

UTT/2193/11/FUL - (GREAT EASTON)

PROPOSAL: Retrospective application for new workshop, showroom and offices

LOCATION: Brown's Garage Dunmow Road.

APPLICANT: P & A Wood

AGENT: S. Moran Architecture

GRID REFERENCE: GR/TL 610-254

EXPIRY DATE: 15 March 2011

CASE OFFICER: Ann Howells

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

- 2.1 The application site is the former Brown's garage and development of a new workshop has been started on site.
- 2.2 Located to the east of the Dunmow Road (B184) and to the south of The Endway the site is accessed via an 'in and out' entrance arrangement off the Dunmow Road and a smaller single entrance off The Endway, in the north-western corner of the site.
- 2.3 The immediate area rises westward from the Dunmow Road. The application site is approximately 3m higher than the Dunmow Road and 1m lower than The Endway. The site has been lowered and levelled.
- 2.4 A detached dormer dwelling and its rear garden abuts the southern boundary of the application site. As the dwelling of the former garage owner the neighbouring dwelling shares the application site's southern entrance.
- 2.5 A detached bungalow sits immediately adjacent to the western boundary of the site which comprises of a close boarded high fence along the length of the rear elevation.
- 2.6 The site's eastern boundary is exposed to the Dunmow Road.
- 2.7 The wooded grounds of 'The Moat House' lie to the east of the B184 Dunmow Road.
- 2.8 The northern boundary is demarked by new planting. Beyond this boundary is the P&A Wood showroom and garage and detached dormer and two storey dwellings on sizeable plots of land.

3. PROPOSAL

- 3.1 Planning permission is sought to formalise alterations which have been made to the development which did not form part of the original approved application.
- 3.2 The ridge height is to be reduced by 1metre
- 3.3 The eaves height has been increased which has reduced the pitch of the roof.
- 3.4 Variation to side access – the existing access will be closed and a new access will be created adjacent to the east.
- 3.5 The height of the roller shutter blind is now to the eaves.
- 3.6 Window heights
- 3.7 Planting to northern boundary – has been completed.
- 3.8 Addition of extra floor space to create a tool shed on an external wall approximately 2m deep and 4.5m wide

4. APPLICANT'S CASE

4.1 Following receipt of revised drawings a Planning Statement has been submitted and full details can be viewed on the file.

4.1.1 The proposals for a new workshop and showrooms were originally approved in 2002 (ref UTT/0265/02/FUL). A renewal of the application was submitted in 2009 (UTT/1509/09/FUL) and approved February 2010. Prior to commencement of the permission, the builder became aware that the height of the eaves would prevent sufficient working height for the first floor, and the proposed an alteration to the eaves height to facilitate sufficient head height within the Building. In addition, the original proposal only allowed for a floating mezzanine floor. This floating mezzanine floor would potentially not have got fire regulations approval as there was no barrier to prevent fire on the ground floor spreading to the first floor.

4.1.2 Further, it became clear that the first floor could not be physically accessed by vehicles. Although the existing access alongside 'Petersfield' was shown to be retained, the difference in levels and acute angle would not allow access from this location. As such, a new access would be required.

4.1.3 As work progressed on site, it became clear that the impact of the changes was greater than originally anticipated. The Company undertook a fundamental review of the plans and the proposals.

4.2 Proposed changes

4.2.1 The finished building to the front would be similar in design to their current showroom, finished with weatherboard, and in keeping with the area.

4.2.2 The key issue raised was in relation to both the height of the eaves and the height of the building. The plans suggested that the building has been built further into the ground, which was correct, and that the height of the ridge was the same as the approved scheme. This was not entirely clear, and following clarification, the Company recognised that what has been built appeared taller than anticipated.

