works are proposed to improve the

clearance under the archway at No. 3 this would enable vehicles to exit underneath onto Silver Street. ECC Highways has indicated that subject to the imposition of conditions, it does not have an objection to the proposal.

The needs of people whose mobility is impaired have been addressed in the design of the site as the parking layout includes provision for three disabled bays.

This revised scheme now complies with the requirements of ULP Policy GEN1.

4) The proposal indicates that only service vehicles and customers with impaired mobility would be allowed to park within the site. Other customers would be directed to use the public car park at Crafton Green on the opposite side of Chapel Hill or if necessary the public car park at Lower Street at the bottom of Chapel Hill.

The current parking standards are maximum figures and as such, there is no requirement for the site to provide any on site car parking other than that which is proposed. The parking which is indicated complies with the requirements of the adopted vehicle parking standards and the requirements of ULP Policy GEN8.

5) ULP Policy GEN4 specifies that development and uses will not be permitted where a) noise or vibrations generated or b) smell, dust, light, fumes, electro magnetic radiation, exposure to other pollutants; would cause material disturbance or nuisance to occupiers of surrounding properties.

The Council's Environmental Health Department has considered the proposals and responded that subject to the imposition of conditions, there would not be any material disturbance or nuisance generated by the scheme to the occupiers of surrounding properties.

The measures proposed by the applicants, in addition to the imposition of recommended conditions would therefore result in a scheme that would comply with the requirements of ULP Policy GEN4.

CONCLUSIONS: The proposal complies with all relevant Development Plan policies.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
2. C.3.1. Implementation in accordance with approved plans.
3. C.4.1. Landscaping scheme to be submitted and approved.
4. C.4.2. Implementation of landscaping scheme.
5. C.5.1. Samples of materials to be submitted and approved.
6. C.90A Before the commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.
7. C.90B The proposed development shall not be open for trading until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

8. C.90C No parking shall be provided on site except for disabled drivers, powered two-wheeler vehicles and bicycles.
REASON: To protect the amenities of the occupiers of adjoining properties.
9. C.90D The car park shall be kept closed between the hours of 11pm and 7am by a barrier at the Chapel Hill entrance and No Entry signs at the Silver Street exit, or other means agreed with the planning authority, except for access by disabled patrons. Before the commencement of development, details of the proposed barrier or other means of closure shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented before the development opens for trading.
REASON: To protect the amenities of the occupiers of adjoining properties.
10. C.8.4. No deliveries shall be taken to or despatched from the site between 7pm and 7am Mondays to Saturdays or at any time on Sundays and Bank or public holidays.
REASON: To protect the amenities of the occupiers of adjoining properties.
11. C.90E No external area shall be used for dining or drinking between 9pm and 7am.
REASON: To protect the amenities of the occupiers of adjoining properties.
12. C.90F No external area shall be used for smoking between 11pm and 7am.
REASON: To protect the amenities of the occupiers of adjoining properties.
13. C.90G Prior to the commencement of the use hereby permitted, a noise management plan shall be submitted to and approved in writing by the local planning authority. The plan agreed shall be effectively implemented for as long as the proposed use continues.
REASON: To protect the amenities of the occupiers of adjoining properties.
NOTE: The noise management plan will need to address the control of noise from the external dining area, the smoking area, patrons leaving the premises at night, and deliveries. The measures proposed in the draft management plan submitted with the application would be an acceptable basis.
14. C.8.18. Before the commencement of the use hereby permitted, a scheme for the extraction and filtration of cooking fumes shall be implemented in accordance with details submitted to and agreed in writing by the local planning authority. The implemented scheme shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.
REASON: To protect the amenities of the occupiers of adjoining properties.
NOTE: The kitchen extraction and filtration equipment will need to provide adequate ventilation and odour filtration at all times the kitchen is in use. The details required include: the number and types of meals to be served; a plan showing the dimensions and route of the ductwork and the location of fans and filters; the outlet height (which should normally be 1m above ridge height); the noise produced by the system; manufacturer's details of all filters to be used; a maintenance schedule.
15. C.8.22. No external lighting shall be installed until details have been submitted to and approved in writing by the local planning authority. Subsequently the development shall be implemented in accordance with the approved details. Any subsequent alterations shall be submitted to the local planning authority for approval prior to installation and shall be implemented in accordance with the approved details.
REASON: To protect the amenities of the occupiers of adjoining properties.
16. C.8.15. No construction work shall be carried out on, nor machinery operated on, nor materials be delivered to, the site at any time on Sundays or Public Holidays, or before 8.00am or after 6.00pm on Monday to Friday or before 8.30am or after 2.00pm on Saturdays. All building or construction material shall be stored within the site and no materials deposited on the public highway.
REASON: To protect the amenities of the occupiers of adjoining properties.
17. C.8.21. No 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.

RECOMMENDATION: CONSERVATION AREA CONSENT WITH CONDITIONS

1. C.2.2. Standard time limit.

Background papers: see application file.

UTT/1125/10/FUL - BIRCHANGER

Construction of new exit from Birchanger Green Service Area onto A120 roundabout. Additional 84 No. car parking spaces and 7 No. caravan parking spaces

Location: Welcome Break Birchanger Green Motorway Service Area Junction 8 M11

Motorway Old Dunmow Road GR/TL 512-215

Applicant: Ms K McKechnie

Agent: Mr I McSevenby

Case Officer: Mr J Pine 01799 510460

Expiry Date: 12/08/2010

Classification: MINOR

NOTATION: Motorway Service Area (MSA) / Within Metropolitan Green Belt.

DESCRIPTION OF SITE: The MSA is located immediately to the southwest of M11 Junction 8, east of Bishop's Stortford Golf Club and south of the A120 / A1250 Birchanger Roundabout, which also serves Birchanger via Birchanger Lane. The MSA consists of a services building, two hotels and a petrol filling station, with ancillary car, lorry and caravan parking. Entry and exit for all vehicles is via a dedicated arm onto the M11 J8 roundabout. The MSA is screened from the north and east by landscaped bunds about 4 – 5m high.

DESCRIPTION OF PROPOSAL: A new exit from the MSA would be constructed onto the Birchanger Roundabout, between the A120E and A1250 arms. The new exit (2 lanes as originally proposed, but which can be remodelled to 3) would involve the removal of a section of the northern landscaped bund through which it would run. Regrading of the remaining edges of the bund would occur to provide adequate traffic visibility. Changes to the internal road layout would take place north of the car parking area to allow vehicles to manoeuvre to use the new exit. These layout changes would mostly involve the remodelling of an existing paved area. The existing exit onto M11 J8 would be retained.

Note: the 3-lane option has not been formally submitted as a revised plan because the County Council has not confirmed that that this would overcome its highway safety concerns.

84 additional car parking spaces would be provided as an extension to the fourth aisle of the car parking area. These spaces would require the removal of a 2.5m tall grassed mound. The planting immediately to the east of the mound would remain, as would the landscaped bund between the MSA and the M11 J8 roundabout. 7 additional caravan parking spaces would be provided to the west of the caravan parking area, which is located immediately to the south of the proposed new exit. These spaces would involve the removal of a small landscaped area.

To the south of the recently constructed hotel there would be a small area of lane widening to allow 2 lanes of traffic to enter the car park.

APPLICANT'S CASE: See Section 4 (Conclusions) of the Planning Statement attached at the end of this report. A Design and Access Statement, Transport Statement, a Stage 1 Road Safety Audit and a Phase 1 Habitat and Protected Fauna Survey have also been submitted.

A letter dated 3/9/10 has been received from the applicant's planning consultant setting out the response to the queries from the Parish Council. A copy has been placed on the Council's website.

A copy of a letter from the Chief Executive of Welcome Break to Essex County Council dated 15/11/10 has been received. A copy is attached at the end of this report.

A response dated 22/11/10 has been received from the applicant's transport consultant following Essex County Council's recommendation of refusal of 20/9/10. A copy is attached at the end of this report. This response has been reviewed by the County Council.

It is part of the applicant's case that these proposals result from a study commissioned by Essex County Council and funded by the Highways Agency reviewing access arrangements to the MSA. The study was prepared by WS Atkins in 2000. The conclusions of the study were that there were benefits from moving the exit to the A120 / A1250 roundabout. The Highways Agency did not have the funding to proceed with the report's recommendations, but encouraged the applicant to make the current application on the grounds of an identified need.

From figures in the Transport Statement, the new exit would be used by about 15% of all MSA traffic in the morning peak, and about 10% in the afternoon one (assuming use by A120 westbound traffic only).

RELEVANT HISTORY: MSA approved in 1990 (services building, petrol filling station and associated parking areas). 60-bedroom travelodge to NW of services building approved in 1994 (now Days Inn Hotel). 163-bedroom hotel to south of services building approved in 2005. Extension of HGV parking facilities approved in 2007.

CONSULTATIONS: Highways Agency: Offers no objection. There is a slight benefit to M11 J8 evident from the traffic modelling results, and as required by DfT Circular 02/2007, nil-detriment should be achieved. We are content that the best scenario has been gained from the works undertaken. The implementation will reduce the burden on the existing junction, however, given that if no development proposals were undertaken the junction would be over capacity. Whilst these improvements ensure in the short term that the junction works under its theoretical capacity, it is anticipated that the improvements will only improve the capacity in the short term; it is expected to reach its theoretical capacity in the next 10 years. The improvements to the junction would result in a reduction in the degree of saturation at the junction whilst not exacerbating the amount of trips in the short term.

ECC Highways & Transportation: Recommends refusal for 3 reasons:

- 1) Conflict and interference (in particular from HGVs) with the passage of through vehicles on the A120 to the detriment of the principal function of the strategic highway of carrying traffic efficiently and safely between major centres within the region, introducing a further point of possible traffic conflict to the detriment of highway safety.
- 2) No satisfactory demonstration of need for the new exit. The spreadsheet data that has been submitted does not demonstrate the frequency of queuing onto the roundabout, affecting the through flow of traffic. Furthermore, the applicant has not demonstrated what measures have been or could be undertaken to improve the internal layout of the site and traffic circulation before pursuing the creation of a new access either at the proposed location or an alternative location onto the strategic road network.
- 3) No satisfactory demonstration that an additional fifth arm onto an existing four arm roundabout is acceptable in terms of highway safety.

Hertfordshire Highways: Can understand the MSA wanting to alleviate pressure within the site, but remain to be convinced that there is an overall benefit on the public highway network. Have concerns regarding the new exit. At present, this is a 4-arm roundabout junction of standard configuration with each arm evenly spaced. This proposal will involve another exit from the MSA and will introduce slow moving HGV traffic in conflict with traffic entering the roundabout from the east and north.

