

Uttlesford District Council

Chief Executive: John Mitchell

Planning

Date: Wednesday, 29 April 2015
Time: 14:00
Venue: Council Offices
Address: Council offices, London Road, SaffronWalden, CB11 4ER

Members: Councillors C Cant, J Cheetham (Chairman), J Davey, K Eden, R Eastham, E Hicks, M Lemon, J Loughlin, K Mackman, J Menell, D Perry, V Ranger, J Salmon, L Wells

AGENDA PART 1

Open to Public and Press

- 1 Apologies for absence and declarations of interest.**
To receive any apologies and declarations of interest

- 2 Minutes of previous meeting** 5 - 8
To receive the minutes of the meeting held on 8 April 2015

- 3 Matters arising.**
To consider matters arising from the minutes

- 4 Planning Applications**

- 4.1 UTT/14/3675/ DFO Little Dunmow** 9 - 20
To consider application UTT/14/3675/DFO Little Dunmow

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5	Land north of Stansted Road Elsenham	99 - 144
	To consider application UTT/14/3279/DFO	
6	West of Woodside Way	145 - 146
	To consider an amendment to a condition on application UTT/13/2107/OP	
7	Chairman's urgent items	
	To receive any items that the chairman considers to be urgent	

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**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 2pm on 8 APRIL 2015**

Present:: Councillor J Cheetham (Chairman)
Councillors C Cant, J Davey, K Eden, R Eastham, E Hicks, M
Lemon, J Loughlin, K Mackman, J Menell, D Perry, V Ranger J
Salmon and L Wells.

Officers in attendance: N Brown (Development Manager), M Cox
(Democratic Services Officer), S Marshall (Planning Officer),
Maria Tourvas (Development Manager Team Leader), C Oliva
(Solicitor), A Taylor (Assistant Director Planning and Building
Control), C Theobald (Planning Officer) and L Trevillian (Senior
Planning Officer).

PC68 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies or declaration of interests

PC69 MINUTES

The minutes of the meeting held on 11 March 2015 were signed by the
Chairman as a correct record subject to amendment to minute PC70 to state
that Peter Ascott and Ted Denyer spoke against the application.

PC70 PLANNING APPLICATIONS

(a) Approvals

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

UTT/14/3763/FUL Saffron Walden - Application to vary condition 5
(restricting to sale of DIY goods of planning approval UTT/1574/87 Erection
of DIY centre including mezzanine offices car parking associated works and
alteration of an existing access) to add the following sentence:
'Notwithstanding the above, the sale and display of any A1 non-food goods
by Catalogue Showroom Retailer will be permitted from up to 185 square
metres of existing sales area - Elizabeth Way for Homebase Limited.

(b) Approvals with legal obligation

UTT/14/3770/FUL Little Canfield – removal of condition 8 from planning
permission UTT/14/1819/FUL for the demolition of existing buildings and
erection of 13 dwellings – Stansted Motel & 2 Hamilton Road, Little Canfield
for Bushmead Homes Ltd.

RESOLVED that conditional approval be granted for the above application subject

1 to the conditions in the report and an additional condition to provide access gates within the railings to the front of the named properties fronting Hamilton Road and Thornton Road.

2 a 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 the freeholder 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) Secure contributions towards education
 - (ii) Pay Council reasonable legal costs
 - (iii) Pay monitoring 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 April 2015 by the Assistant Director of Planning and Building Control shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:
- (i) Lack of contributions towards education

(c) Site visits

UTT/14/3819/FUL Chrishall – erection of 5 proposed dwellings with garages, home offices and access roadway – Hillside Farm for Mr and Mrs Smart for Pelham Structures Ltd

Reason: to assess the impact of the development in the location.

Tom Jackson (parish Council) spoke against the application. Bill Bampton spoke in support of the application.

UTT/15/0404/FUL Great Canfield – proposed change of use of land for two additional pitches at existing gypsy caravan site – Tandans, Great Canfield Road for Mr and Mrs Boswell

Reason: to assess the impact on the local area.

James Kellerman, Robert Mackley (parish council) spoke against the application. Mr Perrin spoke in support of the application.

LAND NORTH OF STANSTED ROAD ELSENHAM (UTT/14/3279/DFO)

This application had been reported to the Planning Committee on 11 March 2015 when members had resolved to refuse the application on the grounds of GEN 1 and GEN 2. The precise wording of the refusal was left unclear and Members were asked to clarify and confirm the agreed refusal reason. Officers' recollection was that the main and possible only refusal reason was based on the proximity of the proposed access to the property Hill Croft.

The wording of a refusal reason on this basis had been prepared. This only included reference to GEN 2 because GEN1 was a totally technical policy and it would be difficult to sustain a reason on these grounds when the Highway Authority raised no objection.

Since the last meeting the applicant had responded with an amended plan which proposed the relocation of the access 2.2m to the east of its previous siting. This was the greatest distance that it could be moved without compromising visibility. The parish council, the occupier and Highway Authority had been consulted. The applicant had also provided a tracking plan for refuse vehicles.

