

**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 2.00 pm on 9 APRIL 2014**

Present: Councillor J Cheetham – Chairman.  
Councillors C Cant, J Davey, R Eastham, K Eden, E Godwin, K Mackman, J Menell, D Perry, V Ranger and J Salmon.

Officers in attendance: N Brown (Development Manager), M Cox (Democratic Services Officer), C Oliva (Solicitor), K Denmark (Development Management Team Leader) A Howells (Support and Business Manager) and A Taylor (Assistant Director Planning and Building Control).

**PC70 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors E Hicks, J Loughlin and L Wells.

Councillor Eastham left after the consideration application UTT/14/0480/FUL Elsenham.

**PC71 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 12 March 2014 were received, confirmed and signed by the Chairman as a correct record.

**PC72 PLANNING APPLICATIONS**

**(a) Approvals**

RESOLVED that the following applications be approved, subject to the conditions set out in the officer's report.

**UTT/14/0052/HHF Debden** – proposed single storey garage extension – Mellings, High Street for Mrs C Burchall.

**(b) Planning Agreements**

**UTT/14/0174/FUL Great Chesteford** – demolition of commercial buildings and erection of 42 dwellings – New World Timber Frame/Graveldene Nurseries, London Road for New World Timber Frame Ltd.

RESOLVED that conditional approval be granted for the above application

- 1 subject to an amendment to condition 5 and an additional condition for the provision of a cycle link as follows

5. Prior to occupation of the development, the provision and implementation of an upgrade of the existing central island on London Road to the south of the site, to a pedestrian refuge.  
**Reason:** In the interests of highway safety (REWORDING)
6. Prior to occupation of the development, the provision and implementation of section 1.2 (opposite Granta Close to station approach) of the Great Chesterford to Little Chesterford Cycle Route (Phase 1) 2 metre wide shared footway/cycleway.  
**Reason:** In the interests of highway safety and accessibility.  
(ADDITIONAL CONDITION)

2 legal obligation as follows

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant chief Executive - Legal, in which case he shall be authorised to conclude such an agreement to secure the following:
  - (i) Community payment for education
  - (ii) Provision of 40% affordable housing
  - (iii) Contribution towards open space and play equipment
  - (iv) Monitoring Charge
  - (iv) Pay Councils reasonable costs
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below
- (III) If the freehold owner shall fail to enter into such an agreement by 20 April 2014, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:
  - (i) Lack of community payment for education
  - (ii) Lack of provision of 40% affordable housing
  - (iii) Lack of open space and play equipment

*Joanna Francis and Graham Fisher spoke in support of the application.*

**UTT/14/0480/FUL Elsenham** - Full application for demolition of all existing buildings and change of use of site from B2 light industrial to residential. Proposed erection of 5 dwellings and 2 cartsheds to replace existing commercial buildings, uses and external parking/storage. Provision of new vehicular access to one dwelling. Provision of new pedestrian access to site- Elsenham Sawmill, Fullers End, Tye Green Road, Elsenham  
For Mr James Collins.

RESOLVED that the above application be approved subject to the conditions and legal obligation agreed by the Assistant Director Planning and Building Control in consultation with the Chairman of the Committee as follows.

### Conditions

1. The development hereby permitted shall be begun before the expiration of 2 years from the date of this decision.  
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. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.  
REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
3. Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-
  - i. proposed finished levels or contours;
  - ii. means of enclosure;
  - iii. other vehicle and pedestrian access and circulation areas;
  - iv. hard surfacing materials;
  - v. minor artefacts and structures (e.g. signs and lighting);
  - vi. proposed and existing functional services above and below ground (e.g. drainage power,
  - vii. communications cables, pipelines etc. indicating lines, manholes, supports.);
  - viii. protection measures for existing trees and hedges to be retainedSoft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].  
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).

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.  
REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).
  
5. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been submitted to and approved in writing by the local planning authority. The scheme shall include:
  - (a) All tree work shall be carried out in accordance with British Standard BS3998 - Recommendations for Tree Work.
  - (b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within [1-5 years] from [the date of the occupation of the building for its permitted use], other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
  - (c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition ( ), at such time as may be specified in writing by the local planning authority,.
  - (d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
  - (e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
  - (f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
  - (g) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.The development shall be carried out in accordance with the approved details.  
REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).
  
6. Prior to the commencement of the development hereby approved detailed drawings of the footpath link shall be submitted to and approved in writing by the local planning authority. The footpath shall have a slope of no more than 1:20. Subsequently the footpath link shall be constructed in accordance with the approved details.

REASON: To ensure the footpath link is suitable for use by all potential users including those with limited mobility in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

7. Prior to the commencement of the development hereby approved details of the lighting to the footpath and underpass shall be submitted to and approved in writing by the local planning authority. The details shall include light spillage drawings and the details of the lighting bollards and any other lighting fixtures to be used. Subsequently the scheme shall be implemented in accordance with the approved details.  
REASON: To ensure the lighting will be adequate to serve the purpose of illuminating the footpath but to ensure that it would not be damaging to the character of the rural area, in accordance with Uttlesford Local Plan Policies S7, GEN2 and GEN5 (adopted 2005).
8. Prior to the occupation of any of the dwellings hereby permitted, the proposed private drive shall be constructed to a width of 5.5m for at least the first 6 metres from the back of the carriageway and provided with an appropriate dropped kerb crossing of the verge.  
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
9. Prior to the occupation of Plot 1 the vehicular access to serve this plot shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3m, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.  
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
10. There shall be no obstruction above 0.6m in height within a 2.4m wide parallel band visibility splay required across the entire site frontage as measured from the edge of the carriageway. Such vehicular visibility splays shall be provided before the accesses are first used by vehicular traffic and retained free of any obstruction at all times.  
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 and of the access in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
11. Any gates provided at the vehicular accesses shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

12. Prior to the commencement of the development hereby permitted details of mitigation measures in terms of construction and design to achieve the levels recommended in BS 8233 of 30 dB LAeqT in bedrooms and for individual noise events to not normally exceed 45 dB LA max shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be implemented in accordance with the approved scheme.

REASON: To ensure the residents of the development do not suffer from loss of residential amenity due to noise from the neighbouring railway line in accordance with Policy ENV10 of the Uttlesford Local Plan (adopted 2005).

13. Prior to the commencement of the development hereby permitted details of mitigation measures to achieve an outdoor noise level not exceeding 55 dB LAeq shall be submitted to and approved in writing by the local planning authority. Subsequently the scheme shall be implemented in accordance with the approved scheme.

REASON: To ensure the residents of the development do not suffer from loss of residential amenity due to noise from the neighbouring railway line in accordance with Policy ENV10 of the Uttlesford Local Plan (adopted 2005).

14. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

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, archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and with the Essex Technical Guidance for the redevelopment of land affected by contamination.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

15. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing

unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.  
REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

16. The remediation scheme shall be implemented in accordance with the approved timetable of works. Following completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.  
REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).
  
17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.  
An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 13.  
The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 14.  
REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005)
  
18. Subject to the findings of condition 12 no development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation, including the duration, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the

effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

### **Legal obligation**

- I The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an obligation to secure the following:
  - (i) Financial contribution equivalent to the provision of 1 affordable housing unit (£125,000) for the provision of off-site affordable housing.
  - (ii) Prior to the first occupation the provision of the footpath link, a maintenance plan and, if appropriate, the payment of a maintenance fee (eg if it is considered appropriate for the Parish Council to take over responsibility for this
  - (iii) Pay council's reasonable costs.
- II In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below.
- III If the freehold owner shall fail to enter into such an agreement by 30 May 2014 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons:
  - (i) Lack of provision of affordable housing.
  - (ii) No provision of a footpath link

*Councillor Morson, John Lawrence, Duncan Purssell, Peter Welsh, Heather Barker, Sasha Homes, Petrina Lees and Jim Collins spoke in support of the application.*

PC73

### **APPEAL DECISIONS**

The Committee noted the appeal decisions which had been received since the last meeting.

Members expressed concern at the decision to allow the appeal for the proposed erection of a dwelling at Home Pasture Stud, Wimbish.



The Committee was advised that the financial test for a dwelling in the countryside was not mentioned in the NPPF. All that was now required was to demonstrate that there was a functional need for the building. Counsel's advice had been obtained but it was recommended not to appeal the decision. It was however agreed to write to the Planning Inspectorate expressing the council's concerns about this issue.

The meeting ended at 3.30pm

**UTT/14/0127/FUL (GREAT DUNMOW)**

Major Application

**PROPOSAL:** Planning application for the erection of 99 dwellings, including 40 percent affordable housing, facilitated by new vehicular and pedestrian access from the roundabout junction of Ongar Road and Clapton Hall Lane, public open space including a childrens play area, green corridors, associated parking and landscaping.

**LOCATION:** Land South Of Ongar Road Ongar Road Great Dunmow

**APPLICANT:** Taylor & Ms.J.R.Mortimer, Ms S.M.Staines & Ms C.A.Stoneman

**AGENT:** Boyer Planning Limited

**EXPIRY DATE:** 21 April 2014

**CASE OFFICER:** Philip Hughes

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**1.0 NOTATION**

1.1 Outside Development Limits / Protected Lane (part).

**2.0 DESCRIPTION OF SITE**

- 2.1. The application site is situated to the south-west of the town and comprises a broadly rectangular parcel of arable land comprising 4.07 hectares bounded by the B184 Ongar Road to the north, the unclassified Clapton Hall Lane to the east and south and residential properties and residential amenity land to the west. A mini-roundabout lies at the north-eastern corner of the site, whilst Hoblings Brook and the A120 bypass lie beyond the site's southern boundary. The land comprises countryside lying outside the settlement limits.
- 2.2. The northern side of Ongar Road is characterised by a line of post-war bungalows which stand behind highway verges, to the north of this row of housing is a modern housing estate accessed from Lukin's Drive. Clapton Hall Lane is characterised by a mixture of single and two storey dwellings, including Crofters (the exception with 2.5 storeys) and Crofters Barn, which are listed buildings. Another listed building, Gatehouse, is located close to the appeal site fronting Ongar Road to the east of the roundabout junction with Clapton Hall Lane.
- 2.3. The site is relatively level from east to west, but land levels slope from north to south to the south-western corner of the site with Clapton Hall Lane with a pronounced land level difference between the level of the site and the carriageway of Clapton Hall Lane at this point. The change in levels across the site overall is around 7 metres however on the parts of the site that are proposed to be developed the change in levels from the north to south in terms of finished floor levels is around 5 metres. The northern boundary of the site comprises a line of established trees and indigenous hedgerow with gaps that return along the western boundary, whilst the southern and eastern boundaries are relatively open with verges to Clapton Hall Lane.
- 2.4. A balancing pond is located between the site and the A120.

### 3.0 PROPOSAL

- 3.1. This application relates to a proposal for 99 dwellings, including 40 affordable houses, facilitated by new vehicular and pedestrian access from the roundabout junction of Ongar Road and Clapton Hall Lane, public open space including a central children's play area (LEAP), green corridors, associated parking and landscaping.
- 3.2. The proposed layout for the site shows the provision of a central green and play area and perimeter public open space totaling 0.31 ha, parking areas, landscaping, and sustainable drainage measures to include provision of drainage "swales" and a balancing (attenuation) pond with pumping station in the south western corner of the site.
- 3.3. The development would comprise an "outward facing" development, including 40 affordable housing units (40.4%) and a proportion of smaller market housing properties with an average net density of 33 dwellings per hectare across the developable area of the site (as opposed to the total site area). The highest site density is around the central street through the use of terraced and semi detached properties. The lowest density housing would be the detached bungalows on the eastern boundary facing out onto Clapton Hall Lane.
- 3.4. The Design and Access Statement provides a design code which states that the site lends itself to the provision of 1, 2 and 2.5 storey housing having maximum ridge heights of 9.6 metres and 10.5 metres with single storey dwellings fronting onto Clapton Hall Lane having a ridge height of 5 metres. The external appearance of the new dwellings would draw upon the Essex and Great Dunmow vernacular with the use of chimneys and dormers and a palette of external materials.
- 3.5. The highway layout shows the slight realignment of the proposed priority access road from the mini-roundabout to facilitate a short section of segregated access road with turning area for 1 to 7 Clapton Hall Lane rather than leading directly off of the new access road.
- 3.6. Pre application discussions were held to address the relationship of development with Heritage assets such as the Listed Building at Crofters. Units 23 was re-orientated and changed to a true bungalow in order to address previous reasons for refusal and the garage block at units 24 – 25 was reduced from two storey to single storey by way of the removal of the first floor flat and the consequential reduction in footprint was achieved by reason of the removal of a garage space.
- 3.7. The plans were amended in accordance with these agreed changes and the application was submitted. Following a meeting during the application processing further amendments were made to address the previous main reason for refusal and comments of third parties. These amendments included the change of all units on the eastern boundary (19 – 23 inclusive) to single storey bungalows – house type V.
- 3.8. Around the new junction plots 1 – 4 have been amended to provide two bungalows (plots 1 and 4) and two 1.5 storey chalet style half hipped detached dwellings to replace the detached two and two and a half storey gabled dwellings previously proposed. Units 5 – 7 are retained as two storey units but they all now have full hips on their main elevations facing Ongar Road. Units 53 – 56 are two pairs of semi-detached houses and these have been amended to incorporate half hips to reduce their overall mass. The detached unit 57 – 59 has been amended to fully hip its roof slopes in order to reduce the silhouette of this building, which is located adjacent to the western boundary at the north western corner of the site.

- 3.9. Along the western boundary units such as plots 60, 61, 81, 82, 83 and 84 have been amended to provide half hips in lieu of gables and plots 67 and 80 as well as the units at 62-64 and 97-99 all have full hips in lieu of gables. A larger gap has been provided between plots 82 and 83 and the garages to plots 80 – 82 have been hipped.
- 3.10. On the southern boundary the land level of the site is elevated above Clapton Hall Lane. House types have been changes to reduce ridge heights and hips are again used on a number of properties (plots 26, 27 and 92) and half hips on plots 24 and 25, 93 and 94 and 95 and 96). The houses at plots 93 – 96 have been amended from two and half storey units to two storey units with consequential reductions in ridge height and vertical emphasis.
- 3.11. Within the site generally semi detached House Types C and D have been changed to a half hipped roof design and House Type P to a fully hipped main roof design. The area has a mixed collection of house styles with a mix of hips, gables and half hips throughout the area. In terms of roof design the proposal now have a much greater mix of roof styles ranging from hips to half hips to gables as opposed to the previous scheme, which proposed exclusively gabled roof designs.
- 3.12. In terms of clustering the affordable housing units have been re-organised on site and 4 of the new bungalows are proposed to be for affordable housing purposes.
- 3.13. Finally late amendments were submitted to change the three 2 bed flats above garages (FOGs) from two bedroom units to one bedroom units with inset balconies, these units would all be small relatively inexpensive open market units and the two FOG units previously used as affordable units would be replaced by a pair of semidetached 3 bedroom houses. This represents a significant enhancement on the original affordable housing offer when taken together with the four two bedroom bungalows previously offered.

#### **4.0 APPLICANTS CASE**

4.1 The application is accompanied by the following reports:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Landscape and Visual Assessment
- Tree Survey Report
- Ecological Appraisal
- Phase One Environmental Assessment
- Flood Risk Assessment
- Transport Assessment
- Noise and Air Quality Assessment
- Archaeological Desk Based Assessment
- Drainage and Services Report
- Site Waste Management Strategy
- Surface water Storage Requirements for Site
- Heads of Terms for any legal agreement
- Heritage Report

4.2 **Summary of applicant's case**

- This is a suitable and sustainable site for housing development, confirmed by the Council's published SHLAA (December 2010) and the range of detailed assessments carried out by Taylor Wimpey in connection with the preparation of the application. The SHLAA assesses the site to be suitable, available and deliverable for the scale of development proposed and this application is within the indicative timeframes for development set out in the assessment;
- The recent appeal decision remains a material consideration and the Inspector found the site to be suitable for residential development.
- The Council is currently unable to demonstrate a five-year supply of deliverable housing land as required by national planning policy. In these circumstances there is a presumption in favour of the grant of planning permission for sustainable development.
- The development site relates well to the existing residential area on the southern side of the town and is within walking distance of the town centre, local employment opportunities and sustainable transport options;
- The proposed development of the site will contribute towards meeting requirements for both general market housing and the local need for additional affordable housing. In turn, the occupants of the development will support local businesses and service providers, whilst also contributing to the local labour market. The Framework is clear that sustainable development should not be refused if it complies with its policies, and in this case it is considered that development is needed now in order to help maintain a five year supply of housing land;
- The infrastructure required for the proposed development will either be met on site, funded through the proposed section 106 undertaking or can be accommodated within existing capacity.
- Provision of a new children's play area within the site will not only benefit new residents, but also those within the vicinity of the site;
- The technical reports prepared as part of the application show that there are no physical or environmental constraints, which would restrict or prevent development of this site and mitigation solutions have been developed to ensure that the development has no adverse effect on protected species.
- The amendments incorporated into this application overcome previous reasons for refusal relating to context, amenity and heritage assets.

## **5 RELEVANT SITE HISTORY**

- 5.1. An outline application for 100 houses including details of access only (ref. UTT/1255/11/OP) was recommended for approval but refused on four grounds relating to the loss of and damage to the character of the countryside, failure to secure affordable housing, the inability of educational infrastructure to accommodate the development and the traffic generated by the development compromising the safety and convenience of road users.
- 5.2. That decision was the subject of an appeal, which was decided by way of a Hearing. The initial Hearing was adjourned due to issues with the notification of third parties and following resumption of the hearing the appeal was allowed.

- 5.3. In his decision the Inspector concluded that the site and development would be capable, subject to details, of comprising a sustainable form of development, would not cause traffic safety or flow issues (consistent with the decision of the Inspector at Ongar Road North, see later) and was entitled to benefit from the presumption in favour of sustainable development arising out of the shortfall in deliverable housing land which outweighed the contravention with Policy S7.
- 5.4. The decision to allow the appeal was the subject of a successful challenge having regard to the conduct of the Hearing. That decision to quash the appeal decision has now been made, it is understood that the Secretary of State's application for permission to appeal the decision to the Court of Appeal will be considered. It should also be noted that the Appellant would also have the opportunity to challenge the decision of the High Court in the Court of Appeal if they wish.
- 5.5. The appeal decision therefore is a material consideration however the last decision of the courts to quash the notice must be a factor that goes to the weight attributed to the decision.
- 5.6. It is pertinent to note that the Council cannot currently demonstrate a 5-year supply of housing. The 5-year land supply is a rolling target, which moves forward a year each April and therefore the Council must continue to monitor this delivery closely. The current trajectory anticipates a shortfall in provision in 2013/14; 2014/15 and also in 2019/20. This shortfall will need to be met within the 5-year period. Depending on the amount of housing commenced or built in 2013/14, which will not be confirmed until June 2014, the Council is therefore likely to find itself again with less than a 5-year supply of land. This means that applications for sustainable development outside development limits may need to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. It is assumed that the land supply currently stands at 4.6 years.
- 5.7. A full application for the erection of 100 houses at the site was submitted in 2013 (2013/1973) it contained identical access arrangements to the current application and a similar layout. However it contained a high proportion of 2.5 storey dwellings and no single storey dwellings. All buildings had gabled roof designs and tall buildings were located close to sensitive boundaries.
- 5.8. That application was refused planning permission for the following reasons:
  1. The proposal would fail to have proper regard to its context and site levels such that it would appear as an incongruous form of development introducing prominent buildings on this edge of town site in conflict with the existing form of development and contrary to Policies GEN2, therefore absent a satisfactory form of development for the site the proposal would cause harm to the countryside contrary to Policy S7 of the adopted Uttlesford Local Plan and the National Planning Policy Framework.
  2. The proposed dwelling at plot 23, by reason of the siting, orientation, levels and design, would lead to an unacceptable degree of overlooking and a loss of privacy to the occupiers of Crofters contrary to Policy GEN2 of the adopted Uttlesford Local Plan.
  3. The application makes no provision to secure the provision and retention of affordable housing needed to provide for local housing needs and as such would be contrary to the provisions of Policy H9 of the adopted Uttlesford Local Plan as well as the National Planning Policy Framework.

4. The application makes no satisfactory provisions to secure necessary infrastructure in terms of contributions to primary and secondary education, healthcare facilities, improvements to the Hoblong's junction, provision of travel packs and a travel plan contrary to the provisions of Policy GEN6 adopted Uttlesford Local Plan as well as the National Planning Policy Framework
- 5.9. Reasons 3 and 4 could have been overcome by way of a satisfactory section 106 undertaking; however it was the applicant's position at that time that secondary school contributions were not necessary.
- 5.10. It should be noted that no in principle objection was made to the erection of the 100 houses subject of that application at the same site.
- 5.11. That refusal of planning permission on detailed grounds is now the subject of an appeal that will be heard at Inquiry starting on 1 September 2014. The appellant has indicated that should the Council grant planning permission ahead of that Inquiry then they are minded to withdraw that appeal.
- 5.12. With regard to a site known as Ongar Road North, which lies to the north west of this site planning permission was refused (UTT/0733/11/OP) on 7 July 2011 for an outline scheme for 73 dwellings, with new access gained directly from Ongar Road. The application had all matters reserved except access. The application was refused as it was considered that it failed to meet Council's policies on countryside protection, ecology, highway safety/sustainable transport and Lifetime Homes.
- 5.13. The decision to refuse planning permission was the subject of an appeal, which was dismissed in February 2012 due to the Inspector concluding that the proposal did not comprise sustainable development. That decision predated the publication of the National Planning Policy Framework.
- 5.14. Following that decision an alternative scheme was submitted (UTT/1147/12/OP) in May 2012 for 73 houses and access from Ongar Road. That application was refused on the grounds that the site was located outside the settlement limits within the countryside, an unsustainable location for new development and no justification for development to take place in this location; as such the proposal was contrary to Policy S7. An appeal against that decision was allowed on 21 January 2013.
- 5.15. A subsequent application to approve reserved matter at that site submitted in March 2013 (UTT/13/0525/DFO) was refused because a significant number of the gardens had sizes that were deficient compared to the Essex Design Guide requirements.

## **6 POLICIES**

### **6.1. National Policies**

- National Planning Policy Framework
- National Planning Practice Guidance

### **6.2. Uttlesford District Local Plan 2005**

- ULP Policy S1: Development Limits
- ULP Policy S7: The Countryside
- ULP Policy GEN1: Access
- ULP Policy GEN2: Design

- ULP Policy GEN3: Flood Protection
- ULP Policy GEN6: Infrastructure Provision to Support Development
- ULP Policy GEN7: Nature Conservation
- ULP Policy GEN8: Vehicle Parking Standards
- ULP Policy E4: Farm Diversification: Alternative use of Farmland
- ULP Policy ENV2: Development affecting Listed Buildings
- ULP Policy ENV5: Protection of agricultural land
- ULP Policy ENV10: Noise Sensitive Development
- ULP Policy ENV13: Exposure to poor air quality
- ULP Policy ENV15: Renewable Energy
- ULP Policy H9: Affordable Housing
- ULP Policy H10: Housing Mix

### **6.3. Supplementary Planning Guidance**

- SPD2 Accessible Homes and Playspace
- SPD4 Energy Efficiency and Renewable Energy
- Essex Design Guide
- ECC Parking Standards (Design & Good Practice) September 2009

### **6.4. Uttlesford District DRAFT Local Plan**

- 6.5. The Local Plan is at mid stage of preparation and a revised Pre Submissions consultation draft Local Plan providing enhanced housing number over the plan period is the subject of consultation until 2 June 2014. Submission is anticipated in July 2014. Following examination commencing in October 2014 it is expected that the emerging Local Plan would be adopted in February 2015.
- 6.6. The plan, insofar as it relates to this site, can be attributed moderate weight at this stage as the allocation of the site is consistent with the Council's Housing trajectory, a previous outline planning permission (yet to be revoked) and the decision of the Council in respect of application 2013/1979, however, the pre submission version is the subject of further consultation and the plan has yet to be tested in examination.
- 6.7. In terms of that document it should be noted that the key spatial strategy states:
- New sites for residential development are allocated to the south and west of the town.*
- 6.8. Chapter 11 and policy SP6 then sets an annual requirement for 523 dwellings to be supplied over the plan period (2011 – 2031) and sites of 15+ units to provide for 40% on site affordable housing provision. Policy SP7 then acknowledges that a minimum of 1350 new dwellings are to be provided on the north west and southern edges of Great Dunmow.
- 6.9. Great Dunmow Policy 7 seeks to allocate the site the subject of this application subject to provision of at least 5% elderly person and 1 and 2 bed bungalows across tenure, play areas, contributions to mitigate impact on the existing community.

### **7.0 TOWN COUNCIL COMMENTS**

- 7.1. Object: This application refers to land outside the designated development limits and the Town Council does not accept that there is a deficit on the five year supply of deliverable housing. Full details are at 9.3.



## **8.0 CONSULTATIONS**

### **Highways Agency**

- 8.1. No highway objections are raised to the proposal. The Highways Agency does not intend to issue a Highways Agency direction as the application of itself is unlikely to materially impact on the A120 road at this location or Junction 8 of the M11.

### **NATS Safeguarding**

- 8.2. The proposal has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly raise no safeguarding objection.

### **Airside OPS Limited**

- 8.3. No aerodrome-safeguarding objection subject to the submission of a Bird Hazard Management Plan, which can be secured by condition.

### **Environment Agency**

- 8.4. No objections in principle. Application site lies within Flood Zone 1 defined by Technical Guide to the NPPF as having a low probability of flooding. However, the proposed scale of development may present risks of flooding on site and/or off site if surface water run-off is not effectively managed. A Flood Risk Assessment has been submitted in support of the application. The Environment Agency has no objections to the proposed development on surface water flood risk grounds based upon the information provided. Waste generation should be considered as early as possible in the property design phase to ensure that minimal volumes of waste arise during the construction of the development and water efficiency measures should be planned into the development. No objection subject to conditions

### **Water Authority (Anglia Water)**

- 8.5. The local sewerage treatment works and foul sewerage network have sufficient capacity to accommodate the new development subject to discharge rates not exceeding 3.8 litres per second via a pumped regime.

### **Natural England**

- 8.6. Refer to our comments on application 2013/01979. The proposal does not appear to significantly affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils. The protected species survey has identified that the following protected species may be affected by this application: Bats and Great Crested Newts. However subject to the imposition of conditions no objection is raised pursuant to the surveys submitted by the applicant. This application may provide opportunities to incorporate features into the design that are beneficial to wildlife and these measures should be secured from the applicant.

### **Essex County Council Highways**

- 8.7. The access design was developed following discussions during the previous application between the applicant and the Highway Authority utilising the existing Clapton Hall Lane arm of the B184 roundabout into the site segregating the existing access for Nos. 1-7 Clapton Hall Lane from the new access road and this is considered acceptable.

8.8. The roundabout has no record of Personal Injury Accidents (PIA's) and the applicant's Transport Assessment demonstrates to the satisfaction of the Highway Authority that there is plenty of spare capacity.

8.9. The Highway Authority would not wish to raise an objection to the above application subject to the following highway conditions:

- Provision of turning and loading facilities etc within the site
- An appropriate construction access
- Parking area during construction
- Wheel washing etc
- Means of preventing surface water discharge onto highway
- Subsequent approval of details of the provision of highway works to provide an appropriate access into the site from the Ongar Road/Clapton Hall Lane/ Lukin's Drive roundabout along with the access amendments for Nos. 1-7 Clapton Hall Lane
- Compliance with Essex Design Guide highway standards
- Provision of bus stop improvements along Chelmsford Road
- Compliance with adopted parking standards

8.10. Section 106 obligations as follows :

- Financial contribution of £27,183.00 toward investigation and works to improve capacity at the B184 Chelmsford Road with the B1256 Hobblings junction
- Residential Travel Information Packs
- A Residential Travel Plan

#### **Essex County Council - Archaeology**

8.11. The site lies within an area of archaeological importance to the south west of Great Dunmow and to the west of an area of prehistoric deposits. A condition is proposed to require trial trenches and open area excavation ahead of any works including preliminary ground works.

#### **Essex County Council - Ecology**

8.12. Subject to the imposition of conditions no objections are raised (comments from application 2013/1979).

#### **Essex County Council - SUDS**

8.13. No objections raised to the FRA subject to the Standing Advice Note

#### **Essex Police**

8.14. No objection subject to imposition of conditions

#### **Essex County Council - Education**

8.15. There are likely to be sufficient preschool places to serve the needs of the development. However primary and secondary provision in the area is likely to be at or beyond capacity and therefore contributions are required to mitigate the impact of the

development. Contributions are calculated in accordance with the 2010 Developers Guide to Infrastructure Contributions and the Education Contribution Guidelines Supplement July 2010. If the development results in a net increase of 93 dwellings of two or more bedrooms contributions of:

£286,194.00 – toward primary education and  
£289,854.00 – toward secondary education would be sought.  
£576,048.00 - Total

### **Sport England**

8.16. No comment.

### **Uttlesford Access and Equalities Officer**

8.17. Please confirm that there will be level access to each dwelling on this site and that there will be no stepped access. I have reviewed the various house types and note that from the drawings submitted, house types N, R and R3 show no through floor lift space being identified. There is no mention of the plots to be Wheelchair Accessible plots, these need to be identified and there needs to be provision for 5. These need to be provided across both tenures.

8.18. **Note:** The threshold to each unit will be flat to accord with Part M of the Building Regulations. The revised plans show wheelchair accessible plots including seven two-bedroom bungalows of which four are affordable units.

### **Uttlesford Housing Enabling Officer**

8.19. I am pleased to confirm the size and tenure mix together with the location of each plot of affordable homes meets the Council's policies and I appreciate the changes Taylor Wimpey have made with regards to the flats over garage (FOG) property types on plots 39 and 85 which were not suitable for affordable homes. I accept the 2X3 bed properties, plots 95 and 96 as suitable alternative properties under the affordable housing banner.

### **NHS Property Services**

8.20. Raise a holding objection to the proposal, as the development of 99 new dwellings is likely to have a significant impact on the NHS funding programme for the delivery of healthcare within this area.

8.21. There is a capacity deficit in the catchment surgeries and a developer contribution of **£16,800.00**, required to mitigate the 'capital cost' to the NHS for the provision of additional healthcare services arising directly as a result of the development proposal, is sought.

## **9.0 REPRESENTATIONS**

9.1. The application has been advertised by means of letters of notification, site notices and a press notice. **170** letters of representation have been received in respect of the original receipt of the application some comprise multiple replies from the same address, however this does not diminish the weight that should be given to any material planning considerations raised. A petition has also been sent to the Council however it appears to be an on line document and no signatures are attached.