East Herts DC: No comments.

ECC Archaeology: No recommendation, as the development lies within an area which has been extensively disturbed and is situated on made ground.

BAA Safeguarding: No objections, as there is no conflict with safeguarding criteria.

Sustrans: Do not understand how increased car parking can be justified. Has there been an increase in motorway traffic, or is the site being developed as an out-of-town shopping centre? Object to the proposed new link to the A120 roundabout. There are already major challenges for cyclists in this area and this proposal would make matters worse. There are particular challenges in linking Bishop's Stortford with Birchanger and also across the M11 and cyclists have little choice but to find a way through this area. Work has been undertaken as part of the Stansted Local Access Strategy to look at ways to cross the A120 in this area. No new road provision should be considered in this area without addressing the walking / cycling needs.

UDC Landscape Architect: The northern landscaped bund successfully screens the MSA from the open countryside to the north of the site. The principally native tree and shrub planting on the bund is well established and provides effective softening of its profile.

The proposed new exit road from the MSA to the A120 roundabout at the A1250 junction would result in a significant breach in the integrity of the screen bund; opening up views into the MSA. The consequent loss of screening would have a detrimental visual impact on the countryside beyond the site. A steep sided cutting through the bund would exacerbate the unnatural form of the bund; whilst a gently sloping cut would broaden views into the site. Both of these alternatives would be detrimental to the screening of the site.

The planting mix proposed either side of the new exit road is not of entirely the same character as the main body of the existing bund planting and would serve to differentiate and highlight the new exit. Any new tree planting should seek to be seamless with existing and extend to the bottom of the slopes to help 'pinch the gap'. In addition, consideration ought to be given to providing additional understory planting to help close the gap.

No details have been provided of any lighting provision for the exit road. There is existing column lighting associated with the A120 roundabout, however, if road lighting is intended to be installed along the new road this would give further prominence to the development.

PARISH / TOWN COUNCILS' COMMENTS: Birchanger: Strongly object. No demonstration of overriding need for the new exit as required by PPG2 (Green Belts). No data has been provided to quantify the extent of the traffic problem. Local knowledge indicates that it is very infrequently indeed that the MSA traffic alone is responsible for M11 J8 congestion, let alone on the M11 itself. The problem appears to be almost completely contained within the MSA, with much of the traffic congestion seeming to arise from the traffic signal phasing which only allows a few vehicles to leave at a time. No evidence that alternative solutions have been considered.

- Plans show all HGVs to use new exit – conflicts with modelling assumption.
- Model overestimates potential MSA traffic volumes.
- A1250 and Birchanger Lane exit congestion is not factored into the baseline modelling, and the model does not predict that these will be an issue. Therefore, it cannot predict accurately the effects of the proposed new exit on the roundabout. Local traffic will be severely impacted as the vast majority of HGVs would head back to the M11 so making an almost complete circuit of the roundabout.
- The safety audit suggests that “appropriate measures” are implemented to reduce the speed of traffic coming from the M11 onto the Birchanger Roundabout. There is nothing to suggest that this would be either achievable or effective. The safety audit also suggests removing the bund to improve visibility. This will effectively destroy this rural Green Belt site by reducing the visual amenity and will also increase noise and light pollution considerably. Wildlife may also be affected.

Question the need for additional car parking at a site known to suffer from airport fly parking.

A further letter dated 6/8/10 has been submitted raising the following main points:

- Inconsistencies between the landscaping proposals and the need to achieve recommended visibility for exiting traffic. Totally refute the applicant's claim about the benefit of the landscaping proposals. There are no "before" and "after" views.
- Inappropriate development in the Green Belt, creating a significantly more urban landscape adjacent to the A120 not only as a result of the new exit but also because of the reduction in screening and bunding and the necessary additional lighting. The visual effect would be to bring Bishop's Stortford next to Birchanger.
- Details of the Parish Council's own traffic survey have been provided on traffic exiting the MSA between 0700-1000 and 1600-1900 and on traffic flow from M11 J8 to the A120/A1250 roundabout from 1600-1900. The PC considers that the applicant's figures overestimate the amount of westbound traffic from the MSA, and finds it difficult to envisage how westbound traffic from the MSA would be able to use the new exit given the speed and frequency of oncoming traffic heading west on the A120.
- Traffic lights would soon be needed on the A120/A1250 roundabout, which themselves would likely give rise to traffic congestion and road safety problems on M11 J8, the very problem the proposals purports to be helping to avoid.
- The Halcrow report for the BAA Generation 1 planning application states that the A120/A1250 roundabout will be overcapacity in 2014, not 2018.
- The Highways Agency's response shows no great enthusiasm for the proposed new exit.
- The new exit would make it more dangerous for cyclists travelling between Bishop's Stortford and Birchanger.
- Re-emphasises advice in PPG2.
- Claims that the proposals will assess road safety and congestion problems are not evidenced to show the nature or extent of the problems, or if they even exist. The claimed benefits are marginal, uncertain and short term whereas the harm that would be caused to the Green Belt is plain to see and would be long term. Risk of unintended consequences, such as a worsening of traffic congestion and an increase in the number of accidents in the locality.

A further response to the later information submitted on behalf of the applicant is expected.

Stansted Mountfitchet: Support many of the points raised by Birchanger. Further investigation within the site should be undertaken, re-phasing of the traffic lights should be trialled and up-to-date traffic counts undertaken after the schools return in September to give a true picture of the current position. Any determination prior to that time would be premature.

Bishop's Stortford: Requires a reduction in the bunding and planting that screens the MSA. Additional urban street lighting would be required and potentially traffic lights. The Green Belt would be further compromised (from that of the existing MSA). The studies do not show sufficiently the very special circumstances that are required to justify inappropriate Green Belt development, that is, the harm created does not outweigh the benefit.

The problems that the application seeks to address, if indeed they exist to any substantial degree, are entirely contained within the MSA. Would not only further impact on the Green Belt but would push the traffic issues out onto the A120 and A1250, Dunmow Road to the detriment of residents of both Birchanger and Stortford as well as all east and westbound A120 through traffic.

The A120 / A1250 roundabout, likely to reach capacity in just 4 years time in any case would carry additional and quite unnecessary traffic, some of which would be slow moving HGVs, a proportion of which would be left hand drive adding to the hazards for traffic approaching from the east and slowing access for all users. If the proposed new exit was not restricted in some way to

westbound vehicles only then there would be additional difficulties and delays caused to vehicles seeking to join the roundabout from any of the current roads and from HGVs etc doing a three quarter circuit of the roundabout to proceed back to the M11 J8.

Takeley: Object. Access would cross Green Belt land. The evidence supporting the application provides no acceptable justification for permitting the access road. The PC concludes that there would be no material benefit to the traffic flow at M11 J8, and that far from alleviating the problem the proposal would further add to congestion at the A120 roundabout. Supports the objections of Birchanger PC.

REPRESENTATIONS: This application has been advertised and 3 representations have been received. Advertisement expired 28/7/10. The points raised are as follows:

- Application should be rejected. Does not take into account the full impact on the existing road layout, or the potential for future unwelcome and unsightly development of the site, nor the congestion or safety risks which would ensue.
- Would allow the MSA to become bigger and busier, adding to the negative impact. The new exit would be an unnecessary incursion into the Green Belt.
- Applicant has not shown that the supposed benefits of the proposals exceed the potential harm.
- Long term expectation is that road traffic will greatly increase as a direct result of passenger throughput increases at Stansted Airport. In addition, there will be extra traffic along the A120 as a result of new settlement expansion.
- Slow moving HGVs (many left hand drive) using the exit will conflict with fast moving traffic heading west on the A120. Some will end up taking risks by dashing out into the few short gaps in the traffic flow.
- Would relieve only a tiny bit of pressure on the M11 J8. Fall-back option is to close the present exit and make all traffic use the new exit. There must also be a midway option of encouraging traffic wanting to head north onto the A120 / A1250 roundabout. The various reports say that the A120 / A1250 roundabout will soon reach saturation, and that any additional traffic from the MSA will worsen it (especially from the 80 extra car parking spaces).
- Approval of the current application will merely encourage more growth, and would open up the potential for applying in due course for the fall-back option. The A120 approach to the M11 would get worse, and this is bound to encourage more drivers to use the "rat run" through Stansted–High Lane–Church Road–Bury Lodge Lane, posing an even greater threat to the growing numbers of residents at Foresthall Park and the planned increase in road and pedestrian traffic expected if the proposed new health centre and school are built there.
- Will compromise safety for cyclists and pedestrians, especially anyone cycling between Stansted or Birchanger and Bishop's Stortford. The A120/A1250 roundabout is unsuitable for present traffic conditions, and has not been engineered to afford safe passage for cyclists. During a short survey of the roundabout 8 cyclists were counted, 5 of who dismounted (or ran) across the junction rather than cycle around it. The Road Traffic Regulations require that suitable provision be made to accommodate cyclists in the design and construction of intersections. Increasing number of cyclists to consider.
- The applicant's transport statement is based on BAA's G1 analysis and says that the M11 J8 will become problematic soon. These problems have no doubt been delayed by the decline in throughput at Stansted Airport, which has permission for 35mppa. Airport related road traffic forecasts were well understated by BAA at the G1 Inquiry. The underlying problem at M11 J8 is having the services and the airport served off the same roundabout and then allowing both to expand. The obvious solution is to stop further expansion or even cut back on current activity.

COMMENTS ON REPRESENTATIONS: In answer to Birchanger Parish Council's concerns, the Highways Agency has confirmed that only the trips heading west onto the A120 or A1250 would use the proposed new exit, and that this is backed up by the modelling work undertaken by the applicant's transport consultant. Most HGVs would still use the M11 J8 exit: those that do not would be the exception rather than the rule. The submitted layout drawing does include the reference "*all HGVs removed from existing exit to promote better traffic flow / capacity*", but the Agency suggests that this means the drawing is incorrect or out of date. In view of the number of diverted trips (about 1% of the J8 total) and the fact that those trips would otherwise use the first exit when on J8, the Agency does not consider that its conclusions would change with alterations to the models or new surveys of turning movements at J8.

In the Conclusions section of his report, the Stansted G1 Inquiry Inspector commented on allegations that BAA's traffic forecasts had been understated. He said that he saw some substance in the point that many of the acknowledged uncertainties associated with traffic modelling seemed to operate in BAA's favour, but he was satisfied that the assessment on which the highways mitigation package was based (35mppa + 15%) was robust and would at least significantly offset any underestimates in the main assessment case. He also noted that, despite some concerns, none of the highway authorities (Highways Agency, Essex and Herts County Councils) questioned the ability of the road network to satisfactorily accommodate the traffic that would be generated by G1, subject to the provisions secured through planning obligations or conditions.

