

UTTLESFORD DISTRICT COUNCIL

PLANNING COMMITTEE

SUPPLEMENTARY LIST OF REPRESENTATIONS

20 August 2014

P.40 UTT/14/1688/FUL Land at Mill Road Wimbish

Parish comments:

The Parish Council support this application as there is a proven affordable housing need in the village, which was demonstrated by a recent housing survey that was carried out.

Planning Officer comment:

An additional letter of concern was received from adjoining neighbouring occupier relating to surface water drainage. Hence, if the proposed 11 dwellings are approved as recommended; an informative would be required in the following form;

Informative:

Applicant is hereby advised to contact Senior Sustainable Drainage Officer at Customer Operation-Planning and Environment; Essex County Council on (Tel: 03330 136738); EMAIL: tim.simpson2@essex.gov.uk for adequate advice to be provided.

An additional six letters of objection have been received raising the following points;

1. The surface water drainage to be dealt with properly in the form of a ditch dug along the north boundary.
2. The proposal is outside the Development Limits and not well related to the settlement of Tye Green surroundings in particular.
3. Previous application has been rejected.
4. The proposed plan is not sustainable or appropriate for this rural area. It is not an infill site. Does not protect or enhance the environment. It is an agricultural land and no current justification.
5. Proposal would generate an additional 22 cars.
6. The proposed development would add pressure to village school and other public amenities.
7. Impact on wildlife of the area.
8. Building work would generate more noise and dust having impact upon health.
9. Over development of the site.

10. Proposed No. 3 plot would lead to intrusion of privacy to a private garden.
11. The access is unsafe.

The update validation of viability assessment for the proposed affordable housing development as assessed and presented in the committee report.

As stated in the Committee Report; Policy H11 of the adopted Local Plan (2005) states that "Development of affordable housing will be permitted outside settlements on a site where housing would not normally be permitted, if it would meet all the following criteria in addition with 100% of the dwellings are to be affordable and provided through Registered Social Landlord."

The applicant argued that 100% affordable housing would not make the proposed development viable. As a result the Council commissioned KIFT Consulting to validate the viability assessment for the proposed affordable housing development so that the Planning Officer would be able to determine whether 100% affordable housing units can be secured through the proposed scheme within this exceptional site in accordance with Policy H11 as presented in the Planning Committee Report. The findings and recommendation from KIFT Consulting is summarised below:

- The Passivhaus scheme as proposed is unviable without three market housing units to facilitate the affordable housing.
- The cross subsidy generated by the three market housing units is circa £91,000.
- In theory there is an opportunity cost to the Council in supporting a Passivhaus scheme.

ECC Education

Confirmed that based on the latest viability assessment a financial contribution would not be required for pre-school capacity.

P.51 UTT/14/1108/FUL 1 – 2 Market Walk Saffron Walden

Environmental Health

In order to protect and safeguard the amenities of the area, Environmental Health advised if the Planning Committee is minded to grant planning permission the following planning conditions should replace conditions 2 and 4 of the Officer report.

(2) The development shall be carried out in accordance with the submitted details for equipment specification and construction to control the emission of fumes and odours from the premises. The noise mitigation measures for the equipment contained in report 14131-002 by Philip Acoustics Ltd dated July 2014 shall be installed, operated and maintained in accordance with the submitted scheme. Any changes to the scheme shall be submitted to and approved by the local planning authority prior to installation.

If the approved equipment becomes inadequate because of changes in the cooking operations on the premises details of new or modified equipment shall be submitted to and approved in writing by the local planning authority"

REASON: In order to protect and safeguard the amenities of the adjoining occupiers in terms of generation of noise and cooking odour associated with the approved use of the premises in accordance with Policies GEN2 and ENV11 of the adopted Local Plan and Policies EN1 and EN5 of the Uttlesford Local Plan- Pre-Submission Consultation, April 2014.

(4) The development shall be carried out in accordance with the submitted details for noise mitigation from general trading activity contained in report 14131-002 by Philip Acoustics Ltd dated July 2014.