Dr Mott (resident of Hill Croft) and Peter Johnson (Elsenham Parish Council) spoke to the meeting. They said that the previous meeting had discussed issues other than access, which included the design of the 3 storey dwelling, parking courts, amenity space. Also the amended plan, although further away from Hill Croft, would be closer to other properties and there appeared to be a fundamental flaw in the design concept and access road.

Peter Biggs, the applicant said he had listened to the residents and the parish council and had amended many aspects of the scheme to take account of their comments. The location of the access position had been moved as far as was possible away from the neighbour. The scheme complied with all local plan policies.

The Chairman asked the committee to first confirm the reasons for refusal. She said Members could then go on to discuss the application if they felt that the refusal reason had been adequately addressed in the revised drawings. This would require a vote to suspend standing orders.

Councillor Mackman recalled that there were issues other than access that had been discussed at the meeting, such as design and parking. He had also put forward GEN8 but this had been removed. Councillor Eastham questioned how the decision could be unclear. He remembered supporting a change to the access but other issues were also raised. The Development Manager said the refusal reasons GEN1 and GEN2 couldn't stand on their own and officers needed to frame a detailed refusal around these, and this was the area that was still unclear.

Councillor Eden suggested that members could listen to the meeting recording to clarify what had been said. It was agreed that a transcript of the meeting would be more useful.

RESOLVED to defer the item to the next meeting in order for Members to receive a transcript of the meeting.

PC72 TREE AT SAFFRON WALDEN CASTLE MUSEUM STREET

The committee considered a proposal to remove branches from a sycamore tree within a conservation area at Saffron Walden Castle as the leaves and debris from the overhanging branches were having a detrimental effect on the fabric of the flint a rubble wall. The works were considered to be acceptable and it was

RESOLVED that no objection be raised to the proposed removal of branches.

PC73 WORKS TO A TREE WITHIN A CONSERVATION AREA

The committee considered a request for the re-pollarding of a sycamore tree within a conservation area at 23 Westfields, Saffron Walden. The proposal was considered to be acceptable and it was

RESOLVED that no objection be raised to the proposed pollarding of the tree.

PC74 APPEAL DECISIONS

The Committee noted the appeals that had been received since the last meeting.

PC75 PLANNING AGREEMENTS

The Committee received the list of the outstanding S106 agreements.

The meeting ended at 4.30pm.

UTT/14/3675/DFO (LITTLE DUNMOW)

(MAJOR)

PROPOSAL: Details following outline application UTT/13/2340/OP (outline application for removal of existing earth bunds; demolition of 1 and 2 Pit Cottages and other buildings/hard standings on site; and erection of 40 dwellings with associated access, parking and garaging and provision of public open space) – details of appearance, landscaping, layout and scale

LOCATION: Former Dunmow Skips Site, Station Road, Little Dunmow

APPLICANT: Persimmon Homes

AGENT: Persimmon Homes

EXPIRY DATE: 25 March 2015

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 The site is located to the north of the Flich Green estate on the western side of Station Road. It covers an area of 1.09ha and formerly comprised a pair of semi-detached cottages on the northern third of the site with the remaining two thirds formerly used as a waste transfer station. There were some structures on the site which were used as part of the previous use. The waste transfer activities have now been relocated to Chelmsford and the site is vacant and has now been cleared.

2.2 The site boundaries comprise a mix of native species hedging, an earth bund around the waste transfer station area and close boarded fencing to the road frontage.

3. PROPOSAL

3.1 The proposal relates to the submission of reserved matters following the grant of planning permission for 40 dwellings, associated access, parking and garaging and provision of public open space under reference UTT/13/2340/OP.

3.2 The reserved matters relate to appearance, landscaping, layout and scale. Access was previously approved under the outline application.

3.3 The proposal relates to the provision of 21 x 3 bedroom and 8 x 4 bedroom market dwellings, 1 x 2 bed bungalow, 6 x 2 bedroom and 4 x 3 bedroom affordable housing units. The affordable units, with the exception of the bungalow, will be 2 storey and the market dwellings will be a mix of 2 and 2.5 storeys (7 dwellings will be 2.5 storey).

3.4 The majority of the dwellings would be brick finish, although 4 dwellings would be render and two would have a render frontage. Four dwellings would be clad in black hardiplank to the front elevations. The brick dwellings would be clad with farmhouse

red Grovebury concrete pantiles and the four render plots would be clad with Redland concrete Landmark slate.

4. APPLICANT'S CASE

4.1 Summary of the Design and Access Statement:

The proposed development at Felsted will provide:

1. A new and attractive development to the area
2. A safe, attractive and secure environment
3. High quality development with a sense of place
4. Character and identity which relates to its wider context
5. Additional visitor parking within the development
6. An increased parking standards for new development
7. Public Open Space to encourage interaction between residents
8. Retained and enhanced natural landscape features
9. Interesting views and vistas
10. A good mix of dwelling sizes and types
11. Sustainable drainage for the area
12. Sustainable development principles that achieves level 3 of the code for sustainable homes, lifetime homes and wheelchair accessible homes.