## 9.2. The Dunmow Society

- Site is outside the settlement limits on countryside and will lead to the loss of such land contrary to Policy S7. The proposed Market housing does not need to be located in the countryside and will harm the character of the area which policy seeks to protect for its own sake
- The proposal would not be able to address local infrastructure shortages such as in education, healthcare and the local highway network contrary to Policy GEN6 and the Guide to Infrastructure Contributions.
- Unacceptable level of traffic generation that will adversely impact on road safety and convenience contrary to Policy GEN1.
- Poor visibility at the proposed roundabout junction
- The scheme is too dense and provides insufficient car parking
- Affordable housing is provided for the benefit of nonresidents of the District

## 9.3. Great Dunmow Town Council

The Council resolved to object strongly on the following grounds:

- Inconsistencies in the plan approach do not assist local councils and the status of a five year supply should not override local concerns
- The Town permitted built sites amounting to 1090 dwellings. The shortfall is caused not by a lack of sites but unwillingness to deliver by a developer. The GDTC does not accept that the Council is correct to assert that there is a five year under supply of available housing sites.
- Outside the development limits contrary to Policy S7 which seeks to protect the countryside for its own sake.
- Would prejudice the Local Plan Consultation and it is noted that this site was not included as a draft allocation because of its negative score in the Sustainability Appraisal
- Unsustainable form of development contrary to the social, economic and environmental strands
- Adverse impact on neighbouring dwellings
- Damages the historic settlement pattern of Great Dunmow
- Will lead to the loss of 4 hectares of Grade 2 Agricultural Land which comprises the best and most versatile land
- The Traffic Analysis submitted with the application is inadequate and does not provide a sound basis for a safe decision
- No healthcare or secondary education provision made

## 9.4. Great Dunmow Neighbourhood Plan Steering Group

No specific response has been received to this application but the summary comments made in respect of application 2013/1979 are reproduced below:

- The development of this site is not envisaged in the draft Local Plan and Sustainability Appraisal and was refused in 2011. The site is of significance to the town and its development would set an entirely negative precedent and is contrary to the emerging Neighbourhood Plan.
- Will adversely affect the rural agricultural setting of Dunmow contrary to the Town Design Statement 2008
- Adversely impacts on the setting of Crofters a Grade 2 listed building
- Poorly designed scheme
- A significant part of the site is blighted by noise from the motorway and trunk road

## 9.5. Additional points

- In reality everyone drives in this area and the junctions are incapable of providing the additional capacity required
- There is no need for this development
- The site is surrounded by good quality low rise low density properties that will be overwhelmed by the proposed development
- Cramped site layout
- The bridleway will encourage quad bikes and noise
- Unacceptable loss of Greenfield site
- Great Crested Newts from Oaklands will be adversely affected by the development
- The site has been overwhelmingly rejected as a potential development site by residents and town council in questionnaires and at planning consultations well before Taylor Wimpey's planning application.
- The loss of the field and far reaching vistas beyond has been underplayed. UDC commissioned a report which recommended that the views from one side of a valley to another should be protected. In this case the Roding Plateau is considered special and it was recommended that the views from one side of the valley to the other should be protected and remain visible. Furthermore, the massive investment by Highways to sink the A120 to help retain these vistas will be wasted. At the time of building the A120 the Planning Inspector advised Dunmow residents that the A120 would not form the boundary of the town.
- Residents do not agree with the design and the design does not reflect the rural and semi rural environment that exists. This is compounded by the raised height of the field and the proximity to the edge of Clapton Hall lane
- Unacceptable loss of attractive agricultural land
- This is another housing estate which is not needed in Dunmow
- There is far too little parking on the proposed estate as every working adult will need a car to get to work as public transport in Dunmow is almost non existent.
- The access to the estate is inadequate as this will soon be clogged with parked cars.
- Local services such as the doctors' surgeries struggle now to cope with the number of people in Dunmow, never mind hundreds more. The local primary schools are full and the comprehensive far too large and cannot cope with more children.
- Recent studies indicate that there will be future water shortages in this part of the country and the proposed plans do not indicate any water storage facilities for these houses or how they will use grey water for flushing toilets etc.
- Woodlands Park will provide for the needs of Dunmow
- Where will the children play and how will they get to school?
- The existing volume and tonnage of vehicles passing through the town are detrimental to the amenity of existing residents any increase would exacerbate this harm
- The proposed site has been farmed for at least 60 years with good management. It is Grade 2 (excellent) arable land providing much needed crops. This land forms an attractive entrance to Great Dunmow when travelling from the West.
- Despite an exhibition and a poorly managed design workshop, virtually nothing has been incorporated into the proposed plan and layout in response to residents' concerns apart from a few cosmetic changes to layout. Adjoining Clapton Hall Lane, proposed housing has an overbearing presence on existing properties due to house design, unit density, proximity to the lane and the fact that the site is at an increased elevation above existing properties
- Adverse impact on the setting of Crofters a Grade 2 Listed Building
- Major development should not be contemplated in Great Dunmow until the council is satisfied that key infrastructure issues such as water supply, sewage treatment have been addressed. There are general concerns also, which I share, that key

demographic information is lacking with regard to provision of education facilities. A key element of this is that, 'pro tem', children of families living in any new development on this site will necessarily have to be bussed through the town to existing primary schools and to the Helena Romanes School and Sixth Form Centre. A pick-up and dropping-off point/bus-bay will be required on the Ongar Road itself.

- High quality agricultural land, and far reaching countryside vistas would be lost unnecessarily in exchange for an estate of 2 and 3 storey houses that do nothing to protect the character of the countryside

9.6. Uttlesford Ramblers do not accept the proposed open space will compensate for existing rights of way.

9.7. Following the receipt of amended plans a further consultation was undertaken. At the time of preparing this report having allowed 14 days for responses no further responses had been received. Any responses received ahead of the committee will be reported orally.

## **10 APPRAISAL**

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

- A. The principle of development in this location (NPPF and ULP Policies S1, S7 and ENV5)
- B. The Impact of the development on the Character and Appearance of the Area (NPPF and ULP Policies S7 and GEN2)
- C. Impact of the Development on the Setting of Heritage Assets (NPPF and ULP Policy ENV2)
- D. Impact on the Amenity of Occupiers of Neighbouring Properties (NPPF and Policy GEN2)
- E. Amenity of Future Occupiers (NPPF and ULP Policy GEN2 and Essex Design Guide)
- F. Mix of housing and affordable housing (NPPF and ULP Policies H9 and 10)
- G. Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice, updated by Uttlesford Local Residential Parking Standards, 2013)
- H. Is this a Sustainable Form of Development? (NPPF and SPD4 Energy Efficiency and Renewable Energy)
- I. Infrastructure provision to support the development (NPPF and ULP Policy GEN6)
- J. Drainage, noise and pollution issues (NPPF and ULP Policies GEN3, GEN4, ENV10, ENV11, ENV13)
- K. Impacts on biodiversity and archaeology (NPPF and ULP Policy GEN7, ENV8, ENV4)

### **A The principle of development in this location**

10.1. The site is located outside the development limits and is therefore located within the countryside, an area where there is a presumption against development except for that

which needs to take place there.

- 10.2. Residential development would not normally be permitted outside development limits for housing, although an exception to policy can be made for proposals for affordable housing when supported by a Registered Provider. This scheme is for 99 residential units of which 40 would be affordable and the remainder would be market housing.
- 10.3. The NPPF sets a presumption in favour of sustainable development which means approving development which accords with the development plan; and where the relevant policies in the development plan are out of date, granting permission for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 10.4. The NPPF requires Councils to maintain a 5-year supply of deliverable housing land with an additional buffer of 5% (as established in the recent Fritch Green appeal decision) to ensure choice and competition in the market for land.
- 10.5. The 5-year land supply is a rolling target, which moves forward a year each April and therefore the Council must continue to monitor this delivery closely. The current trajectory anticipates a shortfall in provision in 2013/14; 2014/15 and also in 2019/20. This shortfall will need to be met within the 5-year period. Depending on the amount of housing commenced or built in 2013/14, which will not be confirmed until June 2014, the Council therefore considers that it again has less than a 5-year supply of land – approximately 4.6 years supply. This means that applications for sustainable development outside development limits may need to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing.
- 10.6. Therefore policies of constraint such as those relating to the protection of settlement limits and the countryside may well carry less weight given the Council may not be able to demonstrate a five year supply of deliverable housing land and does not have in place an up to date development plan that allocates sites for at least the next five years. In any case sites relied upon to deliver the five-year supply of housing breach policies of restraint such as S7.
- 10.7. The development of the application site is programmed in the housing trajectory to come forward in the short term and there are no obvious barriers to delivery from the site.
- 10.8. Consideration must be given to establish whether the site is sustainable for residential development and whether the development proposed can be considered to be sustainable and thus benefit from the presumption set out in the Framework.
- 10.9. As established the site lies outside the development limits of Great Dunmow. The boundary of the development limits of the settlement run along the northern side of Ongar Road to the north of the site and to the east of Clapton Hall Lane along the eastern side of the site. The other two boundaries are with open countryside.
- 10.10. The site has its northern boundary to Ongar Road facing existing and established residential development comprising a row of bungalows interspersed with the occasional chalet bungalow. Behind, to the north of, these bungalows is an estate development of two storey dwellings accessed from Lukin's Drive that are located within the development limits of the settlement. The eastern boundary with Clapton

Hall Lane is framed by a row of houses comprising a mix of bungalows chalet bungalows and two storey houses. In addition, and exceptionally for the area, there is also a two and a half storey house that comprises a Grade 2 Listed Building (Crofters). To the east of (i.e. behind) the houses fronting Clapton Hall Lane are open fields comprising a protected Landscape Area and allocated Employment Land both within the settlement development limits.

- 10.11. The southern boundary is largely open with a late twentieth century detached two-storey house with low eaves and ridge height occupying the north most part of this boundary. The western boundary again appears mostly open with the curtilage of Oaklands, a chalet bungalow, occupying the northernmost two thirds of the boundary. To the west of this boundary lies three more bungalows and running northwest – south east beyond them is the A120 trunk road.
- 10.12. The character of this part of Great Dunmow is urban fringe with the town petering out before it reaches the A120. Dwellinghouses become more irregular in siting and location such as Oaklands, Tiggers etc.) or whilst maintaining a regular pattern of siting become less prominent via their scale (see the bungalows on the northern side of Ongar Road) or combine an element of both these characteristics in terms of Clapton Hall Lane travelling from north to south.
- 10.13. The Council's *Historic Settlement Character Assessment* (2007) indicates that the land forms part of the wider visual landscape, concluding that development of this area, whilst not affecting the historic core, would diminish the sense of place and local distinctiveness. The loss of the rural appearance and quality of this site could also detrimentally affect entry into the town from the west, along Ongar Road. An appeal decision concerning housing on land to the north west of the site dated February 2012, concluded, inter alia, that this part of Ongar Road provides a cut-off between town and countryside.
- 10.14. The impact of the proposed housing would be minimised by the existing mature landscaping along approximately 75% of the northern perimeter and it is proposed to retain and enhance this landscaping if development was to be permitted.
- 10.15. The proposals therefore have to be considered in the context of not maintaining a five-year supply of housing and less weight being attributed to policies that restrain housing growth, such as S7 (albeit such policies are broadly consistent with the Framework).
- 10.16. The proposal would clearly lead to the loss of existing countryside formed by the open arable field that comprises the application site. Clearly there are local views over the site and it can be appreciated as part of the wider countryside. These views are most notably from the north east and east. The development of the site would not materially impinge on the parkland setting of Great Dunmow, any loss would be more localised. Therefore, the proposal would not have regard to the intrinsic beauty and character of this part of the countryside of which the application site forms part.
- 10.17. The site is contained on two sides by existing residential development and a third side contains some more sporadic existing residential development. Therefore the consequence of the grant of permission for housing on this site would be residential development that does not extend further west than existing residential development within the town and Development Boundary (i.e. the development along the north of Ongar Road to no. 60 and also within the Lukin's Drive development) and does not extend further south than existing residential development that fronts Clapton Hall Lane ending in 19 Clapton Hall Lane (Crofters) which comprises the edge of the town and Development Limits of Great Dunmow.



10.18. Therefore, whilst clearly contrary to the provisions of Policy S7 of the adopted Local Plan, which is in general conformity with the provisions of the Framework, it is material to note that in general townscape terms the development of the site would be contained on two sides by the existing development limits of the settlement (north and east) and would not protrude outwards beyond existing established development limits (west and south).

10.19. Given this level of containment the application site would not lead to the loss of land that is part of the open countryside beyond the confines of the settlement and its influence. In his decision on the previous outline application at appeal the Inspector concluded:

*The main detrimental effect would be the loss of the open vista from Clapton Hall Lane and around the Ongar Road roundabout. This has a value, recognised in the Historic Settlement Character Assessment, and helps to provide a visual connection between the urban areas and the wider countryside. However, this aspect is not of overwhelming importance. The field itself is relatively featureless, with limited intrinsic landscape value, and it is surrounded on two sides by residential development. The view of the countryside beyond, whilst characteristic of the wider area, is not subject to any special landscape status. There would be the potential, in the detailed design of a new scheme, to ameliorate the impact of the new development by the use of landscaping, and to replace the present openness with a sense of containment. Changes to the area would not necessarily have a significant negative impact on its character.*

10.20. That decision remains a material consideration and it is to be noted that the legal proceedings around that decision challenge procedural matters and not the findings of the Inspector. Giving additional weight to these findings are the following two facts:

- The Council relies on the provision of circa 100 houses from this site to form part of its housing land supply figure (i.e. without this site the Council's up to date supply would be less than 4.6 years).
- The previous application was refused on detailed grounds and not on grounds related to the principle of developing the land

10.21. The site is located on Agricultural Lane within Classification 2, which comprises the best and most versatile land (Grades 1, 2 and 3a). Given all land in Uttlesford would fall within the definition of best and most versatile land with the vast majority in Grade 2 it is not considered that an objection on the loss of such land could be sustained in the circumstance of the Council being unable to demonstrate a five year supply of deliverable housing land.

10.22. Accordingly it is not considered that the current proposal can be resisted on grounds relating to the principle of development on this site.

## **B Impact on the Character and Appearance of the Area**

10.23. It now falls to consider the details of the siting of the scheme. The northern boundary features outward facing dwellings fronting an internal access road or driveways to the west (i.e. plots 5 to 7 and 54 to 59) or an internal footpath (plots 1 to 4). All these plots are proposed to be located behind structural landscaping which would be a mix of existing and reinforced landscaping in terms of plots 5 to 7 and 54 to 59 but would be largely new planting in terms of plots 1 to 4.

- 10.24. The outward looking nature of this part of the development is welcomed and reflects the orientation of dwellings on the northern side of the road. The degree of spacing is less regular than on the northern side of the road but the proposal incorporates more generous spacing between buildings overall and this is a welcome and positive divergence from the pattern of development opposite.
- 10.25. The approach to the eastern boundary with Clapton Hall Lane is less formal and more spacious than that fronting Ongar Road, which to a degree reflects the differences between the these two roads and their appearances. The scheme proposes two bungalows fronting Clapton Hall Lane (i.e. plots 20 and 21) and three bungalows with their side elevations facing the lane (such as plots 19, 22 and 23). Landscaping is proposed along the road frontage. In principle such an approach to siting is welcome and responds positively to local context.
- 10.26. The outward looking nature of the development along Ongar Road is continued on the western and southern boundaries of the site along its countryside boundaries. The southern boundary with Clapton Hall Lane is elevated above local land levels with the eastern part of this boundary some 1 metre above road level rising in the western part to over 1.5 metres.
- 10.27. Between the proposed housing at plots 24 – 27 and 92 - 96 and the southern boundary an 8 metres wide landscape corridor incorporating swales and a bridleway (in part) is proposed. There are reservations about the true width of the landscape corridor given the obvious conflict between maintaining an open accessible bridleway and planting any landscaping and any conflicts between the proposed swales and maintaining structural landscaping. Such an approach in siting terms, subject to addressing any conflicts and a detailed landscaping proposal, represents an acceptable response to the local context softening the impact of the development on one of the countryside boundaries.
- 10.28. The western boundary is again characterised by outward looking dwellings that provide surveillance to the proposed access road and bridleway beyond. Plots 60 – 63 and plot 67 as well as plots 80 – 84 all front the western boundary of the appeal site. These houses are all sited between 14 and 22 metres away from the boundary and between the houses there are proposed to be an access road (4- 5 metres wide) a bridleway (3 meters wide) and the existing ditch (4 metres wide) which runs within the site boundary. Whilst there would appear to be limited opportunities for meaningful additional landscaping save to separate the bridleway and access road the removal of dead trees within and on the ditch side may well present new opportunities to increase screening along this part of the boundary and the combination of planting along the boundary will form a significant structural landscape boundary to the settlement (see Soft Landscape Proposals Plan 13.1705.02).
- 10.29. Whilst it is disappointing to note the relative proximity of Plot 58/ 59 to the side boundary (10 – 11.5 metres) overall the approach to this siting of dwellings along boundary in siting terms is not harmful.
- 10.30. In siting terms the internal arrangements within the site are successful and compare favourably with estate development in the area and the requirements of the Essex Design Guide. The central amenity green incorporating a Local Equipped Area for Play (LEAP) is noted and welcomed, as is the role of structural landscaping in this area to green the site.
- 10.31. The siting of the proposed development is to welcome and broadly follows the

approach in the previous scheme to which no objection was raised.

10.32. Overall the scale and impact of the proposed houses was much less successful in the previous scheme and also in the original plans. Drawing 12/030/156B now shows the approach to storey heights at site. The existing area is characterised by a mixture of single storey and two storey dwellings. Of the 28 dwellings facing onto the application site (including Oaklands) the mix in terms of storey heights is:

<b>Storey Height</b>	<b>Percentage</b>
1	64%
1.5	21%
2	12%
2.5	3%

10.33. Taking the proposed buildings facing these properties along Clapton Hall Lane and Ongar Road the proposed mix in storey heights is:

<b>Storey Height</b>	<b>Percentage</b>
1	41%
1.5	12%
2	47%
2.5	0%

10.34. The proposed mix of dwellings together with the use of hips and half hips has led to a scheme that respects and harmonises with its context. In particular the streetscene along the eastern boundary would be exclusively single storey, which responds positively to the context given the strong dominance of bungalows in this existing streetscene.

10.35. Another positive change from the plans originally submitted has been the use of bungalows and 1.5 storey dwellings fronting onto the roundabout junction (plots 1 – 4). This serves to reinforce the strong pattern of single and 1.5 storey development in the area.

10.36. The presence of existing and proposed reinforced landscaping along the other parts of the northern boundary together with the use of hipped roof designs would make the use of two storey properties in this area complementary to the existing streetscene providing both a degree of space and reduced building silhouettes that will assist in harmonising with the existing mixed streetscene.

10.37. Overall the proposed development will provide a satisfactory response to the overall context, which is informed by more than just the dwellings fronting Ongar Road and Clapton Hall Lane. For instance the dwellings that sit behind 30 – 60 Ongar Road comprise an estate of late twentieth century housing predominately two storey in height arranged around Lukins Drive. Looking at an area of land from Ongar Road northwards as deep as the application site stretches south including the houses fronting Ongar Road and the houses in Lukins Drive it is estimated that the mix of storey heights is:

<b>Storey Height</b>	<b>Percentage</b>
1	10%
1.5	10%
2	75%
2.5	5%

10.38.Overall the proposed development comprises a mix of 1, 1.5, 2 and 2.5 storey dwellings. The storey heights as proposed are:

Storey Height	Percentage
1	7%
1.5	2%
2	78%
2.5	12%

10.39.The overall scale of the proposed development would therefore compare favourably to the local context both in terms of analysing the street frontages and the development overall.

10.40.I therefore consider that the proposed development will integrate with its urban fringe context successfully given the scale and spacing of dwellings both fronting Ongar Road and Clapton Hall Lane as well as throughout the site.

10.41.The amendments to properties along the western boundary have removed all 2.5 storey dwellings fronting this countryside boundary. Space between buildings has also been increased and the use of hips and half hips to the proposed buildings also assists in creating a sense of space along this boundary allowing viewed into and out of the site and views of landscaping beyond dwellings within and outside the site to form part of its context.

10.42.The effect of amendments on the southern boundary have been to remove a large two storey flat and garage block, reduce ridge heights, remove two and a half storey properties and hip roofs. These amendments taken together with the generous spaces between the properties fronting this part of the site (i.e. 12 metres between plots 26 and 27; 10 metres between plots 27 and 92 and 12 metres between plots 92 and 93) all serve to present a sensitive response to this countryside boundary

10.43.As such, the proposed development would comply with Policy GEN2(a) insofar as it would be compatible with the scale, form and appearance of surrounding buildings. The Framework advises that good design is a key element of sustainable development (56). It is considered that the proposed development for the foregoing reasons would respond to local character and reflect the identity of local surroundings and therefore accords with policies of the adopted local plan which are consistent with the Framework as well as the Framework itself.

10.44.Furthermore, on balance the development of the fringes of the site by reason of the use of space, set back, scale and landscaping will provide a sensitive response to the countryside edge and whilst the development will be visible from the countryside to the south because of its elevated nature it will be viewed in the context of other buildings in the area and an open backdrop to existing buildings on higher ground (Ongar Road). Therefore the proposed development would provide a suitable edge to the settlement with space and building scale providing a suitable low-density boundary for the settlement. Whilst the development of the site must conflict with policy S7 of the local plan and its appearance would harm the particular character and appearance of the countryside within which the application site is set, it is not considered that the proposed layout and design of the development site would provide an unsuitable edge to the settlement given the issue of principle has already been established.

## **C Impact on the Setting of Heritage Assets**

- 10.45. Two Grade 2 Listed Buildings are located close to the application site. The Gatehouse fronts Ongar Road just to the east of the roundabout junction with Clapton Hall Lane. The proposed developments is separated from that building by the modern housing that already fronts Clapton Hall Lane and a series of single storey outbuildings that wrap around the southeastern limb of the roundabout junction.
- 10.46. The setting of gatehouse is already suburban with modern estate development in the form of David Wright Close directly opposite that building. It is not considered that the proposed development will have any material impact on the setting of Gatehouse.
- 10.47. Crofters (No. 19 Clapton Hall Lane) is located close to the southeastern part of the application site on land below the level of the application site. The closest buildings proposed to the Listed Building are the single-storey garages to plots 24 and 25 and the bungalow at plot 23.
- 10.48. The applicant's approach has been to locate single storey houses along the eastern boundary and to try and introduce some space between dwellings. The report addresses the impact of this approach in section A in terms of the wider context. Plot 23 comprises the closest single-family dwellinghouse. The combination of its overall height (5 metres to ridge) and level mean the proposed building will have a ridge level over 2.2 meters below that of Crofters.
- 10.49. The previous Inspector concluded that the present openness of the application site did not especially contribute toward the setting of the Listed Building and that the development of the site would preserve the special historic and architectural character of Crofters and Gatehouse.
- 10.50. In this case it is considered that the amendment to house types fronting Clapton Hall Lane resulting in significant reductions in height and scale of those buildings will overcome objections previously raised in respect of the preservation of the setting of the Listed Building. The proposals will preserve the special historic and architectural character of Crofters in accordance with the duty under the act and the policies of the Framework.

## **D Impact on the Amenity of Neighbouring Properties**

- 10.51. Whilst there are some height differences between existing houses facing the application site and two storey houses proposed on the site, those houses are generally located some distance apart and have front to front relationships. For instance the houses in Ongar Road and those proposed facing them are sited between 26 metres and 43 metres apart.
- 10.52. Such a degree of separation, across the road and with intervening existing and proposed landscaping, will ensure that the amenities of the occupiers of properties in Ongar Road are protected.
- 10.53. Similar conclusions can be reached in the main for properties in Clapton Hall Lane despite the proposed buildings being sited closer to the existing properties. The use of buildings that present their flank elevation to this boundary (plots 19, 22 and 23) also assists in presenting a more open boundary and removing the potential for overlooking. The remaining properties at plots 20 and 21 are single storey and do not feature any roof lights or dormers, as such there is no undue overlooking of neighbouring properties.
- 10.54. The second reason for refusal on the previous scheme related to overlooking from a

two storey building into the garden of Crofters. That has been addressed in the amended scheme by the use of a re orientated single storey dwelling that will not lead to overlooking of any neighboring garden.

10.55. Accordingly, it is considered that the proposed development would not lead to harm to the amenity of occupiers of Crofters or any neighbouring properties and as such it would not conflict with the provisions of Policy GEN2 of the adopted Uttlesford Local Plan.

10.56. With regard to the western boundary only one property shares that boundary, it is known as Oaklands. Oaklands has an extensive curtilage and properties fronting this boundary are separated by a landscaping corridor and access road. Separation distances from the front elevation of plots 68 and 81 – 85 and the side boundary to the rear garden of Oaklands range from 14 – 19 metres and include a wide belt of existing landscaping which is proposed to be supplemented as part of the proposed landscape strategy.

10.57. It is considered that the relationship of the development to properties beyond the western boundary is acceptable.

## **E Amenity of Future Occupiers**

10.58. All dwellings are provided with satisfactory private rear gardens. All gardens exceed the Essex Design Guide requirements in terms of size. Average garden space for three bedroom units exceeds the 100 sq metre requirement, and there are notable excesses in terms of some of the two bedroom units with gardens to the two bedroom bungalows averaging 130 square metres.

10.59. The Flats over garages are now all one-bedroom open market dwellings and each comes with a six square metre inset balcony.

10.60. Back to back distances and orientation of units to one another are considered to be satisfactory such that units do not lead to significant amenity issues for occupiers of other proposed houses.

10.61. Car parking for individual units is largely provided within or adjacent to the curtilage of the proposed dwelling. The exceptions are the small parking courts to plots 85 – 87 and 99 and 35 - 37. However these spaces are provided in close proximity to the dwelling they serve. Other spaces are not immediately adjacent to the plots they serve, such as car parking spaces for plots i.e. 31, 51, 54, 69; however these spaces are typically located within 12 metres of the front door and/ or have direct access into the rear garden of the property.

10.62. Fifteen visitor car parking spaces are provided centrally within the site.

10.63. A central amenity green is provided incorporating a Local Equipped Area of Play (LEAP) no details of this area and the equipment are provided with the application. However such matters can be the subject of a suitably worded condition and there is adequate space to accommodate such equipment together with landscaping.

10.64. The landscape strategy plan was amended following concerns about the level of planting between buildings in some of the larger rear gardens. The applicant considered such matters could be the subject of conditions however given they include landscaping within their description of development and include a landscape strategy plan it was considered important that the overall strategy is reflected on this plan. The

inclusion of more planting between buildings is considered to improve the overall appearance of the site and assist in breaking up the hard materials used on the buildings and hardsurfaces.

10.65.All buildings are designed to meet Lifetime Homes requirements and potential through lift facilities can be incorporated on house types A N and R.

10.66.Overall satisfactory living conditions and amenity are considered to be provided for future occupants.

**F Mix of housing and affordable housing**

10.67.The proposed development comprises a scheme of family dwellinghouses with six one-bedroom units mixed in. Otherwise the scheme comprises a satisfactory mix of units as detailed below:

	1 bed	2 beds	3 beds	4+ beds
Proposed Overall	6	28	46	19
Affordable Mix	6	18	16	0

10.68.Policy H10 requires all new development on sites of 0.1 hectares and above to include a significant proportion of market housing comprising small properties. Paragraph 6.10 defines smaller houses as 2 and 3 bedroom market houses. The percentage mix of market houses is set out below:

	1 bed	2 beds	3 beds	4+ beds
Overall Housing Mix	6%	28%	47%	19%
Market Housing Mix	0%	18%	51%	32%

10.69.It is considered that the proposed mix of market housing with 69% allocated to smaller dwellings would satisfy local need and the terms of Policy H10 and the mix of affordable intermediate units accords with the requirements of the Council’s Housing Officer. Of particular note is the provision of four of the proposed bungalows as affordable units.

10.70.It is common ground that 40% affordable housing is necessary to meet the policy requirement and the housing should be split 70:30 between rental and split ownership.

10.71.Any failure to provide an undertaking to secure the satisfactory provision and retention of housing would comprise a reason to refuse planning permission. However the applicant has already indicated willingness to accord with these requirements.

10.72.Whilst the provision of affordable housing to meet identified and substantive local needs is a matter that would weigh in favour of the grant of planning permission any failure to secure such matters and thus not provide satisfactorily for the provision and retention of affordable housing would comprise an objection to the scheme that would carry substantial weight.

**G Access and Parking Provision**

10.73.Access to the application site is via a limb of the Ongar Road roundabout. Such arrangements have been the subject of discussion and agreement between the Highway Authority and applicant.

10.74.Indeed the access arrangements were finalised as part of the previous appeal

application (1255/11) and the Highway Authority raised no objection to these arrangements at that time. The Highway Authority maintain their position that the access arrangements are acceptable on safety and convenience grounds and accept that there is adequate capacity on the Ongar Road roundabout. No evidence that additional traffic from the site would exacerbate the likelihood of accidents on Ongar Road and that the proposed traffic from the application site would materially exacerbate queuing issues at the Hoblong's junction have been provided. The Highway Authority is content that a proposed s106 payment towards addressing queuing issues at the Hoblong's junction would overcome any issues associated with that junction.

10.75. The previous Inspector's decision, which remains a material consideration, did not object to the proposals on technical highway grounds and supported the view of the Highway Authority.

10.76. The Highway Agency raises no objection to the scheme on the basis of any adverse impact on the A120 or M11.

10.77. Therefore, despite the views of local residents, there is no evidence to assist the Council in refusing planning permission on highway grounds. Indeed it is considered that a decision contrary to the advice of the Highway Authority that also sought to go behind the substantive findings of the Inspector in the previous appeal at this site and was also contradictory of findings in the recent North of Ongar Road appeal decision would run the real risk of being found to be unreasonable.

10.78. Bridle way access is provided along part of the west and south boundaries of the site the bridle way is 2 - 3 metres wide and proposed to be natural surfaced. Sustrans have objected to this approach and it was suggested as a compromise that at least 1 metre of the bridle way should be hard surfaced so pedestrians can access this resource.

10.79. When requested to consider such an amendment the applicant has responded

*"there are constraints that limit our ability to accommodate hard standing within the green corridors; those arising from drainage requirements (AWA), Ecological constraints (Newts) and Arboriculture. We have endeavored to reach a compromise, which allows DDA/cycle compliant access through the centre of the site and foot/horse access along the green corridor. Unless these other constraints are to be given less weight in planning terms than the need for a bridleway, we do not have a choice but to remain with our current proposal. "*

10.80. Sustrans do not accept this position. However it is not considered, having regard to the history of this site and the main function of the green corridors for ecology and drainage purposes that a reason for refusal could be sustained on this ground.