REASON: In order to protect and safeguard the amenities of the adjoining occupiers in terms of noise generation in accordance with Paragraph 123 of the National Planning Policy Framework and Policy ENV11 of the adopted Local Plan (2005).

P.77 UTT/14/1999/FUL Land at 40 Bentfield Road Stansted

REPRESENTATIONS: One additional representation received.

Ref: UTT/14/1999/FUL 40 Bentfield Road- Mrs L Luther's responses to the 'B901-AP Representation Letters'

Please find below my responses to the 'B901-AP Representation Letters' (the **Letters**) that have been filed in relation to my planning application for the erection of a single-storey dwelling to the rear of 40 Bentfield Road (**no. 40**) received by the planning authority on 8 July 2014, ref: UTT/14/1999/FUL.

Please note that many of the representations raised within the Letters have been addressed in John Grayson's Design & Access Statement (the **D&A Statement**) that was submitted alongside the application form on 8 July 2014. Where the issues have been addressed in the D&A Statement, I make reference to this below.

On 27 January 2014 outline planning permission was granted to build a new single storey dwelling at no.40 (UTT/3345/OP)(the **Approved Plans**), which is extremely similar to the proposal under this full application. Indeed, I submit that all relevant representations in the Letters were considered for the Approved Plans. Where the issues have been addressed in the Delegated Officer Report Recommendation for the Approved Plans (the **Approved Report**), I make reference to this below.

In relation to the full application, it is submitted that the application makes certain minor improvements to the Approved Plans in order to further minimise the effects on our neighbours.

The implication of the footprint being changed from L-shaped to rectangular, but remaining 87 sqm gross as in the Approved Plans, and the dwelling being re-orientated so that the longer elevation of 10 metres would be north-south and the return 8.7 metres would be east to west, is that it maximises the distance of the new dwelling from all neighbouring properties.

As proof of this, it is evident from the plans that the new dwelling for this application will be:

- 6.5 metres away from the common boundary with no.42 whilst this distance for the Approved Plans was 5 metres;
- At least 2 metres away from the boundary in the direction of Bentfield Gardens whilst this distance for the Approved Plans was 1 metre;
- 8 metres away from the common boundary with no.38A whilst this distance for the Approved Plans was 6.5 metres; and
- 15 metres away from the existing dwelling at no.40 whilst this distance for the Approved Plans was 12.5 metres away, (together, the **Increased Distances**).

Therefore, I submit that the current application has minimal impact on our neighbours and even less than the Approved Plans. Therefore as the Approved Report states ‘the proposal would have no adverse impact on visual or residential amenity.’

For completeness, I will outline our responses to each of the Letters.

A. ‘YARNOLD- 37 BENTFIELD GARDENS’, dated 25 July 2014

No.	Neighbour’s representation	Applicant’s response
1	The new dwelling will overlook our property and lead to a loss of privacy	Please see paragraph H4b) and c) on page 6 of the D&A Statement and as per the Approved Report, ‘the proposal would have no adverse impact on visual or residential amenity.’
2	The new dwelling will lead to a loss of security	I submit the opposite. The new dwelling will lead to ‘another pair of eyes’ in the neighbourhood.
3	The plan shows cars parked right at the back of our garden, noise and pollution will be added to our living standards which is not acceptable	Cars will be parked at least 7 metres away from the back of Mr and Mrs Yarnold’s garden. As per the Approved Report, ‘the proposal would have no adverse impact on visual or residential amenity.’
4	The application should be refused on the same grounds as it was in 2005 (UTT/0180/05/FUL)	Please see section 9 on pages 9 and 10 of the D&A Statement. The proposal in 2005 was fundamentally different to the proposal currently under consideration. However, the Approved Plans are extremely similar to the proposal currently under consideration. As per the Approved Report, ‘it is considered that the proposed application has overcome the previous reasons for refusal at Appeal stage. The dwelling is illustrated within the submitted plans to be re-located from the southern boundary thereby reducing its impact on the neighbouring property and on the TPO tree, the access has been widened, a turning point has been provided, and there is capable of being adequate parking provision.’
5	Condition of garden at no.40 and height of hedges	The garden at no.40 is not overgrown. This is the first time Mr and Mrs Yarnold have expressed a concern about the height of the Leylandi. The vegetation on the eastern boundary of no.40 backing onto Bentfield Gardens is generally above 2.3m and certainly above fence level, therefore the fact that the proposed dwelling’s eaves would be a height of just 2.3m, means the erection of the proposed dwelling would have no

		discernible impact on the light or view of Bentfield Gardens.
6	The authority are responsible to ensure our rights as citizens are entitled to free open space	The occupants of Bentfield Gardens would be able to continue to enjoy the openness of their own property and garden. As per the Approved Report, the right to a view is not a material planning consideration.