5. RELEVANT SITE HISTORY

- 5.1 UTT/13/2340/OP: Removal of existing earth bunds and demolition of 1 and 2 Pit Cottages and other buildings/hard standings on site. Outline application for the erection of 40 dwellings with associated access, parking and garaging and provision of public open space. All matters reserved except access – Approved subject to S106 27 October 2014.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- GEN2 – Design
- GEN4 – Good neighbourliness
- GEN8 – Vehicle Parking Standards
- H9 – Affordable Housing
- H10 – Housing Mix
- GEN7 – Nature Conservation
- ENV7 – The Protection of the Natural Environment – Designated Sites
- ENV8 – Other Landscape Elements of Importance for Nature
- GEN3 – Flood Protection
- GEN6 – Infrastructure Provision to Support Development

7. PARISH COUNCIL COMMENTS

Felsted Parish Council

- 7.1 The proposed house adjacent to the site entrance will obscure the view of traffic approaching the junction around a blind bend. Parking facilities are unclear. The earlier phases of the Flitch Green development had inadequate on- and off-street parking facilities, restricting access for service and emergency vehicles. The development will add to the level of congestion experienced by Felsted residents because of traffic movements between Flitch Green and Chelmsford.

Flitch Green Parish Council

- 7.2 Continue to be concerned about the road safety implications of the access to the site and the increased volume of traffic that will be generated. Flitch Green members still consider that increased traffic trying to join Station Road from the site will potentially cause serious hazards to vehicles travelling in both directions on the highway. Question the sustainability of the proposal and highlight the lack of transport links to this location plus the fact that the extra housing with increased families will put further strain on the local schools and GP surgeries and infrastructure such as broadband/ telephone exchange. Still concerned about the measures to be put in place to cope with the disruption and impact on the highway caused by volume of vehicles and debris during construction of these new houses.

8. CONSULTATIONS

Sport England

- 8.1 Does not wish to comment on this particular application.

Airside OPS Ltd

- 8.2 The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. Therefore we have no objection to this proposal.

NATS (En Route)

- 8.3 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

ECC Minerals and Waste

- 8.4 No comments.

Natural England

- 8.5 No objection in relation to statutory nature conservation sites. Refer to standing advice in relation to protected species.

Highways Agency

- 8.6 Offers no objection.

Network Rail

- 8.7 Network Rail has no observations to make as the proposed development does not impact upon Network Rail land.

ECC Ecology

- 8.8 No further comments to make or objections to raise.

ECC Highways

- 8.9 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions relating to satisfactory site access, wheel cleaning and parking for employees; estate roads to accord with adopted standards; carriageways constructed up to and including at least base level prior to commencement of erection of dwellings; the provision and implementation of a Residential Travel Information Pack.

Environment Agency

- 8.10 No longer providing planning advice for developments over 1 hectare in size in Flood Zone 1. Fully support the advice of Essex County Council regarding the lack of detail of surface water drainage at this stage.

ECC Sustainable Drainage Officer

- 8.11 Concerns in relation to original FRA don't appear to have been addressed. Concerns relating to pluvial flood risk. Not clear intrusive ground investigations have taken place. If infiltration not viable then discharge should be limited to greenfield 1 in 1 year rate where possible. If not possible then a 50% betterment of current rates should be demonstrated. Above ground storage should be provided to enhance the amenity and biodiversity on site. Detailed drainage design should be submitted now. Evidence should also be provided that discharge onto the highway would no longer occur.

9 REPRESENTATIONS

- 9.1 This application has been advertised and 5 letters of representation have been received. Notification period expired 5 February 2015.

- 9.2 Issues raised are as follows:

- Development inappropriate for the prevailing road conditions
- Road already stretched to its limit with continuing growth of Oakwood Park
- Lack of services such as bus service and doctors
- Felsted has enough housing
- Environmental impact in the form of visual destruction
- Detrimental effect on the local flora and fauna
- Figure of 40 houses is far too high for size of site
- Virtually no open green space in the plan
- Lack of public transport makes this site unsustainable
- No local employment
- Proposed entrance/exit is dangerous
- Station Road prone to flooding – development will raise pluvial flood risk

- In close proximity to traveller site – already cultural and lifestyle clashes between travellers and local residents
- Should be refused and new scheme for less houses, open areas and roads accessible to emergency services

10 APPRAISAL

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

- A Whether the layout, design and appearance of the proposal is acceptable (NPPF, ULP Policy GEN2)
- B Dwelling mix and affordable housing provisions (NPPF, ULP Policies H9 and H10)
- C Parking provision (ULP Policy GEN8; SPD Parking Standards – Design and Good Practice)
- D Landscaping and open space (ULP Policies GEN2)
- E Drainage (NPPF, ULP Policy GEN3)

A Whether the layout, design and appearance of the proposal is acceptable (NPPF, ULP Policy GEN2)