## **H Is this a Sustainable Form of Development?**

10.81. The application site is located within 1 kilometre of the town centre with its wide range of shops, employment and community facilities. Employment facilities are located close to the application site and primary and secondary schools facilities are provided within the town.

10.82. I note that the Inspector in his findings on the latest appeal relating to the North of Ongar Road site found that site to comprise a sustainable location for new housing development and noted that it would bring forward a new bus stop and diverted 42A service. That Inspector noted that the diverted service would bring forth sustainability



benefits for the site subject of this application.

10.83. Moreover in his 2012 appeal decision at this site the Inspector noted that on balance the application site “*represents an adequately sustainable form of development in respect of accessibility to local facilities and public transport*”.

10.84. Given the findings of two independent Inspectors with regard to sites in Ongar Road it is concluded that the site comprises a sustainable location for new housing development.

10.85. The proposed houses will be constructed to Code for Sustainable Homes Level 3 (or its equivalent), which meets the minimum requirements of the adopted Energy Efficiency and Renewable Energy SPD. Further measures to reduce carbon dependency may well be capable of being incorporated into the proposed homes and the applicant has invited the Council to impose a condition to secure such matters.

10.86. The location for these new homes and their fabric can be considered to be sustainable together with the principal of developing this site. It is considered that the proposals would accord with the three strands of sustainable development insofar as they would provide satisfactory relationships with the existing urban properties that bound the site, respect their environment and context as well as allowing social cohesion with existing residents and populous and providing economic benefits in terms of the development of the site and greater markets for local businesses.

10.87. Any failure to secure the affordable housing and its retention and necessary contributions toward infrastructure would create concerns about the sustainability of the proposed development in particular its social dimension.

## **I Infrastructure provision to support the development**

10.88. The application was the subject of pre application discussions to secure a range of facilities and or contributions to ensure that the development will be served by adequate infrastructure.

10.89. The application was accompanied by Draft Heads of Terms that relate to:

- the provision of 40% affordable housing split 70:30 between rented units and shared equity units
- to provide public open space and a LEAP before first occupation and offer it to the Town Council for adoption with a contribution to ongoing maintenance for 20 years
- Primary education contribution of £294,013.00
- Highway contribution of £27,183 toward improvements of the Hobblings junction
- Bus stop improvement works to the Gatehouse Villas and Chelmsford Road stops
- Healthcare contribution of £16,800.00
- The Council’s reasonable legal costs

10.90. It is understood that the applicant is willing to enter into an agreement with the Council to secure these necessary contributions and works. The Council’s solicitor has advised that an agreement would be necessary and it is understood that the applicant has no objection to such an approach.

10.91. Subsequently confirmation has been received from the applicant that a contribution for secondary education (£297,773) is acceptable. Furthermore, the Heads of Terms and

any undertaking can secure the Travel Plan and Travel information packs required by the Highway Authority.

## **J Drainage, Noise and Pollution Issues**

10.92.A Phase 1 Environmental Assessment accompanies the application and confirms that the site has low to medium environmental sensitivity and has identified no potentially complete pollutant links to Human health. It is clarified that the site has never been used as landfill.

10.93.A Drainage and Services report also accompanies the application with no connection problems or issues identified and foul and surface water drainage solutions demonstrated to work. A packaged pumping station is proposed with connection to the Foul Sewer on Ongar Road. It is proposed that Anglian Water would adopt this facility.

10.94.The FRA confirms the site is located in zone 1 and proposes a surface water drainage solution for the site with a hierarchy of SuDS measures as well as ponds and swales.

10.95.The developable area of the site falls with Noise Exposure Category B where Annex 1 to the now revoked but not replaced PPG24 advised that Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.

10.96.The scheme has been designed to mitigate the main sources of noise to the site (traffic noise from Ongar Road and the A120) with the private garden spaces to houses facing these sources either located to the rear of the dwellings and thus shielded by the dwelling itself from the source of noise or mitigated through the use of close boarded fencing to bring the amenity spaces within World Health Organisation noise criterion levels.

10.97.Air quality is also investigated and the report concludes that the annual mean air quality objectives will be met at the most exposed receptor locations and therefore air quality over the site is acceptable for residential development.

## **K Impact on Biodiversity and Archaeology**

10.98.There would be no impacts likely to ecological value of wildlife sites within 2 kilometres of the application site. The site is considered to have low nature conservation value and it is proposed that the landscape strategy would enhance ecological value by supplementing the existing gappy/ remnant hedgerow.

10.99.Great Crested Newts occupy ponds close to the application site and therefore it is reasonable to assume that they use terrestrial habitats within the site. Mitigation measures are proposed and will be the basis for a detailed mitigation strategy to be presented to Natural England as part of a post planning permission European Protected Species license application.

10.100.Green corridors are provided along the west and south site boundaries these will assist GCN dispersal between wet areas and ponds including the new large pond in the southwest corner of the site.

10.101.There is potential for the development to proceed subject to suitably worded conditions without significant ecological effects and with the potential for some habitat enhancement and biodiversity gains.

10.102.A desk based assessment has been undertaken and concludes that the site has been undeveloped throughout its mapped history. The study has identified low potential for Palaeolithic and Mesolithic, Iron Age and Anglo Saxon, Medieval, Post Medieval and Modern period. Moderate potential is identified for the Neolithic and Bronze age periods and Good potential for the Roman period.

10.103.The applicant has therefore suggested that a condition similar to that imposed by the Inspector on the outline permission would be appropriate. Essex County Council concurs and proposed the wording of suitable conditions.

## **11 CONCLUSIONS**

11.1. The proposal provides for development outside the existing settlement and would harm the aims of Policy S7, which seeks to protect the countryside for its own sake. However reduced weight has to be given to such matters given the current lack of a 5-year deliverable supply of housing land, the Council count this land within its existing bank of deliverable housing land, the site is allocated in the emerging Local Plan.

11.2. The proposed development would provide a satisfactory mix of market housing and affordable housing in an area where there is a need for deliverable housing land. These matters are to be afforded substantial weight in the planning balance. Satisfactory access arrangements are provided to the site and the landscaping strategy demonstrates that the site can be satisfactorily landscaped whilst incorporating an equipped play area.

11.3. The application, as amended, has overcome previous objections relating to the scale of proposed dwellings and a failure to relate satisfactorily to the immediate and wider context. Concerns about overlooking of neighbouring properties and the impact on heritage assets have also been overcome.

11.4. The site would provide satisfactory amenity for future occupants with garden spaces largely conforming to or exceeding the Essex Design Guide requirements. Car parking is provided within or close to the curtilage of all dwellings and separation distances between all proposed dwellings are acceptable.

11.5. The agreement to secure necessary infrastructure requirements associated with the scheme overcome previous objections to the scheme.

11.6. Finally the proposed application would accord with the Draft Local Plan allocation at Great Dunmow Policy 7 insofar as it proposes 99 dwellings of which 7% will be 2 bedroom bungalows across tenure, it provides a LEAP and mitigates impact to existing residential and community interests. The application is accompanied by the requisite reports and the applicant is agreeable to a satisfactory section 106 obligation.

11.7. The benefits of developing this site for housing in the short to medium terms outweigh any harm to outdated local plan policies seeking to protect the countryside. Therefore, the application is recommended for favourably.

## **12 RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION**

**(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the**

**Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an agreement to secure the following:**

- (i) the provision of 40% affordable housing split 70:30 between rented units and shared equity units**
  - (ii) to provide public open space and a LEAP before first occupation and offer it to the Town Council for adoption with a contribution to ongoing maintenance for 20 years**
  - (iii) Primary education contribution of £294,013.00**
  - (iv) Secondary education contribution of £289,854.00**
  - (v) Highway contribution of £27,183 toward improvements of the Hobblings junction**
  - (vi) Bus stop improvement works to the Gatehouse Villas and Chelmsford Road stops**
  - (vii) Healthcare contribution of £16,800.00**
  - (viii) Travel Plan**
  - (ix) Council's reasonable legal costs**
  - (x) Monitoring contribution**
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below.**
- (III) If the freehold owner shall fail to enter into such an agreement by 30 June 2014, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:**
- (i) Lack of contributions to essential healthcare and primary and secondary education facilities**
  - (ii) Lack of provision of 40% affordable housing**
  - (iii) Lack of open space and play equipment**
  - (iv) Lack of improvements to Hobblings junction, local bus stops**
  - (v) Failure to provide a Travel Plan**

Conditions/ reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external

surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

4. Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works consistent with the approved Landscape Strategy Plan 13.1705.01E and the Soft landscaping proposals Plan 13.1705.02 shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-
  - i. proposed finished levels or contours;
  - ii. means of enclosure;
  - iii. car parking layouts;
  - iv. other vehicle and pedestrian access and circulation areas;
  - v. hard surfacing materials;
  - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
  - vii. proposed and existing functional services above and below ground (e.g. drainage power,
  - viii. communications cables, pipelines etc. indicating lines, manholes, supports.);
  - ix. retained historic landscape features and proposals for restoration, where relevant.

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

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).

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

6. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), prepared by Hannah Reed & Associates, reference C211058/MH/January 2014, and the following mitigation measures:
  1. Limiting the surface water run-off generated by the 1 in 100 year storm event, inclusive of an allowance for climate change, so that it will not exceed the current run-off from the site of 10.76l/s.
  2. Provide surface water attenuation on site for a volume of 1200m. in accordance with drawing number C-211058/110P3.

REASON: To accommodate storm events up to and including the 1 in 100 year with climate change AND To mimic the current discharge rates to ensure flood risk is not increased off site.

7. Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

**REASON:** To enhance the sustainability of the development through better use of water, energy and materials.

8. Prior to the commencement of development, a scheme for the provision and implementation of rainwater harvesting shall be submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.

**REASON:** To enhance the sustainability of the development through efficient use of water resources.

9. No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

**REASON:** To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

10. No building hereby permitted shall be occupied until the sustainable drainage system for the site has been completed in accordance with the submitted details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

**REASON:** To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

11. Construction work shall not begin until a scheme for protecting the proposed dwellings from noise from the A120 has been submitted to and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before any dwelling is occupied.

**REASON:** In the interests of the amenity in accordance with Policies GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

12. The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 and PPS9 of the Uttlesford Local Plan (adopted 2005).

13. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Planning Policy Statement 5.

14. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Planning Policy Statement 5.

15. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Planning Policy Statement 5.

16. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include confirmation of:
- planting and plant maintenance in the perimeter of waterbodies;
  - measures to limit access during the development stage e.g. goose proof fencing surrounding all waterbodies;
  - signs deterring people from feeding the birds;
  - access to the site for representatives of Stansted Airport as required for the purposes of monitoring bird activity.

The Bird Hazard Management Plan shall be implemented as approved, prior to the start of development and remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport.

17. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

18. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - *Trees in Relation to Construction - Recommendations* has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- (a) All tree work shall be carried out in accordance with British Standard BS3998 - *Recommendations for Tree Work*.
  - (b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within [1-5 years] from [*the date of the occupation of the building for its permitted use*], other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
  - (c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition ( ), at such time as may be specified in writing by the local planning authority,.
  - (d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
  - (e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
  - (f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
  - (g) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

The development shall be carried out in accordance with the approved details.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

REASON: In the interests of protecting the character and amenities of the locality in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

20. The applicant shall incorporate on-site renewable or low-carbon energy technologies to provide 10% of the annual energy needs of the approved development in-use.

The applicant will provide the planning authority with a design SAP or SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as technical details and estimated annual energy production of the proposed renewable or low carbon technologies to be installed.

Within four weeks following its completion, the applicant will provide a SAP or SBEM rating of the as-built development and details of the renewable or low carbon technologies that were installed.



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.

21. The dwellings shall not be occupied until a means of vehicular, pedestrian and/or cyclist access has been constructed in accordance with the approved plans.

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

22. The garages and car parking spaces hereby permitted and shown on Planning Layout Plan 12/030/111E shall be kept available for the parking of motor vehicles at all times. The garage/car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

REASON: In the interests of the highway safety and ease of movement and in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005) and the ECC Parking Standards (adopted 2009).

23. Before development commences, a Construction Management Plan including any phasing arrangements and which includes:

- a. adequate turning and off loading facilities for delivery/construction vehicles within the limits of the site
- b. an appropriate construction access
- c. an adequate parking area clear of the highway for those employed in developing the site
- d. wheel cleaning facilities
- e. dust suppression measures
- f. visitors and contractors parking facilities
- g. secure on site storage facilities

shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented on commencement of development and maintained during the period of construction.

REASON: In the interests of amenity and highway safety

24. 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.

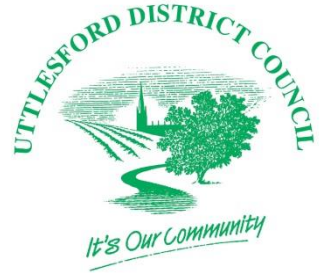
REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

25. Before development commences the highway works as shown in principle on drawing number ITB6214-GA-010 Rev. G, to provide an appropriate access into the site from the Ongar Road/Clapton Hall Lane/Lukin's Drive Roundabout along with amendments to the access arrangements for 1-7 Clapton Hall Lane shall be implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: To provide safe access 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. Before occupation of any dwelling, the bridleway as shown in principle on Architectus drawing number 12/030/11A running from Ongar Road along the western and southern boundaries shall be provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

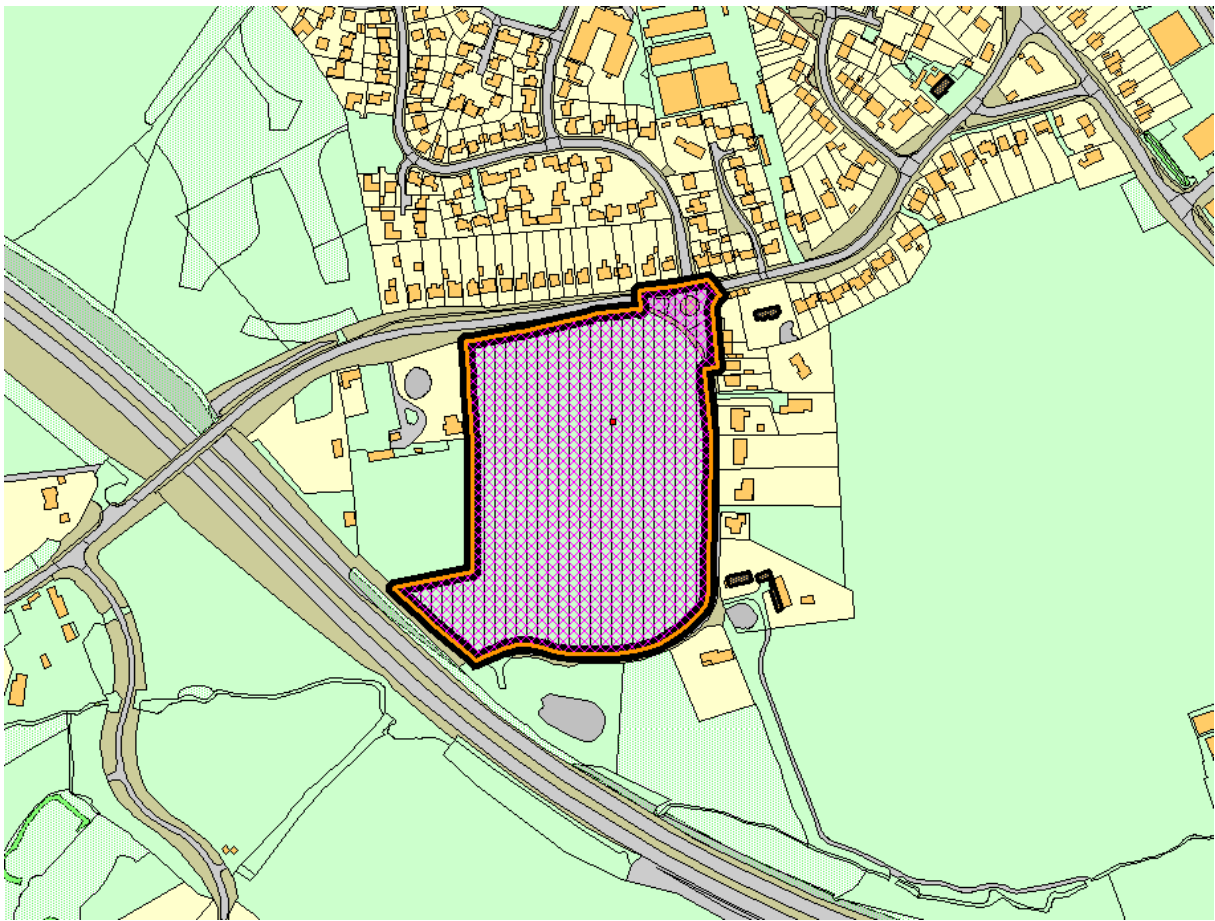
REASON: In the interests of highway safety, efficiency and accessibility



Application no.: UTT/14/0127/FUL

Address: Land South Of Ongar Road Ongar Road

Great Dunmow



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Organisation: Uttlesford District Council

Department: Planning

Date: 25 April 2014

SLA Number: 100018688

## UTT/14/0243/FUL (STANSTED)

(Referred to Committee by Cllr Dean - Reason: need for retention/expansion of employment and Cllr Rich – concerns over scale of development/impact on residential amenity)

**PROPOSAL:** Proposed two storey extension of existing offices.

**LOCATION:** Bentfield Place, Bentfield Road, Stansted.

**APPLICANT:** City & Country Group.

**EXPIRY DATE:** 27 March 2014.

**CASE OFFICER:** Clive Theobald

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### **1. NOTATION**

1.1 Outside Development Limits / Within Metropolitan Green Belt (MGB) / within Conservation Area / Grade II Listed Building.

### **2. DESCRIPTION OF SITE**

2.1 Bentfield Place lies on the south-west side of Bentfield Road and comprises a large C17 listed two storey farmhouse converted to offices for City & Country Ltd (the applicant) with a 1½ storey 1980s office extension that stands in enclosed landscaped grounds consisting of 0.64ha with staff car park to the front of the site. The listed Bentfield Barns residential barn complex exists onto the site's NW boundary separated by a dividing courtyard, whilst a bungalow (The Garden House) exists onto the site's SW boundary. A garage converted to an office and an adjacent tiled and timber-framed gazebo stand alongside the end of the office extension within the curtilage of the site on its SW side.

### **3. PROPOSAL**

3.1 This application relates to the erection of a further office extension to the existing office accommodation provided at the site for City & Country Limited (applicant) involving the demolition of the existing garage and gazebo. The office extension would be 1½ to 2 storeys in height and would extend off the end of the existing 1980s extension at right angles to form an internal courtyard. The new extension would have an overall length of some 34 metres and a width of between 7.5 metres and 9.5 metres and would extend out at an angle by a length of 6.5 metres as an off-shoot from the front elevation of the existing office extension on the Bentfield Barns (NW) side. The extension would be externally clad in a mixture of materials and incorporate dormer windows.

### **4. APPLICANT'S CASE**

4.1 The application is accompanied by a Design & Access Statement (revised February 2014) and Heritage Statement. The D & A Statement sets out the site's planning history, the commercial reasoning and justification for the proposed extension and design rationale. The D & A Statement concludes as follows:

- City & Country is a prestigious local company with strong community links, which is well established at Bentfield Place;

- The company needs to expand to continue its work, which includes restoring listed buildings across the UK;
- The existing accommodation is well suited to its needs, but the existing floorspace is now fully utilised. With the level of growth predicted, we need additional space and our preferred option is to stay in Stansted Mountfitchet and at Bentfield Place;
- This scheme would meet the company's needs whilst not harming the aims of the Green Belt;
- The design provides for the enhancement of the setting of the listed building by recreating the partially enclosed rose garden within the historical group of buildings;
- The proposal satisfies government advice on sustainability and meets its aims for economic growth involving small firms;
- The proposal would be in line with District Council policy regarding making the best use of previously-developed land;
- There are no other suitable sites in the locality which could satisfactorily accommodate the company;
- The proposal would be good for other Stansted businesses as well as providing more local job opportunities;
- Bentfield Place has been an area of significant change over the years; Currently an employer of 101 people, we were included in the 2013 Investec Hot100 Fastest Growing Privately Owned Businesses, which covers the whole of the United Kingdom;
- We are not building beyond the perceived development boundary;
- The design sympathetically responds to the conservation area designation, listed buildings and neighbours.

Additional information received 24 April 2014)

4.2 *"Following on from our telephone conversation, I can confirm that if City & Country were to gain permission that they would look to take on a further 10 to 15 members of staff spread over the next two to five years. The extension would also allow our current members of staff to move as we are currently over capacity as well as providing meeting rooms and storage space".*

## **5. RELEVANT SITE HISTORY**

5.1 Change of use of Bentfield Place from residential to office use approved in 1986 (UTT/0231/86). Two storey office extension approved in 1989 (UTT/0504/89 & UTT/0675/89/LB).

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework (NPPF).

### **6.2 Uttlesford District Local Plan 2005**

- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN4 – Good Neighbourliness
- ULP Policy GEN7 – Nature Conservation
- ULP Policy GEN8 – Vehicle Parking Standards
- ULP Policy ENV1 – Design of development within Conservation Areas

- ULP Policy ENV2 – Development affecting Listed Buildings

### 6.3 Uttlesford District DRAFT Local Plan (Pre-submission Consultation, April 2014)

- Policy SP1 – Presumption in Favour of Sustainable Development
- Policy SP3 - Employment Strategy
- Policy SP10 - Protecting the Historic Environment
- Policy SP12 - Accessible Development
- Policy EMP1 – Existing and Proposed Employment Areas
- Policy DES1 – Design
- Policy HE1 - Design of Development within Conservation Areas
- Policy HE2 - Development affecting Listed Buildings
- Policy TA1 - Vehicle Parking Standards

### 6.4 Other material considerations

- Stansted Mountfitchet Parish Plan (2011).
- Stansted Mountfitchet Conservation Area Appraisal and Management Proposals document (2007).

## 7. PARISH COUNCIL COMMENTS (updated comments received 24/04/2014):

7.1 The Council is supportive of this application in principle, but asks the Members of the UDC Planning Committee to consider the following points:

- No objection is raised to the design of the extension.
- We acknowledge the need for City and Country Group to expand their business.
- Parking – we appreciate that the number of spaces to be provided exceeds the number required. However, it is clear that the residents of The Hall Barns believe that an alternative layout would minimise the impact upon them without having a detrimental impact upon the applicant and we would like to see that possibility explored further.
- Highways – we understand that ECC Highways have raised no objection to the application nor have they made any suggestions to improve access. We believe that a separate access to the site from Bentfield Road serving only the employees and service vehicles for Bentfield Place would minimise disturbance to the residents which they currently suffer and could be exacerbated. Permission has previously been granted for an additional access road but was never implemented by the applicant and has now expired.
- Overlooking. Some of the residents still believe that this is an issue – see the e-mail sent to you by Donna Allison and the attached letter from Mr Morrey who lives at The Garden House. We look to Members of the committee to ensure, by condition if necessary, that measures are included to reduce as much as possible any risk of overlooking.

For these reasons, we strongly urge the Members of the Planning Committee to undertake a site visit to understand the concerns for themselves.

## 8. CONSULTATIONS

### Essex County Council Highways

8.1 No highway objections.

### Essex County Council Ecology

- 8.2 No ecology objections subject to a condition being imposed prohibiting fixed lighting unless details have been previously submitted to and approved in writing by the LPA and installed in accordance with the approved details to ensure that such lighting is designed in such a way as to minimise any potential impacts upon bats.

### **Specialist Advice on Historic Buildings and Conservation**

- 8.3 Bentfield Place is a timber-framed and plastered farmhouse which has been much altered and extended and converted to office use some years ago. The proposal subject of this application is to form an additional two storey range which would in part replace an existing single storey outbuilding all for further office use. In general, extensions to listed buildings should be in keeping with their architectural character and the level of new build should not have an overpowering effect on the historic parts of the original structure. In this instance, however, the listed building has already been substantially extended in an unremarkable manner. The previous 1980s extension was justified by the possible improvement to the economic well-being of the area. Similar justification is being put forward now.
- 8.4 I consider that on balance the character of the original listed building is not going to be impaired in much greater degree by the now proposed development. In design terms, I feel that the new range is interesting by successfully uniting traditional architectural forms with imaginative elevational treatment. Also, it is likely to screen the less inspired additions of the past. Its single storey and two storey vertical proportions would unlikely have an overbearing effect on the converted listed barns as these buildings are of very imposing proportions. In conclusion, and should there be no planning objections, I suggest approval subject to the following conditions.
- All new roofs to be hand made plain clay tiles to LA approval
  - The flat roof dormers to be finished in lead or similar to LA approval
  - All new roof lights to be conservation range to LA approval
  - All external joinery to be painted timber
  - All brickwork to be in hand made soft clay bricks laid in Flemish bond to LA approval
  - Any new timber fencing to be screened by hedge planting on the public side of the fence

## **9. REPRESENTATIONS**

- 9.1 29 representations received - 27 Object, 2 Support. Neighbour notification expired 26 February 2014. Advertisement expired 6 March 2014. Site notice expired 6 March 2014.

### Summary of representations (Objecting)

- Site lies outside development limits
- Site is located within the green belt and this alone justifies rejection of development for commercial purposes where this would otherwise set a precedent
- City & Country (C & C) have applied for permission to expand as, in their own words, they are “splitting at the seams”.
- Development will have a detrimental effect on the area because the listed building site will be over commercialised

- Over the years C & C have sought to maximize their revenue from the building and surrounding land by sub-letting and selling off garages and sheds for residential use, and as their business has employed more staff, our homes have become an island in the middle of a large commercial car park servicing the businesses of both C & C and their tenants. Any further development will result in a further loss of residential amenity, which would be unacceptable.
- The grassed strip along Pond Lane has already been turned into a parking hardstanding for C & C in contravention of planning laws
- Constant never ending flow of commercial traffic, builders vans, sandwich vans, and comings and goings of high employee numbers for both C & C and their tenants DMG and KMD along with the tenants' own visitors. This means the site is nothing like the original farmyard setting it was planned to be. The number of vehicles has increased enormously as years have passed and will continue to increase if this extension is allowed.
- Available parking is inadequate at present and will certainly not be adequate with growth of C & C and their tenants where only a commitment to add just 10 No. new parking spaces to what is already a full staff car park.
- The lack of parking is the most disruptive aspect of the proposed extension and disagree with C & C's calculation of their current parking arrangements
- Increased number of vehicles at this pinch point, particularly turning right into the property at the blind bend at the entrance is going to increase dangers significantly
- Will destroy quiet ambience of the immediate surroundings, particularly in view of the size of the proposed development where residents were well aware that they were buying into a mixed use area despite the sales literature prepared by the applicant when it carried out the Bentfield Place/Barns conversion scheme promising a *"tranquil position, offering a rural farmyard setting"*.
- Car parking areas originally reserved for residents of Bentfield Barns on the plans for UTT/1107/03/FUL, including a rear compound area, have subsequently been utilised by C&C for commercial parking in breach of condition C.11.6 of that permission leaving little parking for residents. Despite C&C having no right to park in the compound, they have erroneously used these spaces in their current application and land which will be taken up for their other approved developments at Pond Lane to fulfil ULP Policy GEN8.
- Planning permissions have already been granted to C & C within their site and at Pond Lane for other developments. No further permissions should be granted.
- Will have significant impact on residents who live adjacent to the site
- Will cause parking congestion leading to overflow problems into adjacent areas already full of resident vehicles and onto roads and highway hazards at commuter times
- Construction work will be disruptive to adjoining residents and block shared access areas
- Numerous commercial buildings are available already in the village that could be better utilised by City and Country rather than at Bentfield Place where there is 27,176 sq. ft. of vacant office space, including Weston House, Unit 3 (7,301 sq. ft.), which is currently under offer by the applicant – only as back up if this planning permission is rejected
- Thin end of the wedge when developments like this are applied for
- Need to consider if local infrastructure can sustain such proposals
- If the applicant need more office space, why do they sub-let large parts of their existing offices to KMD Private Wealth Management and DMG Building Service Maintenance, which jointly have approximately 30 staff on the existing site?
- C & C have advised that they currently have 60 employees based Bentfield Place and wish to expand to accommodate a further 20. They currently have tenants in both the main house and 1 The Hall Barn who could be relieved of their tenancy in



order that C & C can take back their space to accommodate their expansion. (We understand that tenants DMG also plan a programme of expansion from their current employee number of 20). Whilst it would be an initial upheaval for the tenants, DMG and KMD, it would appear from local estate agents websites that there are numerous suitable office suites available in Stansted where they could be re-located where this would help fill these empty premises and reduce commercial impact at the site/immediate surroundings.

- Difficult part of the village for pedestrian passage with a very narrow pavement. Passers-by have to step into the road to enable oncoming pedestrians to continue down the pavement. This is already dangerous with a blind bend and the increase in commercial traffic as well as heavy lorries during the build would be a danger to pedestrians
- Would represent a floorspace increase of 50%.
- The Bentfield Barns area is predominantly residential and an increase in office space at Bentfield Place would further upset this balance in favour of dwellings.
- If permission is granted, then the following conditions should be imposed to protect residents: restriction to one occupancy to prevent further sub-letting and an increased number of commercial enterprises, strict allocation of parking, provision of safer access.
- Extension will have a significant overbearing effect where it would stand on higher ground and cause significant overlooking and loss of privacy to the occupants of The Garden House given its close positioning. The occupants have young children where the development could also create a child protection risk.
- Location of extension would create problems for fire tender to access The garden House (>45m from nearest accessible fire tender point).
- Very few, if any of C&C staff based at Bentfield Place nor any of their tenants walk to work.
- C&C's smoking area adjacent to the boundary with The Garden House.
- The existing 90 staff occupying Bentfield Place have 62 parking spaces available to them. Unsurprisingly, given this ratio, the car park is filled to capacity on most days. The erection of a new office extension with space for 42 staff comfortably, and 95 occupants quite safely, is completely inconsistent with the proposed creation of 10 No. car parking spaces.
- To grant permission for the office extension would be directly contrary to the refusal reasons for two storey replacement dwelling at The Garden House where this development was considered contrary to the character and appearance of the conservation area (UTT/13/3456/FUL)
- Further space could be allocated for staff parking by creating more hardstanding on grassed areas. The available spaces here are currently grossly inadequate with the existing number of employees, visitors and tenants and therefore will be unacceptable for the increased numbers the extension will hold.