PLANNING CONSIDERATIONS: PPG2 (Green Belts) states in Paragraphs 3.1 and 3.2 that there is a general presumption against inappropriate development within Green Belts. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

Accordingly, the main issues in this case are:

- 1) whether the proposals constitute inappropriate development in the Metropolitan Green Belt, taking into account advice in PPG2, and the wording of ULP Policy S6 (Metropolitan Green Belt),
- 2) the other material considerations which need to be taken into account, including those under ULP Policies S6, GEN4, GEN5, GEN7, ENV4 and DfT Circular 01/2008
- 3) whether the proposals would result in material highway dangers under ULP Policy GEN1 (Access), and
- 4) looking at the material considerations as a whole, whether very special circumstances exist for the granting of planning permission in that the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations

1) Paragraph 3.12 of PPG2 advises that development of the type proposed in this application is inappropriate unless it maintains openness and does not conflict with the purposes of including land in the Green Belt. There are 5 purposes (Paragraph 1.5), which are:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns from merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns, and

- to assist in urban regeneration by encouraging the recycling of derelict and other urban land

These proposals would not conflict with the 1st, 2nd, 4th or 5th purposes, but there would be a degree of encroachment from the new access which would conflict with the 3rd purpose, creating inappropriate development by definition.

A dictionary definition of openness is “*without obstructions to passage or view*”. Whilst using this definition, openness would more commonly be affected by new or extended buildings or other structures rather than a new ground level access, the increased degree of severance caused by the new access to existing road users (i.e. to pedestrians or cyclists travelling between Birchanger and Bishop’s Stortford) could be arguable as an obstruction to passage. The cutting of the northern screening bund could, on the other hand, be deemed to create openness, but that would seem a perverse argument to use in favour of the proposal when the aim of the bund is to screen the MSA from the Green Belt area lying to the north.

The applicant’s planning statement accepts that the proposals amount to inappropriate development under the terms of PPG2. What needs to be done therefore is to look at the level of harm caused by reason of inappropriateness, and any other harm, and make a judgement as to whether the total harm is clearly outweighed by other material considerations resulting in the very special circumstances needed to justify granting planning permission.

2) The other material considerations are dealt with below:

ARCHAEOLOGY (ULP Policy ENV4)

According to the County Council’s records the MSA site consists of extensively disturbed, made up ground. The MSA land is therefore of no archaeological significance.

ECOLOGY / LANDSCAPING SCHEME (ULP Policy GEN7)

A habitat survey has now been submitted. The results of the survey are that no protected species were identified, other than the potential for nesting birds during the nesting season. The survey comments that the existing road system creates significant barriers to movement, and the site was extensively landscaped when the MSA was constructed, destroying all natural vegetation. What existing vegetation there is comprises amenity grassland and planting schemes created at the time of MSA construction. The results of the survey confirm officer observations during recent site visits to the MSA.

The Design and Access Statement says on page 15 that “*more continuous native hedging both within the site and to the boundaries would increase ecological connectivity across the site, with improved “green corridor” links, encouraging wildlife habitats to establish and move through the area*”. Officers feel that this may be an overstatement of what is possible, especially in view of the significant barriers to movement created by the road system both within and surrounding the MSA. Also, the northern bund (which does give some connectivity for wildlife round to the west along the A1250 frontage) would actually be cut to form the new exit. However as the site is not ecologically rich, officers do not consider that the cutting of the bund should have any material ecological significance.

Should planning permission be granted, officers agree with the survey’s recommendations that all vegetation clearance should be undertaken before March 2011, or should be preceded by a nesting bird survey before works start.

The Design and Access Statement sets out the proposed landscaping strategy, which would be both broad-leaved and coniferous based, with new planting groups and groundcover. Hedges would be planted to give more instantaneous visual screening at lower levels (i.e. to the north of the proposed caravan park extension) and to supplement the retained vegetation down the

eastern side of the MSA site. Details of planting and management would be secured by condition, especially in relation to the extensive regraded areas of the severed northern bund on either side of the new exit. The planting mix to be specified in any condition would take into account the concerns of the landscape architect about differentiation, and could include extra ground cover to break down the stark appearance of the new shoulders of the bund.

GOOD NEIGHBOURLINESS (ULP Policy GEN4)

The MSA occupies a relatively isolated position. It is not considered that the opening up of the MSA caused by the cutting of the bund should lead to a material increase in noise disturbance or nuisance to the nearest residents.

GOVERNMENT POLICY / GUIDANCE ON MSAs

DfT Circular 01/2008 (*Policy on Service Areas and Other Roadside Facilities on Motorways and All-Purpose Trunk Roads in England*) is a relevant material planning consideration, and is quoted in support of the proposals by the applicant's planning and transport consultants. Whilst much of the Circular is prescriptive, it sets out the importance of service facilities, especially in reducing the number of fatigue-related accidents (paragraphs 6 and 7). The Circular goes on to explain that traffic flow and safety considerations on the strategic road network are of great importance, in particular in:

- avoiding significant adverse impacts upon the effective functioning of the strategic road network, such as the risk of congestion or slowing on the main carriageway (paragraph 40)
- incorporating vehicle accesses and means of circulation that are safe, clear to motorists and minimise vehicle congestion (paragraph 42), and
- being able to show that the proposal will cause no detriment to the safety or convenience of road users or those wishing to use the facility (also paragraph 42)

A very important point to make is that the MSA is where it is in spite of the Green Belt because of the needs of motorists. It is therefore reasonable to assume that works for the improvement of the MSA, even when they impinge on the Green Belt, can be supported in principle by advice in Circular 01/2008. However, the circular also supports any legitimate concerns about the impact of the flow of traffic from the new access on the A120 roundabout. Furthermore, and as already explained and notwithstanding Circular 01/2008 advice, PPG2 requires very special circumstances to justify inappropriate development in the Green Belt.

HIGHWAY GAIN

The Highways Agency regards the new exit as slightly beneficial to M11 J8 as it would remove all westbound trips from the existing MSA exit which make up about 1% of the total number of M11 J8 trips. Officers have spoken to the Agency's case officer, and it is not apparent that there are any other solutions currently being considered that would give these capacity improvements at J8 in the same timescale. The Agency stated that increasing the green time further for the traffic lights on the MSA arm is not an option as it would increase the degree of saturation at the junction. The applicant's proposals can be regarded as an opportunistic scheme which will result in an incremental improvement of the operation of M11 J8 for up to 10 years without the need for further significant intervention.

The applicant has not kept detailed records of when queuing problems have occurred, or supplied any supporting photographs. However, some spreadsheet data has been provided from June to August 2009 and 2010 highlighting the date, number and time of complaints received from customers about the backing up / queuing of cars associated with the MSA. On average, the complaints number between 1 -15 on about a third of the days of each month, usually between 1000 – 1700. On 13th August 2010 (1030 and 1430) the applicant states that the Police were called to assist in the clearance of traffic. The Welcome Break Chief Executive's letter of 15th November 2010 refers to the worse case scenario of drivers queuing an hour to leave the site and

to fights breaking out during the summer. He also states that internal opportunities to alleviate traffic problems would not overcome the fundamental issue of the sheer volume of traffic on the site and the reduced green phase on the traffic lights at the current exit onto M11 J8.

Essex County Council has looked at the spreadsheet data, but still remains unconvinced of the need for the new exit. It states that there is no evidence of queuing on the highway network or the frequency of queuing.

Annex B of DfT Circular 1/2008 sets out standards for parking at MSAs. Based on 0.5% of the two way average annual daily traffic count of 88,900 vehicles south of J8 (from the Highways Agency permanent count site), a total of 445 car parking spaces are required to meet the standards. It is appropriate to use the two way count as the MSA, which is offline, provides a service facility for both northbound and southbound road users. The provision of the extra 84 spaces would take the on-site total up to 424 spaces, contributing to reducing the existing car parking shortfall judge against the Circular's standards. The spaces would round off the existing parking area and should not be visible from beyond the MSA confines. There is no evidence that the provision of more car parking spaces on the site of the MSA would encourage extra traffic to use the MSA as it is not a destination in its own right. Use of the MSA facilities is directly related to the volume of traffic on the strategic road network.

VISUAL EFFECT ON THE GREEN BELT (ULP Policies S6 and GEN5)

Paragraph 15 of PPG2 advises that the *“visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design”*.

The northern bund is a significant feature in the local landscape within the Green Belt. The Council's landscape architect considers that the new exit road would result in a significant breach in the integrity of the screen bund, opening up views into the MSA, with either steeper or shallow profiling having a differing effect, both detrimental to the screening of the site. The applicant's design and access statement states that the landscaping design approach is *“intended to tie the proposed scheme into its context and, in time, soften the visual effects of the development. This will improve upon and strengthen existing landscaping at the site included as part of the original MSA development, in order to effectively screen the site from approaching roads and the open countryside beyond”*.

The principal character of the local area is roundabout architecture and traffic flow / distribution, but still within a “greened” setting. Whilst, by definition, the cutting of the bund is inappropriate development within the Green Belt, it is fair to say that the effect of that cut would be tempered to a degree by the principal character of the local area.

Two photomontage viewpoints have been submitted to show the effect of the cutting of the bund one and fifteen years after the exit is constructed

- Viewpoint 1: From opposite the new exit at the A120(w) arm. From this viewpoint, the opening up and regrading of the bund profile exposes the substation to view from the roundabout in Year One. The bund planting covers the substation to some degree in Year Fifteen, but not totally.
- Viewpoint 2: From the Birchanger Lane exit. From this viewpoint, the roof of the services building is exposed in Year One. To a large degree the roof would be masked by bund planting in Year Fifteen, but a part would still be visible.

In both viewpoints the starkness of the bund slopes would be evident in Year One, but reduced in Year Fifteen as the new planting matures. Greater weight should be given to the “finished product” in Year Fifteen in much the same way as the matured planting on the existing bund has helped over the years to soften the effect of the bund profile. It should also be pointed out that the

photomontages are predictions from fixed points on the ground – the actual effect will be altered by perspective.

The general arrangement plan shows indicative positions for new lighting columns at the side of the new exit within the cut area of the bund. One column would also be relocated along the roundabout edge to the west of the new exit. Whilst these new columns accentuate the new exit, it is not considered that they should contravene Policy GEN5 within an already well lit environment, subject to care being taken over positioning and lighting direction.