- 10.2 Paragraph 58 of the NPPF stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.
- 10.3 ULP Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale, form, layout and appearance of the development and to safeguard important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.
- 10.4 In line with the outline application, the proposal relates to 40 dwellings. These would be a mix of 3 and 4 bedroom market dwellings and 2 and 3 bedroom affordable dwellings. The dwellings would range from single storey (1 unit) to 2.5 storeys (7 units). The dwellings would be largely constructed in multi-red bricks, 4 units would be render and 7 further units would have a render front elevation and 4 units would have a weatherboarded front elevation. Roofs would be a mix of farmhouse red concrete pantiles and Redland concrete slate.
- 10.5 This site does site in relative isolation and was the former site of a skip business and there was a pair of semi-detached chalet bungalows finished in render and plain tiles. Pound Hill Cottages, located to the north of the site are a mix of render and brick properties and whilst predominantly two storey, there are some with dormer windows and thus the appearance of 2.5 storey dwellings. Flitch Green, located to the south is a mix of property types and finishes, including 2 and 2.5 storey dwellings and brick and render finishes.
- 10.6 The proposed dwellings are of an appropriate scale and design for the local area. The mix of materials and finishes for the proposal are considered acceptable. The garden areas largely comply with the standards set out in the Essex Design Guide. However, plots 16, 17, 22, 25, 26, 31, 33, 35 and 37 fall between 89 and 99 sqm for 3 bedroom properties. Plot 39 has a garden size of 90sqm for a 4 bedroom property. Whilst these do not meet the required garden sizes for the properties, the site is constrained and

planning permission has been granted for 40 dwellings on this site. Therefore, on balance, it is considered acceptable for these plots to be undersized, subject to a condition removing permitted development rights. (Please note garden sizes are as measured by officers and not as per the table submitted by the applicant)

Plot No	No of beds	Car parking	Garden size	Plot No	No of beds	Car parking	Garden size
1	3	2	147	21	3	2	98
2	4	3	137	22	3	2	97
3	3	2	102	23	3	2	108
4	4	3	137	24	3	2	115
5	2	2	90	25	3	2	95
6	2	2	57	26	3	2	96
7	2	2	53	27	4	3	108
8	2	2	65	28	4	3	122
9	2	2	111	29	4	3	155
10	3	2	170	30	3	2	106
11	3	2	117	31	3	2	97
12	3	2	117	32	3	2	101
13	3	2	113	33	3	2	90
14	2	2	53	34	4	3	114
15	2	2	60	35	3	2	93
16	3	2	94	36	3	2	102
17	3	2	89	37	3	2	99
18	3	2	109	38	4	3	118
19	3	2	106	39	4	3	90
20	3	2	112	40	3	3	102

10.7 Due to the location of the site there would not be any adverse impacts on existing properties in the locality due to overlooking, overshadowing or overbearing. Within the development itself, there would be overlooking from plot 18 to the rear garden of plot 5. The private amenity space of plot 3 is located to the side of the dwelling and there would be some overlooking from plot 38. Whilst these issues raise some concern, on balance it is not considered that these are sufficient to warrant a refusal of the scheme.

10.8 The outline planning application indicated an area of public open space along the western boundary. However, due to the condition imposed on the outline consent requiring the reserved matters application to comply with the garden sizes as set out in the Essex Design Guide, and a requirement for the parking provision to meet adopted standards, this larger area of public open space has been substantially reduced. The S106 legal obligation requirement was just to provide open space which would be areas outside the residential curtilages. The reserved matters application shows three small areas of open space. These are located to the front of plots 5 and 16 and between plots 24 and 25, although this area also includes the visitor parking spaces and the parking spaces to plots 25 and 26.

10.9 The open space provision does not provide any meaningful area of open space that can be used for enjoyment by the residents. However, as already stated, this element of the proposals has been significantly diluted in order to comply with the condition requiring compliance with garden sizes. The areas provided comply with the definition of open space as set out in the S106 legal obligation and therefore it is considered, on balance, that there are not sufficient grounds to warrant a refusal in relation to this element of the proposals.

10.10 The site adjoins the Flitch Way with the rear boundaries of plots 12-15. Other development proposals in the district backing onto the Flitch Way have required a buffer zone of 5m of additional planting. This is not proposed in this scheme. However, this section of the Flitch Way is not part of the historical railway but is a modern path created following the construction of the traveller site which is constructed on land forming the original railway line. As such it is considered that the environmental sensitivity of this section of the Flitch Way is not as great as the main parts and on balance the buffer zone planting would not be required.

B Dwelling mix and affordable housing provisions (NPPF, ULP Policies H9 and H10)

10.11 The proposed development includes 11 affordable dwelling units. These are located at plots 5-15 on the southern part of the site. These would comprise a 2 bedroom bungalow, 6 semi-detached 2 bedroom dwellings and 4 semi-detached 3 bedroom dwellings. This has been revised from the original submission and now meets the requirements in respect of affordable housing and complies with Policy H9.

10.12 The proposed market housing would consist of a mix of 21 three bedroom and 8 four bedroom houses. The proposed mix would be in accordance with Policy H10.