B. 'MR J WRIGHT – 35 BENTFIELD GARDENS', dated 27 July 2014

No.	Neighbour's representation	Applicant's response
7	The application has no benefit to the previous application which was granted	I disagree. Please see the Increased Distances above.
8	The new dwelling has moved closer to my property which does join the boundary line	This is not true. The new dwelling is now 5.5 metres away from the boundary line with no.35 Bentfield Gardens whilst this distance for the Approved Plans was 4.5 metres.
9	The roof is also higher than the application previously granted	As stated in Section 2 c) on page 1 of the D&A Statement, the ridge line for the dwelling in this proposal would be raised by just 30 cm from the height of the Approved Plans. To mitigate this minimal increase we have re-located the new dwelling by the Increased Distances away from all neighbouring properties.
10	If the new dwelling is moved over it will impact more on the beech tree and there are TPO trees in the area the closer they build to these the more damage to the roots	This is not applicable since, as per the Increased Distances, the new dwelling would be further away from the boundary of no.38A and its TPO tree than for the Approved Plans. As per the Approved Report, 'there is sufficient distance between the proposed development and the tree to prevent any detrimental impact.'
11	Reservations on the measurements submitted on this plan	We employed a professional architect to draw up the plans. It is our belief that he obtained the location plans used in this application, as is the norm, either from the most recent ordnance survey map or he purchased the location plans from the local council. Unfortunately, the architect is away until 11 August 2014, at which point we can confirm the above. The Planning Officer has conducted a site visit on behalf of the Local Planning Authority for this application and did so for the Approved Plans and has raised no such concerns.
12	Access to the site is very limited and all deliveries and lorries will have problems entering and leaving as well as cars of both properties	Please see paragraph GEN1 – Access on pages 6-7 of the D&A Statement. On 9 July 2014, the Essex County Council Highways Authority confirmed that it has no objection to the proposal. As per the Approved Report, 'the use of the proposed access would not have any harmful impact on highway safety in this location'. As per the Approved Plans, this proposal clearly has sufficient turning areas and parking for both dwellings.
13	The new dwelling will impact on the amount of cars being	The turning area for this application is larger than for the Approved Plans, since the return on the boundary of the

	parked and the turning area will be smaller making it unbearable to enjoy my garden as cars will be turning in a small area directly behind my fence	proposed garden of the existing dwelling is now 9.5 metres away from the boundary of no.38A Bentfield Road whilst for the Approved Plans it was 7 metres. The Approved Report confirmed that 'a turning point has been provided' when the distance was 7 metres. The cars will not be turning directly behind no.35 Bentfield Gardens. The cars will be parked at least 5 metres away from the boundary with no.35 Bentfield Gardens and in order to turn will reverse in the opposite direction.
14	All my children suffer from Asthma and exhaust fumes will not help their conditions especially if turning is difficult as it would be impossible to reverse out from the new property	As per the above, turning will not be difficult or impossible. As per the Approved Report, 'a turning point has been provided.'
15	As the proposed property has moved closer to my property I have concerns about how surface water will be disposed of and may cause flooding to my garden	On 9 July 2014, Thames Water confirmed that they would have no objection to the proposed application in relation to sewage infrastructure capacity. I will ensure that the new dwelling adheres to the necessary conditions and best practices of the relevant water supplier and environmental agency in relation to the disposal of surface water.