3) The applicant's transport consultant has discussed issues of highway safety at the A120 / A1250 roundabout with Essex County Council. A Stage 1 road safety audit has been undertaken which highlighted the risk of collisions between circulating traffic and slow vehicles emerging from the new exit. It is agreed that at present the visibility to the right from the existing A120 east arm (from M11 J8) is excessive, and drivers can see across the splitter, contributing to increased driver speeds approaching and entering the roundabout. The design code (TD9 – Highway Link Design) advises that where excessive visibility to the right results in high entry speeds on dual carriageway approaches where the speed limit is greater than 40mph, limiting visibility to the right by screening at least 2m high until 15m of the give way line can be helpful in reducing those speeds. This screening could be secured by Grampian condition. However, the County Council is not satisfied that these measures would adequately address the safety implications raised in the safety audit, and remains concerned over conflict between circulating vehicles and MSA traffic using the exit (especially HGVs).

The concerns expressed on behalf of cyclists and pedestrians travelling between Birchanger and Bishop's Stortford have been considered. There are no aids to crossing the A120 other than dropped kerbs and a central refuge, which means that breaks in the traffic have to be waited for. The diversion of the westbound MSA traffic to the proposed new exit may mean marginally less traffic approaching the A120 / A1250 roundabout from the east, making it slightly easier to cross the A120. In addition, the splitter screening referred to in the previous paragraph should assist in reducing speeds of approaching traffic. However, cyclists and pedestrians would then encounter the new exit between the A120 and A1250 arms, albeit that the diverted westbound traffic flows from that exit (modelled in the applicant's transport statement at 83 passenger car units in the 0800 – 0900 am peak) should not be significant. A dropped crossing with tactile paving would be provided. On balance, it is not considered that overall conditions should be materially worsened for cyclists and pedestrians

A large amount of spoil would be removed from the site during the construction period, but this has not been raised as a safety issue by either the Highways Agency or the County Council.

4) Commentary on PPG2 in the Planning Encyclopaedia explains that:

- there is no comprehensive list of very special circumstances
- very special circumstances describes an overall state of affairs and therefore may be comprised a number of circumstances which are more than the sum of their parts, and
- the circumstances must indeed be "very special" as opposed to common or garden planning considerations (further clarification is then given)

The judgement to be made is whether the harm to the Green Belt from encroachment caused by the new exit and the severing of the bund are clearly outweighed by benefits to traffic flow and driver safety on M11 J8 and within the MSA brought about by the new exit. This is judgement and requires reconciling a physical effect with assumptions derived from transport modelling. However, PPG2 makes it clear that it is for the applicant to show why permission should be granted.

The Highways Agency judges that the new exit would be slightly beneficial to the M11 J8 traffic flow, but only in the short term. Nonetheless, a short term benefit is still a tangible benefit, and it is common for highway improvements to result in incremental capacity enhancements for a few years. This is the only proposal currently under consideration that would bring about some capacity enhancement on M11 J8. The applicant's transport consultant estimates that the new exit would cater for between about 10 – 15% of MSA traffic, which would help to reduce any queuing at the existing MSA exit. The applicant has sought further support from the Highways Agency to emphasise the importance of the MSA to driver safety and comfort in accordance with DfT Circular 1/2008, but the Agency has not provided anything further to the local planning authority.

On the other hand in spite of extensive negotiations Essex County Council, (as does Hertfordshire County Council), remains unconvinced of either the need for or safety of the new exit onto the A120 / A1250 roundabout, and is concerned about the effect on the traffic flow on the part of the strategic road network for which it is responsible as the highway authority. These concerns are shared by local parish councils from their local observations of traffic conditions in the area of the MSA.

The bund exists to screen the MSA from the Green Belt to the north, and is an integral part of the original MSA layout. The cutting of the bund would therefore be less than optimal, although its final appearance may be softened to a degree in the longer term by new planting. The exit itself would read as a fifth arm onto an existing roundabout in an already heavily man-made local environment where traffic distribution is the primary purpose.

CONCLUSIONS: Taking into account the key in-principle support given by DfT Circular 01/2008, were there to be a clearly identifiable and certain highway benefit, the new exit may be acceptable subject to appropriate planning conditions as a "price worth paying". However, having looked at all the circumstances of this case, especially the requirement in PPG2 that it is for the applicant to show why planning permission should be granted, the applicant's case falls short of being the very special circumstances required to justify inappropriate development in the Green Belt. The total harm caused is not clearly outweighed by other considerations. This view is taken because of the lukewarm support only for the proposals that has been given by the Highways Agency, the lack of agreement from the County Councils that the proposals indeed seem have a benefit at all or are safe, reinforced by the detailed local observations of the parish councils as set out earlier in this report.

RECOMMENDATION: REFUSAL REASON

The proposal is inappropriate development in the green belt. In accordance with policy in PPG2, very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Furthermore it is for the applicant to show why permission should be granted. In the judgement of the local planning authority, the total harm created in this instance by the proposed new exit is not clearly outweighed by the other considerations for the following reasons:

- 1) The proposal would lead to the creation of an exit on a stretch of strategic route highway (A120) where the principal function is that of carrying traffic efficiently and safely between major centres within the region. The movement of vehicles associated with the use of the exit (in particular HGVs) would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function, and would introduce a further point of possible traffic conflict to the detriment of highway safety.
- 2) The planning application does not satisfactorily demonstrate the need for the new exit onto the Birchanger roundabout. A spreadsheet detailing dates and times of complaints to

the MSA about queuing within the site to the roundabout has been submitted, but this does not demonstrate the frequency of queuing onto the roundabout and slip lanes, affecting the through flow of traffic. Furthermore, the applicant has not demonstrated what measures have or could be undertaken (including revised signal timings) to improve the internal layout of the site and circulation of traffic before pursuing the creation of a new access either at the proposed location or at an alternative location onto the strategic road network.

3) The planning application does not satisfactorily demonstrate that an additional fifth arm onto the existing four arm roundabout is acceptable in terms of highway safety. A Stage 1 Road Safety Audit has been undertaken which highlights the risk of collisions between circulating traffic and slow vehicles emerging from new MSA exit road, the designers response to this is to trim the earth bank and remove visibility obstructions and undertake a speed survey to ensure that visibilities are consistent with DMRB standards, the Highway Authority is not satisfied that this would adequately address the safety implications raised in the Safety Audit and remains concerned over conflict between circulating vehicles and MSA traffic using the proposed exit (especially HGV's).

For all three reasons, the proposal would be contrary to Policy GEN1 (Access) of the adopted Uttlesford Local Plan and to the aims and objectives of the Essex Local Transport Plan 2006-2011 Appendix G - Highway and Transportation Development Control Policies as refreshed on 19th October 2007.

Background papers: see application file.

UTT/2266/10/FUL - WHITE RODING

(Referred at request of Cllr Barker: Reason: Parish Council has concerns about the impact of the activities on this site)

Retrospective application for change of use of farm buildings to B1(Offices) and B8 uses (Storage/Distribution)

Location: Marks Hall Marks Hall Lane. GR/TL 563-141

Applicant: Mr Gerald Haigh

Agent: Whirledge and Nott

Case Officer: Joe Mitson 01799 510363

Expiry Date: 04/03/2011

Classification: MAJOR

NOTATION: Beyond Development Limits/Protected Lane.

DESCRIPTION OF SITE: The site comprises a collection of farm buildings of mixed character including concrete block, sheeting and timber.

DESCRIPTION OF PROPOSAL: The proposal is retrospective and comprises the change of use of farm buildings to B1 and B8 purposes. The use commenced in 2004 with building work being completed this year.

APPLICANT'S CASE: The farm comprises 400 acres of which 370 are in arable production, the farm historically reared 7000 turkeys, this has reduced as the farmer retired. A potato business was also operated. The turkey operation occupied a large proportion of the buildings within the farmyard and as it declined the applicants began to utilise the buildings for alternative uses. Building G benefits from an existing consent for B1 and B8 under UTT/1459/03/FUL and the current application seeks to regularise the change of use. The total floor space is approximately 1,564 square metres, there is adequate parking spaces to meet standards, the commercial use of the buildings have not required any material alterations to the main structures, there is extensive hardstanding for loading and storage with suitable access from Marks Hall Lane which can accommodate large vehicles. The level of movement is less than the previous turkey and potato operation. The enterprise is to provide an income through farm diversification and to safeguard the farmyards' appearance. The buildings are older agricultural buildings suited to the rearing of turkeys and were redundant. The buildings have a B1 and B8 use and the offices were formerly offices serving the previous enterprises.

The buildings comply with the requirements of ULP Policy E5, the non re-use of the buildings would be contrary to sustainability principles, the site is well linked to the main roads out of the district, there is proven demand for such units in this area and the site cannot be considered to be isolated given its efficient links. The farm was originally designed to accommodate arable, potato and the turkey enterprises, large articulated lorries visited the site with feed deliveries for the turkey enterprise twice a week on average, when the potato enterprise was operating from the site there were three articulated lorries daily associated with their distribution between July and December, articulated grain lorries continue to visit the site associated with the haulage of grain. The existing uses at the premises are at least comparable to that of the former agricultural use as a result of the turkey and potato enterprises ceasing.

A Vehicle and Access Statement has been submitted and provides details of the number of employees, daily vehicle movements, weekly movements and monthly movements for each

unit. In summary it concludes that the vehicular movements of the current use are at least comparable to the historic vehicle movements of the site.

12 letters of support have been submitted.

COMMENTS ON HISTORY: UTT/1459/03/FUL granted permission for the change of use of agricultural buildings to B1 and B8 use with a number of restrictive conditions.

UTT/1552/07/FUL granted permission for the piggery building to be used for B1 office use with a condition restricting the use of the building to B1 only.

UTT/1101/10/FUL for the retrospective change of use of the buildings to B1, B2 and B8 was withdrawn on Officer advice.

CONSULTATIONS: UDC Drainage Engineer: no objection as there has been no increase in impermeable surfaces.

UDC Building Control: no objection stating access is acceptable.

UDC Project Officer: seeks compliance with current disability legislation to ensure access to offices or units from members of the public.

UDC Environmental Health no objection.

ECC Highways does not object.

Climate Change Manager recommends a condition.