C Parking provision (ULP Policy GEN8; SPD Parking Standards – Design and Good Practice)

10.13 The proposed parking provision for each property is set out in the table above. As can be seen, each property would have the required number of parking spaces as set out in the adopted standards. Plot 40 would have an additional parking space. In terms of parking provision for the proposed dwellings the proposal complies with the standards.

10.14 However, the proposal has a requirement for 10 visitor parking spaces. Only 3 parking spaces are proposed and these are provided at the expense of the public open space, as shown on the outline application. The requirement to comply with the condition imposed on the outline consent to ensure all properties meet the garden standards as set out in the Essex Design Guide has resulted in there being insufficient space within the site to accommodate the visitor parking. On balance, therefore, it is considered that the proposals are acceptable.

D Landscaping and open space (ULP Policies GEN2)

10.15 As previously stated, the provision of open space within this scheme has been compromised by the requirement to comply with the condition relating to garden sizes. The open space provision is now limited to small areas next to the visitor parking between plots 24 and 25, a small area in front of plot 16 and a larger area in front of plot 5. The provision technically complies with the requirements of the S106 legal obligation. There was no condition relating to the provision of open space, and as such it is considered that the provision is adequate given the limits of the consent already granted.

10.16 A landscaping scheme has been submitted detailing the proposed planting. This indicates that the existing boundary screening will be retained. New hedge planting is indicated as being *Fagus sylvatica* (beech) adjacent to plot 35. Other hedging throughout the site will be *Potentilla Abbotswood* (a shrubby cinquefoil), *Ligustrum ovalifolium* (privet) and the majority being *Hebe x franciscana Blue Gem* (an evergreen shrub).

10.17 The proposed feature trees within the site would be 1 Amelanchier lamarckii Robin Hill, 4 Carpinus betulus Frans Fontaine (hornbeam) and 5 Malus trilobata (crab apple).

10.18 Given the rural location of this development, and the fact that the site is very visible within the landscape, it is important to ensure the landscaping retains the rural character of the location. The proposed planting is very urban in its nature and therefore would not represent an appropriate scheme for this location. Therefore it is recommended that a condition be imposed requiring the submission of a revised landscaping scheme.

E Drainage (NPPF, ULP Policy GEN3)

10.19 The outline application was submitted with a FRA which the Environment Agency raised no concerns with, subject to a condition requiring the development to be carried out in accordance with the measures contained within the FRA. Since the outline consent was granted the responsibility for flood risk has transferred to the Lead Local Flood Authority (LLFA) which is Essex County Council. They have raised concerns in relation to the FRA and the fact that a detailed drainage scheme has not been submitted. Further information has been submitted to the LLFA by the applicant and the officer is currently awaiting a formal response. The applicant has stated that they would expect the submission of the full drainage scheme to be the subject of a condition. This is a reasonable request and as such it is considered the proposals comply with Policy GEN3.

11 CONCLUSION

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

- A The house types, design and materials are considered appropriate to the area. The layout of the scheme has some design flaws, but these are not considered sufficient to warrant a refusal. It is recommended permitted development rights are removed on the plots with undersized gardens.
- B The private and affordable housing mixes are considered appropriate. The affordable housing provision meets the required size standards.
- C The parking provision for the properties meets the required standards. The visitor parking falls short by 7 spaces, but the site is constrained by the grant of planning permission for 40 dwellings and the requirement to comply with the garden sizes. On balance the scheme is considered acceptable.
- D The landscaping scheme is considered to fail to protect the character of the rural area and a condition is required for the submission of a further landscaping scheme.
- E The FRA submitted with the outline application was considered acceptable by the Environment Agency. The LLFA has raised some concerns but these can be dealt with by way of a condition.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons:

1. Prior to the commencement of the development details of the drainage scheme shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be carried out in accordance with the approved details.

REASON: To ensure the development does not increase the risk of flooding within the site or the vicinity of the site, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005)

STATEMENT: This condition is required to ensure that the drainage scheme is capable of being delivered to the requirements of the LLFA as this has not been clearly demonstrated with the details submitted.

2. Prior to the commencement of the development 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:-

- hard surfacing, other hard landscape features and materials
- existing trees, hedges or other soft features to be retained
- planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- details of siting and timing of all construction activities to avoid harm to all nature conservation features
- location of service runs
- 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 Plan Policy GEN2 (adopted 2005).

STATEMENT: The retention of existing landscaping and the provision of appropriate landscaping is important to ensure the rural character of the site is retained.