4.2.3 It is now proposed to lower the height of the building as constructed by 1metre.

4.2.4 In summary the changes now proposed are:

- The footprint remains largely unchanged from the approved scheme with the exception of a small store at ground floor level. This at 'basement' level and is single storey with a flat roof. It will not be visible from the outside viewpoints and will have no impact on the amenities of neighbours;
- The height of the roof, including the eaves, will be reduced by 1m from what is constructed currently;
- The final scheme will be at least 650mm lower at the ridge than the approved scheme;
- The new access into the first floor with a lower ramp. The existing access adjacent to 'Petersfield' will be closed off by a new fence;
- The roof profile of the showroom has been revised to show a more traditional hipped profile, reducing its perceived bulk
- Proposed materials are shown exactly as proposed.

5. RELEVANT SITE HISTORY

5.1 UTT/0256/02/FUL Construction of new garage with workshop, showroom, offices and basement car parking. Approved 6 August 2002

5.2 UTT/1334/08/FUL Demolition of existing workshop and construction of new garage with workshop, showrooms, offices and basement car parking. Withdrawn by applicant.

5.3 UTT/1503/09/FUL Demolition of existing garage and workshop. Erection of car showroom and workshop. Approved 15 February 2010

6. POLICIES

6.1 National Policies

Policy PPS7 Sustainable Development in Rural Areas

6.2 Uttlesford District Local Plan 2005

Policy S7
Policy E5
Policy GEN1
Policy GEN2
Policy GEN4
Policy GEN7
Policy GEN8
Policy ENV14

7. PARISH COUNCIL COMMENTS

7.1 The application has received various revised plans with the final consultation of neighbours/Parish being sent out 7 February 2012 with a two week consultation period. Prior to the latest consultation the Parish objected on the following grounds:

- 7.1.1 The building being constructed is substantially larger in both ground area and height.
 - 7.1.2 The 'scaled' drawings have no actual dimensions shown but it is evident that the overall height at the eaves has been increased by approx. 3.3m to 5.5m above ground level.
 - 7.1.3 The windows on the north east elevation have been altered to a higher position above ground level, and above the newly planted hedge and tree line.
 - 7.1.4 A ramp has been added towards the rear of the building, which seriously affects the access to the two neighbouring properties.
 - 7.1.5 The building invades the privacy of the two neighbouring properties, Gunsfield House and Petersfield Bungalow. Overshadows Petersfield Bungalow with lose of light in the garden.
 - 7.1.6 The enlarged building is out of keeping with the rural and village environment.
- 7.2 The Parish comments, following reconsultation, are yet to be received and will form part of the supplementary representations.

8. CONSULTATIONS

Essex County Council Archaeology

8.1 The area has previously been excavated. Therefore no recommendations are being made for this application.

Essex County Council Highways

8.2 Do not raise an objection subject to conditions.

Water Authority

8.3 No response received

Environment Agency

8.4 No response received

Environmental Services

8.5 The contamination issue has been dealt with under UTT/1503/09/FUL; however it is recommended that conditions are attached to any permission to protect neighbouring residents.

Drainage Engineer

- 8.6 Revised drainage arrangement were agreed under the previous approval but the current application still refers to surface water going into the main sewer, Therefore the approved drawings are those that were approved under the Discharge of Condition application attached to UTT/1503/09/FUL

Building Control

- 8.7 No response received

9. REPRESENTATIONS

- 9.1 The application has received various revised plans with the final consultation of neighbours/Parish being sent out 7 February 2012 with a two week consultation period. Prior to the latest consultation there were 10 objections from 9 different addresses.
- 9.1.1 Revised drawings don't reflect what has actually been built
 - 9.1.2 Raising of the eaves height. The original height on the North West corner of the building was approx 2200mm above ground level and approx 200mm above the level of Petersfield Bungalow eaves. This has now been increased by approx 3.3m to 5.5m above ground level. Creating a solid mass instead of a roof that was gently moving away to the apex.
 - 9.1.3 Raising windows 2400mm on North East elevation. The height of the windows will bring them above the level of the planting creating an overlooking issue.
 - 9.1.4 Roof apex height. A previously agreed plan between the neighbour and the applicant.
 - 9.1.5 Location of ramp and roller shutter door to allow vehicle access to 1st floor. Due to the lack of planting across the entrance this will create overlooking issues due to the height of the shutter door and the location of the ramp.
 - 9.1.6 The increased dimensions are totally unacceptable
 - 9.1.7 Smaller building would be preferred
 - 9.1.8 An eyesore and not in keeping
 - 9.1.9 Overshadow neighbouring property
 - 9.1.10 Lack of parking
 - 9.1.11 Loss of light to garden