PARISH COUNCIL COMMENTS: Objects on the grounds that the development has happened by default and is inappropriate in scale and does not fit with the village plan. The submitted information does not identify the redundant farm buildings that have been redeveloped by stealth, the total now representing a large industrial complex of some 2.35 acres. Children use the lane to reach the play area, there are no footpaths on either side of the lane and grass verge erosion has taken place, granite waste has been heaped on the grass verge, the bulk of heavy traffic can be traced back to the industrial development in the neighbouring areas, the parking provided does not include the large commercial vehicles making deliveries supported by smaller distribution vehicles, the major tenant is Buzz Catering Supplies which has a number of customers that could have a consequence on commercial traffic movements, the village has a disproportionate amount of traffic generated by deliveries and collections from various industrial complexes. The use could affect the trees on the highway and there will be an impact on ecology in the area. The stated hours have not been complied with and complaints have been received by the Parish Council. The application should take into account the Green Belt, the lack of infrastructure to support such considerable vehicular movements through the narrow lane and the increase in hazards to pedestrians, questions whether the unit could be sold as a farm or for horticulture. Noise is an issue although it is noted that Russell Stone have vacated the site which will reduce noise levels substantially. The Parish Plan has given a high priority to restrictions being placed on heavy vehicles on Marks Hall Lane and Church Lane.

REPRESENTATIONS: Neighbour notification period expired 13th January 2011.

Two letters raising no objection to office or light industry but objecting to storage and distribution, Marks Hall Lane was designed for farm vehicles and not HGV's, erosion is already taking place and damaging trees, the plans show possibilities for a 5-10 year business plan for something bigger, HGV vehicles are causing immense problems in the village, the lanes are not suitable, farming equipment is designed to reduce minimal damage to the ground, heavy haulage is not,

Two letters objecting on the grounds that the road is a narrow country lane with blind bends, restricted visibility and is used for recreation including dog walkers and horse riding, the

noise created by units B-F over the last two years has been unacceptable and uncontrolled by hours of use, far worse than the previous agricultural use, the site is becoming over developed as an industrial unit, the second access is impaired in terms of visibility, heavy goods vehicles would pass the children's play area, village hall and sports field and many cars park on the road, the amount of parking shows the level of activity and seek conditions relating to hours of use. Asks whether permission would be given if this was a new rural site, possible over development of the site which remains a farm, farm buildings are being used for units and new farm buildings built for agricultural use, vehicle movements do not take into account all movements, e.g. couriers, customers etc., should be on an industrial estate, questions impact on the environment.

COMMENTS ON REPRESENTATIONS: Whilst erosion of the lane has taken place it is not clear which type of vehicle has caused these problems and the Agent has stated that some of the erosion has been caused by agricultural traffic. The application can only take into account the current proposal and cannot consider possible later expansion which would require a separate application. It is accepted that the vehicular traffic could affect other users of the narrow lanes; however, the Highway Authority does not object and the previous agricultural use also generated a large amount of traffic. As the building work has been completed the condition requested by the Climate Change Manager cannot reasonably be imposed. Other points raised are discussed below.

PLANNING CONSIDERATIONS

- 1) The principle of the use (ULP Policies S7 and E5);**
- 2) The proposal in terms of residential and visual amenity (ULP Policies GEN2, GEN4 & ENV11) and**
- 3) The issue of parking and highway safety, impact on protected lanes (ULP Policies GEN1, GEN8 & ENV9).**

1) The site lies within the countryside outside the greenbelt and Policy E5 supports the re-use of rural buildings for business use provided that certain criteria are met. The buildings are not of particular visual merit but are relatively old agricultural buildings and have a traditional or functional appearance. They have been in use for B1 and B8 uses for a number of years and have retained the agricultural character and appearance. The applicant has confirmed that the buildings are of sound condition and the re-use did not result in significant alterations.

2) The site has historically been used for agriculture which would have had an impact on the local amenity in terms of noise, disturbance and traffic. The proposal seeks retrospective approval for B1 (office and light industrial) and B8 (storage and distribution) uses. B1 uses should be compatible with neighbouring residential areas and Environmental Health raised no objections. One of the units was being used for a B2 use (general industrial) and this has now ceased. The storage and distribution element could lead to a significant amount of traffic accessing the site. However, the site itself is relatively isolated and although vehicles could pass dwellings in the vicinity it is not considered that there are sufficient grounds to resist the proposal on this issue. The proposal is therefore in compliance with Policies GEN2, GEN4 and ENV11.

3) The proposal results in a different amount and pattern of traffic generation compared to the previous agricultural operation. The Highway Authority has been consulted and raised no objection. This was based on research into the maintenance records for the last 5 years which found no evidence the use of the buildings has had any detrimental impact on the highway network. Whilst a direct comparison between the vehicle movements associated with the previous turkey and potato production is not easy due to the seasonal nature of the activities it appears that that these previous uses created significant vehicle movements and

possibly more than the current use. As such it is not considered that the proposal has or would have a detrimental impact on highway safety or efficiency. Within the site sufficient parking provision is in place to serve the development. The proposal therefore complies with Policies GEN1 and GEN8.

CONCLUSIONS: The uses comply with relevant policies in terms of re-use of buildings and the proposal would be acceptable in terms of residential and visual amenity and highway safety.

RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING CONDITIONS

1. C.3.1. To be implemented in accordance with approved plans.
2. The use hereby approved shall be carried out strictly in accordance with the use of each unit as per the Planning Statement and Supporting Information submitted as part of the application and received by the Local Planning Authority on 3rd December 2010. There shall be no changes of use of any unit to any other use other than the one within that document.
REASON: For the avoidance of doubt and in the interests of residential amenity and highway safety.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions shall be constructed on any part of the site without the prior written permission of the local planning authority.
REASON: For the avoidance of doubt and in the interests of residential and visual amenity and highway safety.
4. The creation of any additional floorspace within any building within the application site shall not be undertaken without the prior written permission of the local planning authority.
5. The buildings hereby approved for the B1 and B8 uses shall only be used and deliveries by commercial vehicles made within the hours of 0700 and 1900 Monday to Friday and 0700 and 1400 on Saturdays. No work or deliveries shall take place on or to the site outside of these times or on Sundays or Bank Holidays or other Public Holidays without the prior agreement in writing of the local planning authority.
REASON: To protect the amenities of the occupiers of adjoining properties.
6. There shall be no outdoor storage of any materials, goods, equipment, plant or machinery of any description on any part of the site without the written consent of the local planning Authority prior to the commencement of development.
REASON: To prevent harm to the character and amenity of the area.

Background papers: see application file.

UTT/2150/10/FUL - TAKELEY

(Referred at request of Cllr Cheetham. Reason: Concern over the way development of the site is progressing).

Amendments to 26 dwellings including change of house types and other associated works from that approved under UTT/0515/10/DFO

Location: PG23 Priors Green Land North of Dunmow Road. GR/TL 572-212

Applicant: Barratt Eastern Counties

Agent: Barratt Eastern Counties

Case Officer: Joe Mitson 01799 510363

Expiry Date: 07/03/2011

Classification: MAJOR

NOTATION: Within Takeley (Priors Green) Local Policy 3 and Priors Green Masterplan.

DESCRIPTION OF SITE: The site comprises a parcel of land, approximately rectangular, to the north of Dunmow Road (B1256). Work has commenced on the site.

DESCRIPTION OF PROPOSAL: The proposal has been amended since submission and comprises alterations to approved dwellings and associated works as an amendment to previous approvals.

APPLICANT'S CASE including Design & Access statement: It is not proposed to fundamentally alter the scheme but a number of alterations are proposed to the house types. Minor changes to the other properties are proposed. The layout generally reflects the approved scheme apart from slight increases in size to some of the units, the parking arrangements and gardens are also generally the same. The other changes are minimal and would not have an adverse impact on the surrounding area. The landscaping would be retained along the southern boundary; there are landscape buffers located along the western and eastern side of the site.

An Environmental Policy Statement, Implementation of Water, Energy and Resource Efficiency Statement, Lifetime Homes Statement and Tree Protection and Landscaping Statements have been submitted.

RELEVANT HISTORY: The site has a long planning related history and has a number of planning approvals (UTT/1042/02/OP, UTT/1956/07/DFO, UTT/0423/09/DFO and UTT/0515/10/DFO). The affordable housing provision has been completed ensuring that the approvals have commenced.

CONSULTATIONS: Thames Water: No objections.

Environment Agency: No objections.

Veolia Water: No comments.

UDC Drainage Engineer: No comments.

UDC Building Control: A sprinkler system may be required at the Building Regulations stage.

ECC Highways: No objections subject to conditions.

ECC Archaeology: No objections.

ECC Schools, Children & Families Directorate: has requested a financial contribution.

UDC Environmental Health: No comments.

UDC Building Control: No additional comments.

UDC Projects Officer: No wheelchair dwelling has been designated which is required given the number of dwellings on the site.

UDC Climate Change Manager: recommends conditions.

PARISH COUNCIL COMMENTS: Takeley Parish Council objects on the grounds that the three storey dwellings would be out of keeping and in close proximity to the highway, the landscaping to the front of the site is no longer in place, the proposal creates an urban feel to a rural setting and would have an adverse impact on the existing dwellings which are predominantly cottages.

Little Canfield Parish Council made no comments.

REPRESENTATIONS: The notification expired 25th January 2011. Three letters objecting on the grounds that the rural aspect of Takeley would be affected, the landscaping has been disregarded, the description is misleading as the proposals also relate to the re-siting of the boundary fence to make room for a small amount of replacement hedge that was removed, the Environment Agency did not fully appreciate the changes involved, seek evidence that the landscaping strip would be sufficient to grow a comparable hedge, work has already been carried out, the flats dominate views, the size is out of keeping and alien to all surrounding properties.

COMMENTS ON REPRESENTATIONS: The consultation responses relate to the original version of the application which incorporated three storey properties; these have now been omitted from the scheme and replaced with the approved house types for plots 113-117 and 120-124. Landscaping is subject of conditions.

PLANNING CONSIDERATIONS including Design & Access statement:

- 1) **Principle of residential development (ULP Policies LP3, S2, H3 & H10);**
- 2) **Visual impact (ULP Policy GEN2);**
- 3) **The impact on residential amenity (ULP Policy GEN2);**
- 4) **Access and parking (ULP Policies GEN1 and GEN8);**
- 5) **Energy efficiency, accessible homes (ULP Policies GEN2, SPD Accessible Homes & Playspace & SPD Energy Efficiency & Renewable Energy).**
- 6) **Boundary screening (ULP Policies GEN1).**

1) The site has the benefit of approvals for residential development. This application seeks revisions to the scheme approved under UTT/0515/10/DFO. Therefore the principle of residential development has been established.