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

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

4. Notwithstanding the landscaping scheme submitted, prior to the commencement of development a scheme showing the measures for the protection of the existing boundary trees and hedges shall be submitted to and approved in writing by the local planning authority. The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved in writing by the local planning authority to comply with the recommendation of British Standard 5837:2005 (Trees in relation to construction) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be

maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

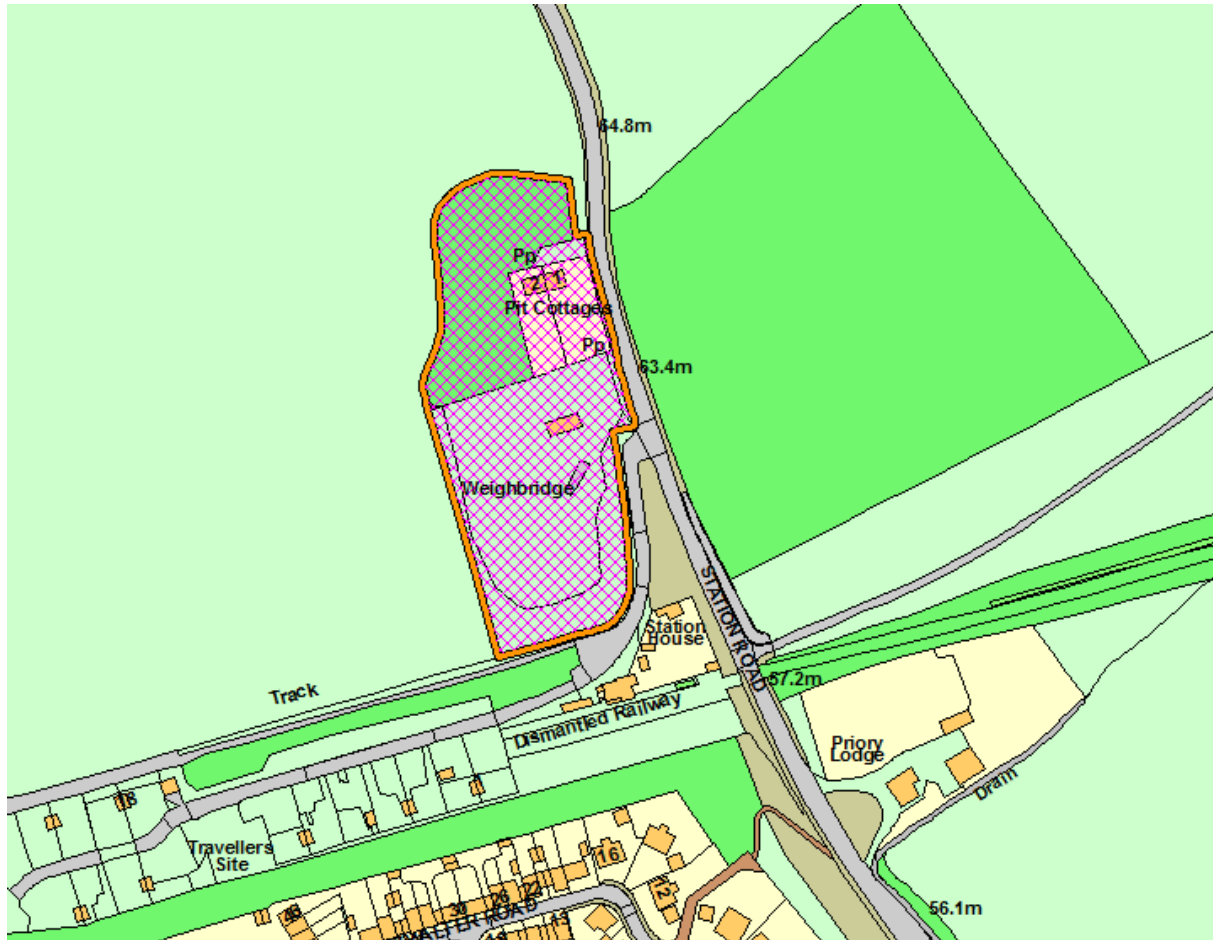
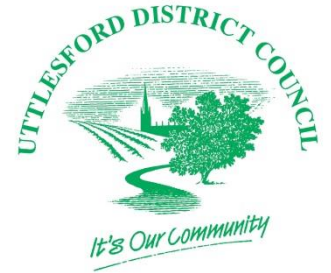
STATEMENT: The protection of the existing boundary screening is a fundamental element of the development of this site, given its countryside setting.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority on plots 16, 17, 22, 25, 26, 31, 33, 35 and 39.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings/buildings, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

Application no.: UTT/14/3675/DFO

Address: Former Dunmow Skips Site Little Dunmow



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Organisation: Uttlesford District Council
Department: Planning
Date: 16 April 2015
SLA Number: 100018688

UTT/14/3819/FUL (CHRISHALL)

(Referred to Committee at the discretion of Development Manager)

PROPOSAL:	Erection of 5 (No.) proposed dwellings with garages, home offices and access roadway
LOCATION:	Hillside Farm, Mill Causeway, Chrishall
APPLICANT:	Mr & Mrs H Smart
AGENT:	Pelham Structures Ltd
EXPIRY DATE:	18 February 2015
CASE OFFICER:	Clive Theobald

1. NOTATION

1.1 Outside development limits.

2. DESCRIPTION OF SITE

2.1 The site is situated to the north of Chrishall village on the southern side of Mill Causeway having its western boundary onto Abrams Lane and comprises a former poultry farm (Hillside Farm) with a site area of 2.3 ha. The site is enclosed to all boundaries by dense tree screening and banking, although has an open floor interior roughly square in shape of levelled cleared ground representing the apron of former poultry buildings. Vehicular access to the site is gained via Mill Causeway. Two pairs of semi-detached dwellings adjoin the site on its north-west side at the junction of Mill Causeway with Abrams Lane, whilst a further dwelling exists further down Abrams Lane on the south side of the site. A replacement dwelling adjoins the site on its north-east side fronting onto Mill Causeway (Hillside House). Arable land exists to the north and east of the site.