B. 'MR and MRS MCCULLAUGH – 35 BENTFIELD GARDENS', dated 28 July 2014

No.	Neighbour's representation	Applicant's response
16	The submitted plan appears inaccurate, query regarding the width of the public footpath compared to the distance of the new dwelling from the Bentfield Gardens boundary	Please see response to 11 above. The point remains that the new dwelling will be at least 2 metres away from the common boundary with Bentfield Gardens whilst this distance for the Approved plans was 1 metre.
17	The outline of the current properties on no. 40 and no.42 are inaccurate	Please see response to 11 above.
18	The application proposes an increase of 0.3m to the ridge line and the eaves height of 2.3m will be 0.5m above the current fence height of 1.8m which we feel will be an impact on our amenity	Please see response to 9 above. The eaves height for the Approved Plans was also 2.3 metres and as per the Approved Report, 'the proposal would have no adverse impact on visual or residential amenity.'
19	The windows on the east elevation, will back onto our properties sit right up to the eaves height which will be above fence level and therefore overlook our properties. These should be lowered by 0.5m should the application be approved.	The new dwelling will be at least 2 metres away from the common boundary with Bentfield Gardens, and the houses of Bentfield Gardens will be at least 18 metres away. I submit the windows will not overlook Bentfield Gardens. However, I will of course adhere to any conditions imposed on the size and even the presence of any windows on the east elevation.

20	We have concerns about the TPO tree which sits in no.38A which has been omitted from the plans	Please see response to 10 above. The TPO tree was considered for the Approved Plans and in the Approved Report, as it will be in this application.
21	A tree protection zone would be required to protect it during construction, which would then leave no access for construction vehicles	This is not true. Temporary access for construction traffic can be routed through the existing garden of no.40 in order to avoid any concerns over the TPO tree.
22	Excavating for the parking area to provide hardstanding would damage the roots of that tree	This is not true. The driveway and parking area along the southern boundary of no.40 would have no impact on the roots of the tree. As evidence of this, on the southern boundary of no.40 I have a large shed, which currently sits on a large concrete base slab and has done so for over 10 years. The concrete base, which is at least 250mm thick and therefore of sufficient depth for a parking area and driveway, is directly adjacent to the tree and it has had no effect on the tree whatsoever, therefore neither would the proposed driveway and parking area.
23	We would request an Arboricultural Report be carried out prior to commencement of any works and that any recommendations in that report are adhered to during the construction process	I will of course adhere to any conditions that the relevant authorities stipulate. In order to reassure Mr and Mrs McCullaugh, as per the Approved Report, 'there is sufficient distance between the proposed development and the tree to prevent any detrimental impact.'
24	Request for Sam Heath and the Planning Committee to carry out a site visit	Sam Heath has conducted a site visit for both the Approved Plans and this application. I am more than happy for another site visit to be arranged, if necessary.

C. 'DOW- COOPERS GATE' (no.38A) dated 29 July 2014 and 'PHD Associates' dated 23 June 2014 (to avoid confusion, I assume the PHD Associates letter is supposed to be dated 23 July 2014 since the current application was not received by the planning authority on 8 July 2014)

Please note that I have dealt with the Letters of Dow - no.38A Bentfield Road and PHD Associates collectively due to their similarity.

No.	Neighbour's representation	Applicant's response
25	In the Biodiversity Questionnaire, the first question under 'Habitats' is answered incorrectly. There is a hedge and there are trees affected by the proposed development.	I submit that this first question has been answered correctly. The meaning of setting is unclear. The new dwelling has been designed to ensure it does not affect any existing hedgerows or trees. I am happy to provide any further information the relevant authorities deem necessary.
26	An Arboricultural Report should have been submitted with the application in relation to the TPO tree and the plans should show the precise location of the tree,	Please see answer to 23 above.