2) The number of units and general layout remain as approved; the main changes relate to revised house types, elevation changes and slight alterations to the dimensions of buildings. The revised plans have omitted the proposed (and in the case of plots 113-115 built) three storey dwellings which will now be the subject of a separate application. These have been replaced by the approved dwellings for each of those plots which comprise two and a half storey dwellings. The changes to the remaining plots are relatively minimal and relate to minor changes to elevations, small variations to the footprints and revised house types. No visual objection is raised to those changes which are considered similar to the approved scheme and in keeping with the surrounding development. Notwithstanding the objections the comments relating to the three storey element of the original scheme have been superseded by the omission of these dwellings from the application.

3) The layout is generally as approved and the house types remain similar. Although there would be small changes to the footprints and elevations the relationships between the proposed and existing dwellings would remain satisfactory.

4) The proposal retains the approved access and parking layout and no objection has been raised by the Highway Authority, subject to conditions.

5) Policy GEN2 (d) seeks to ensure that development helps to minimise water and energy consumption. Supplementary Planning Guidance “Energy Efficiency & Renewable Energy” seeks to reduce energy use. The development could be subject of a condition to ensure compliance.

Supplementary Planning Guidance Accessible Homes and Playspace requires new dwellings to be designed to lifetime homes standard. A condition could be imposed to ensure compliance.

6) The hedge along the B1256 boundary has been removed and discussions between officers and the applicant concerning a replacement are on going. Further information will be reported the meeting.

CONCLUSIONS: The scheme proposes changes to the approved scheme which are visually acceptable and would be satisfactory in terms of residential amenity and highway safety.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS:

1. C.2.1. Time limit for commencement of development.
2. C.3.1 To be implemented in accordance with approved plans.
3. This permission shall relate to the layout and dwelling types shown on plan 393-P-100-A received by the Local Planning Authority on 25th January 2010 and does not convey approval for the three storey units as per the original application.
REASON: For the avoidance of doubt and in the interests of residential and visual amenity.
4. C.4.1. Scheme of landscaping to be submitted and agreed.
5. C.4.2. Implementation of landscaping.
6. C.5.2. Details of materials to be submitted agreed and implemented.
7. C.7.1. Detail of external ground and internal floor levels to be submitted agreed and implemented extension.
8. C.8.29. Condition for compliance with code level 3 (five or more dwellings).
9. C.8.32. Compliance with the 10% rule (developments of five or more dwellings or greater than 1000spm floor area).
10. C.13.9. Hours of construction.
11. C.28.2. Accessibility - further submission.
12. Notwithstanding the details submitted and prior to the commencement of development details of the solar panels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained in that form unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of visual amenity.
13. 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; include a timetable for its implementation; and 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.

14. Prior to commencement of the development hereby permitted a turning area of a design to a size 3 in accordance with the Essex Design Guide shall be provided by plots 127-129 to be agreed in writing by the Local Planning Authority.
REASON: To ensure appropriate turning facilities are provided so that vehicles can enter and leave the highway in a safe and controlled manner.
15. The vehicular hardstandings for plot 129 shall have a minimum length of 6 metres from the garage to the back of the highway.
REASON: In accordance with parking standards and to protect the turning head.
16. Prior to the occupation of each dwelling each vehicular access shall be provided on both sides a 1.5 metre by 1.5 metre pedestrian visibility sight splay as measured from the highway boundary. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.
REASON: To provide adequate inter visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway.
17. 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.
18. 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 and footways 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 from the occupation of such dwelling.
REASON: In the interests of highway safety.

Background papers: see application file.

UTT/2132/10/FUL-SAFFRON WALDEN

(Referred at the request of Cllr Perry. Reason: streetscene, appearance, parking and highway impact)

Conversion of garage to provide enlarged living area and study

Location: 18 Summerhill Road GR/TL 537-374

Applicant: Mr & Mrs J Treanor

Agent: Andrew Frostick Associates

Case Officer: Maria Tourvas 01799 510556

Expiry Date: 20/01/2011

Classification: OTHER

NOTATION: Within Development Limits, Householder.

DESCRIPTION OF SITE: The application site is located along the southern side of Summerhill Road, within a residential area. There is a mixture of detached and semi detached properties within the road. The subject property is a newly built two-storey detached house with integral through garage/store. There is a hedge which bounds the front garden, and along the western shared boundary.

DESCRIPTION OF PROPOSAL: The proposal relates to the conversion of the integral garage to provide an enlarged living area and study. This would involve minimal changes to the appearance of the dwelling: the changing of front double doors of the garage to a three casement window with cills to match. At the rear of the property there is an existing canopy with a small inset element between the living room and existing garage, this would be in-filled and aligned with the garage section. The rear garage double doors would also be changed to glazed window/doors. A partition would separate the proposed study to the front from the proposed living room enlargement at the rear. A side doorway is proposed to be replaced and in-filled with a window.

RELEVANT HISTORY: UTT/1362/09/FUL: Proposed single dwelling to replace bungalow - granted December 2009. This contained a condition prohibiting the conversion of the garage.

UTT/0774/09/FUL: Proposed single dwelling to replace bungalow - granted August 2009

There has been an enforcement case relating to the construction of the new dwelling and whether it was being built in accordance with the approved plans. No breach was found and the case has been closed.

CONSULTATIONS: Highways Authority: Providing the applicant has sufficient space for the 3 spaces as stated on the application form it is acceptable. This is the same as was previously provided and is more than the minimum.

SAFFRON WALDEN TOWN COUNCIL: No objection

REPRESENTATIONS: The neighbouring properties have been notified of the planning application as a result three representations have been received raising the following points:

- Previously condition sought that the garage would not be changed; how can the condition be removed if the reasons for the condition still stand
- Concerned that a previous application showed a similar layout and proposed a garage block to the front, should this be granted then a similar garage block would be later proposed
- Previous garage block was refused due to design and bulk on the street frontage
- Approval of this application would make it more likely for the building of a garage to now occur

- Suggest that the proposed study room remain as garage element and one of the 5 bedrooms be used as a study
- Nothing has changed since the property has been built to warrant the removal of the condition
- The road is busy with vehicles obstructing path and visibility splay
- Conversion of the garage /store would be exacerbated by the small drive. The size of the drive is contrary to the initial approved plans
- The conversion would mean no cover for cars or paraphernalia
- Application should be refused for the conversion due to on-street parking would be an issue existing driveway is inadequate and a replacement garage would be sought
- Should planning permission be given a condition that no additional windows can be inserted in the west elevation of the house
- Inadequate information by applicant on their form
- In principle decision already provided
- This property is the largest in Summerhill Road and the conversion would increase the floorspace further. The conversion of the garage was initially conditioned due to highway safety concerns
- On-street parking outside 18 causes obstruction of visibility when exiting or entering 16, 20, 11A, 13A and 13, which is a problem
- The increase in habitable floorspace would directly increase the increase needed of the number of off-street parking spaces which would result in further on-street parking and increasing the hazard
- No demonstration of how the off-street parking would be dealt with following the removal of the conversion condition

Period for comments expired 23 December 2010.

COMMENTS ON REPRESENTATIONS: The proposed conversion is addressed in the body of the report below. A condition was imposed restricting permitted development rights and therefore permission would be required for a new garage. A new garage block does not form part of this application and is not for consideration as part of this application. Each application is dealt with on its own merits and can not pre-empt any future application which may or may not be submitted.

The footprint and overall design of the dwelling have been previously approved. The claim that it is the largest house in the road is noted but whether this is the case it would need to be harmful to be a material consideration in this application and the application proposes only a very tiny extension to the rear of the dwelling.

11A, 13A and 13 is located at an optimum position for visibility;

Sufficient information has been provided in order to register and determine the application in question. The details which have been referred to are not material in determining the application i.e. the applicant's first name, the name of the officer who gave PE advice, other information relates to certificates of ownership and agricultural holding which have been filled in correctly. The censored information relates to data protection of signatures.

In relation to the in 'principle decision' referred to in a pre-application enquiry, it is recommended that prior to the submission of any application a pre-application enquiry is applied for in order to pre-empt any possible concerns at an early stage. This advice is informal and is not binding to the Council or any of its Committees when considering any formal application.

With regards to imposing a condition should the application be approved to prevent any additional windows being inserted, this is an unreasonable condition in relation to what is proposed as part of the application, and this matter would have been taken into account at the time of determining the original application for the dwelling.

PLANNING CONSIDERATIONS: The main issues are:

- 1) **Whether the principle of the conversion of the garage and the associated changes are acceptable (ULP Policies S1, H8, GEN1, GEN2, GEN8 and Parking Standards 2009) and**
- 2) **Implications on highway safety (ULP Policies GEN1, and GEN8 and Parking Standards 2009).**

1) The application site is within the development limits of Saffron Walden and therefore in accordance with local plan Policy S1 amongst other things development will be permitted if compatible with the character of the settlement.

The alterations to the appearance of the dwelling are minimal. The alteration of the garage doors to a window would match the existing windows. The cills and detailing is proposed to also match existing. This would be in accordance with Policy GEN2 of the local plan. The alteration of a ground floor side door from the garage to a window would not cause any direct overlooking as there is, what appears to be, an off set kitchen door and window serving number 20. This is further screened by existing boundary treatment of a wooden fence and vegetation.

Planning Policy H8 - home extensions - requires that extensions be in accordance with criteria such as the scale and design and external materials respecting those of the original building; there would be no material overlooking or overshadowing and that the development would not have an overbearing impact on neighbouring properties. A small infill element is proposed to the middle of the rear of the property which would align the living room area with the current garage by an area increase of 0.9m x 2.5m underneath an existing canopy area. This enlargement would be located away from any of the neighbouring properties therefore no additional impact would occur.

2) With regard to the implications of the loss of a garage under the initial application the adopted parking standards for a property of this size of property at the time required a provision of a maximum of 3 parking spaces. Since the granting of planning permission for the dwelling the new parking standards were adopted by the Council in January 2010. The parking requirement now seeks a minimum of 2 car parking spaces for 2 bedroom plus dwellings. The proposal more than meets this requirement.

Concern has been raised in representations with regard to the potential increase in highway dangers due to vehicles being unable to turn within the site. Whilst these comments are noted the road is a non classified local estate road and adjacent properties tend not to have turning facilities. No objection was raised by the Highways Authority. The development therefore also accords with Policy GEN1 of the local plan.

CONCLUSION: The application is acceptable and in accordance with local plan policies, no additional impact is considered to result from the proposed development.