3. PROPOSAL

3.1 This full application relates to the erection of 5 (No.) detached two storey “carbon neutral” dwellings with garages, home offices and newly aligned access road onto Mill Causeway and represents a revised housing scheme submitted for this site in 2014. It should be noted that reference was made by the Council on the current planning application description to a gatehouse, although it is the case that a gatehouse does not in fact show for the application proposal where this detail was shown by the applicant for the previous application and since omitted for the current scheme. The breakdown of dwelling types is as follows:

Plots 1 & 2 - Identical 3 bedroomed dwellings (113 sqm) of tiled and rendered appearance described as “Farm Cottages”;

Plot 3 – 3 bedroomed dwelling (232 sqm) of tiled, brick and flint appearance described as a “Granary Dwelling”;

Plot 4 – 3 bedroomed dwelling (283 sqm) of tiled and stained/painted black weather-boarded appearance described as a “Barn Dwelling”;

Plot 5: 4 bedroomed dwelling (floorspace not given) of tiled/slate and painted render appearance described as a “Farm House dwelling”.

3.2 Parking for the dwellings for Plots 1 and 2 would be in the form of 2 x 2 No. open hardstanding spaces, parking for the dwelling for Plot 3 would be in the form of a detached tiled and weatherboarded triple bay cart lodge, whilst parking for the dwellings for Plots 4 and 5 would be in the form of a combined and handed tiled and weatherboarded garage and cart lodge block (4 No. spaces each). The homeworking offices proposed would take the form of 2 No. detached tiled and weatherboarded units positioned to rear of, and to serve the dwellings for Plots 1 and 2 and 2 No. units positioned within the centre of the aforementioned garage/cart lodge block to serve Plots 4 and 5. No homeworking office is shown for the dwelling for Plot 3. All of the dwellings would have generous site curtilages considerably in excess of 100 sqm.

4. APPLICANT'S CASE

4.1 The application is accompanied by the following main documents:

- Supporting Letter (May 2014)
- Marketing Statement prepared by Cheffins (Jan 2014)
- Sustainability Statement (Apr 2014)
- Renewable Energy Statement (April 2014 – University of Nottingham)
- Transport Statement
- Ecology Survey Reports

4.2 The case is made generally that the proposal represents a highly sustainable form of residential development at this edge of village location where the proposed eco dwellings would be of an exceptionally high energy efficiency level (Code Level 6/ Passivehaus) with zero carbon emissions and where commercial marketing for the site has shown very few genuine enquiries for the re-introduction of commercial activity given the site's relatively remote location, closeness to residential properties and lack of flexibility on the Council's part to encourage alternative commercial uses.

4.3 The accompanying supporting letter states that *"The proposal if successful would result in the development of a very traditional "farmyard/small country estate" style development, whilst also being the most energy efficient and sustainable houses yet built within the district and possibly the country"*. The letter goes on to say that the developer has volunteered a legal arrangement in favour of the Parish Council which would give them significant control should any further application be made for a number of dwellings greater than the five proposed by the current application.

4.4 The sustainability statement concludes that *"The project will demonstrate that sustainable houses can be attractive, financially viable and desirable and that technology to do so is available now...More fundamentally, carbon neutral houses need to become the recognised standard sooner rather than later and any schemes that assist this should be actively encouraged"*.

5. RELEVANT SITE HISTORY

5.1 Change of use from poultry farm to timber storage and treatment business, including landscaping measures at Hillside Farm approved in 2002 (UTT/0196/02/FUL) when it was considered that the level of intrusion into the countryside through the introduction of the new commercial use would be significantly less than the existing poultry farm operations. Erection of storage buildings/office building (reserved matters) withdrawn in 2005. Outline permission for erection of 6 No. dwellings withdrawn in 2010 after it was considered by Officers that the proposal would have been unacceptable on rural policy,

ecology and design grounds (UTT/0558/10/OP). Detailed planning permission refused in July 2014 for the erection of 5 (No). dwellings with garages, gatehouse, home offices and access roadway for the following stated reasons (UTT/14/1442/FUL):

- 1 The proposal would amount to a form of unsustainable development at this rural location outside development limits where it would fail to meet all of the sustainability requirements of the NPPF. Furthermore, the applicant has not demonstrated that the development needs to take place at the site and the proposal would therefore be contrary to the countryside protection aims of ULP Policy S7 of the Uttlesford Local Plan (adopted 2005), which states that the countryside will be protected for its own sake.
- 2 ULP Policy H10 of the Uttlesford Local Plan (adopted 2005) states that all developments on sites of 0.1ha and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. The proposal would fail to meet this policy by reason of the high level of specification provided for the proposed dwellings, which would not provide affordable market housing for the local community.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework.