9.2 Representations received following reconsultation and 2 representations have been received to date.

- 9.2.1 Ridge only lowered by 0.4m and eaves height 2.3m higher than approved plan.
- 9.2.2 Overshadow of adjacent bungalow – Petersfield.
- 9.2.3 Scale, bulk and massing – the increase of the eaves height will materially worsen matters beyond the effects of the approved development, and the small reduction in ridge height will not compensate for that increase effect.
- 9.2.4 Due to the proximity to the boundary the approved structure will already loom over the dwelling and will have an overbearing impact. An increase to the eaves and the additional massing that brings to the gable will exacerbate that effect significantly and will result in a hugely overbearing and dominant structure that will be seriously detrimental to the amenities and living conditions of occupiers of Petersfield.
- 9.2.5 Noise and disturbance from the shutter door and the vehicle movements.
- 9.2.6 Light pollution – internal lighting affecting the living conditions of the neighbours opposite.
- 9.2.7 Appearance and impact upon the character of the countryside – inappropriate colours and alien built form in the countryside.
- 9.2.8 Landscaping – sufficient landscaping can not be provided to ameliorate the visual impact of the workshop element of the proposed building.

10. APPRAISAL

The issues to consider in the determination of the application are:

- A Whether the principle and specific design, scale and appearance of the proposal is appropriate to the rural location.
- B Whether the proposal will adversely affect the residential amenity of neighbouring dwellings

10.1 The principle of the development has already been accepted by the extant permission. Therefore the consideration is whether the alterations of the approved scheme would be appropriate in the rural location.

10.1.1 The eaves height has been increased to facilitate the use of the first floor.

10.1.2 The current proposal is to reduce the ridge height by 1 metre. The building has been built further into the ground than previously approved. The comments from the neighbouring dwellings have been taken into consideration and the ridge height is now proposed to be reduced by 1metre.

10.1.3 The existing side vehicular access is being closed and a new one is being opened adjacent. There has been concern from neighbours that the access will create hazards for neighbouring residents. The proposed access will be moved to the east of the existing access which will move the access away from both the adjacent neighbour and the opposite neighbour therefore alleviating any potential hazard. Highways have been consulted and are satisfied providing the existing access is blocked.

10.1.4 The height of the roller blind creating overlooking – The height of the roller blind has been increased to allow for vehicular access to the first floor. The distances between the top of the ramp and the front garden of the opposite neighbouring property is in excess of 20m and therefore is unlikely to create an overlooking issue to private garden area.

10.1.5 Access and parking – the access to the site is both to the front and side. Parking details have not been included on the submitted drawings and a condition can be attached requesting that a plan be submitted indicating the parking. Given the location of the new build and the established business the parking provision can be addressed.

10.2 Whether the proposed amendments will adversely affect the residential amenity of neighbouring dwellings

10.2.1 Overlooking – It is unlikely that the positions of the windows or entrance ways will create any overlooking issues for the neighbouring residents – given both the positions and the distances between sites and openings.

10.2.2 Access issues – The access on the side elevation is being moved further away from the existing neighbouring access points and therefore this should alleviate any potential access issues.

10.2.3 Overshadowing – the reduction of the ridge height by 1 metre will be a reduction in height of the approved scheme; given the pattern of the rise and fall of the sun there is unlikely to be any significant overshadowing of the neighbouring properties garden for any length of time.