	its height and its spread of its branches	
27	None of the parking or hardstanding can be installed as shown on the application because the proposal involves excavating 400mm below existing ground level and will therefore remove over 50% of the trees roots	Nowhere is it stated that the proposal involves excavating 400mm below ground level. The existing shed base, adjacent to the TPO tree, is at least 250mm thick, and access for private cars can be designed such that the parking and hardstanding can be constructed by the removal of top soil only.
28	The piling of foundations to protect the tree may be required and piling machines are very heavy and protection of the ground around the tree must be ensured otherwise fatal damage will be caused.	This is irrelevant, since the proposed dwelling is a sufficient distance outside of the tree canopy that the piling of foundations is not required. In relation to general construction traffic, please see response to 21 above.
29	In the Application Form, under section 7, Waste Storage and Collection, provision should have been made on the plans to store and aid the collection of waste and to separate storage and collection of recyclable waste.	There is ample space surrounding the new dwelling to cater for the provision of storage or waste and recyclable waste, and for its collection at the frontage of no. 40.
30	In the Application Form, under section 11, the numbers of vehicles do not make sense.	Apologies, this was a human error. The submitted plans clearly show there is provision for 3 car spaces for the existing dwelling and 2 car spaces for the new dwelling, as included in the Approved Plans.
31	In the Application Form, under section 13, the questions regarding surface water disposal are ignored	Please see response to 15 above.
32	The Appeal Inspector placed great emphasis on the adverse effect of the proposed dwelling on neighbours e.g. noise and light pollution for no.38A. How can kitchen windows and living room windows facing No. 38A be accepted as overcoming the Appeal objections?	Please see response to 4 above. The proposed kitchen window would be at least 20 metres away from the dwelling of no.38A, with a large TPO tree in between and a proposed 2 metre high fence. It is not 'facing' the dwelling of no.38A but rather it faces the fence towards the rear of the garden of no.38A.
33	Inspector's comments re window of no. 40, loss of amenity to neighbours, its narrow access, cramped and out of character and give rise to unacceptable safety hazard to pedestrians	Please see response to 4 above.

	and vehicle drivers	
34	A minor mitigation was achieved by slightly relocating the proposed dwelling in terms of direct impact on no.38A	Please see response to 4 above. In comparison to the 2005 application, the new dwelling has not only been 'slightly' relocated, it has been moved to at least 8 metres away from the boundary of no.38A and a larger area has been allocated to the proposed property.
35	The Essex County Council Highways (ECCH) have accepted the relocation of the access but that the access shown on the submitted drawings do not accord with the conditions	The ECCH sent their confirmation that the Highway Authority would not wish to object to the application subject to certain conditions, on 9 July 2014, after the current application was submitted. All such conditions will be complied with.
36	A visibility splay of 1.5 metres x 1.5 metres must be provided each side of the proposed entrance, which is to be 5 metres wide, at right angles to the proposed entrance, not angled as shown and the sight line must be entirely within the applicants ownership and control. Therefore the drive must be 8 metres wide and fully within the applicant's property.	No.40 has a frontage to the road of 14 metres. All such conditions can and will be complied with.
37	Notwithstanding the grant of outline consent the Planning Authority must take into account the Appeal Inspector's determination	Please see response to 4 above. The 2005 application is fundamentally different to this application. On the contrary, the Planning Authority must take into account the Approved Plans and the Approved Report, which are actually extremely similar to this application.
38	It is possible for the proposed dwelling to become a three bedroom dwelling	The proposed dwelling has been specifically designed to cater for the fundamental need of smaller dwellings in this area. If necessary, I would be happy for the Council to impose a restriction on the dwelling having only 2 bedrooms.
39	Roof is higher than the outline scheme	Please see response to 9 above.
40	The gardens of No. 38A are frequently subject to standing water for long periods, it is not known where this water comes from, and the building of the new dwelling can only lead to this problem becoming worse unless addressed by planning condition	The gardens at no.40 are not subject to such standing water. I will ensure that the new dwelling adheres to the necessary conditions and best practices of the relevant water supplier and environmental agency in relation to the disposal of surface water.
41	The drainage system must be designed to store all surface water and discharge it to the local drains, and if not available then the water	There is sufficient room to dig an adequate soakaway system, if necessary.

	must be discharged via soakaways	
42	The outline permission failed to take into account in sufficient depth the fundamental failings of the proposal all of which were excellently and clearly dealt with by the Appeal Inspector on an application that was identical in principal if not in form.	Please see response to 4 above. The 2005 application was fundamentally different to this application in both principle and form.