#### Summary of representations (Supporting):

- It is in the interests of Stansted and its surroundings to have a diverse mix of businesses. Supporting those businesses already there to expand their staff will in turn benefit other local businesses in terms of increased custom;
- Of paramount importance that large professional organisations such as City & Country are encouraged to stay in Uttlesford and expand and for the region and its business community to grow.

## **10. APPRAISAL**

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

- A Impact of proposed development on the Metropolitan Green Belt (MGB) (NPPF);
- B Whether the proposal represents a sustainable form of development (NPPF);
- C Design / whether the proposal would have a detrimental effect on the character and appearance of the conservation area / setting of a Grade 2 Listed Building (ULP Policies GEN2/ENV1/ENV2);
- D Impact of proposal on residential amenity (ULP Policies GEN2 and GEN4);
- E Car parking standards (ULP Policy GEN8);
- F Other matters: Ecology (ULP Policy GEN7).

**A Impact of proposed development on the Metropolitan Green Belt (MGB) (NPPF)**

- 10.1 The NPPF replaces previous national guidance on green belts where it states at paragraph 79 that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open where the essential characteristics of green belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. The NPPF advises that when considering any application for planning permission that LPA's should ensure that substantial weight is given to any harm which may be caused to the green belt. "Very special circumstances" will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. An LPA should regard the construction of new buildings as inappropriate in Green Belt except where exemptions apply. These exceptions include *"the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"*. The current proposal for a further office extension therefore has to be considered against this assessment as to whether the proposal amounts to inappropriate development.
- 10.2 The existing gross office floorspace of Bentfield Place (original house and the 1980s extension) is stated as being 930sqm and would as a result of the development involve a net additional gross internal office floorspace of 400sqm where 40sqm would be lost by the demolition of the existing converted garage outbuilding. Whilst the extension therefore represents a significant building element, it would notwithstanding this be in proportion when viewed in context with the existing converted building and 1980s extension combined where it would form a courtyard setting on the site. Bentfield Place, Bentfield Barns and other satellite buildings together form an enclave of buildings on the south-western side of Bentfield Road where the settlement boundary for Stansted runs to the north of the site along the southern edge of Bentfield Road. The site itself is enclosed to all site boundaries where long views into the site from the south are limited and where the imposing adjacent barns form a physical barrier on the north side. The impact of the development on the openness of the MGB at this edge of village location is therefore reduced compared to if the site was situated within a more exposed location.
- 10.3 The proposed development is therefore considered to be an acceptable building addition to the existing built form on the site in terms of its mass and scale and as such would not amount to an inappropriate form of development when assessed against green belt criteria contained within the NPPF and no objections are therefore raised on this basis.

**B Whether the proposal represents a sustainable form of development (NPPF).**

- 10.4 The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development, which comprises three strands, an *economic* role, a *social* role and an *environmental* role. The site is located within a sustainable position within

the village some 200 metres from Cambridge Road on its western side. Therefore, the principle of having additional B1 floorspace provision at this site location would comply with the NPPF in this respect. It has been suggested that a considerable number of employees working for City & Country at the site commute from some distance given the nature of the applicant's business and that there are less employees who are more local, i.e, who live in Stansted itself. Whilst arguably it could be said that from an economic perspective the business does not have a local employment base, it is the case nonetheless that the applicant is established at the site and that it also contributes to the local economy. It would be difficult to argue against the general economic thrust of the NPPF in this respect. In terms of environmental sustainability, as previously mentioned, the site is relatively enclosed and it is considered that the environmental impact of the proposed development would not be so significant as to warrant refusal on environmental grounds where it is argued above that the proposal would not be harmful to the openness of the green belt.

**C Design / Whether the proposal would have a detrimental effect on the character and appearance of the conservation area / setting of a Grade 2 Listed Building (ULP Policies (ULP Policies GEN2/ENV1/ENV2))**

10.5 The proposed extension would have a 1½ storey-2 storey design at split level ridge heights using a mixture of external materials, namely, tile/slate, brick, render and weatherboarding and would incorporate both dormer windows and skylights as additional window openings. The mass of the extension is broken up by this variation in ridge height levels and contrasting use of materials and is considered to represent a subservient and appropriate office extension design where it would have more architectural merit than the rather uninspiring 1980's extension previously granted.

10.6 The extension is sufficiently vernacular in its built form as a continuum range of Bentfield Place as to not materially harm either the character or appearance of the conservation area or the setting of the host Grade II listed building or adjacent listed buildings where the Council's Conservation Officer has not raised any specialist objections in her detailed assessment of the proposal. The proposal would therefore comply with ULP Policies GEN2, ENV1 and ENV2.

**D Impact of proposal on residential amenity (ULP Policy GEN2)**

10.7 Bentfield Place is within close proximity to existing residential development, namely the converted Bentfield Barns to the front and The Garden House to the side. It is therefore necessary to assess whether or not the proposal would have a materially adverse effect on the reasonable occupation and enjoyment of these adjacent properties with regard to loss of privacy, loss of daylight, overbearing impact or overshadowing.

10.8 The extension would have a maximum ridge height of 7.5 metres and would be erected approximately 2 metres from the southern boundary of the site with The Garden House. A close-boarded fence currently exists along the southern boundary where approximately 5.5 metres of built form would be above this fence line. Whilst the comments from the residents of The Garden House have been noted regarding loss of amenity to the rear of the site, it is considered that the extension would not have a significant overbearing effect or cause overlooking on this property to the degree that this would be a sufficient reason for refusal where the applicant has demonstrated that this would not occur on an illustrated drawing.

The extension on its north-western side would face onto No.5 The Barns and a single storey range adjacent. The extension would be 1½ storey on this side and would not result in any undue overbearing effect on these properties. There is the potential for

loss of privacy from indicated first floor flank windows on this side, although these are intentionally shown as obscure glazed and could be conditioned to this effect where the plain glazed top light would be above 1.8 metres standing height from first floor level. There would be some of loss of natural light on this side, although this is not considered to be significant.

#### **E Car parking standards (ULP Policy GEN8)**

- 10.10 The proposed scheme would provide an extra 10 No. parking spaces at the rear of the existing staff parking area for Bentfield House where this would take the form of additional rows of parking into the lawned area of the site. The applicant has stated that the number of parking spaces meets and exceeds the car parking standards for B1 business use when existing allocation is taken into account. Car parking has historically been a problem at the adjacent Bentfield Barns where vehicles belonging to staff of City & Country and sub-contractors for the company have been parked on areas around the barns, including along Pond Lane and to the rear of the barns within a parking compound area. The Council has previously investigated alleged unauthorised parking within these areas, although enforcement action has not been formally taken to date against the applicant in relation to this parking as it has been considered by the Council that the alleged activities have not been sufficiently within the public interest for it to be expedient to take enforcement action. This remains the case.
- 10.11 In an attempt to alleviate some of these parking difficulties, Officers have suggested to the applicant for the current application that additional parking be provided within the lawned area of Bentfield House over and above the 10 No. parking spaces proposed by the applicant as it is known that the staff car park is usually full to capacity where this would include a further 7 (No.) spaces bringing the total up to seventeen. It is considered that this additional provision should resolve to some extent the parking problems which are currently occurring. It should be noted that the parking for B1 use is a maximum and not a minimum standard and this should be borne in mind when assessing the car parking provision for the proposed extension.

#### **F Other matters: Ecology (ULP Policy GEN7)**

- 10.12 The proposal would involve the demolition of the existing 1920's summer house "gazebo" and more modern detached garage. The applicant has submitted a bat survey report which has confirmed that no bats are present in either building and that there is no evidence to suggest that bats use the buildings as a roosting place. As such, it is considered that the proposal would not be harmful to protected species and would not be contrary to ULP Policy GEN7.

### **11. CONCLUSION**

- 11.1 This application is viewed as finely balanced where the proposal has to be considered in the context of harm to the Metropolitan Green Belt and any other material harm which could be caused on the one hand and the benefits of allowing a further extension for this established B1 user in the village on the other where the NPPF has a presumption in favour of sustainable development and focus on economic growth. It is considered on balance that planning permission ought to be granted for the proposal where MGB harm and residential amenity harm would not be significant, where no design or listed building objections are raised and where an additional seven parking spaces on top of the original parking proposed should help to alleviate some of the existing parking problems.

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

- A The proposal would not amount to inappropriate development within the Metropolitan Green Belt (MGB) (NPPF)
- B The proposal would amount to a sustainable form of development in terms of the site's village location (NPPF)
- C The proposal would be acceptable in terms of design and would not have a detrimental effect on the character and appearance of the conservation area or the setting of Bentfield House and adjacent barns (ULP Policies GEN2, ENV1 and ENV2)
- D The proposal would not have a significant impact on residential amenity (ULP Policy GEN2)
- E The proposal would comply with car parking standards (ULP Policy GEN8)
- F The proposal would not have a harmful effect on ecology (ULP Policy GEN7)

## **RECOMMENDATION – CONDITIONAL APPROVAL**

### Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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. Samples of materials to be used in the external surfaces of the extension hereby permitted shall be submitted to and approved in writing by the LPA prior to commencement and shall thereafter be used in the construction of the development hereby permitted unless otherwise agreed in writing by 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).

3. Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-
  - i. proposed finished levels or contours;
  - ii. means of enclosure;
  - iii. car parking layouts;
  - iv. other vehicle and pedestrian access and circulation areas;
  - v. hard surfacing materials;
  - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
  - vii. proposed and existing functional services above and below ground (e.g. drainage power,
  - viii. communications cables, pipelines etc. indicating lines, manholes, supports.);
  - ix. retained historic landscape features and proposals for restoration, where relevant.
 Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

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).

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. Details of a staff/visitor parking area capable of accommodating at least 17 No. (seventeen) vehicles as an extension/overflow to the existing car parking area on the site shall be submitted to and approved by the local planning authority in writing before the development is commenced. This parking area shall be laid out in accordance with the approved details and shall not thereafter be used for any purpose other than the parking of vehicles associated with the permitted use of the site.

REASON: To ensure that sufficient parking is provided at the site in connection with the development hereby permitted and in the interests of adjacent residential amenity in accordance with ULP Policies GEN2 and GEN8. .

6. This permission shall enure for the sole benefit of City & Country Limited. As such, the extension hereby permitted shall not be occupied by any separate B1 user not associated with City & Country Limited whilst City & Country Limited remains at the site.

REASON: In the interests of parking and residential amenity and in view of the demonstrated need for the extension hereby approved by the applicant in accordance with ULP Policies GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

7. No fixed lighting shall be erected or installed until details of then location, height, design, sensors and luminance have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impact upon bats. The lighting shall thereafter be erected, installed, and operated in accordance with the approved details.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).



## UTT/14/0244/LB (STANSTED)

(Referred to Committee by Cllr Dean - Reason: need for retention/expansion of employment and Cllr Rich – concerns over scale of development/impact on residential amenity)

**PROPOSAL:** Proposed two storey extension of existing offices.

**LOCATION:** Bentfield Place, Bentfield Road, Stansted.

**APPLICANT:** City & Country Group.

**EXPIRY DATE:** 27 March 2014.

**CASE OFFICER:** Clive Theobald

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### 1. NOTATION

1.1 Grade II Listed Building / Adjacent Grade II Listed Buildings.

### 2. DESCRIPTION OF SITE

2.1 Bentfield Place lies on the south-west side of Bentfield Road and comprises a large C17 listed two storey farmhouse converted to offices for City & Country Ltd (the applicant) with a 1½ storey 1980s office extension which stands in enclosed landscaped grounds consisting of 0.64ha with staff car park to the front of the site. The listed Bentfield Barns residential barn complex exists onto the site's NW boundary separated by a dividing courtyard, whilst a bungalow (The Garden House) exists onto the site's SW boundary.

### 3. PROPOSAL

3.1 This application relates to the erection of a further office extension to the existing office accommodation provided at the site for City & Country Limited (applicant) involving the demolition of the existing garage and gazebo. The office extension would be 1½ to 2 storeys in height and would extend off the end of the existing 1980s extension at right angles to form an internal courtyard. The new extension would have an overall length of some 34 metres and a width of between 7.5 metres and 9.5 metres and would extend out at an angle by a length of 6.5 metres as an off-shoot from the front elevation of the existing office extension on the Bentfield Barns (NW) side. The extension would be externally clad in a mixture of materials and incorporate dormer windows.

### 4. APPLICANT'S CASE

4.1 The application is accompanied by a Design & Access Statement (revised February 2014) and Heritage Statement where it is stated that:

- The design provides for the enhancement of the setting of the listed building by recreating the partially enclosed rose garden within the historical group of buildings;
- The design sympathetically responds to the conservation area designation, listed buildings and neighbours.

### 5. RELEVANT SITE HISTORY



5.1 Change of use of Bentfield Place from residential to office use approved in 1986 (UTT/0231/86). Two storey office extension approved in 1989 (UTT/0504/89 & UTT/0675/89/LB).

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework (NPPF).

### **6.2 Uttlesford District Local Plan 2005**

- ULP Policy ENV2 – Development affecting Listed Buildings

### **6.3 Uttlesford District DRAFT Local Plan (Pre-submission Consultation, April 2014)**

- Policy SP10 - Protecting the Historic Environment
- Policy HE2 - Development affecting Listed Buildings

### **6.4 Other material considerations**

- Stansted Mountfitchet Conservation Area Appraisal and Management Proposals document (2007).

## **7. PARISH COUNCIL COMMENTS**

7.1 (see accompanying application UTT/14/0243/FUL).

## **8. CONSULTATIONS**

### **Specialist Advice on Historic Buildings and Conservation**

8.1 Bentfield Place is a timber-framed and plastered farmhouse which has been much altered and extended and converted to office use some years ago. The proposal subject of this application is to form an additional two storey range which would in part replace an existing single storey outbuilding all for further office use. In general, extensions to listed buildings should be in keeping with their architectural character and the level of new build should not have an overpowering effect on the historic parts of the original structure. In this instance, however, the listed building has already been substantially extended in an unremarkable manner. The previous 1980s extension was justified by the possible improvement to the economic well-being of the area. Similar justification is being put forward now.

8.2 I consider that on balance the character of the original listed building is not going to be impaired in much greater degree by the now proposed development. In design terms, I feel that the new range is interesting by successfully uniting traditional architectural forms with imaginative elevational treatment. Also, it is likely to screen the less inspired additions of the past. Its single storey and two storey vertical proportions would unlikely have an overbearing effect on the converted listed barns as these buildings are of very imposing proportions. In conclusion, and should there be no planning objections, I suggest approval subject to the following conditions.

- All new roofs to be hand made plain clay tiles to LA approval
- The flat roof dormers to be finished in lead or similar to LA approval
- All new roof lights to be conservation range to LA approval
- All external joinery to be painted timber
- All brickwork to be in hand made soft clay bricks laid in Flemish bond to LA approval
- Any new timber fencing to be screened by hedge planting on the public side of the fence

## 9. REPRESENTATIONS

9.1 29 representations received - 27 Object, 2 Support. Neighbour notification expired 26 February 2014. Advertisement expired 6 March 2014. Site notice expired 6 March 2014.

Summary of representations (see accompanying application UTT/14/0243/FUL where relevant to this application)

## 10. APPRAISAL

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

### A **Whether the proposal would have a detrimental effect on the setting of a Grade 2 Listed Building (ULP Policy ENV2)**

10.1 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 states that a planning authority shall have special regard to the desirability of preserving a listed building or its setting..." and LPA's are required to apply this statutory advice when determining listed building applications.

10.2 The proposed extension would have a 1½ storey-2 storey design at split level ridge heights using a mixture of external materials, namely, tile/slate, brick, render and weatherboarding and would incorporate both dormer windows and skylights as additional window openings. The mass of the extension is broken up by this variation in ridge height levels and contrasting use of materials and is considered to represent an appropriate office extension design in this respect where it would have more architectural merit than the rather uninspiring 1980's extension previously approved.

10.3 The extension is sufficiently vernacular in its built form as a continuum of Bentfield Place as to not harm the setting of the Grade II listed building where the Council's Conservation Officer has not raised any specialist objections in her detailed assessment of the proposal. The proposal would therefore comply with ULP Policy ENV2 and NPPF advice.

## 11. CONCLUSION

11.1 The proposed extension would not have a detrimental effect on the setting of the host listed building, Bentfield Place, or on the adjacent listed Bentfield Barns.

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

A The proposal would comply with NPPF advice and the Council's adopted local plan policy ENV2 relating to listed buildings.

## **RECOMMENDATION – CONDITIONAL APPROVAL**

### Conditions/reasons

1. The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. All new roofs to the development hereby permitted shall be clad with handmade clay plain tiles in accordance with details that have been submitted to and approved in writing by the local planning authority before development commences. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the Listed Building and its setting in accordance with ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

3. The flat roofed dormers shall be finished in lead or similar in accordance with details that have been submitted to and approved in writing by the local planning authority before development commences. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the Listed Building and its setting in accordance with ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

4. All new rooflights shall be of a conservation range and details of all the new rooflights shall be submitted to and approved in writing by the local planning authority before development commences and installed in accordance with those details.

REASON: In the interests of preserving the historic character and appearance of the Listed Building and its setting in accordance with ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

5. All external joinery to the development hereby permitted shall be of painted timber. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

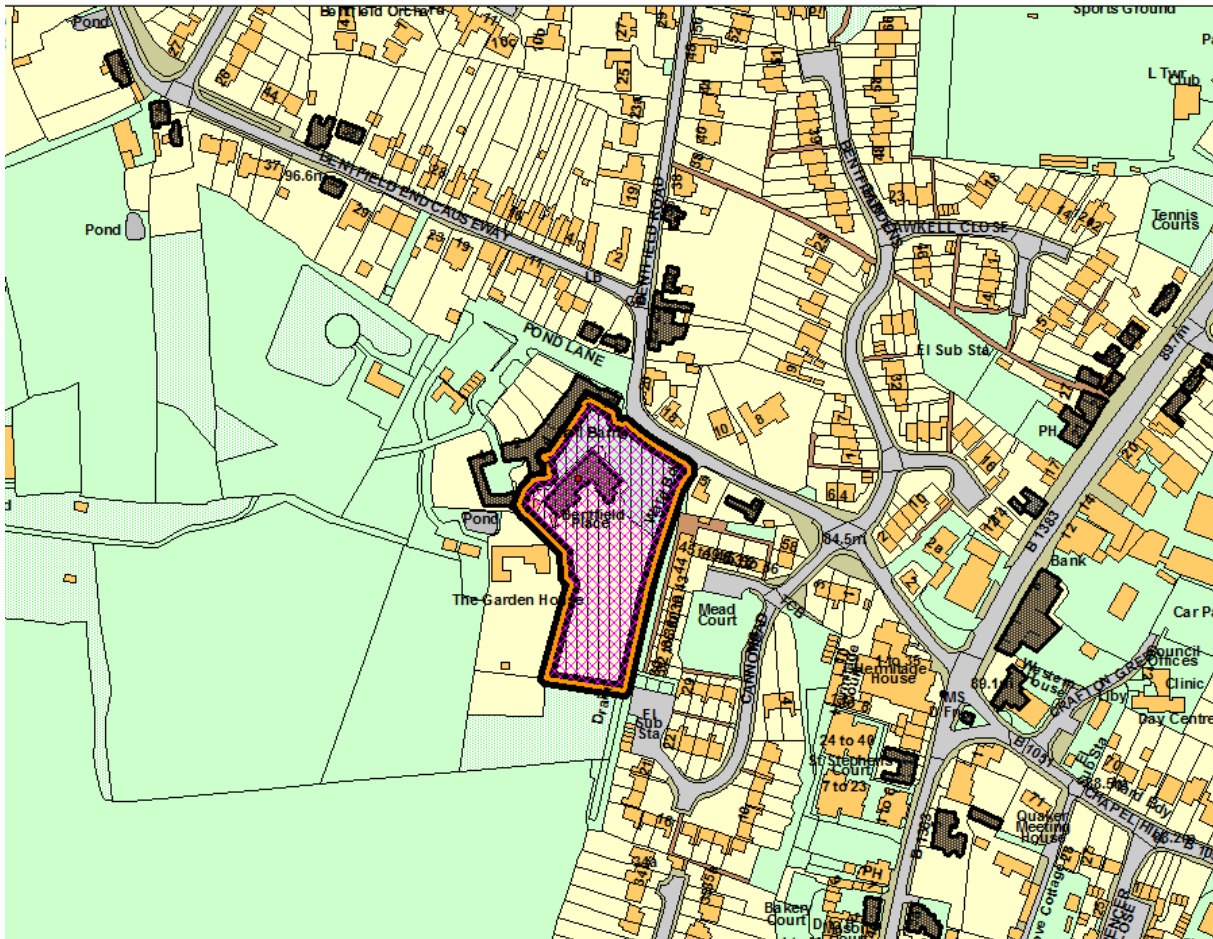
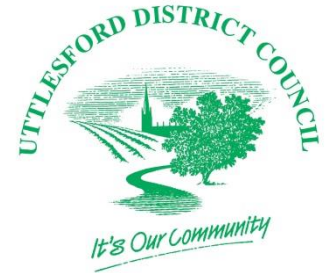
REASON: In the interests of preserving the historic character and appearance of the Listed Building and its setting in accordance with ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

6. All brickwork shall be laid in handmade soft clay bricks laid in Flemish bond in accordance with details that have been submitted to and approved in writing by the local planning authority before development commences. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the Listed Building and its setting in accordance with ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/14/024/LB

Address: Bentfield Place Bentfield Road Stansted



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Organisation: Uttlesford District Council  
Department: Planning  
Date: 25 April 2014  
SLA Number: 100018688

**UTT/14/0073/FUL (Debden)**

**PROPOSAL:** Demolition and removal of seven utilitarian buildings and replacement with a single dwellinghouse

**LOCATION:** Land At Hamperden End Henham Road Debden

**APPLICANT:** Mr M Brock

**AGENT:** Sworders

**EXPIRY DATE:** 18th March 2014

**CASE OFFICER:** Emmanuel Allannah

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**1. NOTATION**

1.1 Open Countryside.

**2. DESCRIPTION OF SITE**

2.1 The application site comprises part of a larger "paddock" which lies to the north of the bend at Hamperden End, Debden. Most but not all of the application site is occupied by a group of former single storey agricultural buildings with a total floor area of some 637 sq metres. Those existing buildings are just visible through an existing farm gate entrance and intermittently through an existing roadside hedge.

**3. PROPOSAL**

3.1 The application proposes the demolition of all of the existing buildings and their replacement with a single well-proportioned chalet house of some 281 sq metres on two floors. This would be sited within the central part of the site and would be accessed via a new gravelled driveway from Henham Road. The existing gateway entrance would be retained to serve the remaining and undeveloped portion of the same paddock. A total of three cars spaces are shown to be provided (although this could readily be increased - or a garage or similar structure provided). A specific "Lifetime Homes" drawing has been submitted which appears to illustrate compliance with all 16 of the relevant (post 2010) Lifetime Homes criteria. The location of the proposed house is shown to be slightly re-graded across its depth to a level some 2 metres below that of the adjacent Henham Road.

**4. APPLICANT'S CASE**

4.1 Applicant's supporting statement in summary stated that this proposal will enable the site to be developed with a sensitively designed one-and-a-half storey dwelling of traditional appearance, which will be more in character with its neighbouring dwellings than the poorly designed industrial buildings that it replaces. The new dwelling would be of an appropriate size and design for the local vernacular of the area, and where possible, materials will reflect those used in surrounding buildings. In these respects the proposal provides an opportunity to enhance the character of the countryside within which the site is set, which constitutes an important and overriding material consideration to warrant the grant of planning permission in this case.

## **5. RELEVANT SITE HISTORY**

- 5.1 UTT/0955/09/FUL - single dwelling - refused 7.10.2009
- 5.2 UTT/1774/10/FUL - COU from agriculture to B1 and B8 with new vehicular access - permitted 2.10.2010.
- 5.3 UTT/13/2622/FUL - renewal of the above - permitted - 26.11.2013

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

### **6.2 Uttlesford District Local Plan 2005**

- SP12 Protection of the Countryside
- SP15 Accessible Development
- SP17 Infrastructure
- DES1 Design
- TA1 Vehicle Parking Standards

## **7. PARISH COUNCIL COMMENTS**

- 7.1 No observation received.

## **8. CONSULTATIONS**

### **Essex County Council - Highways**

- 8.1 No objections – subject to conditions.

### **Environment Agency**

- 8.2 No objection, subject to conditions regarding sewerage treatment plant.

## **9. REPRESENTATIONS**

- 9.1 The application has been advertised on site and within the local press. Neighbouring occupiers have been consulted of the application. As a result 4 objections have been received raising the following points:
  - The site is vulnerable to travellers and the site would be better if occupied residentially.
  - The applicants have tried to sell or let the premises for business purposes unsuccessfully.
  - Would prefer residential to "light industry", which would in itself introduce unwanted traffic to the area.

## **10. APPRAISAL**

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

- A The principle of a single dwelling house which would replace seven utilitarian buildings associated with agricultural activities.

- B Whether the proposed single dwellinghouse in terms of its scale, mass, bulk, height, width, length and design are considered appropriate within this part of open countryside.
- C Traffic impact
- D Ecological impact
- E And the impact on local infrastructure

**A The principle of the proposed development**

10.1 On the 6th April 2014; a new permitted development rights for a change of use came into force for example; it stated that "change from buildings in agricultural use to residential (Class C3) with some associated physical works to enable conversion to take place. For example; up to 450sq.m can change use on an agricultural unit to provide up to three homes. This right is subject to prior approval on a number of matters and will not apply on article 1 (5)..." And given that this site is located within the open countryside, in consideration to such new permitted development rights; is whether allowing residential dwelling within such location would be prejudicial to the objective of Policy S7; as such policy objectives includes identifying appropriate development within the open countryside. The balance in evaluating the implications of allowing a residential dwelling house in such location in consideration to the new permitted development rights needed to be weighed in order to know their degree of harm on the appearance and prominence within this part of open countryside. Having considered the harm the of more than one dwelling house would have on this location in terms of their scale, layout, height, appearance and prominence on the character and prominence of this part of open countryside; on balance, the principle of one new proposed single dwelling can therefore be considered acceptable subject to the evaluation of the planning issues associated with such proposed new single dwelling house within this part of the open countryside in accordance with policies Gen1, GEN2 and S7 of the adopted Uttlesford District Local Plan (2005) and paragraphs 7 and 79 of the National Planning Policy Framework.

**B Whether the proposed single dwellinghouse in terms of its scale, mass, bulk, height, width, length and design are considered sympathetic to the character and appearance of the open countryside.**

10.2 Policy S7 states that "the countryside to which this policy relate is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside or other boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area..... Development will only be permitted if its appearance protects or enhance the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there".

Paragraph 55 of the National Planning Policy Framework states that "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example; where there are groups of smaller settlements, development in one village may support services to a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

10.3 The applicant fail to demonstrate why such development is appropriate in such location and whether if it is sustainable. For example; buildings of this scale that might be considered for this location could be for agricultural building purposes. The replacement of the seven agricultural related utilitarian buildings can be argued to be the type of

development that is not appropriate in such open countryside because it is not agricultural related use in order to comply with Policy S7. Furthermore there is no evidence to demonstrate that the proposal is sustainable. For example; the residential dwelling do not appeared to have an easy access to public transport or local bus services therefore it would induce the use of private car journey. In the absence of such evidence the proposed scheme is not sustainable. Hence, the proposal is in conflict with policy S7 and paragraph 55 of the National Planning Policy Framework (NPPF). The applicant failed to demonstrate the special circumstances why the Council should allow this application. The supporting information asserting that the premises has been vacant and with no prospects of letting it out to business use suitable for such location did not go far enough because applicant did not show any evidence regarding the marketing strategy for the site. And in the absence of such evidence the proposal did not overcome the impact the proposal would have on the open and permanence character of this part of open countryside. The proposal therefore is in conflict with Policies S7 and GEN2.

10.4 Policy GEN1 states that "development will only be permitted if it meets all the following criteria:

- Access to the main road network....
- The traffic generated by the development safely
- The design of the site must not compromise road safety and must take account of the needs of cyclist, pedestrians, public transport users, horse riders, people those whose mobility is impaired.
- The development encourages movement by means other than driving a car.

And Policy GEN2 states that "development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.

- It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
- It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate...."

In paragraph 56 of the NPPF the "Government also attached great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

10.5 Having considered the above policies, on balance, the proposed scale, form, height, bulk, width, height, position and design of the proposed single dwellinghouse would not be sympathetic to the appearance of the openness character of this part of open countryside. Hence, in design terms the proposal is conflict with Policy GEN2 and paragraph 56 of the NPPF.

## **C The ecological impact**

10.6 Policy GEN7 states that "development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Where the site includes protected species or habitats suitable for protected species, a nature conservation survey will be required. Measures to mitigate and/ or compensate for the potential impacts of development, secured by planning obligation or condition, will be required. The enhancement of biodiversity through the creation of appropriate new habitats will be sought". The application is accompanied by an ecological survey which confirms



the absence of bats and barn owls within the existing buildings. Hence, there are no evident grounds to expect any wider ecological interest in the application site.

#### **D Traffic impact**

- 10.7 Policy GEN8 states that "development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate. Three off-street car parking spaces are provided although the lengthy driveway is capable of accommodating significantly more. UDC's Local Residential Parking Standards (Feb 2013) are therefore met. No specific enclosed garage structure is shown, although one could readily be provided within the extensive gardens without threat to any neighbourly interests.

#### **E Impact on local infrastructure**

- 10.8 Policy H9 states that "the Council will seek to negotiate on a site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfalls sites, having regard to the up to date Housing Needs Survey, market and site consideration. Following the amendment to the Development Contribution as specified in the Supplementary Planning Document regarding the financial contribution in connection with a proposed single dwelling house to support local infrastructure on balance; the proposal would not have any impact on local infrastructure such as the provision of affordable housing.