RECOMMENDATION: APPROVAL WITH CONDITIONS:

- C.2.1. Time Limit for commencement of development
- C.3.1. To be implemented in accordance with the approved plans

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

UTT/1976/10/FUL - TAKELEY

Proposed construction of 7 No. dwellings, two attached garages and one detached garage building. Demolition of existing detached garage. Proposed new vehicular access and pedestrian access

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

Applicant: Stonebond Properties Ltd

Agent: Arcady Architects Ltd

Case Officer: Mr C Theobald 01799 510464

Expiry Date: 20/01/2011

Classification: MINOR

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

DESCRIPTION OF SITE: The application site is situated approximately $\frac{3}{4}$ of a kilometre to the east of The Four Ashes crossroads on the northern side of Dunmow Road (B1256) and comprises a pair of frontage cottages within rectangular, garden plots having a combined site area of 0.25 hectares. A detached flat roofed garage block stands to the side of No.2 Broadfield Villas towards the site's western boundary, whilst open parking occurs within the garden to No.1. The site is enclosed along its frontage boundary by a low hedge, whilst its rear and eastern flank boundaries contain denser boundary screening with Broadfield Copse situated beyond. The western boundary of the site contains a mixture of mature vegetation and closeboarded fencing extending to the rear boundary that separates the site from the adjacent David Wilson Homes development (Hubberd Road). The site is not defined as an 'island site' within the Priors Green Supplementary Planning Document (SPD), although is situated within the Takeley/Little Canfield Local Policy 3 masterplan area as a whole.

DESCRIPTION OF PROPOSAL: This detailed application seeks planning permission for the erection of 7 (No.) two storey dwellings with associated access road, garaging and parking. It follows to the grant of outline planning permission in 2009 under application UTT/1007/09/OP for the same number of dwellings with all matters reserved except access and layout. The application is a full submission, however, following a specification change in the approved access/turning head and a subsequent revision to the dwelling layout in respect of Plots 3 and 4. The existing dwellings, nos.1 & 2 Broadfield Villas, would be retained, but the existing garage to No.2 Broadfield Villas would be demolished, with alternative parking facilities being provided for both dwellings. The new dwellings would be a mix of 2, 3 and 4 bedroomed units and would be externally clad in a mixture of facing brickwork and weatherboarding under clay tile and slate roofs. A total of 18 (No.) car parking spaces (200%) would be provided for the scheme.

APPLICANT'S CASE including Design & Access statement: The statement is available in full on file and on the website. *Summary:* The site lies within development limits and in an area allocated for residential development within the local plan. The relevant ULP policies for the proposed development were complied with at outline stage and those principles have been carried through to the current proposal. The design reflects local character and compliments the housing recently built on adjacent sites at Priors Green. Pedestrian accessibility to and within the site has been provided. The scheme incorporates Lifetime Homes measures and meets highway requirements, with the exception that a Type 3 turning head is now shown, which was agreed with Essex County Council highways on 17 March 2010 prior to the submission of this application.

RELEVANT HISTORY: Outline planning permission granted for residential development at Nos.1 & 2 Broadfield Villas with all matters reserved (UTT/1157/05/OP). Permission refused in 2008 for the demolition of Nos.1 & 2 Broadfield Villas and erection of 14 dwellings, parking, new pedestrian access and alteration of vehicular access due to inadequate turning and parking provision,

inadequate private amenity space, overlooking between properties and as the design of the new dwellings would not meet Lifetime Homes standards (UTT/2287/07/FUL). Permission refused in 2008 also for demolition of Nos.1 & 2 Broadfield Villas and erection of 14 dwellings, vehicular access and associated works for similar stated reasons (UTT/0926/08/FUL). Outline planning permission granted in 2009 for the erection of 7 dwellings, garaging and new vehicular access, including the retention of Nos.1 & 2 Broadfield Villas, with all matters reserved except access and layout (UTT/1007/09/OP). The report for that application stated that 7 dwellings on the site would make efficient use of land in accordance with government guidance, and would provide an appropriate site layout with a continuation of an active site frontage. The report identified that some overlooking of properties within the adjacent David Wilson Homes development could occur from the proposal, although it was considered that any overlooking could be "designed out" by appropriate internal layout configuration/obscure glazing. The report concluded that the scheme allowed a greater degree of parking and more usable garden amenity areas than the refused schemes and was considered acceptable subject to matters being reserved with the exception of layout and access.

CONSULTATIONS: Essex County Council Highways: No objections to revised layout following discussions with applicant (post submission) subject to appropriate highway conditions, including submission of a highways contribution as required by the Priors Green SPD, submission of a sustainable transport scheme and the making of an advanced highways payment (more than five dwellings);

Essex County Council Education: We understand that this is one of the Prior's Green "Island" sites" that are covered by the SPG adopted in July 2003. In accordance with this SPG, it is formally requested that a Section 106 agreement be entered into to include a contribution towards additional education provision;

Essex County Council Archaeology: Records HER show that the proposed development site lies immediately adjacent to a number of known sites. Large scale trenching has taken place for the Priors Green site, which found extensive archaeological deposits. The development also fronts onto the Roman Road from Braughing to Colchester. It is possible that further deposits from various dates will be identified in the development area. It is recommended following the guidance within PPG5 that a full archaeological condition be attached to any planning consent;

Thames Water: Surface Water Drainage: Developer's responsibility to make proper provision for drainage to ground water courses or a suitable sewer. Storm flows should be attenuated or regulated into the public network through on or off-site storage. Site drainage should be separate and combined at the final manhole nearest the boundary when proposed to connect to a combined public sewer. Connections are not permitted for the removal of ground water. Prior approval will be required where the developer proposes to discharge to a public sewer. *Sewerage infrastructure:* No objections;

Veolia Water: To be reported (comments due 23 December 2010);

Building Control: (Surveyors): No adverse comments;

Access Officer: The proposal would be compliant with Lifetime Homes requirements, although query raised regarding width of staircases. Applicant has confirmed that all staircases will comply with the 900mm minimum requirement. Apply condition to this effect if this is possible;

Climate Change Manager: Apply conditions C.8.29 and C.8.32;

Drainage Engineer: The application states that surface water drainage will be to soakaways, although no details are provided. Vehicular access/hardstandings are to be tarmaced. Standard sustainable drainage condition to be applied.

PARISH COUNCIL COMMENTS: Object: Over intensification of the site, insufficient off-street parking, occupants of Plots 1 & 5 would not walk to and from the rear of the properties to use the designated parking bays, the proposal encourages on-street parking, proposed access road is not wide enough to accommodate service vehicles, proposal would create a significant increase in levels of vehicles turning on and off the B1256, recommend that site is limited to a maximum of 5 additional dwellings (in addition to the existing 2 dwellings) of a mixture of 2/4 bedroomed units.

REPRESENTATIONS: Two received. Notification period expired 23 December 2010. Site Notice expired 27 December 2010.

CHP on behalf of tenant of 33 Hubberd Road: Our tenant reports that the proposed development will cause overlooking of her property, that vehicular access will be onto a busy main road and queries the location/ownership of adjacent oak tree.

Marilyn Hammond (by email): Proposal shows dwellings with a total number of 24 bedrooms, although parking for just 12 cars. Where will the rest of the cars be parked? Access shows only single track road. How will cars pass?

COMMENTS ON REPRESENTATIONS: The current application proposes the same number of dwellings as the previously approved outline scheme. There would therefore be no intensification of the use of the site in comparison. 18 (No.) parking spaces are shown to be provided, which meets minimum car parking standards and has been increased from the original submission. Parking spaces for No.2 Broadfield Villas (designated Plot 9) and Plot 5 have been changed to encourage owners to use designated parking. Road design allows for side by side passing. There would be no overlooking of 33 Hubberd Road to west. Other comments - see below.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

- 1) **whether the design and layout of the proposed development would be acceptable in principle / would be compatible with the character of surrounding development (Takeley / Little Canfield Local Policy 3 and accompanying SPD, ULP Policy GEN2, PPS3, SPD's Accessible Homes and Playspace, Energy Efficiency and Renewable Energy;**
- 2) **whether the proposed access and car parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8);**
- 3) **whether social, amenity and infrastructure contributions are required (ULP Policy GEN6);**

1) Whilst the site is located within the Priors Green development plan area, it is not identified as being one of the island sites indicated in blue within the accompanying SPG "Island Sites". Therefore, it is not on Island Site.

The proposed site layout as shown for the current application still proposes 7 (No.) dwellings with an active frontage in accordance with the 2009 outline approval and would achieve a density of 35 units per hectare, which is acceptable. However, the detailed scheme as submitted incorporates revised siting for some of the dwellings due to the revised access road arrangements, whilst most of the dwellings are larger in size than the indicative approved layout as shown for UTT/1007/09/OP. The dwellings would have ridge heights ranging from 8 metres to 9 metres (9 metres for Plots 5 and 6), whilst Plots 3 and 4 would have the largest footprint sizes (151.6 sqm). Whilst 9 metres is considered high, the roofscape of these dwellings would be similar to ridge heights and roof volumes found within the adjoining David Wilson Homes development to the immediate west and beyond. Overall, the design and external appearance of the dwellings would be in general conformity with the local building styles of Priors Green and the dwellings would meet Lifetime Homes requirements subject to staircase width changes. Private amenity areas would be of a similar size to those shown for the 2009 approved scheme. Eye to eye distances are considered satisfactory. The proposal is therefore compliant with the relevant local policies, relevant SPD's and PPS3.

2) The highways authority agreed with the applicant an alternative turning head for this development site prior to the submission of the current application involving the substitution of a Type 3 turning head in favour of a Type 2 head as originally approved in the outline application. Highway concerns were initially expressed by the authority upon receipt of the application regarding shown access specifications (footpath entry length, rumble strip distance and level of

resident and visitor parking provision), although revisions have since been made to the scheme which have now overcome those concerns and the highways authority has subsequently expressed the view that it would not wish to raise an objection to the proposal on access or parking grounds subject to appropriate conditions. It should be noted that the highways authority does not object to the proposed additional private entrance drive for frontage Plot 7 leading directly off of the B1256 in view of the fact that a gated entrance presently exists at this location for No.1 Broadfield Villas (shown as nominated Plot 8 on the site layout drawing). The proposal is therefore compliant with ULP Policies GEN1 and GEN8.

3) As previously mentioned, the application site is not identified as being an "island site" within the SPG for Takeley/Little Canfield Policy 3. Given this and given that social, amenity and infrastructure financial contributions were not requested of the applicant/developer for this site under previous application UTT/1007/09/0P, it is considered that it would not be appropriate or reasonable to request financial contributions from the applicant/developer for the current application. It should be noted in this respect that the Supplementary Planning Guidance for educational contributions states that contributories will not normally be sought in any event for schemes where there is a net increase of less than 12 dwellings (defined as "small sites"), although adds that smaller developments in locations where this would cumulatively contribute in excess of these limits will be required to contribute on a pro-rata basis to create a balance between the impact of increased need for new places and the scale of the development.