10.2.4 Noise and disturbance from the shutter and ramp use – the shutter proposed is insulated and glazed door, operated via a quiet belt-driven internal motor and constructed with aluminium framing. The first floor of the building is proposed to be used for 'clean-build' activities, such as build up and trim repairs etc. and due to the time and care taken the vehicles will be moved relatively infrequently, on average between 1 and 3 vehicle movements per day. This is less than previously used as the main access to Browns Garage and therefore a significant improvement.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A The principle of the development is already established. Following consultation with Officers and neighbours a revised scheme has been submitted which reduces the ridge

height of the building although increase the eaves height. The increase in eaves height adds bulk to the building but with additional significant planting along the northern elevation and setting the building into the ground softens the building. Therefore the building as proposed would be acceptable given the alternative scheme which has approval is significantly started.

- B The proposed amendments are unlikely to adversely affect the residential amenity of neighbouring residents because the reduction in height will reduce any impact on the adjacent property; the windows are not in a position to create any overlooking and the access position to the side is being moved further away from the existing access points of the neighbouring properties and should therefore make the access for these properties easier.

RECOMMENDATION – CONDITIONAL APPROVAL

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. The development as designed, specified and built shall achieve BREEAM rating of 'very good'. The applicant will provide the planning authority with a BREEAM design-stage assessment of the rating of the proposed development, carried out by an accredited assessor, before work commences on-site. The developer will provide a BREEAM post-construction assessment of the rating of the as-built development within four weeks following its completion, also carried out by an accredited assessor.

REASON: In the interests of the promotion of sustainable forms of development and construction and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as approved under reference UTT/1155/11/DOC dated 20 June 2011. Subsequently, the external surfaces shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of the appearance of the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

5. Before development commences a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The report must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: Page 6

- * human health,
- * property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- * adjoining land,
- * groundwaters and surface waters,
- * ecological systems.

The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, development must be halted on that part of the site and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Following completion of the approved measures, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Part of the condition has been discharged under reference UTT/1155/11/DOC dated 15 August 2011 and cannot be fully discharged until the required work is carried out and validation complete.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV14 of the adopted Uttlesford Local Plan.

6. No processes shall be carried out or power tools, equipment, machinery or plant of any kind shall be used at any time anywhere on the site except within the building hereby permitted.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

7. Development, including any works of demolition, shall be carried out as approved under reference UTT/1155/11/DOC dated 11 August 2011 which included a Construction Method Statement. The approved Statement shall be adhered to throughout the construction period.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

8. Parking spaces should be provided within the site to accommodate the parking and turning of all vehicles regularly visiting the site, clear of the highway and properly laid out and marked as may be agreed within the Local Planning Authority and such spaces shall be maintained thereafter free from any impediment to its designated use.

REASON: In the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

9. The single parking spaces for disabled users (as) designated on the proposed site layout plan submitted with application UTT/1503/09/ FUL shall be laid out as specified in BS.8300:2001 and marked in yellow thermoplastic road paint applied to the 1.4m wheel chair symbol and to the 1.2m wide access zones cross hatched as specified in BS.8300:2001. Thereafter such parking spaces shall remain as designated.

REASON: In order to ensure adequate disabled parking provision is made (in accordance with the 2009 Essex County Council 'parking standards - Design and Good Practice' document) and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

10. Details of proposed vehicular access alterations 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: In the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

11. The development hereby permitted shall be implemented to include the details of surface water drainage works which have been submitted and approved under reference UTT/1155/11/DOC dated 19 August 2011.

The surface water drainage works shall be implemented in accordance with the approved details.

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policies GEN2 and GEN3 Uttlesford Local Plan (adopted 2005).

12. Development shall be carried out taking into account the details which formed the written scheme of investigation for archaeological work which has been approved under reference UTT/1155/11/DOC dated 8 August 2011.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation and in the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Planning Policy Statement 5.

13. The hard and soft landscape works shall be implemented as approved under UTT/1155/11/DOC dated 20 July 2011 and to incorporate the details submitted on drawing 6011 dated Nov 2011 which forms part of this application.

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, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

14. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

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, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