### **11. CONCLUSION**

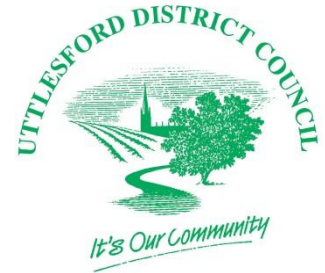
The following is a summary of the main reasons for the recommendation:

- 11.1 The removal of seven utilitarian buildings and replacement with a single dwellinghouse within this part of open countryside is considered acceptable in principle as it would help to address housing need within the rural area subject to its impact on the character of the open countryside in terms of its openness and their permanence. The scale, form, layout and design of the proposed dwellinghouse are considered to be in conflict with Policy S7 and paragraphs 7 and 79 of the NPPF because a proposed single dwelling house at this location is not sustainable; and in terms of its scale, mass, layout, height, appearance, bulk and design they are not sympathetic to the character of this part of the open countryside.
- 11.2 It is an unsustainable development because the applicant fails to demonstrate that the proposal is in close proximity to local infrastructure such as school, local shops, local bus routes and community facilities. In the absence of such local infrastructure, the proposal would generate the use of private cars to reach the destination of these local infrastructure. Despite the proposal involves only one single dwelling house, having considered the new permitted development rights as it is applicable in this location of the open countryside; it is not considered sufficient to outweigh the harm the proposal would have on the appearance and prominence of this part of open countryside and it is also not sufficient to prejudice the objectives of Policy S7. Hence, the proposal is contrary to Policy S7 and paragraphs 7, 29 and 55 of the NPPF.
- 11.3 In consideration to the above policies and the proposed development the Framework (NPPF) also stresses at paragraph 7 that there are three dimensions to sustainable development namely economic, social and environmental and these dimensions give rise to need for the planning system to perform three similarly named roles. For example; under the "social role" there is need in supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present

and future generation; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being..." The provision of housing falls within the social role, and the protection or enhancement of the natural environment comes within the environmental role. The Framework goes on to state that the three roles....should not be taken in isolation, because they are mutually dependent...." In terms of the economic role, the proposal will not go far enough because after the construction of the proposed single dwelling house the economic role of the proposed development would come to end. Hence, to achieve a sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system... (paragraph 8).

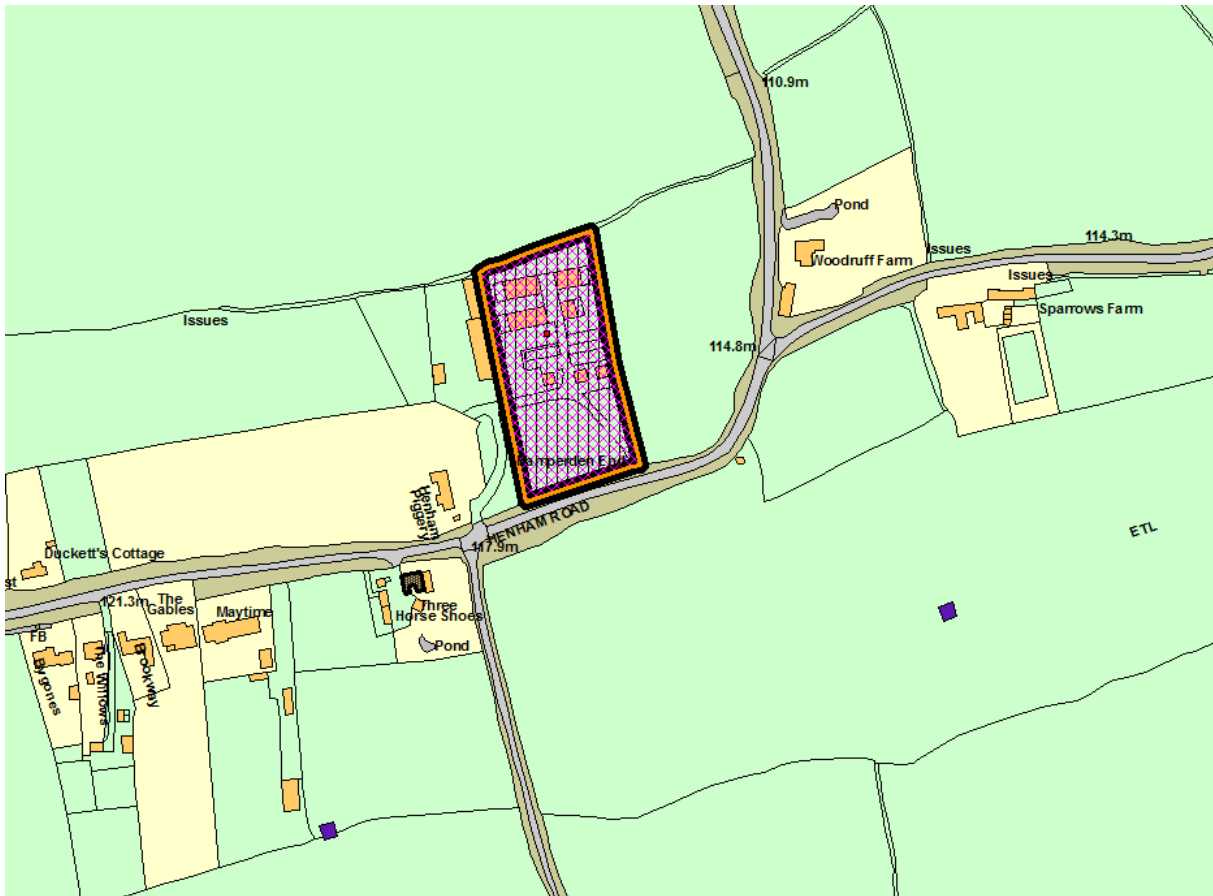
## **RECOMMENDATION – REFUSAL**

- 1 The replacement of seven utilitarian buildings with a single dwellinghouse within this part of open countryside in the absence of a justification for such development within such location would amount to inappropriate development in the rural area and would be contrary to Policy S7 of the Local Plan. The proposed site in terms of its location is likely to generate volume of private cars because it is not easily accessible to local infrastructure such as school, local shops, local bus services, community halls and other local facilities and as a result it would induce the need of highly dependable on the use of private cars making the proposed development unsustainable. Hence, the proposed residential dwelling within such location did not fully satisfy all the criteria to Policy GEN1. The benefits of the proposal therefore did not outweigh the objectives of Policy S7.
  
- 2 The scale, mass, bulk, position, layout, height, width, length and design of the single dwellinghouse are considered not be sympathetic to the character and appearance of this part of the open countryside which would detract the openness and permanence of this part of open countryside. The location of the proposed single dwelling house is not considered to be sustainable because it is not easily accessible to local shops, school, community facilities and to rural bus services. And the proposal would therefore encourage development of this scale, mass and bulk in inappropriate location. The proposal therefore is not in accordance with Policy GEN2 of the Adopted Local Plan and it is also in conflict with paragraphs 7 and 79 of the National Planning Policy Framework.



Application no.: UTT/14/0073/FUL

Address: Land At Hamperden End Henham Road Debden



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Organisation: Uttlesford District Council

Department: Planning

Date: 25 April 2014

SLA Number: 100018688

**UTT/14/0186/FUL (Little Sampford)**

**(MAJOR)**

**PROPOSAL:** Application to vary condition 5 (fencing plan) and condition 6 (external finish of control room and inverter stations) of approved planning application UTT/13/1472/FUL relating to a proposed 29.96ha solar park with associated plant, equipment and works.

**LOCATION:** Land at Spriggs Farm, Thaxted Road, Little Sampford.

**APPLICANT:** Spriggs Solar Limited.

**AGENT:** Pegasus Group.

**EXPIRY DATE:** 28 April 2014

**CASE OFFICER:** Clive Theobald

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**1.0 NOTATION**

1.1 Outside Development Limits.

**2.0 DESCRIPTION OF SITE**

2.1 The application site is located to the south-east of the B1051 between Thaxted and Little Sampford. It is accessed via a public right of way which runs between two residential properties known as Stack Yard and Silver Birches. The application site consists of four agricultural fields, totalling 29.96ha, which are divided by hedgerows. The north-western boundary of the site is along the public right of way which runs to the south-west towards Thaxted. This section of the site is open with no existing hedgerows. There is a further public right of way which runs adjacent to the northern boundary of the site, which is located in the adjacent field.

2.2 The application site is relatively flat with a difference in height across the site of approximately 7m. There is a slight fall on the site from the north-west to the south-east. Beyond the site to the south-east are two areas of woodland, separated from the site by a further area of agricultural land.

2.3 Works are at an advanced construction stage on an approved solar farm at this rural location where various items of equipment has been installed on the ground in connection with this renewable energy scheme

**3.0 PROPOSAL**

3.1 This application seeks variations to two conditions imposed under planning permission UTT/13/1472/FUL relating to a solar park at this rural location, namely a variance of condition 5 substituting the previously approved locations for the perimeter fencing and condition 6 in respect of changes in the siting and colour of the equipment installations. The application is retrospective in nature given that the fencing works and equipment changes have already taken place.

3.2 The boundary fencing as modified is of the same design, height and style as approved, although the revised fencing now relates to a single perimeter fence around the edge of the whole site rather than around the edges of the four parcels of land which make up the site. The control room and DNO switchroom buildings as sited are formed of Glass Reinforced Plastic and are not concrete as required by condition 6, although are the same dimensions as approved and have been coloured green in accordance with condition 6. The position of the switchroom is within the same position as previously approved, but has been rotated at an orientation of 90 degrees to facilitate easier access and connection to the power distributor.

#### **4.0 APPLICANT'S CASE**

4.1 This application seeks to reflect the final technical requirements of the site developer and seeks retrospective approval for minor alterations from the approved details to reflect the "as built" solar scheme. The changes are minor in nature where the change in fencing to that approved results in a large net reduction in the quantity of fencing required for the solar park, whilst the change in specification of the equipment reflects a more practical finish solution.

#### **5.0 RELEVANT SITE HISTORY**

5.1 The principle of a 12MW solar farm as a stand alone renewable energy scheme at Spriggs Farm was considered acceptable by the Council at this rural location under application UTT/12/5601/FUL when the officer report to the Development Committee for that application concluded that the proposal would not have a significant detrimental impact upon the rural character of the area. A subsequent application for the variation of two conditions relating to the requirement for the development to be carried out in accordance with the approved drawings (condition 2) and details of the control room and inverter cabinets to be submitted for approval prior to commencement (condition 8) in order to vary the heights, materials and positions of the proposed control room and inverter stations and to reduce the number of inverter stations was approved by Members in August 2013 (UTT/13/1472/FUL).

#### **6.0 POLICIES**

##### **6.1 National Policies**

- National Planning Policy Framework (NPPF).

##### Relevant Government advice:

- DCLG – "Planning practice guidance for renewable and low carbon energy" (July 2013)
- DE&CC – "UK Solar PV Strategy Part 1: Roadmap to a brighter Future (Oct 2013)
- DE&CC – "UK Solar PV Strategy Part 2: Delivering a Brighter Future (April 2014)

##### **6.2 Uttlesford District Local Plan 2005**

- ULP Policy ENV15 - Renewable Energy
- ULP Policy S7 - The Countryside

- ULP Policy GEN7 - Nature Conservation
- ULP Policy E4 - Farm diversification: alternative use of farmland
- ULP Policy ENV5 - Protection of agricultural land
- ULP Policy GEN8 - Vehicle Parking Standards

### 6.3 Uttlesford District DRAFT Local Plan (Pre-submission Document, April 2014)

- Policy SP8 - Renewable Energy and Energy Efficiency
- Policy SP9 - Protection of the Countryside
- Policy SP11 - Protecting the Natural Environment
- Policy EN10 - Sustainable Energy and Energy Efficiency
- Policy C1 - Protection of Landscape Character
- Policy DES1 – Design
- Policy TA1 - Vehicle Parking Standards

## 7.0 PARISH COUNCIL COMMENTS

7.1 No comments.

## 8.0 CONSULTATIONS

### ECC Highways

8.1 No highway objections.

## 9.0 REPRESENTATIONS

9.1 0 representations received. Notification period expired 20 February 2014.  
Advertisement expired 27 February 2014. Site Notice expired 27 February 2014.

## 10.0 APPRAISAL

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

### **A Whether the proposed changes would be acceptable in terms of design / resulting impact on the rural amenities of the area (NPPF, ULP Policies S7 and GEN2).**

10.1 The principle of a solar farm at this rural location was originally approved by the Council in January 2013 under UTT/12/5601/FUL and this issue does not therefore fall to be considered under the current application, which seeks condition variations as described above.

10.2 The proposed changes to the site perimeter fencing to reduce the amount of fencing at the site for stated practical and security purposes would amount to a visual site improvement, whilst the rotation of the switchroom on its axis would be an acceptable change where this would be insignificant. The substitution of the external materials for the control room and DNO switchroom buildings from concrete as previously approved to Glass Reinforced Plastic is also considered an acceptable change. As such, the changes overall would comply with ULP Policy GEN2 in terms of design and ULP Policy S7 in terms of countryside protection.

## 11. CONCLUSION

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

- A The changes proposed by this variation of condition application would not have a harmful effect on the rural amenities of the area and would comply with the NPPF and ULP Policies S7 and GEN2. The proposal is therefore considered acceptable.

## **RECOMMENDATION – APPROVAL**

### Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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 solar panels to be used and their number and positioning within the site shall be installed in accordance with the details which have been previously submitted to the local planning authority and subsequently approved under Discharge of Condition (DOC) application reference UTT/13/1202/DOC.

REASON: To ensure that the development does not introduce any additional adverse effects in terms of its visual impact in accordance with Uttlesford Local Plan Policies S7 and GEN2 (adopted 2005).

3. All hard and soft landscape works shall be carried out in accordance with the details which have been previously submitted to the local planning authority and subsequently approved under Discharge of Condition (DOC) application reference UTT/13/1490/DOC. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the local planning authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted, destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Uttlesford Local Plan Policies S7 and GEN7 (adopted 2005).

4. The development hereby permitted shall be implemented in accordance with all identified flood alleviation and protection measures as set out in the Flood Risk Assessment.

REASON: To prevent the increased risk of flooding in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

5. The boundary treatment for the site insofar as this relates to the location of security fencing shall be carried out in accordance with the revised details as shown on drawing LAYOUT UPDATE 1 dated 7 January 2014. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995, (or any Order amending, revoking or re-enacting that Order) no additional boundary treatments shall be erected on the site without the prior written agreement of the local planning authority.

REASON: To ensure that the appearance of the site does not detract from the character of the rural area in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

6. The control room and DNO switchroom shall be erected in accordance with the details shown on drawing LAYOUT UPDATE 1 dated 7 January 2014. The control room and DNO switchroom shall be finished in Glass Reinforced Concrete coloured green.

REASON: To safeguard the character and appearance of the countryside in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

7. No lights shall be erected within the site without the prior written agreement of the local planning authority.

REASON: To safeguard the character and appearance of the countryside in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

8. Should the solar panels not be used continuously for the production of energy for a period of six months, the panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent the retention of development in the countryside that is not being used for its intended purpose in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

9. The scheme of biodiversity enhancement for the site shall be carried out in accordance with the details which have been previously submitted to the local planning authority and subsequently approved under Discharge of Condition (DOC) application reference UTT/13/1340/DOC.

REASON: To ensure the development results in an improvement to the biodiversity of the site in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005).

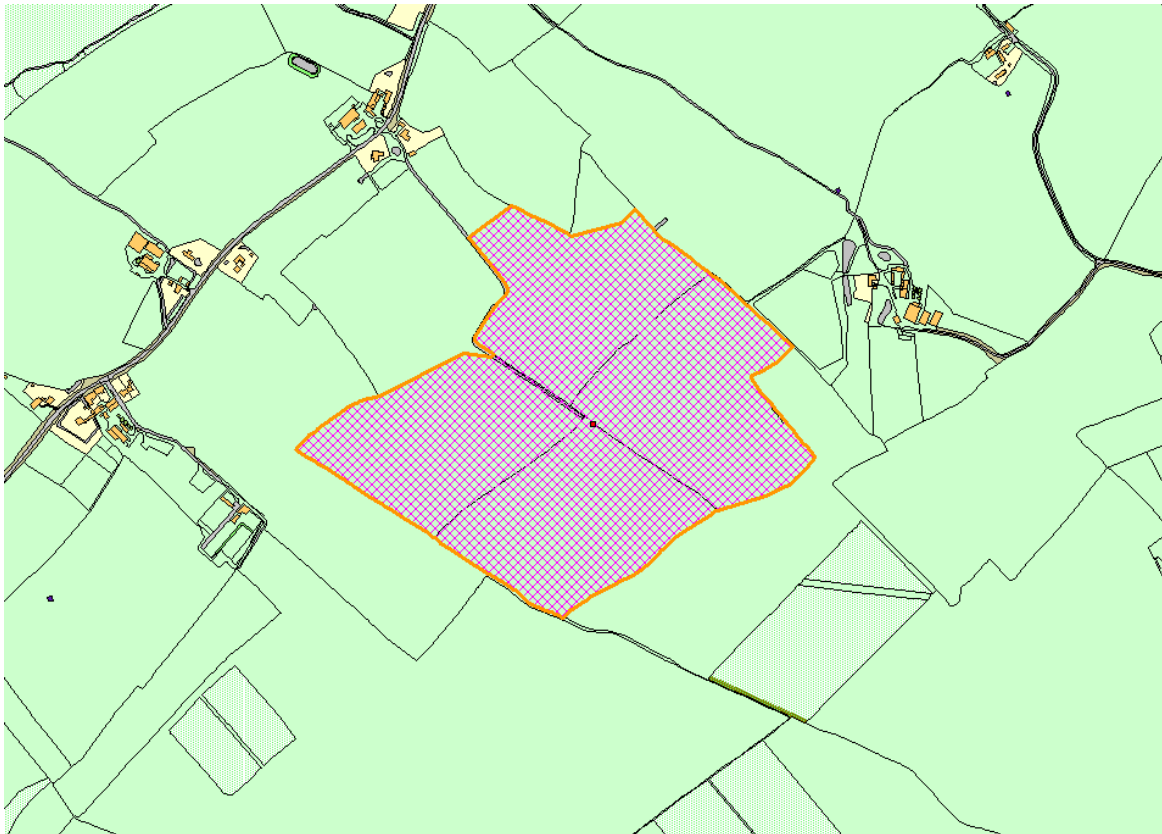
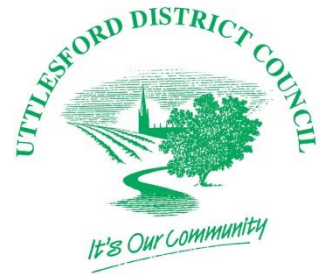
10. The Construction Management Action Plan shall be implemented in accordance with the details which have been previously submitted to the local planning authority and subsequently approved under Discharge of Condition (DOC) application reference UTT/13/1342/DOC.

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



Application no.: UTT/14/0186/FUL

Address: Land At Spriggs Farm Thaxted Road Little Sampford



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Organisation: Uttlesford District Council

Department: Planning

Date: 25 April 2014

SLA Number: 100018688

**UTT/14/0621/FUL (Little Bardfield)**

(MAJOR)

**PROPOSAL:** Construction of 18.65 ha solar park, including installation of solar panels, transformer and inverter housings, security fencing, landscaping and associated works – revised scheme to that approved under UTT/13/2207/FUL relating to relocation of substation, adjusted route of grid connection and change to inverter and transformer housing design.

**LOCATION:** Hydes Farm, Little Bardfield

**APPLICANT:** Push Energy Ltd.

**EXPIRY DATE:** 10 June 2014

**CASE OFFICER:** Clive Theobald

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**1. NOTATION**

1.1 Outside Development Limits.

**2. DESCRIPTION OF SITE**

2.1 The site is situated at Hydes Farm to the south of the Thaxted to Bardfield Road and comprises arable farmland comprising 18.65 ha. The site comprises a flat plateau beyond a ridge and is accessed by a long private farm drive from Bardfield Road. The site is traced by public footpaths along its north-west and north-east boundaries, whilst a public bridleway leads southwards down from the south-west corner of the site to Bustard Green. The edges of the field are marked by deep drainage ditches with thinly scattered trees, but no hedges.

**3. PROPOSAL**

3.1 This application relates to revisions to this 10.8MW solar farm scheme previously approved under UTT/13/2207/FUL where these revisions extend to the following:

- relocation of approved substation position from Tylers along Bardfield Road to the northern perimeter of the application site itself, together with new underground grid connection cable alignment route;
- changes to the transformer and inverter housing design where this equipment would now appear similar to shipping containers and where the size dimensions of these would be 2.4m wide x 6.0m long x 2.6m high.

3.2 No revisions are proposed to the design or layout of the solar arrays themselves where these remain as previously approved. Due to the nature of the application proposal, the revisions cannot be dealt with through the minor amendment process and are subject to a further planning application for formal consideration by the Council.

**4. APPLICANT'S CASE**

- 4.1 “The proposed solution offers improved security and reduces the amount of work required on site, reducing construction period”.

## **5. RELEVANT SITE HISTORY**

- 5.1 Planning permission granted by the Council’s Development Committee in November 2013 for the construction of an 18.65ha solar park with associated equipment and works at Hydes Farm when the principle of this renewable energy scheme was considered acceptable subject to appropriate planning conditions to protect rural amenity etc. (UTT/13/2207/FUL).

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework (NPPF)

#### Relevant Government advice:

- DCLG - “Planning practice guidance for renewable and low carbon energy” (July 2013)
- DE&CC - “UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (Oct 2013)
- DE&CC – “UK Solar PV Strategy: Part 2: Delivering a Brighter Future (April 2014)

### **6.2 Uttlesford District Local Plan 2005**

- ULP Policy S7 - The Countryside
- ULP Policy E4 - Farm diversification: alternative use of farmland
- ULP Policy ENV5 - Protection of agricultural land
- ULP Policy ENV8 - Other landscape elements of importance for nature conservation
- ULP Policy ENV15 - Renewable Energy
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN3 - Flood Protection
- ULP Policy GEN4 - Good neighbourliness
- ULP Policy GEN7 - Nature Conservation
- ULP Policy GEN8 - Parking

### **6.3 Uttlesford District DRAFT Local Plan (Pre-Submission Document, April 2014)**

- Policy SP8 - Renewable Energy and Energy Efficiency
- Policy SP9 - Protection of the Countryside
- Policy SP11 - Protecting the Natural Environment
- Policy EN10 - Sustainable Energy and Energy Efficiency
- Policy C1 - Protection of Landscape Character
- Policy DES1 – Design
- Policy TA1 - Vehicle Parking Standards

## **7. PARISH COUNCIL COMMENTS**

- 7.1 Comments not received.

## **8. CONSULTATIONS**

### **Environment Agency**

- 8.1 No objections to the proposed revisions as per the previous comments, although recommend a suitably worded condition covering proposed soakaways.

#### **NATS Safeguarding**

- 8.2 The proposed development has been examined from a technical safeguarding aspect and does not conflict with safeguarding criteria.

#### **Airside Operations Ltd**

- 8.3 The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. No objections.

#### **ECC Highways**

- 8.4 No objections subject to the public's rights and ease of passage over public footpaths 10 and 11, Little Bardfield being maintained free and unobstructed at all times.

#### **ECC Archaeology**

- 8.5 No objections subject to archaeological monitoring condition due to potential effect of proposed development on archaeological deposits.

#### **Braintree District Council**

- 8.6 The views from this location point are similar to those which would be seen from the nearest parts of Braintree District. I consider that these give limited views of the site and that these would not give rise to an adverse impact on the landscape between the site and Dunmow Road.

### **9. REPRESENTATIONS**

- 9.1 0 representations received. Neighbour notification expired 4 April 2014. Advertisement expired 10 April 2014. Site notice expired 10 April 2014.

### **10. APPRAISAL**

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

- A Whether the revisions would be acceptable in terms of design and impact on rural amenity (NPPF, ULP Policies S7 and GEN2).

#### **A Whether the revisions would be acceptable in terms of design and impact on rural amenity (NPPF, ULP Policies S7 and GEN2).**

- 10.1 The principle of a solar farm at this rural location was considered acceptable under application UTT/13/2207/FUL when the officer report for that application concluded that the scheme would not have a significant detrimental effect on the rural amenities of the area in terms of countryside protection.

- 10.2 The current application relates to the proposed re-siting of the sub-station and design amendments to the transformer and inverter stations for this previously approved scheme. The re-siting of the sub-station is considered acceptable where it would be moved from its approved off-site position along Bardfield Road to a less prominent

position along the northern perimeter of the site itself situated behind a natural dividing ridge where this revised siting is considered to be more favourable in terms of its impact on rural amenity.

- 10.3 The design changes to the transformer and inverter stations would result in slightly smaller size dimensions as amended at 2.4m wide x 6.0m long x 2.6m high as opposed to 2.2m wide x 8.4m long x 2.5m high for the approved installations, although the revised equipment version would have shallow ridged roofs as opposed to steeper pitched roofs as approved. Whilst the roofs to the equipment would have been more preferable as approved, the transformer and inverter stations would still be centrally sited and it is considered that their impact on the site would be no greater than the approved design. The proposal would therefore comply with ULP Policies S7 and GEN2 in this respect.
- 10.4 No other issues arise with this revised application for this solar farm scheme where other matters relating to access, parking and ecology were addressed under previous application UTT/13/2207/FUL.

## 11. CONCLUSION

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

- A The re-siting of the sub-station and design amendments to the transformer and inverter stations as proposed are considered acceptable and the proposal complies with relevant national and local planning policy.

## RECOMMENDATION – CONDITIONAL APPROVAL

### Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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. 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 [earthworks to be carried out]
  - b) means of enclosure
  - c) car parking layout
  - d) vehicle and pedestrian access and circulation areas
  - e) hard surfacing, other hard landscape features and materials
  - f) existing trees, hedges or other soft features to be retained
  - g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
  - h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
  - i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
  - j) location of service runs
  - k) management and maintenance details

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

3. All hard and soft landscape works shall be carried out in accordance with the details as approved by the local planning authority or in accordance with an alternative programme agreed in writing with the local planning authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted, destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Uttlesford Local Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

4. Surface water run-off from the solar arrays and plant buildings on the site shall be drained in accordance with the drainage recommendations as contained within the Flood Risk Assessment report prepared by A E Designs Ltd dated February 2013.

REASON: To ensure that adequate drainage is provided for the development in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

5. Prior to commencement of development, details of the external colour specification for the associated plant equipment shall be submitted to and approved in writing by the local planning authority. The equipment shall be externally painted in accordance with the approved details.

REASON: To minimise the visual impact of the development within the countryside in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

6. Prior to commencement of the development hereby permitted, details of boundary treatment shall be submitted to and approved in writing by the local planning authority. The details shall include the location, design, materials, colour and type of boundary treatment to be erected. The boundary treatment shall be carried out in accordance with the approved details. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995, (or any Order amending, revoking or re-enacting that Order) no additional boundary treatments shall be erected on the site without the prior written agreement of the local planning authority.

REASON: To ensure that the appearance of the site does not detract from the character of the rural area in accordance with Uttlesford Local Plan Policy S7 of the Uttlesford Local Plan (adopted 2005).

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

REASON: The Historic Environment Record and the desk based assessment provided with the application indicate that elements of the proposal lie within potentially sensitive areas of archaeological deposits. The desk based report identifies the potential threat to the below ground deposits from the support posts, cabling, power cables, the transformer bases and the cable trench to the sub-station. The development area had been under woodland, however, there is the potential of surviving archaeological deposits related both to the woodland but also earlier occupation from the prehistoric to Roman period. To limit the extent of the watching brief it is recommended that a phased programme of work be undertaken in accordance with ULP Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

Initially a geophysical survey by magnetometer should be undertaken over the main solar park area. This will identify any significant features which can then be targeted as part of the archaeological monitoring phase. The monitoring will take place on areas identified from the geophysical survey and on the cabling link to the sub-station. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

8. No development shall take place until a Biodiversity Mitigation and Enhancement Plan has been submitted to and approved in writing by the Uttlesford Planning Authority. The Plan shall include provision for habitat creation and management during the life of the development hereby permitted, as outlined in the Preliminary Ecological Appraisal (dated February 2013) and Landscape Strategy (dated 21st March 2013) and shall, without prejudice to the foregoing, include:
  - (i) Aims and objectives of mitigation and enhancement;
  - (ii) Extent and location of proposed works;
  - (iii) A description and evaluation of the features to be managed, including but not limited to the ditches, hedgerows and grassland;
  - (iv) Sources of habitat materials;
  - (v) Timing of the works;
  - (vi) Disposal of wastes arising from the works;
  - (vii) Selection of specific techniques and practices for preparing the site and creating/establishing vegetation;
  - (viii) Appropriate management options for achieving aims and objectives;
  - (ix) Prescriptions for management actions, including stocking density of livestock and specific timings for grazing, outlining how a long forage season for bumblebees will be achieved;
  - (x) Personnel responsible for implementation of the Plan;
  - (xi) The Plan shall include demonstration of the feasibility of the implementation of biodiversity mitigation plan for the period specified in the Plan;
  - (xii) Monitoring and remedial / contingencies measures triggered by monitoring to ensure that the proposed biodiversity gains are realised in full. Monitoring shall review agreed targets at five year intervals and allow for remedial action to be agreed with the Uttlesford Planning Authority.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

9. Should the development hereby approved not have been commenced within one year of the date of this planning permission, a further biodiversity survey of the site shall be carried out to update the information previously submitted with the application [Environmental Impact Assessment, dated July 2013] together with an amended mitigation strategy to mitigate the impact of the development upon the identified

protected or priority species. The new biodiversity survey and mitigation strategy shall be submitted to and be approved in writing by the Planning Authority prior to the commencement of the development hereby permitted and thereafter the development shall be implemented in accordance with the approved biodiversity survey and mitigation/compensation strategy.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

10. No lights shall be erected within the site without the prior written agreement of the local planning authority.

REASON: To safeguard the character and appearance of the countryside in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

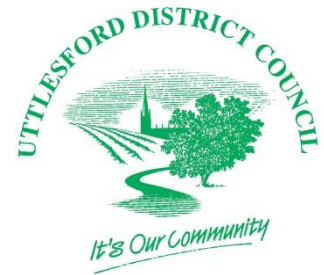
11. The development hereby permitted shall be carried out in accordance with the Construction Management Programme prepared by Push Energy.