CONCLUSIONS: The principle of seven new dwellings, access road and parking has already been accepted at this site following the grant of outline approval in 2009. The development would make efficient use of the land and allow a suitable and flexible layout with regard to parking and private amenity. The initial highway concerns raised by the highways authority have now been overcome through negotiation. The proposal is therefore considered acceptable and is recommended for approval subject to conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development
2. C.3.1. To be implemented in accordance with approved plans
3. C.4.1 Landscaping scheme to be submitted
4. C.4.2 Implementation of landscaping
5. C.4.6 Retention and protection of trees and shrubs for the duration of development (c)
6. C.5.1. Samples of materials to be submitted agreed and implemented
7. C.6.2. Removal of permitted development rights (Plots 1, 2, 5 and 6)
8. C.6.7. Excluding conversion of garages
9. C.8.27. Drainage details to be submitted agreed and implemented (foul)
10. C.90A 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:
 - i. 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.

- 11. C.8.29 Condition for compliance with code level 3 (five or more dwellings)
- 12. C.8.32 Compliance with the 10% rule (developments of five or more dwellings)
- 13. C.8.30. Provision of bin storage
- 14. C.12.2. Prior provision of boundary enclosure [1]
- 15. C.13.9. Hours of construction

"except between the hours of 7.30am and 6.00pm on Monday to Fridays and between the hours of 8.00am and 1.00pm on Saturdays"

- 16. C.16.2. Full archaeological excavation and evaluation A
- 17. C.20.3. if Protected Species discovered get licence from Natural England
- 18. C.28.2. Accessibility – further submission

"Before the development hereby permitted commences, a further accessibility statement/drawing shall be submitted to and approved in writing by the local planning authority showing details of proposed staircase widths. All the measures that are approved shall be incorporated in the development before occupation".

Reason: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005 and as the submitted drawings do not presently meet the standards with regard to stair widths

- 19. C.90B The development hereby permitted shall not commence until details of boundary treatment for the western site boundary 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 amenity

- 20. C.90C All electrical and telephone services to the development hereby permitted 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 shall 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 interest of visual amenity

- 21 C.90D Before development commences 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 agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

- 22 C.90E Before development commences details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

Additional Note:

With reference to the above condition the applicants attention should be drawn to the recent alterations to householder “permitted development” in so far as there is now the need to provide a permeable solution (SUDS) for the hard standing to reduce the cumulative impact of surface water run off and overloading of sewers. The national advice available may be confusing taking into account the Highway Authority approach to the above conditions and early contact should be made with the Highway Authority to agree an appropriate solution for this site.

- 23 C.90F Before development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.
- 24 C.90G 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 carriageways and footways 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 from the occupation of such dwelling.
Reason: In the interests of highway safety.
- 25 C90H Before occupation, the provision of an access formed at right angles to the B1256 as shown in principle on drawing 10/04/06 rev E. Such access to include:
- a. visibility splays with dimensions of 90m by 2.4m by 90m, as measured from and along the nearside edge of the carriageway,
 - b. 7.5m junction radii with 2 x 2m footway with dropped kerb crossing
 - c. a carriageway width of 5.5m for the first 10m which then may reduce to 4.8m.
- Details to be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highway Authority prior to commencement of development.
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.
- 26 C.90I Before occupation, the Developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport, approved by Essex County Council. Details to be submitted to and agreed in writing with the Local Planning Authority.
Reason: In the interests of accessibility and to promote the use of public transport, walking and cycling.
- 27 C.90J A contribution of £285 per unit increased or decreased in line with any increase or decrease in the Transportation Index which has occurred between April 2002 and the present for “Transport Enhancements” as detailed in Supplementary Planning Guidance to Takeley/Little Canfield Local Policy 3 – Priors Green.
Reason: To accord with Uttlesford District Council Supplementary Planning Guidance to Takeley/Little Canfield Local Policy 3 – Priors Green (The “Island” Sites).
- 28 C.90K 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.
- 29 C.90L Any trees proposed within the highway must be agreed with the Highway Authority and sited clear of all underground services and visibility sight splays and must be

laid out to complement the street lighting scheme. All proposed tree planting must be supported by a commuted sum set at a realistic level, to be agreed with the Highway Authority, to cover the cost of future maintenance.
Reason: To protect services and in the interests of highway safety.

Background papers: see application file.

UTT/2168/10/FUL - GREAT CHESTERFORD

Variation of condition C.90A of UTT/1861/08/FUL to read "The annexe (known as Hawthorn House) shall not be occupied at any time other than for purposes ancillary to the use of the dwelling known as Thorpe Lea. At no time shall the annexe be occupied as a separate dwelling house. The use of the structure known as Hawthorn House hereby permitted shall be discontinued on or before 6 December 2013 unless a further consent has been granted by the local planning authority" UTT/2168/10/FUL

Location: Hawthorn House GR/TL 513-428
Applicant: Mr J R Walker
Agent: Mr J R Walker
Case Officer: Ann Howells 01799 510468
Expiry Date: 28/01/2011
Classification: OTHER

NOTATION: Outside Development Limits.

DESCRIPTION OF SITE: The application site is of almost rectangular shape and comprises the main house known as Thorpe 'Lea' and the annexe known as Hawthorn House which sits in a plot of 1.4 hectares on the edge of Great Chesterford. On the plot as a whole there are a number of outbuildings, polythene tunnels and a glasshouse and an area used by visiting caravans. The plot as a whole is bounded on the north east by B184, on the south east by an access road to Manor Farm, on the north west by gardens of properties in the High Street and the south west by a public footpath. The boundaries are mainly mature hedging.

A succession of temporary permissions have been granted for the annexe in 1998, 2003 and 2008.

DESCRIPTION OF PROPOSAL: The application is for the variation of condition attached to UTT/1861/08/FUL - "The use of the structure hereby permitted shall be discontinued on or before 6 December 2013, or when E W Hughes and spouse cease to occupy the structure or the dwelling known as 'Thorpe Lea' whichever is sooner, unless a further consent has been granted by the planning authority".

The proposed suggested wording is "The annexe (known as Hawthorn House) shall not be occupied at any time other than for purposes ancillary to the use of the dwelling known as Thorpe Lea. At no time shall the annexe be occupied as a separate dwellinghouse." The application therefore seeks a permanent permission, but one tied to ancillary use of the dwelling but not to named occupants.

APPLICANT'S CASE including Design & Access statement: A design and access has been submitted as part of the application. The Design and Access statement explains the circumstances outlined above – informs the Council that the family currently residing in the annexe will move into Thorpe Lea (main Dwelling) and would like to retain the annexe as an ancillary building.

RELEVANT HISTORY: UTT/0928/98/FUL – Erection of annexe - conditionally approved 09/12/1998

UTT/1770/03/FUL – Renewal of permission UTT/0928/98/FUL for residential annexe – conditionally approved 25/11/2003

UTT/1861/08/FUL – Renewal of permission UTT/1770/03/FUL for residential annexe – conditionally approved 26/01/2009

UTT/1401/10/FUL - Variation of condition C.90A of approved planning application

UTT/1861/08/FUL to read " The use of the structure known as Hawthorn House hereby permitted

shall be discontinued on or before 6 December 2013, unless a further consent has been granted by the local planning authority" – refused 30/07/2010

CONSULTATIONS: None

PARISH COUNCIL COMMENTS: No objection but would like to see clauses to reiterate the fact that this building is not to be sold, sub-let or used as a separate dwelling

REPRESENTATIONS: TBA - Notification period expires 3 January 2011.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are the impact of new dwellings in the countryside:

Policy S7 The Countryside - requires the countryside to be protected for its own sake and planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. There will be strict control on new building.

The annexe was originally allowed and the permission extended because there was a proven need for the additional accommodation to assist the running of the caravan site. There is no evidence that this has changed. The annexe has always been allowed as an ancillary building to the dwelling known as Thorpe Lea and conditions attached to prevent it becoming a separate dwelling. One of the conditions specifically states that the building should be removed if the need is no longer required.

The dwelling known as Thorpe Lea is now empty due to the residents moving into a care home. The submitted information with this application explains that although the residents of Thorpe Lea have moved into a care home, the family members who have been living in the ancillary accommodation, known as Hawthorn House, intend to move into the dwelling known as Thorpe Lea - to the front of the site, and retain the ancillary building as ancillary accommodation.

Personal conditions are not often used because the occupation by a specified individual is unlikely to overcome any harm. In this case the accommodation is required to aid the functioning of the site rather than any personal needs of Mr EW Thorpe. The application is for the variation of condition C.90A whereby the building remain ancillary to the main dwelling.

The overall cartilage has been subdivided by the erection of fencing; however the applicant has indicated that this will be removed.

Currently there is a breach of planning condition C.90B of UTT/1861/08/FUL.

Which requires the structure to be demolished to ground level and completely removed from the site within one month of discontinuance of its permitted use.

The business is being run by Mr & Mrs Hughes's nephew and has been for some time. For the business to remain there is a requirement for someone to live on site. Mr & Mrs Hughes nephew and family would move into the main dwelling - Thorpe Lea and retain the ancillary building as ancillary accommodation.

However as the site is in the countryside and the ancillary building is set some distance away from the main dwelling there is some concern that the dwelling and the ancillary building may have the opportunity to become separated. Therefore to prevent this happening the proposal for the variation of the condition subject to a legal agreement (S106).

CONCLUSIONS: The proposed variation of condition is considered acceptable subject to a legal agreement preventing the two buildings being separated or sold independently of the main dwelling.

RECOMMENDATION: APPROVAL WITH CONDITIONS and S106 AGREEMENT TO PREVENT THE SEPARATION OF THE ANNEXE AND ANCILLARY BUILDING KNOWN AS HAWTHORN HOUSE AND TO PREVENT THE SALE OF ONE WITHOUT THE OTHER

1. C.90A The annexe (known as Hawthorn House) shall not be occupied at any time other than for the purposes ancillary to the use of the dwelling known as Thorpe Lea. At no time shall the annexe be occupied as a separate dwellinghouse.
REASON: To prevent the permanent occupation of a separate residential property in an area where new dwellings are not normally permitted.
2. C.90B The structure hereby permitted shall be demolished to ground level and completely removed from the site within one month of discontinuance of its permitted use, unless a further consent has been granted by the local planning authority.
REASON: To prevent the permanent occupation of a separate residential property in an area where new dwellings are not normally permitted.

Background papers: see application file.