D. 'FARRELL-RUSHDOWN' (no.42) dated 30 and 31 July 2014 (including the two further representations submitted)

No.	Neighbour's representation	Applicant's response
43	We have reason to believe that the plot and property outlines/sizes on the plans are incorrect.	Please see response to 11 above.
44	The protected tree and our hedge are not shown and there are no details on how these will be affected or protected.	Regarding the protected tree, please see responses to 22 and 23 above. The new dwelling is at least 6.5 metres away from the boundary line with no.42 and the unprotected hedge will not be affected.
45	Although number 40 built a row of sheds after a former proposed new property was refused, the foundations for these were mostly above ground level.	This is not true. The large, single shed was constructed at least 2 years prior to the 2005 application. The concrete base slab for the shed is at least 250mm thick. Please see response to 27 above.
46	A couple of fruit trees were also removed by number 40 in the area of the new proposed building and the impact of this these to be assessed.	This is not true. No unprotected fruit trees have been removed. If relevant, one unprotected fruit tree fell and it is still there. I am happy for this to be assessed.
47	Parts of the new driveway are very restricted and will pass a window. The width should be assessed to check that the building works, deliveries and emergency services can reach the plot/ new property.	Please see responses to 12 and 21 above. As per the Approved Report, emergency access is not a material planning consideration.
48	Please see the stipulations in the document from the Highways, which we believe will be unachievable.	Please see responses to 35 and 36 above.
49	The driveway also will cause disruption to the surrounding properties, due to extra noise and light with multiple	Please see paragraph H4 d) on page 6 of the D&A Statement. The ECCH has raised no objection to the proposal. As per the Approved Report, 'the proposal would have no adverse impact on visual or residential

	cars parking at the front and rear of number 40 Bentfield Road, doubling the noise and light.	amenity.'
50	The outline planning permission stated that the size should not be increased and further development rights should be removed from the new property. The eaves and roof height are shown to be higher again.	This is not true. The eaves height remains at 2.3 metres, as per the Approved Plans. With regard to the increase of 30 cm to the ridge line, please see response to 9 above.
51	Number 40 is a large 5 bedroomed home and future occupants would appreciate the large garden which is characteristic of this style/era of property in Stansted	I disagree with this statement; the existing garden of no.40 is unusually large for a main urban area within Stansted. Indeed, the whole curtilage measures 1040 square metres. Under the proposal, the existing dwelling would retain a rear garden of 140 sqm, a size which was deemed sufficient in the Approved Plans.
52	Update on previous comments regarding the sheds built in the garden of number 40. They were built either late 2005 or 2006, and not over 10 years ago as stated in comments by number 40 Bentfield Road, as they were built after the appeal was lost for a new bungalow in the garden.	This is not true. If of relevance to the planning authority, the single shed was built in 2003, if not 2002, prior to the 2005 application. My son had a snooker party in the single shed on his 13 th birthday (August 2003), I am more than prepared to obtain witness statements from those who attended that party and those who erected the single shed to confirm this, if necessary. My original point remains valid that the concrete base slab of the single shed has been there for over 10 years and has had no impact on the TPO tree, which it is adjacent to. We trust this was a genuine mistake from Mrs Farrell.
53	This is an addition to previous comments. Number 40 and our property share water supply and the drains etc are in the area of the proposed property. Please could the appropriate supplier confirm that meters will not be attached to the shared supply and that drainage from these old drains will not be affected by the building works	It is our understanding that it is the responsibility of the owner of each property to decide the water billing process with its relevant water supplier. With regards to the drainage system, please see response to 15 above.

Please note that the deadline for submission of the Letters was 30 July 2014, the same date as the Parish Council meeting, giving me no time to provide these responses to the Parish Council. Please note the Parish Council had no comments when considering the Approved Plans. I submit any queries raised by the Parish Council in relation to this application have been dealt with in the responses above and were already considered in relation to the Approved Plans.

I appreciate your consideration of my application. Prior to submitting the plans careful consideration was taken to minimise the impact of the proposed dwelling on neighbouring

properties something which I believe can be seen in the D&A Statement and my responses above.