REASON: To minimise disruption to the local highway network and on residential amenity in accordance with ULP Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

12. Should the solar panels not be used continuously for the production of energy for a period of six months, the panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

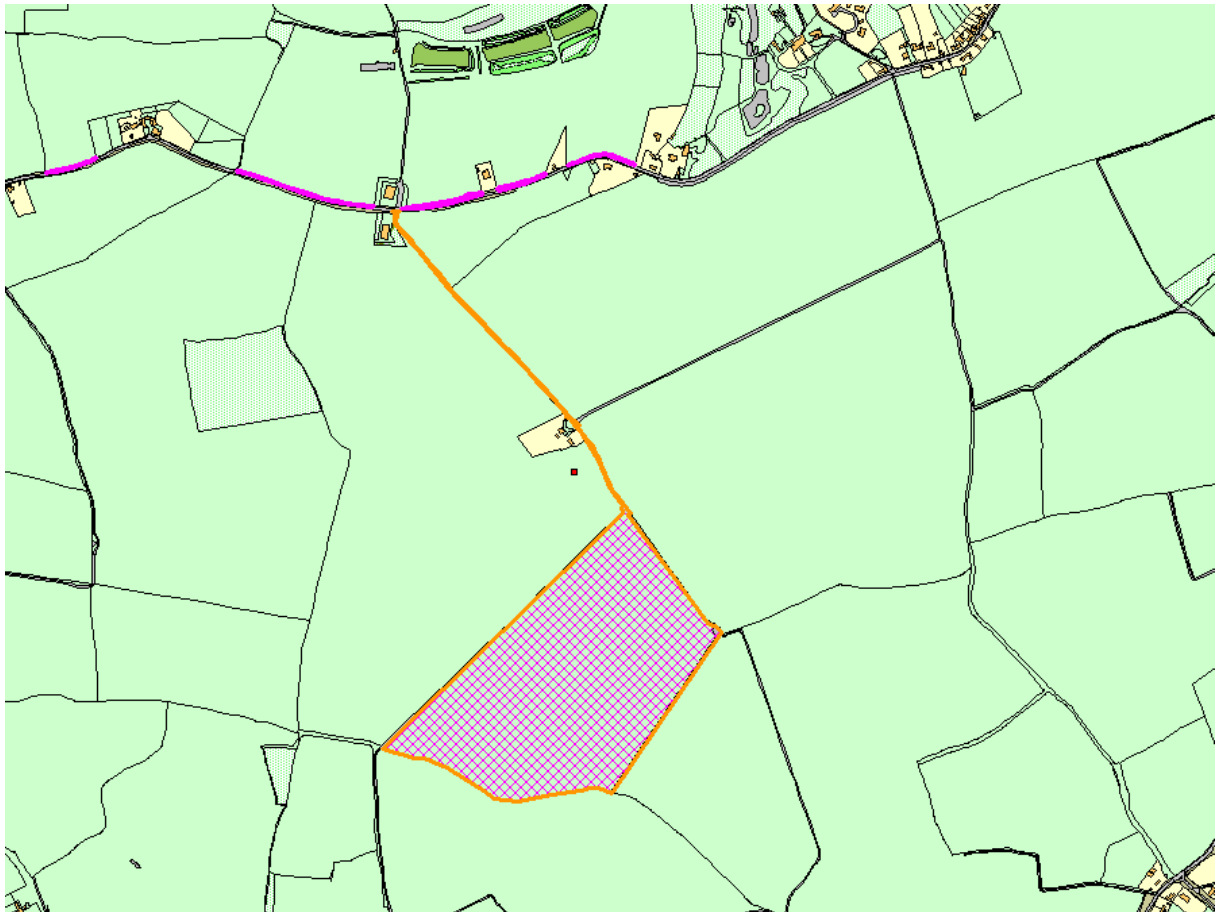
REASON: To prevent the retention of development in the countryside that is not being used for its intended purpose in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).





Application no.: UTT/14/0621/FUL

Address: Hydes Solar Farm Little Bardfield



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Organisation: Uttlesford District Council

Department: Planning

Date: 25 April 2014

SLA Number: 100018688

**UTT/14/0481/FUL - (LITTLE CANFIELD)**

(MINOR)

**PROPOSAL:** Variation of condition 5 (use of renewable/low carbon energy technologies) of planning permission UTT/1398/11/FUL (erection of 7 dwellings and associated infrastructure) to remove all reference to 10 % renewable, and variation of condition 2 (The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans) of UTT/1398/11/FUL approved 04/05/2012. To be varied to refer to revised site layout showing amended location for double garage to plot 7 and two visitor parking spaces.

**LOCATION:** Land adjacent to Warwick Road, Warwick Road, Little Canfield,

**APPLICANT:** Mr O Hookaway

**AGENT:** Go Planning Ltd

**EXPIRY DATE:** 17<sup>th</sup> April 2014

**CASE OFFICER:** Madeleine Jones

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**1. NOTATION**

1.1 Within Development Limits/Takeley/Little Canfield Local Policy 3 – Priors Green.

**2. DESCRIPTION OF SITE**

2.1 The application site is an island site within the Prior's Green development. It is located to the north of the spine road, known as Stokes Road at this point, and to the east of Warwick Road (north), where it becomes a track serving The Nest and Gamecards Cottage. The site is 0.3 hectare in size and works have commenced in relation to the previous approved scheme. The site is relatively flat with a slight fall from the northwest corner to the southeast corner. All the trees within the site have been felled. There is a hurdle fence to the boundary with Warwick Road. The Nest lies to the north, modern residential development forming part of the Prior's Green development lie to the east and south. To the west is a further overgrown site to the south of Gamecards. Previous planning permission UTT/1398/11/FUL has been implemented. The foundations for the garages serving plot 7 have been erected in the incorrect position as indicated on plans that were superseded, rather than the revised plans that were approved in relation to UTT/1398/11/FUL

**3. PROPOSAL**

Variation of condition 5 (use of renewable/low carbon energy technologies) of planning permission UTT/1398/11/FUL (erection of 7 dwellings and associated infrastructure) to remove all reference to 10 % renewable, and variation of condition 2 (The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans) of UTT/1398/11/FUL approved

04/05/2012.To be varied to refer to revised site layout showing amended location for double garage to plot 7 and two visitor parking spaces.

#### **4. APPLICANT'S CASE**

4.1 None

#### **5. RELEVANT SITE HISTORY**

5.1 UTT/ UTT/2125/07/OP: Outline application for 14 no 2 storey dwellings (including layout, scale and access) on land adjoining Penarth and Gamegard Cottages, Warwick Road, Little Canfield. Withdrawn.

5.2 UTT/1310/07/OP: Outline application for erection of 11 no terraced dwellings with associated garages and car parking with all matters reserved on land adjoining Penarth, Warwick Road, Little Canfield. Withdrawn.

5.3 UTT/1398/FUL: Erection of 7 dwellings and Associated Infrastructure. Conditional Approval

5.4 UTT/13/2884/FUL: Variation of condition 5 (use of renewable/low carbon energy technologies) of planning permission UTT/1398/11/FUL (erection of 7 dwellings and associated infrastructure) to remove all reference to 10% renewables. Conditional Approval subject to S106 obligation.

#### **6. POLICIES**

##### **6.1 National Policies**

- National Planning Policy Framework

##### **6.2 Uttlesford District Local Plan 2005**

- Policy S3
- Policy S6
- Policy H4
- Policy GEN2
- Policy GEN1
- Policy GEN8
- Policy GEN7

##### **Supplementary Planning Documents:**

- Energy Efficiency and Renewable Energy has been adopted (October 2007)
- Essex County Council Parking standards have been adopted (January 2010)
- Accessible Homes and Playspace (November 2005)
- Takeley/Little Canfield Local Policy 3- Prior Green (The "Island" Sites)

#### **7. PARISH/TOWN COUNCIL COMMENTS**

7.1 No objections.

#### **8. CONSULTATIONS**

**ECC Highways**

- 8.1 The Highway Authority has no objections to the proposal as shown in principle on Drawing No. 2010-136-102 as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

### **ECC Archaeology**

- 8.2 This application previously had a full archaeological condition attached. This work has been completed with no archaeological deposits identified. Therefore, no archaeological recommendations are being made on this application.

## **9. REPRESENTATIONS**

- 9.1 No representations have been received. Expiry date 17<sup>th</sup> March 2014

## **10.0 APPRAISAL**

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

- A Whether it is acceptable to vary the condition 5 to remove all reference to 10% renewables.
- B Whether it is acceptable to vary condition 2 in respect of the amended location of the double garage to plot 7.

### **A Whether it is acceptable to vary the condition 5 to remove all reference to 10% renewables**

- 10.1 The consideration of this application is whether it is acceptable to vary the condition in order to allow all reference to 10% renewables to be removed from condition 5 relating to planning permission UTT/1398/11/FUL. Consent was granted in May 2013.

Under planning permission UTT/1398/11/FUL Condition 5 was attached to that approval which stated:

The applicant shall incorporate on-site renewable or low-carbon energy technologies to provide 10% of the annual energy needs of the approved development in-use.

The applicant will provide the planning authority with a design SAP or SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as technical details and estimated annual energy production of the proposed renewable or low carbon technologies to be installed.

Within four weeks following its completion, the applicant will provide a SAP or SBEM rating of the as-built development and details of the renewable or low carbon technologies that were installed.

**REASON:** In the interests of the promotion of sustainable forms of development and construction

This has already previously been considered under UTT/13/2884/FUL by the committee in December 2013 where it was deemed acceptable to vary the condition. There are no material considerations to change this decision.

**B Whether it is acceptable to vary condition 2 in respect of the amended location of the double garage to plot 7**

10.2 Under planning permission UTT/1398/11/FUL Condition 2 was attached to that approval which stated:

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans printed on this Decision Notice unless agreed in writing by the local planning authority.

REASON: To ensure the scheme will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority.

Under UTT/13/2884/FUL revised plans were required to change the position of the garage and parking spaces relating to plot 7 (due to their position in relation to an existing bus stop). The two visitor spaces were also repositioned further south on the new road at right angles to Stokes Road. Development has commenced on site and the foundations to the garages for plot 7 have been positioned in accordance to the superseded plans Dwg No: 2010-136-002 dated 8<sup>th</sup> February 2011 REV A rather than the approved revised plans 2010 - ###-### REV A. dated 9<sup>th</sup> August 2011.

Essex Highways have agreed to the minor works needed to the repositioning of the bus stop to facilitate the relocation of the garages to plot 7. The repositioning of the bus stop can be dealt with in the Countryside Properties section 38 agreement for development off Stokes Road, Priors Green Development. An email from the applicant's solicitors also confirms that this can be achieved if required by Highways.

The plans submitted show the access to the garages to plot 7 repositioned further west and the visitor parking positions further north than previously approved. In view of Essex County Councils Highways having no objections, it is considered that these variations are acceptable.

**12.0 CONCLUSION**

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

- A The variation to condition 5 has already been agreed to be acceptable under planning application UTT/13/2884/FUL and as such the proposal is acceptable.
- B Essex County Council Highways department have no objection to the revised plans and therefore it is considered to be acceptable to vary the location of the double garage to plot 7 and two visitor parking spaces..

**RECOMMENDATION – CONDITIONAL APPROVAL and S106 LEGAL OBLIGATION REQUIRING CONTRIBUTIONS IN ACCORDANCE WITH THE TAKELEY/LITTLE CANFIELD SPG**

- (I) **The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an obligation to secure the following:**

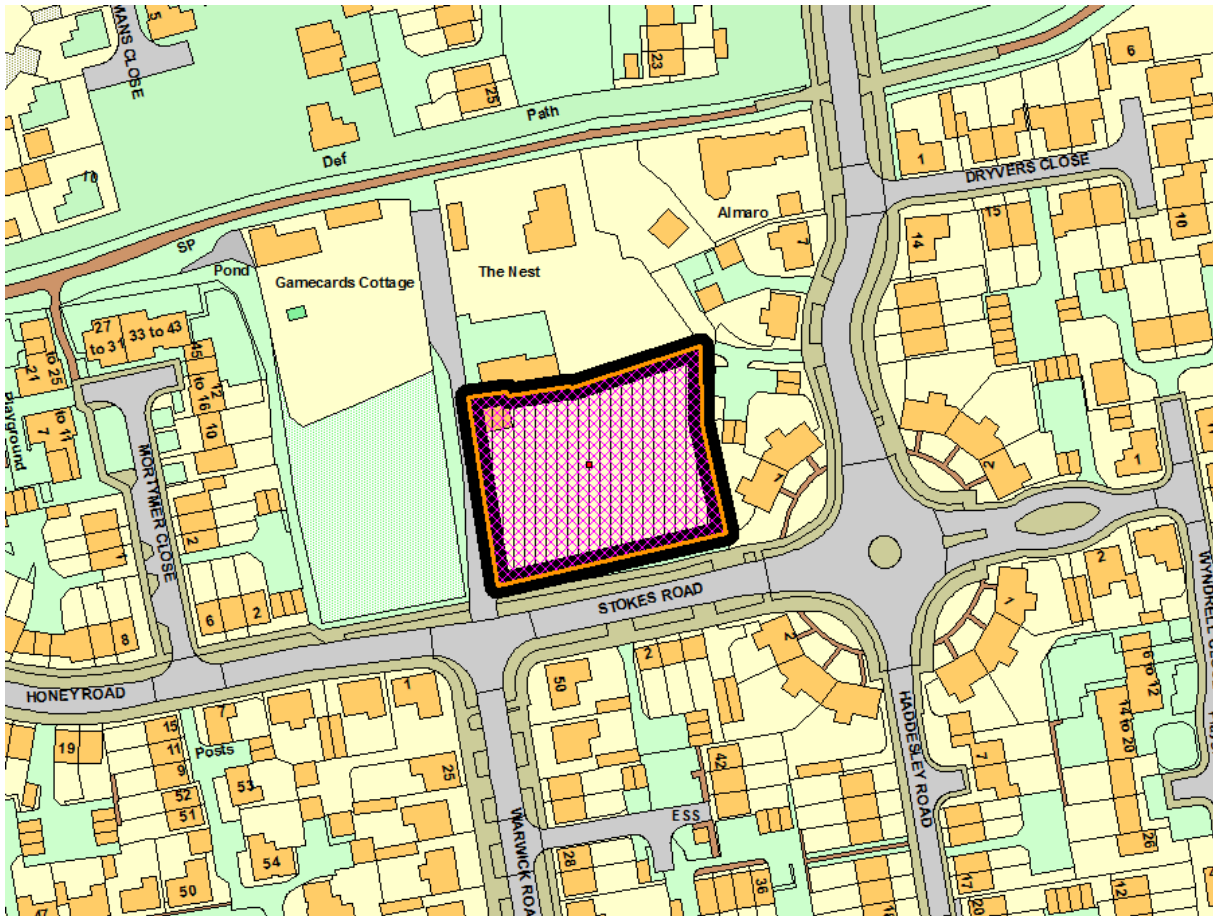
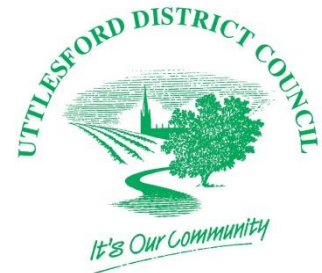
- (i) **Payment of Island Sites financial contribution**
  - (ii) **Payment of monitoring fee**
  - (iii) **Pay Councils reasonable costs**
  
- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below**
  
- (III) If the freehold owner shall fail to enter into such an obligation by 30<sup>th</sup> June 2014 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons:**
  - (i) Payment of Island Sites financial contribution**

Conditions/reasons

To be reported.

Application no.: UTT/14/0481/FUL

Address: Land Adjacent To Warwick Road Little Canfield



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Organisation: Uttlesford District Council  
Department: Planning  
Date: 25 April 2014

SLA Number: 100018688

**UTT/14/0634/FUL (GREAT EASTON AND TILTY)**

(Referred to Committee by Cllr L Smith. Reason: Planning permission exists for temporary accommodation in the form of a caravan. No additional employment is being cited in the application as a reason for the need for additional accommodation.)

**PROPOSAL:** Temporary change of use of part of agricultural building for domestic occupation by agricultural worker's family

**LOCATION:** Wilshers Farm, Andrews Farm Lane, Great Easton,

**APPLICANT:** Mr N Wilsher

**AGENT:** Mr E Gittins, Edward Gittins & Associates

**EXPIRY DATE:** 1 May 2014

**CASE OFFICER:** Luke Mills

---

**1. NOTATION**

1.1 Countryside.

**2. DESCRIPTION OF SITE**

2.1 The application site is a free-range egg farm to the east of Great Easton, off Andrews Farm Lane. It accommodates an egg grading building, an open-sided barn, a chicken barn, an unused barn and a mobile home, with outdoor runs to the rear. A few residential properties lie on Andrews Farm Lane, although the surrounding area generally comprises farmland.

**3. PROPOSAL**

3.1 The application is for planning permission to temporarily change the use of part of the egg grading building to increase the amount of living accommodation for the resident agricultural worker and their family.

**4. APPLICANT'S CASE**

4.1 The applicant's case is summarised as follows:

1. The additional living space is required to accommodate the need of the agricultural worker's family.
2. The enterprise is thriving and building a reputation for its high quality product.
3. The rest of the egg grading building would remain in active agricultural use.

**5. RELEVANT SITE HISTORY**

5.1 Planning permission was granted under application number UTT/1086/12/FUL for the demolition of a former agricultural building and the erection of an egg grading, packing and storage building, and the temporary siting of a mobile home for an agricultural worker. The temporary use of the mobile home expires on 13 August 2015.

**6. POLICIES**



## **6.1 Uttlesford District Local Plan 2005**

- Policy S7 The Countryside
- Policy GEN2 Design
- Policy GEN8 Vehicle Parking Standards
- Policy H12 Agricultural Workers' Dwellings

## **6.2 Supplementary Planning Documents**

- The Essex Design Guide

## **6.3 Other Guidance**

- Parking Standards: Design and Good Practice
- Local Residential Parking Standards

## **7. PARISH COUNCIL COMMENTS**

- 7.1 Great Easton and Tilty Parish Council objects to the proposed development because there is no requirement for an agricultural worker to be permanently based on site.

## **8. CONSULTATIONS**

### **Ward Member (Cllr L Smith)**

- 8.1 Called in the application for the reason given at the top of this report.

## **9. REPRESENTATIONS**

- 9.1 Neighbours were notified of the application by letter. One representation has been received, which takes the form of a petition signed by a number of parties and raises an objection to the proposed development. The reasons for the objection are summarised as follows:

1. There is no need for someone to live on site.
2. There is no evidence that the business is viable.
3. The proposed development has already started.
4. The applicant operates a separate business so may not qualify as an agricultural worker.
5. There is plenty of residential accommodation available to rent in the area.
6. The application is for an additional two-bedroom flat, for which there is no need.
7. Existing issues include increased traffic on Andrews Farm Lane, excess material blocking shared drains, air pollution from burning of materials and excessive artificial lighting.
8. Traffic movements generated by the proposed residential use would further deteriorate Andrews Farm Lane.

9. Approval would set a precedent for similar agricultural operations to benefit from residential accommodation.
10. Residential use of the egg grading building would result in overlooking of Little Gerrans.
11. The applicant does not maintain the property in a clean and tidy manner.
12. A glass business is operating from the site.
13. The location is unsustainable as Mill End Green has no shops or bus service.
14. New development would be inappropriate to the small rural hamlet and the surrounding area.

9.2 Members are advised of the following responses to the above points:

1. The assessment of the need for an agricultural workers' dwelling is ongoing. The trial period expires on 13 August 2015, after which residential use will either cease or be made permanent if an acceptable planning application is made.
2. The viability of the business is pertinent to the need for an agricultural workers' dwelling, which, as described above, will not be understood until the end of the trial period.
3. At the time of the officer's site visit, it was apparent that the proposed residential use had not yet commenced. Even if it had, it is unlikely that any enforcement action would be taken until this application has been determined.
4. Should permission be granted, a condition would be used to restrict the occupancy of the building in the same way as planning permission UTT/1086/12/FUL i.e. to an agricultural worker and their family. If this occupancy condition were breached, the Council would be able to take enforcement action.
5. The presence of other residential accommodation in the area is not relevant because, as stated above, there may be a need for a dwelling on the site, which will be established at the end of the trial period.
6. Should planning permission be granted, a condition would be used to ensure that only the agricultural worker and their family could live in the mobile home and the proposed area of the egg grading building. Therefore, it would not be possible for the accommodation to be used by anyone else.
7. The proposed use would not intensify the residential use of the site by virtue of the occupancy condition(s) which would be imposed. Therefore, existing issues would not be made worse.
8. As above (Point 7).
9. No undesirable precedent would be set by the development. Temporary residential use is being suitably controlled and the Council will be able to take enforcement action at the end of the trial period if an application for permanent permission is refused or if no such application is made.

10. The proposed residential use of the egg grading building would not cause any material overlooking of neighbouring residential properties. The only window in the first-floor bedroom would face north, with no residential properties within 25 metres – the minimum distance given in The Essex Design Guide to avoid significant overlooking.
11. The maintenance of the site cannot be controlled by the planning system. It is not a material consideration.
12. It was not apparent during the officer's site visit that a separate business is operating from the site. If such a use were to be carried out, the Council would need to consider enforcement action. In any event, the alleged use is unrelated to this planning application.
13. Temporary residential use has already been approved, which would remain unchanged.
14. There would be no new physical development so no harm would be caused to the appearance of the area.

## **10. APPRAISAL**

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

- A Spatial strategy (ULP Policies S7 and H12)
- B Design (ULP Policy GEN2; The Essex Design Guide)
- C Vehicle parking (ULP Policy GEN8; Parking Standards: Design and Good Practice; Local Residential Parking Standards)

### **A Spatial strategy**

- 10.1 Policy S7 is restrictive of new buildings in the countryside, although Policy H12 explains that agricultural workers' dwellings will be permitted where certain criteria are met. A temporary agricultural workers' dwelling has been permitted under planning permission UTT/1086/12/FUL to allow an informed decision to be made on the need for a permanent dwelling. The temporary use expires on 13 August 2015, after which the use will cease unless permission is granted in the meantime for a permanent dwelling.
- 10.2 The proposed development would not affect the number of people permitted to live on the site or the expiration date of the temporary residential use. The only difference would be that, rather than being accommodated solely within the mobile home, the family could also use part of the existing egg grading building. Should planning permission be granted, conditions would be used to ensure that the occupants would be restricted to the agricultural worker and their family, and that the use would expire on 13 August 2015. Any application for a permanent planning permission would be assessed on its merits.

### **B Design**

- 10.3 Policy GEN2 requires development to meet a number of criteria in relation to design, with further guidance provided in The Essex Design Guide. While the proposal would increase the number of bedrooms, it is considered unnecessary to pursue the provision of additional private amenity space because the use of the site is only temporary. It is considered that there are no other design issues of relevance to the proposal.

## **C Vehicle parking**

- 10.4 Policy GEN8 requires development to make appropriate provision for vehicle parking, and minimum parking standards are contained within 'Parking Standards: Design and Good Practice' and 'Local Residential Parking Standards'. While the proposal would increase the number of bedrooms, this would not give rise to any risks to highway safety caused by on-street parking because the space provided on site for vehicle parking far exceeds the minimum standards.

## **11. CONCLUSION**

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

- A The proposed development would increase the amount of living accommodation serving an agricultural worker and their family, and it would cause no material impact to the surrounding area. The use would be temporary, it being subject to the same trial period begun under planning permission UTT/1086/12/FUL to establish the need for a permanent agricultural workers' dwelling.

### **RECOMMENDATION – CONDITIONAL APPROVAL**

Conditions/reasons

- 1 The hereby permitted occupation of part of the egg grading building shall be limited to the same person(s) permitted to occupy the adjacent mobile home under the terms of planning permission UTT/1086/12/FUL.

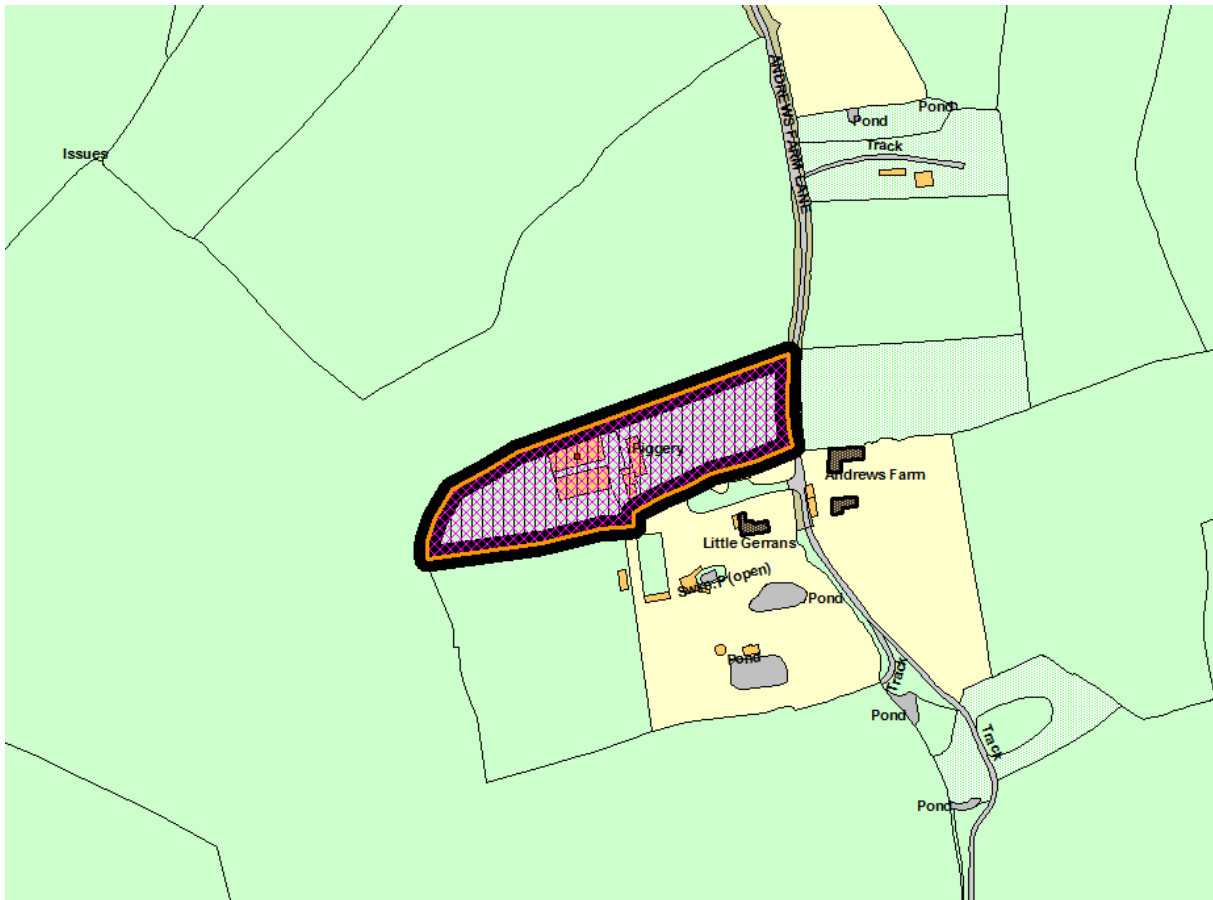
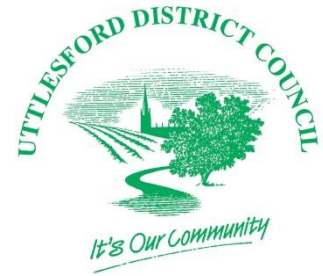
REASON: The site lies within an area where permission for new dwellings is not normally granted and the local planning authority would not be prepared to permit a dwelling on the site unless essentially required in connection with the use of land for agricultural purposes in accordance with Policies S7 and H12 of the Uttlesford Local Plan (adopted 2005).

- 2 The use hereby permitted shall cease on 13 August 2015.

REASON: The site lies within an area where permission for new dwellings is not normally granted and the local planning authority would not be prepared to permit a dwelling on the site unless essentially required in connection with the use of land for agricultural purposes in accordance with Policies S7 and H12 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/14/0634/FUL

Address: Wilshers Farm Andrews Farm Lane Great Easton



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Organisation: Uttlesford District Council

Department: Planning

Date: 25 April 2014

SLA Number: 100018688

**UTT/14/0994/FUL (SAFFRON WALDEN)**

(Referred to Committee as Applicant is Cllr Redfern)

**PROPOSAL:** Change of use from Opticians to Beauticians

**LOCATION:** 5A Market Row, Saffron Walden, Essex CB10 1HB

**APPLICANT:** Mrs J Redfern

**EXPIRY DATE:** 27 May 2014

**CASE OFFICER:** Samantha Heath

---

**1. NOTATION**

1.1 Within development limits; Conservation Area; Archaeological site.

**2. DESCRIPTION OF SITE**

2.1 The application site comprises a 2 storey end terraced building which is cream rendered with black weatherboarding at first floor. It is located on the corner of Butcher Row and Market Row in the centre of Saffron Walden. It is occupied at ground floor level by a retail unit, The Toy Box and is currently empty at first floor level but most recently occupied by an optician. The current use is A1. Adjacent and opposite the site are other retail units.

**3. PROPOSAL**

3.1 This application proposal is for the change of use from A1 (opticians) to sui generis, for use as a beauticians. There are no indications within the application that the internal structure and layout will be altered. The proposed number of employees is 3 full-time. Proposed opening hours are 8.00am - 8.00pm Monday – Friday and 8.00am – 6.00pm Saturday.

**4. APPLICANT'S CASE**

4.1 None.

**5. RELEVANT SITE HISTORY**

5.1 UTT/14/0003/FUL Change of use from Retail A1 to Financial and Professional Services A2. Approved 06.02.2014.

**6. POLICIES**

**6.1 National Policies**

- National Planning Policy Framework (2012)

**6.2 Uttlesford District Local Plan 2005**

- Policy S3 - Development limits for the Main Urban Areas

- Policy GEN2 - Design
- Policy H8 - Home Extensions
- SPD Home Extensions
- Uttlesford Local Parking Standards 2013

## **7. PARISH/TOWN COUNCIL COMMENTS**

7.1 None received. Expired 02.05.14

## **8. CONSULTATIONS**

8.1 N/A

## **9. REPRESENTATIONS**

9.1 23 Neighbours were notified. Consultation expired 25.04.14.

## **10. APPRAISAL**

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

- A Whether the proposed works would be of an appropriate design and scale in its Conservation Area location (ULP Policies S1, ENV1 and GEN2).
- B Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policy GEN2 & GEN1)
- C Whether the proposal meets the required parking standards (Uttlesford Local Parking Standards 2013)

### **A Whether the proposed works would be of an appropriate design and scale**

10.1 The site is located within the Development Limits for Saffron Walden and as such, development on this site is acceptable in principle subject to it being compatible with the settlement's character. The proposal for change of use would not result in any new built form on the site and no alterations to the exterior of the existing building. Therefore there will be no detrimental impact on the appearance of the Conservation Area.

10.2 Given the position of the proposal and its scale, design and appearance, it is believed that the proposal would have no harmful impact on the visual amenities of the area.

### **B Whether the proposal would adversely affect amenity values of neighbouring residents**

10.3 This use is generally accepted to not cause noise and disturbance and is an appropriate use for this location. In addition the opening hours are limited, it is unlikely therefore that the use of this site as a beauticians, would generate any noise or disturbance that would be materially detrimental to any of the neighbouring buildings.

### **C Whether the proposal meets the required parking standards**

10.4 With regard to vehicle parking standards, there are no existing or proposed parking spaces on the site however it is close to public car parks and public transport links.

10.5 The NPPF requires Local Authorities to support sustainable economic growth and to ensure the vitality of town centres, allowing this new use will bring economic benefits to the town. In addition the site is in a sustainable location close to public car parks and public transport links.

## **11. CONCLUSION**

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

The proposal is considered to be in accordance with the relevant Uttlesford Local Plan policies and the application is recommended for approval.

### **RECOMMENDATION – CONDITIONAL APPROVAL**

Conditions/reasons

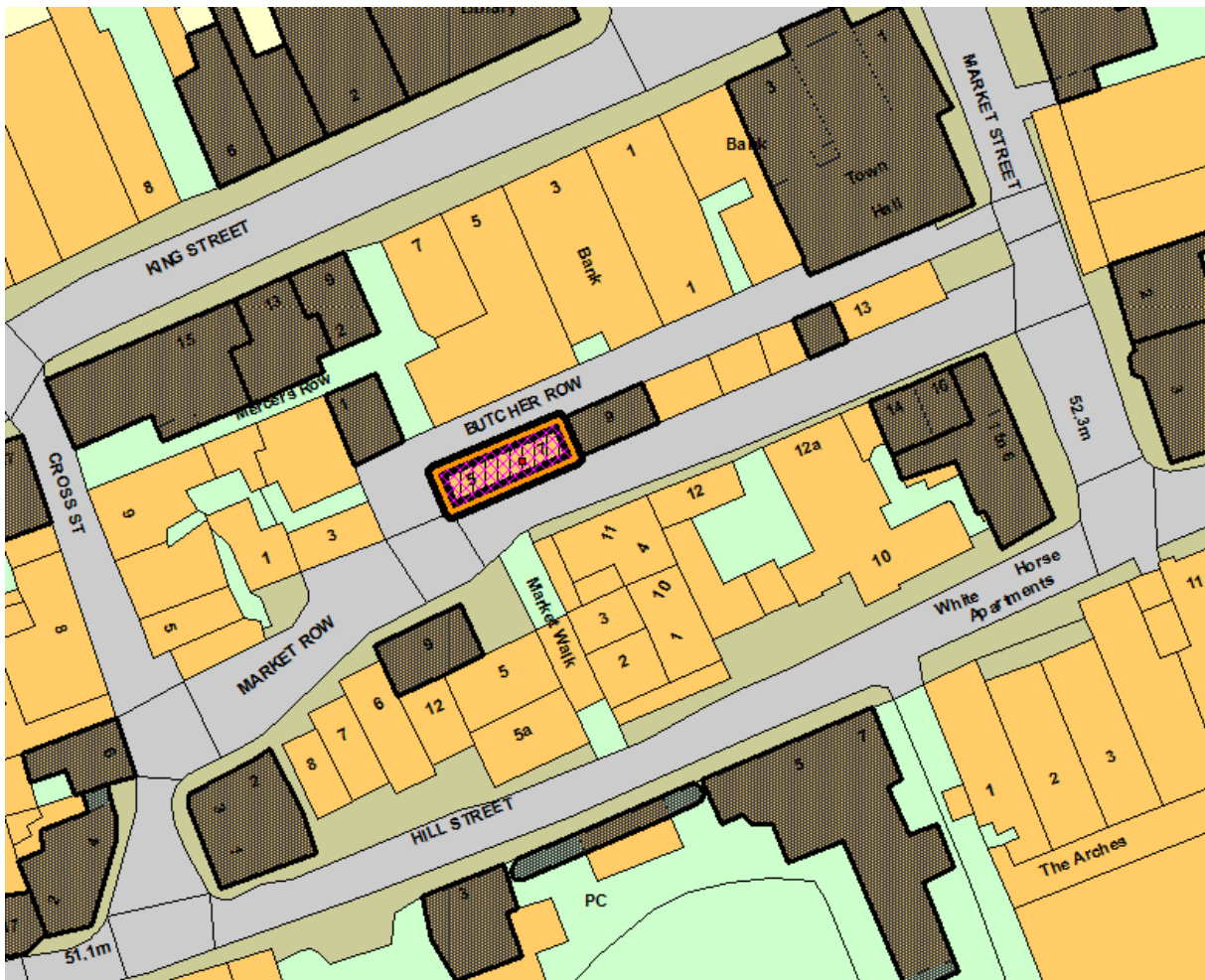
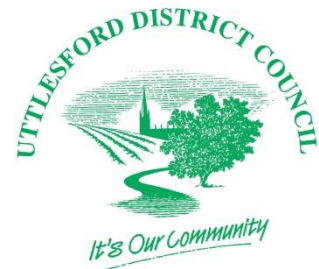
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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.



Application no.: UTT/14/0994/FUL

Address: 5A Market Row Saffron Walden



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Organisation: Uttlesford District Council

Department: Planning

Date: 25 April 2014

SLA Number: 100018688

**UTT/14/0844/HHF (WENDENS AMBO)**

Reason: Applicant UDC

**PROPOSAL:** Installation of thermal insulation to be finished in painted render  
**LOCATION:** 25 and 27 Station Road, Wendens Ambo, Essex CB11 4LB  
**APPLICANT:** Uttlesford District Council  
**EXPIRY DATE:** 16 May 2013  
**CASE OFFICER:** Rosemary Clark

---

**1. NOTATION**

1.1 Within Development Limits

**2. DESCRIPTION OF SITE**

2.1 The application site comprises a pair of red brick semi-detached properties set back from Station Road. The properties have hipped roofs with a driveway and gardens to the front and garden area to the rear. There are groups of similar pairs of semi-detached properties either side although these are finished in render and have pitched roofs. To the rear is open countryside.

**3. PROPOSAL**

3.1 This application relates to the provision of thermal insulation which will be finished in painted render. This is required to thermally insulate the property.

**4. APPLICANT'S CASE**

4.1 To thermally insulate the property.

**5. RELEVANT SITE HISTORY**

N/A

**6. POLICIES**

**6.1 National Policies**

- National Planning Policy Framework

**6.2 Uttlesford District Local Plan 2005**

- GEN2 – Design
- SPD1 - Home Extensions
- S3 – Within Development Limits

**7. PARISH COUNCIL COMMENTS**

7.1 No objection

## **8. CONSULTATIONS**

8.1 N/A

## **9. REPRESENTATIONS**

9.1 7 Neighbours consulted – expires 15.4.14

## **10. APPRAISAL**

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

- A Whether the proposed works would be of an appropriate design and scale, (ULP Policies S3 and GEN2)
- B Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policy GEN2)

### **A Design, scale and appearance**

10.1 Local Plan Policy GEN2 as well as the Supplementary Planning Document (SPD) – Home extensions indicate that development should respect the appearance of the existing dwelling with regard to design and appearance, in addition the SPD required that all development should respect the scale, height and proportions of the original house.

The proposal will result in the property being finished in painted render. Although this is a complete change to the original property, in view of the appearance of the surrounding buildings it is considered that this proposal would not be harmful to the street scene and the design and appearance would comply with ULP Policy GEN2.

### **B Affect on neighbouring amenity**

10.2 Policies H8 and GEN2 of the Local Plan state that development should not have a materially adverse effect on the reasonable occupations and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

Due to the nature of the proposal, there would be no adverse impact on the neighbouring residential amenity.

## **11. CONCLUSION**

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

The proposal is acceptable in terms of design and there would be no adverse impact on residential or visual amenity of the locality. It therefore complies with the NPPF and relevant local plan policies.

## **RECOMMENDATION – CONDITIONAL APPROVAL**

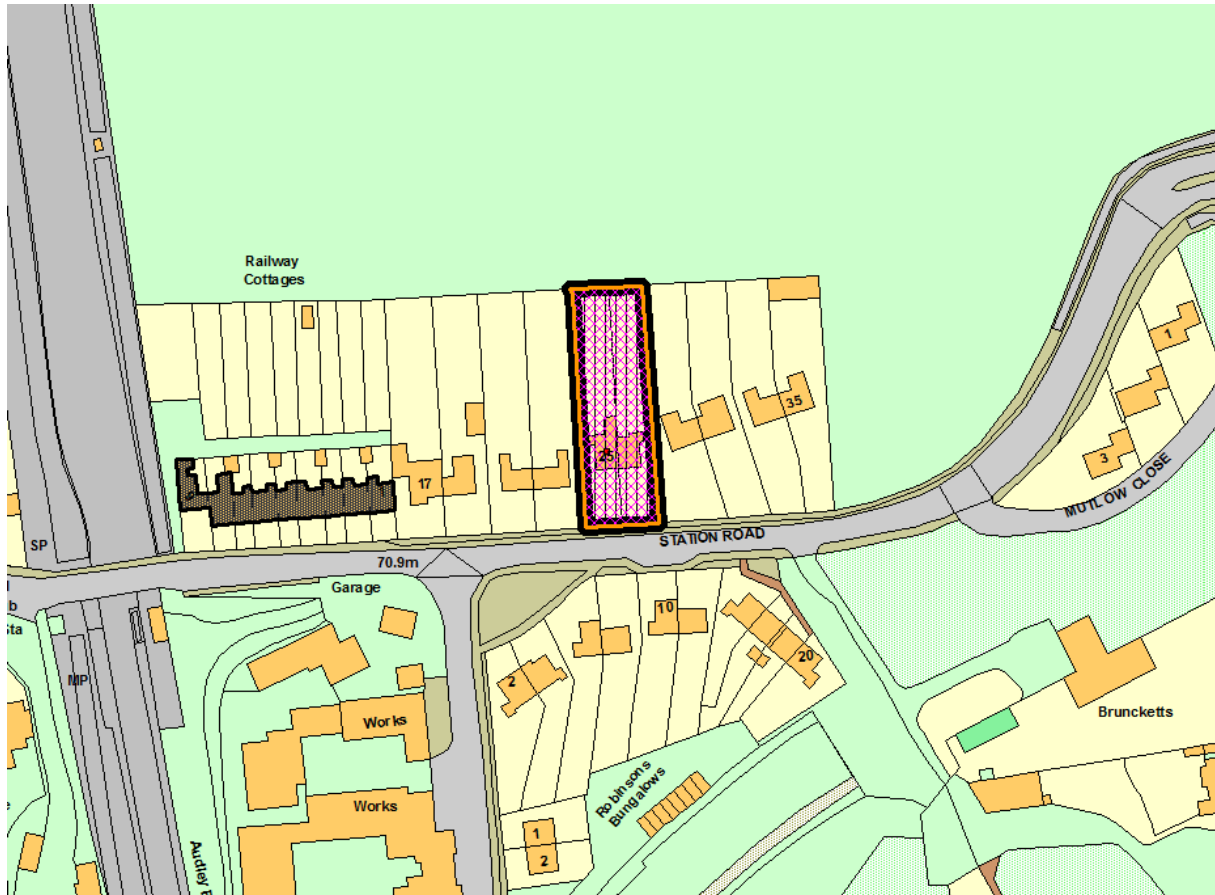
Conditions

1.The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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.

Application no.: UTT/14/0844/HHF

Address: 25 And 27 Station Road Wendens Ambo



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Organisation: Uttlesford District Council

Department: Planning

Date: 25 April 2014

SLA Number: 100018688

**UTT/14/0905/DC (High Roding)**

(MINOR Uttlesford District Council Planning Application)

**PROPOSAL:** Retrospective application of external cladding to provide insulation

**LOCATION:** 1B and 4 School Villas, Dunmow Road, High Roding

**APPLICANT:** Uttlesford District Council

**EXPIRY DATE:** 20 May 2014

**CASE OFFICER:** Chris Tyler

---

**1. NOTATION**

1.1 Within development limits, Conservation Area

**2. DESCRIPTION OF SITE**

2.1 The application site comprises of two semi-detached dwellings located to the east of The Street (B184) in the parish of High Roding. The dwellings are each one part of pairs of dwellings and include external materials of rendered walls under a tiled roof. Both properties have off street parking and are bound by hedgerow and low level close board fencing.

**3. PROPOSAL**

3.1 This retrospective application is in relation to the installation of external cladding to provide thermal insulation. The insulation has been applied directly to the existing rendered façade. The finish of the cladding has been re rendered and painted to match the existing.

**4. APPLICANT'S CASE**

4.1 None

**5. RELEVANT SITE HISTORY**

5.1 None

**6. POLICIES**

**6.1 National Policies**

- National Planning Policy Framework

**6.2 Uttlesford District Local Plan 2005**

- Policy ENV1- Development within Conservation Area
- Policy GEN2- Design

## **7. PARISH COUNCIL COMMENTS**

7.1 None Received- Expiry date 25/04/2014

## **8. CONSULTATIONS**

**Uttlesford District Council Conservation Officer**

8.1 No objections

## **9. REPRESENTATIONS**

9.1 Eleven neighbouring properties notified. Expiry date 18/04/2014- no comments received.

## **10. APPRAISAL**

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

**A** Whether the development would have detrimental impact on the character of the Conservation Area as outlined in Section 16(2) & 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (ULP Policy ENV1)

**B** Whether the design respect those of the character original building, whether the character and appearance of the host dwelling and street scene would be protected ULP Policy GEN2

### **A Whether the development would have detrimental impact on the character of the Conservation Area**

10.1 The council's conservation officer has been consulted with regards to the retrospective development and has no objection. The proposals therefore would not have a detrimental impact to the character or appearance of the conservation area.

### **B Whether the proposal would respect the design of the original building**

10.2 The external cladding has been installed to all the exterior walls of the dwelling. Due to the design and materials used it is not considered that the development has an adverse impact on the dwelling and street scene. The street consists of dwelling of different designs and character; it is considered that the proposal accords with policy GEN2.

## **11. CONCLUSION**

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

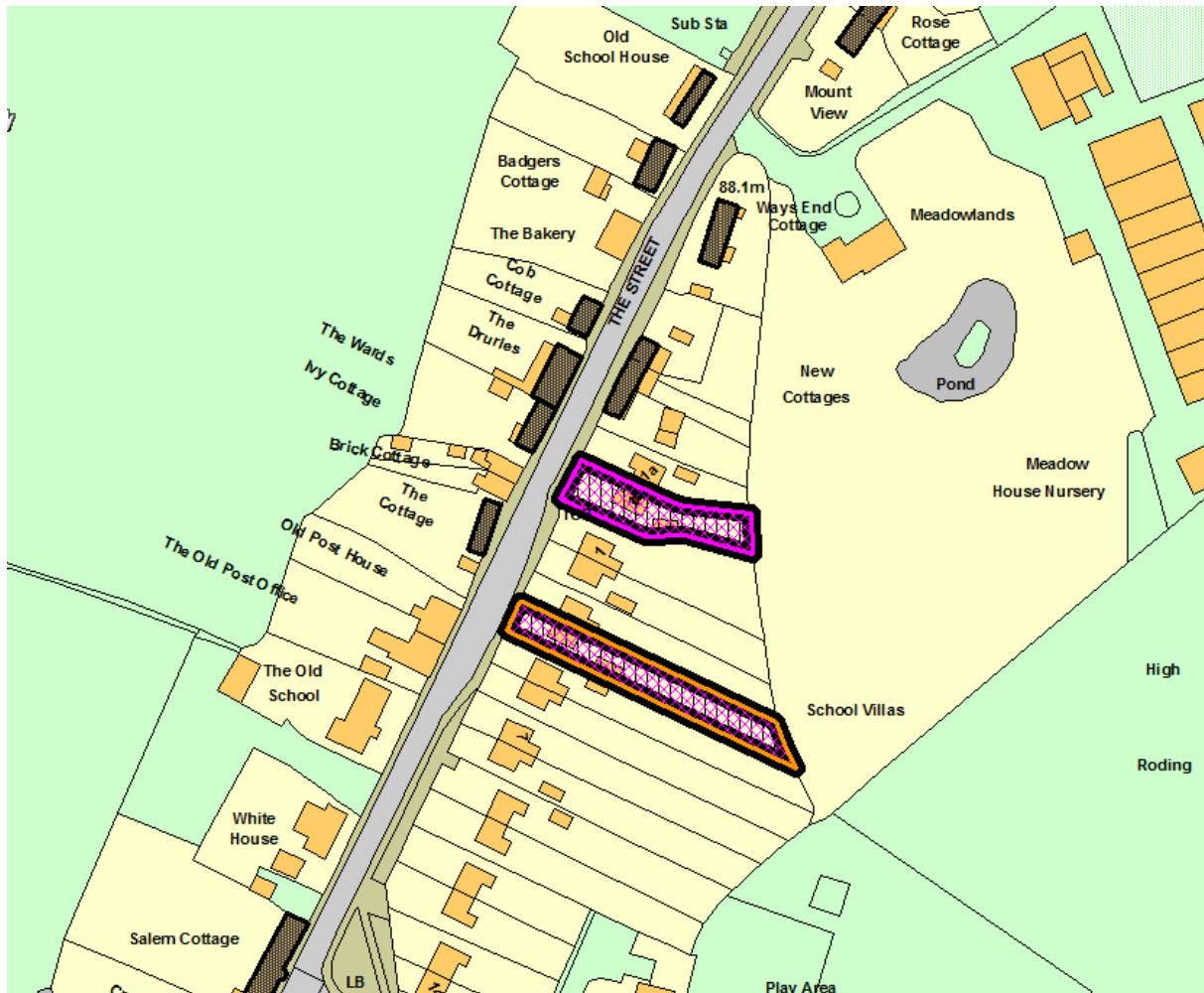
The proposal is considered to be in accordance with the relevant Uttlesford Local Plan policies and the application is recommended for approval.

**RECOMMENDATION UNCONDITIONAL APPROVAL**

Application no.: UTT/14/0905/DC

Address: 1B And 4 School Villas Dunmow Road

High Roding



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Organisation: Uttlesford District Council

Department: Planning

Date: 25 April 2014

SLA Number: 100018688



**UTT/14/0900/DC (Great Easton)**

(MINOR Uttlesford District Council Planning Application)

**PROPOSAL:** Retrospective application of external cladding to provide insulation

**LOCATION:** 16 Abbey View, Duton Hill, Great Easton

**APPLICANT:** Uttlesford District Council

**EXPIRY DATE:** 20 May 2014

**CASE OFFICER:** Chris Tyler

---

**1. NOTATION**

1.1 Outside Development Limits

**2. DESCRIPTION OF SITE**

2.1 The application site comprises of a two storey terrace dwelling within the residential area of Abbey View, in the Parish of Great Easton. The site includes pairs of dwellings of which each pair has different external materials, this comprises of brick and wooden cladding. The dwelling includes off street parking and is bound by brick walling and open front gardens

**3. PROPOSAL**

3.1 This retrospective application is in relation to the installation of external cladding to provide thermal insulation. The insulation has been applied directly to the existing timber cladded facade. The finish of the cladding has been rendered and painted to match the existing.

**4. APPLICANT'S CASE**

4.1 None

**5. RELEVANT SITE HISTORY**

5.1 None

**6. POLICIES**

**6.1 National Policies**

- National Planning Policy Framework

**6.2 Uttlesford District Local Plan 2005**

- Policy GEN2- Design

**7. PARISH COUNCIL COMMENTS**

7.1 None Received- Expiry date 24/04/2014

## **8. CONSULTATIONS**

Uttlesford District Council Conservation Officer- No objections

## **9. REPRESENTATIONS**

9.1 Five neighbouring properties notified.  
14 Abbey View- the proposal is not in keeping with the neighbouring properties

## **10. APPRAISAL**

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

A Whether the design respect those of the character original building, whether the character and appearance of the host dwelling and street scene would be protected ULP Policy GEN2

### **A Whether the proposal would respect the design of the original building**

10.1 The external cladding has been installed to all the exterior walls of the dwelling. Due to the design and materials used it is not considered that the development has not had an adverse impact on the dwelling and street scene. The street consists of dwelling of different designs and character; it is considered that the proposal accords with policy GEN2.

## **11. CONCLUSION**

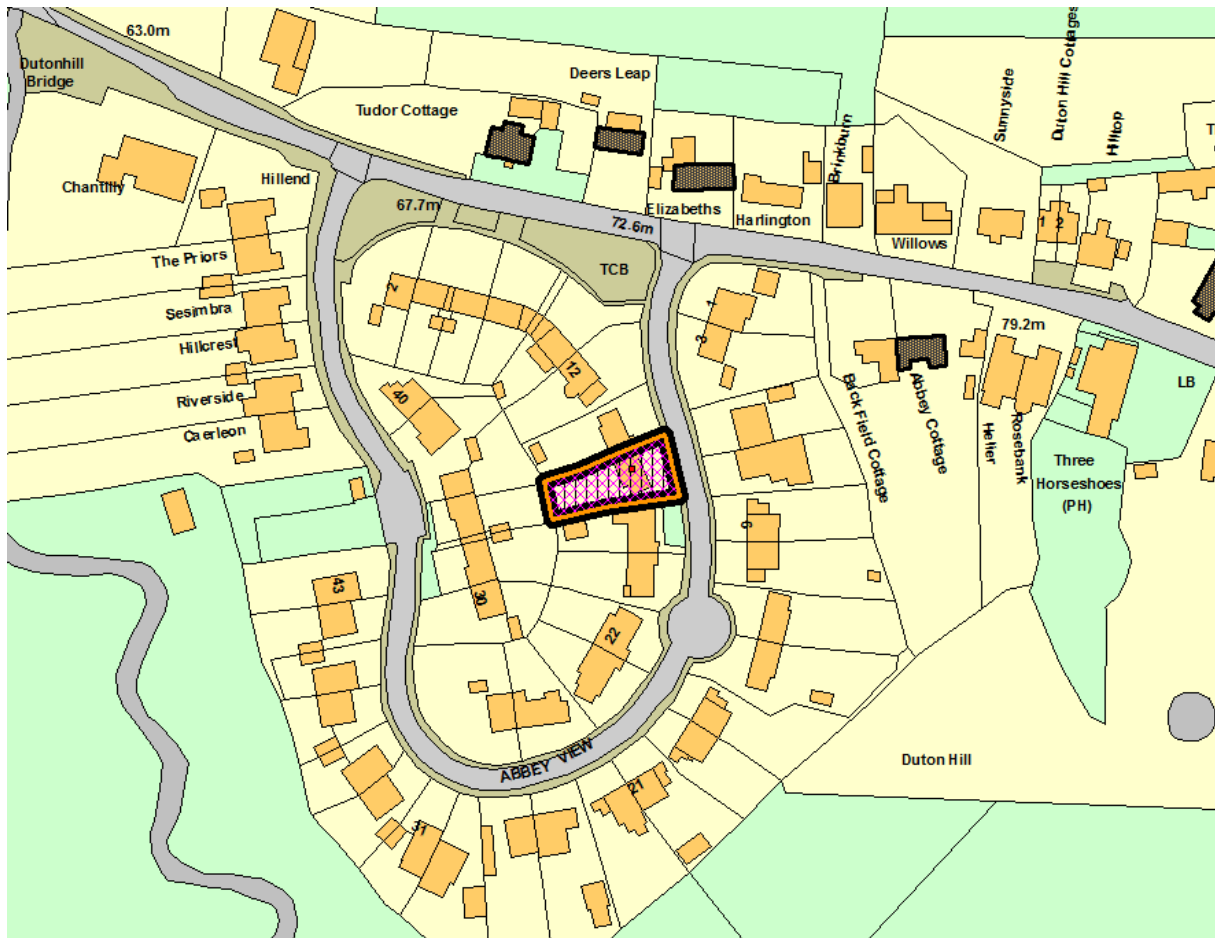
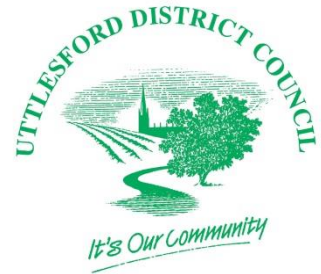
The following is a summary of the main reasons for the recommendation:

The proposal is considered to be in accordance with the relevant Uttlesford Local Plan policies and the application is recommended for approval.

**RECOMMENDATION UNCONDITIONAL APPROVAL**

Application no.: UTT/14/0900/DC

Address: 16 Abbey View Duton Hill



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Organisation: Uttlesford District Council

Department: Planning

Date: 25 April 2014

SLA Number: 100018688

**UTT/14/0910/DC (Thaxted)**

(MINOR Uttlesford District Council Planning Application)

**PROPOSAL:**                **Retrospective application of external cladding to provide insulation**

**LOCATION:**                **4 Mayes Place, Thaxted**

**APPLICANT:**            **Uttlesford District Council**

**EXPIRY DATE:**        **20 May 2014**

**CASE OFFICER:**        **Chris Tyler**

---

**1. NOTATION**

1.1 Outside Development Limits

**2. DESCRIPTION OF SITE**

2.1 The application site comprises of a semi-detached dwelling located in a small cul-de-sac within Monk Street, Thaxted. The Mayes includes three pairs of dwellings of which each pair has different external materials, these comprise of; of brick, wooden cladding and rendered walls. The dwelling includes off street parking and is bound by hedgerow.

**3. PROPOSAL**

3.1 This retrospective application is in relation to the installation of external cladding to provide thermal insulation. The insulation has been applied directly to the existing timber cladded facade. The finish of the cladding has been rendered and painted to match the existing.

**4. APPLICANT'S CASE**

4.1 None

**5. RELEVANT SITE HISTORY**

5.1 None

**6. POLICIES**

**6.1 National Policies**

- National Planning Policy Framework

**6.2 Uttlesford District Local Plan 2005**

- Policy GEN2- Design

**6.3 Uttlesford District DRAFT Local Plan**

None

## **7. PARISH COUNCIL COMMENTS**

7.1 None Received- Expiry date 25/04/2014

## **8. CONSULTATIONS**

**Uttlesford District Council Conservation Officer**

8.1 No objections

## **9. REPRESENTATIONS**

9.1 Seven neighbouring properties notified. Expiry date 18/04/2014- no comments received.

## **10. APPRAISAL**

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

A Whether the design respect those of the character original building, whether the character and appearance of the host dwelling and street scene would be protected ULP Policy GEN2

### **A Whether the proposal would respect the design of the original building**

10.1 The retrospective external cladding has been installed to all the exterior walls of the dwelling. Due to the design and materials used it is not considered that the development has an adverse impact to the character of the dwelling and street scene. It is considered that the proposal accords with policy GEN2.

## **11. CONCLUSION**

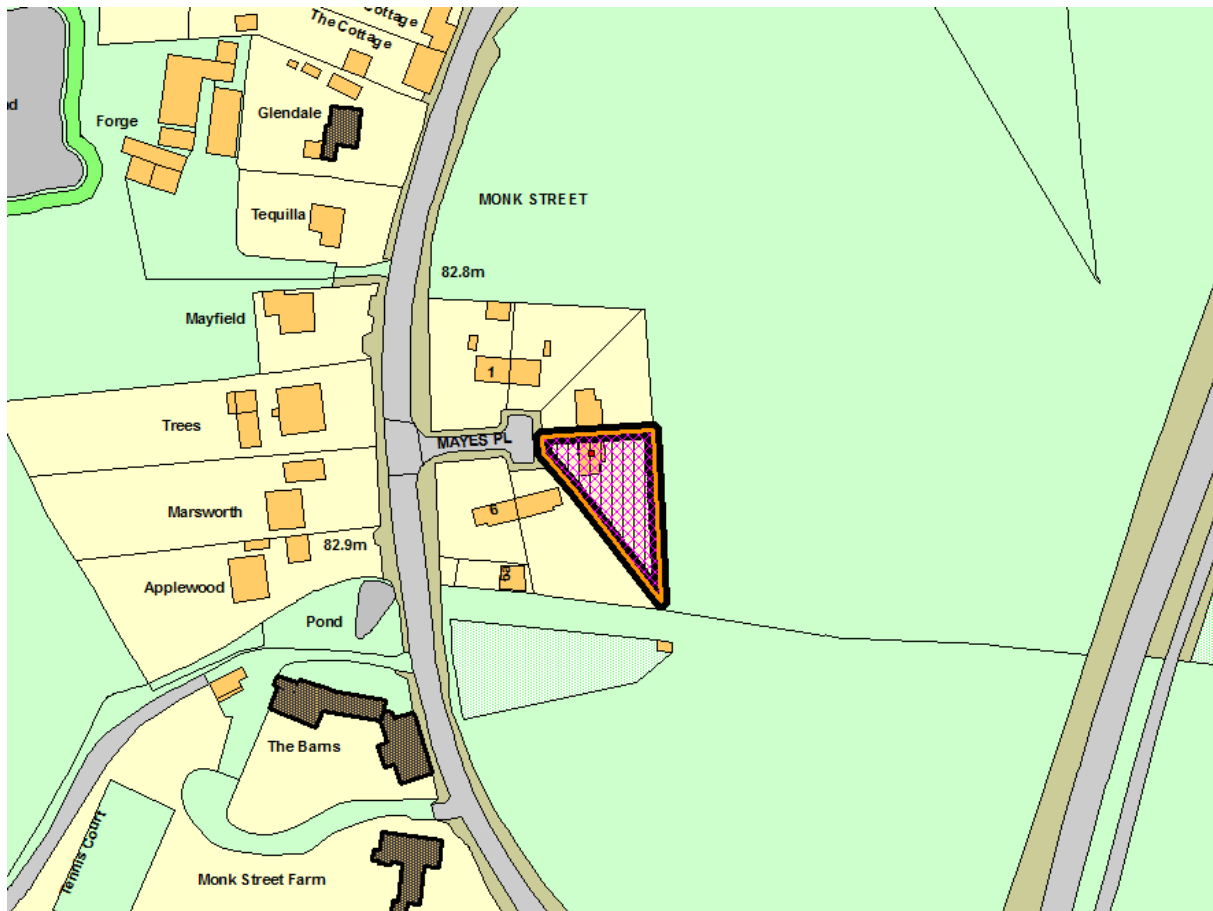
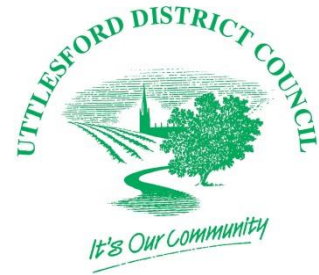
The following is a summary of the main reasons for the recommendation:

The proposal is considered to be in accordance with the relevant Uttlesford Local Plan policies and the application is recommended for approval.

**RECOMMENDATION UNCONDITIONAL APPROVAL**

Application no.: UTT/14/0910/DC

Address: 4 Mayes Place Thaxted



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Organisation: Uttlesford District Council

Department: Planning

Date: 25 April 2014

SLA Number: 100018688

**UTT/14/1064/NMA (Saffron Walden)**

Application by Uttlesford District Council

**PROPOSAL:**                **New cycle shelter with retaining wall behind.**

**LOCATION:**                **UDC Offices, London Road, Saffron Walden.**

**APPLICANT:**            **Uttlesford District Council.**

**EXPIRY DATE:**         **9 May 2014**

**CASE OFFICER:**        **Clive Theobald**

---

**1. NOTATION**

1.1 Within Development Limits / Conservation Area / Curtilage of Grade II Listed Building.

**2. DESCRIPTION OF SITE**

2.1 The site comprises a raised rose planting bed area measuring some 4 metres across situated between the main rear delivery/loading bay area and a walkway positioned at elevated level in front of the staff meetings room within the curtilage of the UDC offices. A flight of entrance steps leads up the outside edge of the planting bed from the staff car park onto the walkway.

**3. PROPOSAL**

3.1 This Non-Material Amendment application (NMA) relates to the re-positioning of a cycle shelter to accommodate 10 No. staff cycle spaces with construction of retaining wall and associated ground levelling works and seeks by its submission a non-material amendment to the cycle shelter scheme which was originally approved by Members at this siting location in January 2014 under UTT/13/3289/DC.

3.2 The non-material amendment is sought for the re-positioning of the cycle shelter at right angles to that as previously approved whereby the shelter would now stand parallel with and in front of the boiler room which projects out from the main Council building rather than in front of the partially retained rose planting bed in front of the meetings room. Large wheelie bins which are presently kept within the loading bay area would be relocated opposite the shelter in its amended position on the newly created concrete apron by the steps and the retaining wall.

3.3 The cycle shelter as before would have dimensions of 4.1m (W) x 2.07m (D) x 2.08m (H) and would have clear perspex sides and roof with a steel framed black finish. The adjacent retaining wall would as with the original application comprise red engineering brick with brick detailing to match the appearance of the existing listed building. A line of existing rose planting would be retained behind the rear section of the new retaining wall beside the new shelter.

**4. APPLICANT'S CASE**

- 4.1 This small works project has been promoted by the Council's Climate Change Manager as part of the Council's Green Travel Plan as combined UDC/ECC grant funding has become available to fund the project to encourage both Council staff and ECC Social Services staff who work at the Council offices to cycle to work rather than use alternative means of transport in the interests of sustainable travel. It is estimated that the cost of the cycle shelter and associated works would be in the region of £5,000 to £5,500 where initial expenditure for the project would be subsequently recouped through the Energy Efficiency budget.
- 4.2 This NMA application has been submitted as it has been subsequently established following the approval of the original shelter scheme at this rear service area location in preparation for the associated site works that the relocated wheelie bins would have been lined up close to the side of the main building / boiler room where they would have potentially constituted a fire risk as it is the case that one of the wheelie bins kept in the rear service bay area had previously been set alight deliberately where this bin had been close to the face of the Council building. The amended siting for the shelter therefore takes into account this fire risk by relocating the wheelie bins further away from the building.

## **5. RELEVANT SITE HISTORY**

- 5.1 Planning permission granted in January 2014 for the erection of a new cycle shelter adjacent to the rear loading bay under UTT/13/3289/DC.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework (NPPF).

### **6.2 Uttlesford District Local Plan 2005**

- ULP Policy GEN2 – Design
- ULP Policy ENV1 – Design of development within Conservation Areas
- ULP Policy ENV2 – Design affecting Listed Buildings

### **6.3 Uttlesford District DRAFT Local Plan**

- Policy SP10 – Protection of the Historic Environment
- Policy DES1 – Design
- Policy HE1 – Design of Development within Conservation Areas
- Policy HE2 – Design affecting Listed Buildings

## **7. TOWN COUNCIL COMMENTS**

- 7.1 Not required to notify.

## **8. CONSULTATIONS**

- 8.1 Not required to consult (specialist advice on historic buildings and conservation received on original shelter application when no objections were raised subject to appropriate brickwork being used for the associated retaining wall – planning condition now discharged).

## **9. REPRESENTATIONS**



9.1 Not required to consult.

## **10. APPRAISAL**

**The issue to consider in the determination of this NMA application is:**

**A Whether the amended siting of the cycle shelter as proposed would constitute a non-material minor amendment to the 2013 approved scheme.**

10.1 As mentioned above, it is now proposed to re-site the cycle shelter just off-footprint at right angles to its originally approved position on the new concrete apron for the fire safety reason given. However, the shelter would be positioned within the same allocated area for this small works project to the side of the rear loading bay and is considered to constitute a non-material amendment to the originally approved siting position under UTT/13/3289/DC because of this whereby a new planning application is not required.

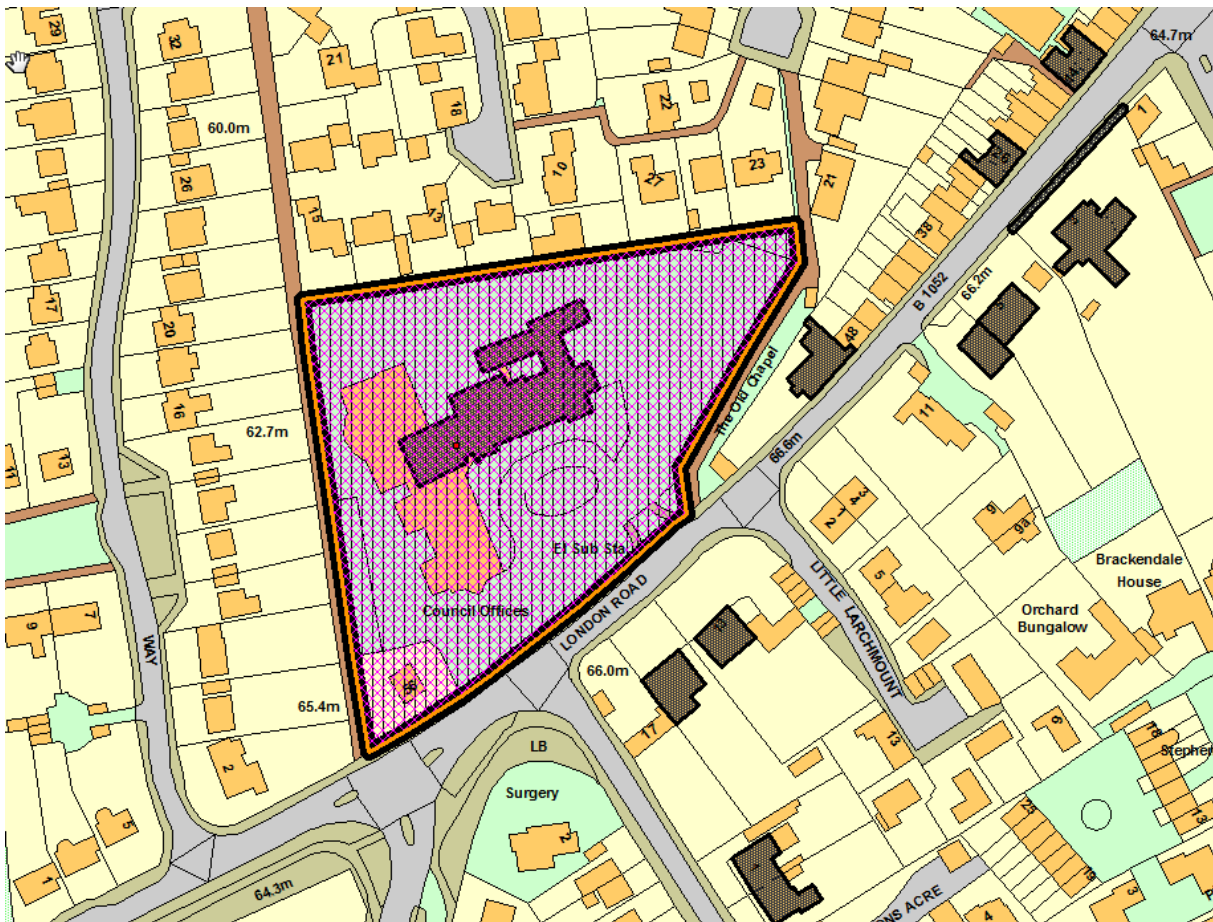
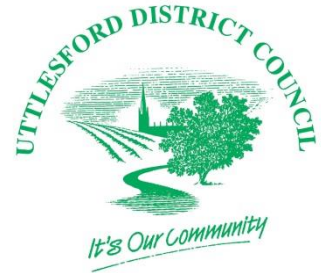
## **11 CONCLUSION**

11.1 The amended siting of the proposed cycle shelter as sought is considered to be a non-material minor amendment to UTT/13/3289/DC.

**RECOMMENDATION – APPROVE AS NON-MATERIAL MINOR AMENDMENT.**

Application no.: UTT/14/1064/NMA

Address: Council Offices London Road Saffron Walden



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Organisation: Uttlesford District Council  
Department: Planning  
Date: 25 April 2014  
SLA Number: 100018688

## **UTT/14/0866/HHF (GREAT CHESTERFORD)**

(Referred to Committee as Applicant related to Cllr Redfern)

**PROPOSAL:**                **Erection of single storey rear and first floor rear extensions.**

**LOCATION:**                **Fairview, Carmen Street, Road, Great Chesterford, Saffron Walden, Essex CB10 3LG**

**APPLICANT:**            **Mr A Bower**

**EXPIRY DATE:**         **27 May 2014**

**CASE OFFICER:**        **Samantha Heath**

---

### **1. NOTATION**

1.1 Within development limits; Article 4; Archaeological site: Conservation Area.

### **2. DESCRIPTION OF SITE**

2.1 The application site comprises an end terrace two storey four bedroom dwelling with single garage and off road parking provision for one vehicle. It is located within a residential area amongst dwellings of varying sizes and designs. The land rises from east to west with the rear garden set at a higher level compared to the dwelling. It is bounded to the rear and south-east boundary by 1.8m close boarded fencing and to the north-west boundary by a brick wall.

### **3. PROPOSAL**

3.1 The application proposes the erection of a single storey rear extension and first floor rear extension. The extensions will provide an orangery at ground floor and a larger bedroom at first floor level. The dimensions of the orangery are approximately 4m x 3m and 2.3m in height with lantern light. The first floor rear extension dimensions are 3.5m x 3.3m with a pitched roof set lower than the existing, it is to be constructed above the existing kitchen. Materials are to match existing.

### **4. APPLICANT'S CASE**

4.1 None.

### **5. RELEVANT SITE HISTORY**

5.1 UTT/1536/03/FUL Two storey side/rear extension. Single storey rear extension. Single garage. Approved 23.10.2003.

### **6. POLICIES**

#### **6.1 National Policies**

- National Planning Policy Framework

#### **6.2 Uttlesford District Local Plan 2005**

- Policy S3 - Development limits for the Main Urban Areas
- Policy GEN2 - Design
- Policy H8 - Home Extensions
- Policy ENV1 – Design of Development in Conservation Areas
  
- SPD Home Extensions
  
- Uttlesford Local Parking Standards 2013

## **7. PARISH COUNCIL COMMENTS**

7.1 No objection. Expired 02.05.14

## **8. CONSULTATIONS**

### **ECC Archaeology**

8.1 The Historic Environment Record shows that the proposed development lies within the historic core of Great Chesterford (EHER 18489). The position and size of the proposed extension means that it is unlikely to disturb significant archaeological deposits. Therefore, no archaeological recommendations are being made on this application. Expired 07.04.14.

## **9. REPRESENTATIONS**

9.1 4 Neighbours were notified. Consultation expired 25.04.14.

## **10. APPRAISAL**

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

- A Whether the proposed works would be of an appropriate design and scale respecting its Conservation Area location, (ULP Policies S3, H8, ENV1 and GEN2).
- B Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policy H8 and GEN2)
- C Whether the proposal meets the required parking standards (Uttlesford Local Parking Standards 2013)

### **A Whether the proposed works would be of an appropriate design and scale**

10.1 Policy H8 of the adopted Local Plan states that extensions will be permitted if their scale and design respects the original building. Similarly, Policy GEN2 states that the proposal must be compatible with the scale, form, layout, appearance and materials of surrounding buildings and development should respect the scale, height and proportions of the original house.

10.2 The site is located wholly within the Great Chesterford Conservation Area. Policy ENV1 of the Local Plan refers to the design of development within conservation areas. This policy states that development will be permitted where it preserves or enhances the character and appearance of essential features of a Conservation Area, including plan form and relationship between buildings.

10.3 The principle of development in this location is accepted and the proposed extensions have been designed to be subservient to the host dwelling. These subordinate extensions would be in keeping with the character of the dwelling and will not have a

dominating or detrimental impact on the character of the dwelling or surrounding buildings. In addition, the scale is considered to be acceptable, given the scale of the existing dwelling and the size of its curtilage, it is capable of accommodating the proposal whilst leaving sufficient amenity land. The SPD indicates that the choice of materials is important, as the existing property utilises these materials already, the proposed materials are considered to be acceptable.

- 10.4 Given the position of the proposals to the rear of the dwelling, its scale, design and appearance and the fact that it cannot be viewed from the street scene, it is believed that the proposal would have no harmful impact to the character and appearance of the Conservation Area.

#### **B Whether the proposal would adversely affect amenity values of neighbouring residents**

- 10.5 With regard to neighbouring amenity, it is considered that there is no significant detrimental impact on amenity with regard to overlooking, compared to what already exists. Notwithstanding this, the neighbouring attached dwelling extends further back in to the site compared to the proposal ensuring that there will be no overlooking, overshadowing or overbearing impact. While the neighbouring dwelling has two first floor windows on the rear elevation these are both obscure glazed, one serves a staircase and the other a bedroom however this bedroom has an additional large window on the front elevation. The distance between the site and the property to the north east will ensure that there will be no detrimental impact on amenity.

#### **C Whether the proposal meets the required parking standards**

- 10.6 Although the Uttlesford Local Parking Standards 2013 state that a four bedroom dwelling should have three parking spaces, (two exist currently) the extension does not provide an additional bedroom therefore it would be unreasonable to request additional parking provision.

### **11. CONCLUSION**

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

The proposal is considered to be in accordance with the relevant Uttlesford Local Plan policies and the application is recommended for approval.

#### **RECOMMENDATION – CONDITIONAL APPROVAL**

Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing by the Local Planning Authority.

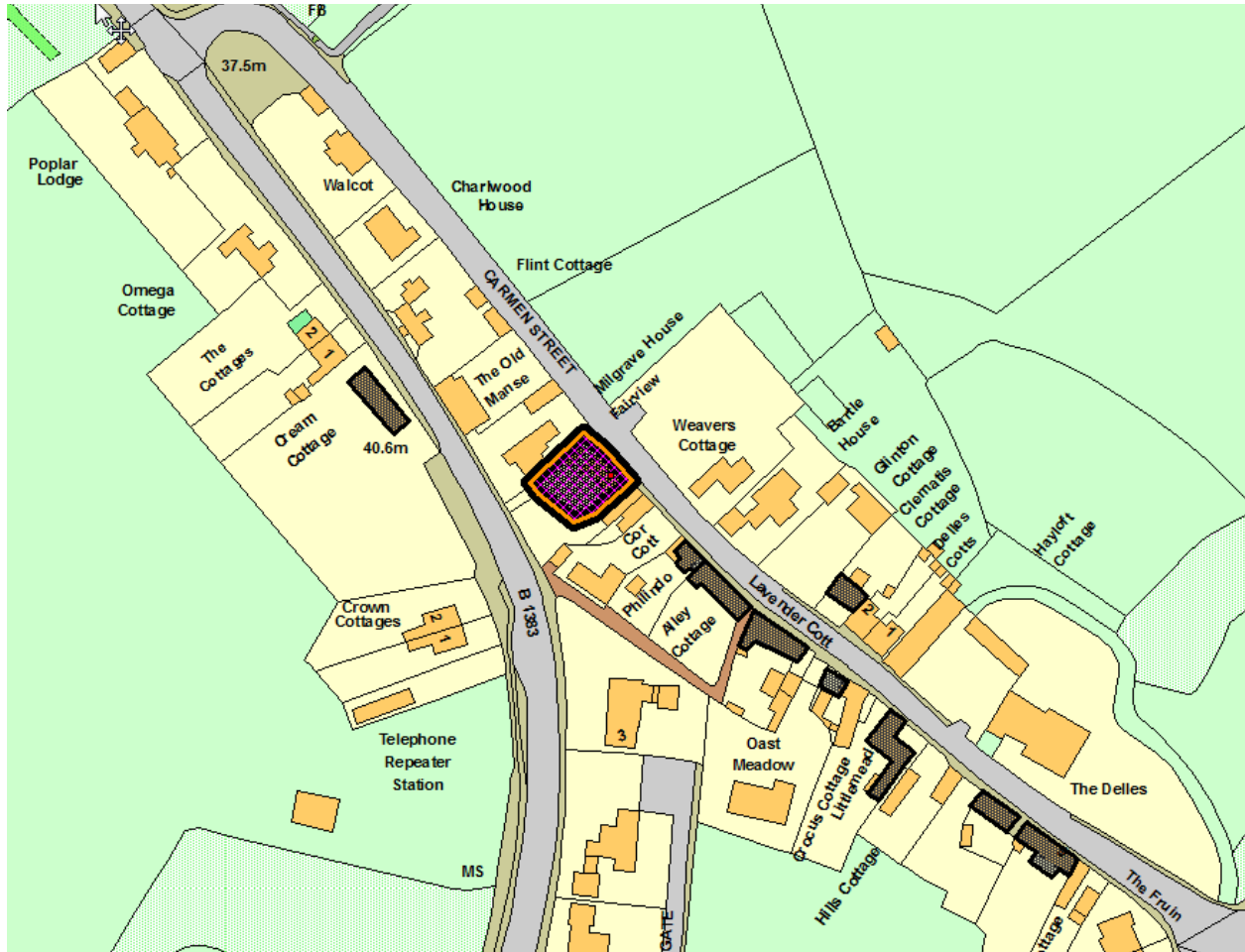
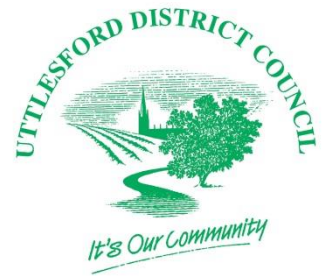
REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

3. Within four weeks of the date of the commencement of the development hereby permitted or other such period as agreed by the local planning authority details of Cost Effective Energy Efficiency Measures to be carried out to the extended dwelling shall be submitted to and approved in writing by the local planning authority. These measures shall be implemented during the construction of the development, unless otherwise previously agreed in writing by the local planning authority.

REASON: These measures are required to mitigate the greater use of energy resulting from the provision of the new extension to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

Application no.: UTT/14/0866/HHF

Address: Fairview Carmen Street Great Chesterford



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Organisation: Uttlesford District Council

Department: Planning

Date: 25 April 2014

SLA Number: 100018688

**Committee:** Planning

**Agenda Item**

**Date:** 7<sup>th</sup> May 2014

**5**

**Title:** UTT/14/0897/TPO:

**Application for consent to lop 1no. willow tree at Vicarage Mead, Thaxted, subject to UDC Tree Preservation Order No.1/85**

**Author:** Ben Smeeden  
Landscape Officer

Item for decision

### Summary

- This item seeks the Committee's consideration of the proposed lopping back to previous pruning points of a willow tree at Vicarage Mead, Thaxted. The tree is subject to tree preservation order no.1/85. The property is in UDC ownership.

### Recommendations

- Approval granted for the lopping of branches back to previous pruning points.

### Financial Implications

1. The cost of the tree work will be met by the housing revenue account.

### Background Papers

**UTT/14/0897/TPO application file.**

### Impact

- 2.

Communication/Consultation	Decision published on weekly list.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None



Workforce/Workplace	None
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### Situation

The willow tree is a large mature specimen of some 16m in height situated close to the western boundary of Vicarage Mead [appendix 1: location plan]. Parts of the tree overhanging the rear garden area of the neighbouring property, 52 Newbiggen Street. The tree has been subject to previous crown reduction [appendix 2: photograph of willow tree]. The proposed pruning back to the previous pruning points is considered appropriate management to maintain the health and integrity of the tree.

### Risk Analysis

3.

Risk	Likelihood	Impact	Mitigating actions
2. If the pruning work is not undertaken there is a risk that weakly attached growth at the old pruning points will break out.	2. The likelihood is med-high if the pruning is not undertaken within 12-24 months.	3. The location of the tree is such that there is a risk of damage or injury.	Carry out pruning of the tree.

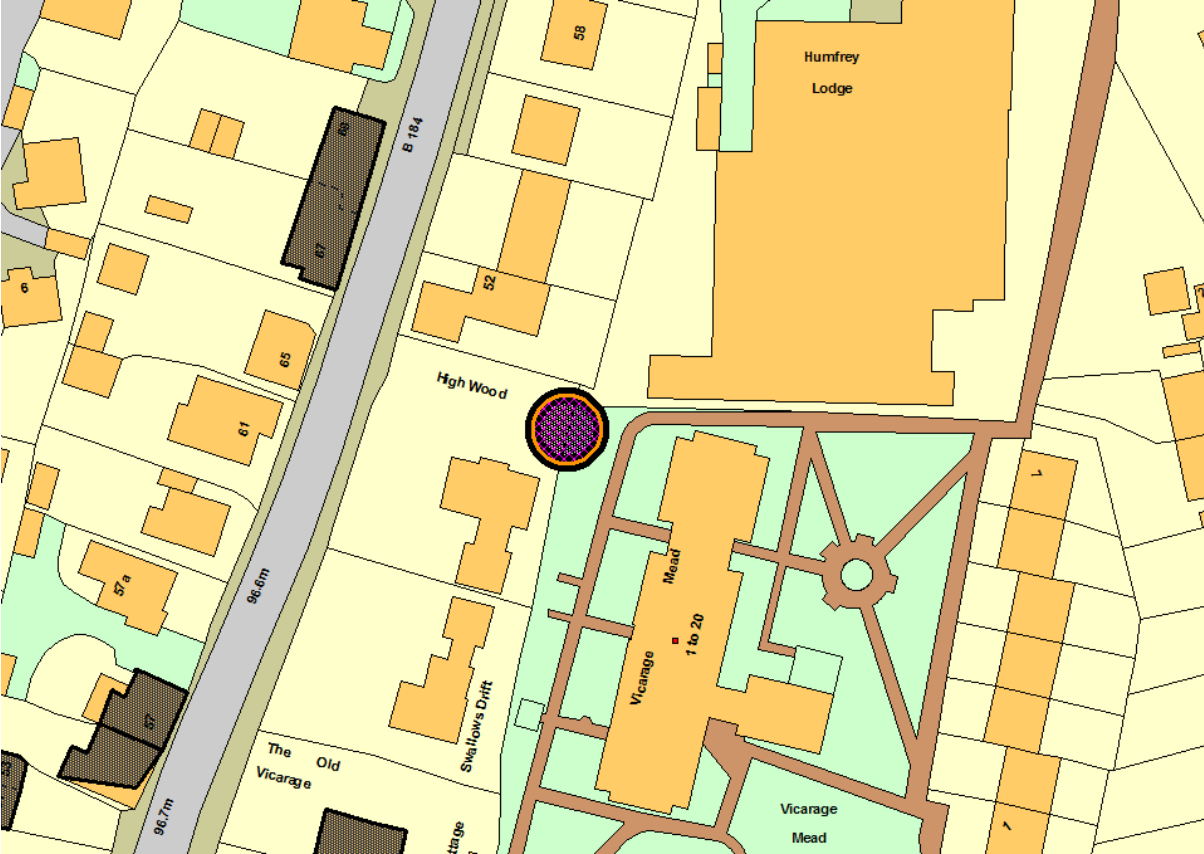
1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1: Location plan



Appendix 2: Photograph of willow tree



**Committee:** Planning

**Agenda Item**

**Date:** 7<sup>th</sup> May 2014

**6**

**Title:** UTT/14/0836TPO:

**Application for consent to crown lift and reduce branches of oak tree in the grounds of 24 Blythwood Gardens, Stansted:  
Subject to UDC Tree Preservation Order No.7/09**

**Author:** Ben Smeeden  
Landscape Officer

Item for decision

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### Summary

This item seeks the Committee's consideration of the proposed crown lifting and reduction of branches of an oak tree in the grounds of 24, Blythwood Gardens, Stansted. The tree is subject to UDC tree preservation order no.07/09. The applicant is the District Council Member for Stort Valley.

### Recommendations

- Approval granted for the lopping of branches back to previous pruning points and the pruning of lower lateral branches to lift the crown to provide up to 7m clearance above surrounding ground level.

### Financial Implications

1. None..

### Background Papers

**UTT/14/0836/TPO application file.**

### Impact

- 2.

Communication/Consultation	Decision published on weekly list.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None

Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

### Situation

The oak tree is a large mature specimen of some 19m in height situated in the rear garden of 24, Blythwood Gardens. The applicant's reasons for seeking to carry out the propose crown lifting and reduction of branches is to reduce shading of the garden and house and to balance the tree's crown following a previous reduction of branches overhanging the neighbouring property, no.23.

This tree has previously been subject to an overall crown reduction. The cutting back of branches to the previous punning points would be considered appropriate management to maintain the health and integrity of the tree. In addition, the cutting back of lower lateral branches to lift the crown to provide up to 7m clearance above surrounding ground level would be considered acceptable and would not reduce the public amenity value of the tree.

### Risk Analysis

3.

Risk	Likelihood	Impact	Mitigating actions
2. If the pruning work is not undertaken there is a risk that weakly attached growth at the old pruning points will break out.	2. The likelihood is medium if the pruning is not undertaken within 12-24 months.	3. The location of the tree is such that there is a risk of damage or injury.	Carry out pruning of the tree.

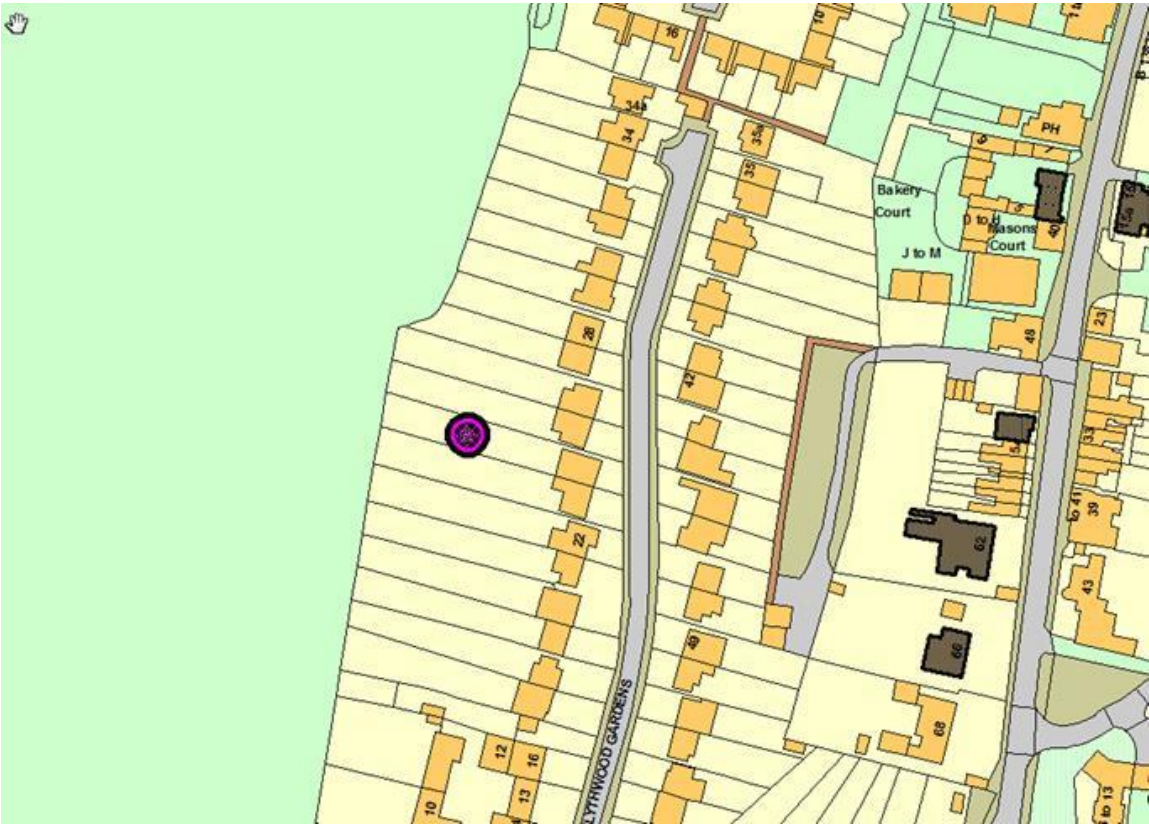
1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1: Location plan.



Appendix 2: Photograph of oak tree.



**Title: Appeal Decisions**

**Item 7**

**Author: Nigel Brown –**

<b>SITE ADDRESS</b>	<b>APPLICATION NO</b>	<b>DESCRIPTION</b>	<b>APPEAL DATE &amp; DECISION</b>	<b>SUMMARY OF DECISION</b>	<b>DECISION BY OFFICER/OVERTURNED BY COMMITTEE</b>
1 Parsonage Farm Barns Barnston Road High Easter	UTT/12/5492/LB  UTT/12/5491/FUL	Removal of pergola and erection of garden room	01-04-2014  Allowed	The Inspector concluded that the proposed addition was modest and due to its limited impact, would not adversely affect the integrity of the listed building.	<b>Refused</b>  <b>N/A</b>
Wytewais Gransmore Green Gransmore Green Lane Felsted	UTT/13/0441/CLP	Two storey extension	24-02-2014  Dismissed	This was a technical consideration as to the definition of principal elevation. In this case the Inspector agreed with the Council's definition of the principal elevation and therefore concluded that the proposed extension required planning permission.	<b>N/A</b>
Land At Forest Hall Road Forest Hall Road Stansted	UTT/13/1231/FUL	Erection of detached agricultural building incorporating residential accommodation	21-03-2014  Dismissed	The Inspector concluded that no functional need was demonstrated by the appellant to justify a dwelling in this isolated location.  In addition she concluded that there was no evidence that the proposed business was viable to support a permanent residential unit.  As such it the proposal was considered inappropriate development within the Green Belt. She added that the proposal would be harmful to the character and appearance of the rural area,	<b>N/A</b>



26 Radwinter Road Saffron Walden	UTT/13/2945/FUL	Demolition of existing joinery workshop and erection of new dwelling with change of use from light industrial to residential (variation of design to approved application UTT/0006/12/FUL).	01-04-2014  Dismissed	The Inspector concluded that the proposal due its significant first floor element, on a higher site, would have an unacceptably harmful impact on the character of the area. In dismissing the appeal the Inspector was mindful of the previously approved scheme, but she stated that the appeal scheme was materially different in its form, scale, and design.	<b>N/A</b>
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