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy H1 – Housing Development
- Policy H10 – Housing Mix
- Policy ENV14 – Contaminated Land
- GEN1 – Access
- GEN2 – Design
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards

7. PARISH COUNCIL COMMENTS

7.1 Object on the following principal grounds:

- Site located outside village development limits
- Development would result in an urbanisation of the site's rural setting
- The proposed scheme is not an "exceptional development" where the sustainable build credentials should not be regarded as representing a rural policy exception
- The question of the site's planning status continues to require clarification (agricultural or brownfield?)
- Proposal unsustainable in terms of impact on environment, social cohesion and local economy
- Lack of local infrastructure and services to support proposed development
- Significant lack of public transport with existing bus services etc. under review due to high cost of provision
- Future occupants of the dwellings would be socially isolated from the village centre as there is no safe walking or cycling route and would be completely reliant on private transport.

- Style, design and mix of the dwellings, whilst appearing to be smaller than those proposed for refused application UTT/14/1442/FUL are still inappropriate for the site's location and would not be conducive to achieving social integration between future residents and the wider local community
- Development does not provide for low cost affordable or low cost market homes which may bring benefit to the wider local community
- Proposal would set a precedent for similar developments on other agricultural land locally
- Abrams Lane has suffered from local flooding issues
- The energy efficiency measures proposed are not enforceable, nor is there a requirement in planning law for carbon neutrality
- No enforceable guarantees that only five properties would be built should planning permission be granted
- Landscape provision cannot guarantee the long term shielding of the site as existing boundary vegetation could be removed

7.2 The Parish Council also claims that the previously implemented groundworks at the site in association with the 2002 approved timber storage and processing use following the demise of the poultry farm should not be regarded as constituting a lawful commencement of that approved use and therefore treated as a "fall-back position" for the proposed change of use of the site to residential as now proposed where the site has not been actively used for any purpose for the last twelve years.

8. CONSULTATIONS

Natural England

- 8.1 Statutory nature conservation sites – No objection.
Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
Protected species – We have not assessed this application and associated documents for impacts on protected species.

Essex County Council Highways

- 8.2 The impact of the proposal as shown in principle on Drawing No. 306/20e is acceptable to the Highway Authority from a highway and transportation perspective subject to appropriate highway conditions.

Essex County Council Ecology

- 8.3 No objections. I note the results of the Protected Species Survey (April 2014) and the negative results of the reptile survey (April 2014). I also note that the proposed masterplan has retained the continuous tree belt enclosing the site and this is welcomed.

Environmental Health

- 8.4 The site has the potential to be contaminated due its former uses as a poultry farm and for timber treatment. The Site Waste Management Plan identifies the subsoil as hazardous and then goes on to say it will be re-used on site. Any potentially contaminated material re-used in soft landscaped areas must be certified as clean. As advised on the previous application UTT/14/1442/FUL, a Phase 1 contamination assessment is required as per the Essex Technical Guidance. Please provide a copy

of this to the applicant. The application refers to a Package Sewage Treatment Plant (PSP). This must be appropriately sized for the number of occupiers. The applicant is advised to consult the Environment Agency regarding any effluent discharge permit required. The exceptionally high energy efficiency of the proposed dwellings is welcomed. However, air source heat pumps have the potential to cause noise disturbance and no indication is given as to where these would be located. The following condition is recommended:

“Any heat pumps installed must meet the MCS planning standard with respect to noise. Reason: to protect the amenity of nearby properties and residents of the development”.

Access & Equalities

- 8.5 A review of the layout and design of the proposed dwellings and the submitted Lifetime Homes Statement shows compliance with the SPD on Accessible Homes and Playspace.

9. REPRESENTATIONS

- 9.1 4 representations received. Notification period expired 27 January 2015. Site notice expired 5 February 2015.

All four representations received object to the proposed development. A summary of the objections are as follows:

- The site still has agricultural status and is not brownfield land
- Unsustainable location
- Speculative development to obtain an “in principle” decision for housing on the site
- Existing “link” road to the centre of the village (Abrams Lane) is narrow without footpaths and would be dangerous for children from the development to walk along to get to the already oversubscribed village school
- Increased traffic
- Loss of privacy
- The inclusion of “home offices” is a concern. What does this mean?

10. APPRAISAL

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

- A Principle of development (NPPF, ULP Policies S7 and H1);
- B Design / Housing mix (ULP Policies GEN2 and H10);
- C Whether the development would be harmful to protected species (ULP Policy GEN7);
- D Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8);
- E Impact on residential amenity (ULP Policy GEN2);
- F Pollution risk (ULP Policy ENV14).

A Principle of development (NPPF, ULP Policies S7 and H1)

- 10.1 It has been previously accepted by Council Officers that the 2002 planning permission for the change of use of the former poultry farm to a timber yard at this rural location granted under UTT/0196/02/FUL has been lawfully implemented in view of the carrying out of access improvement works, landscaping and drainage works in association with that approved change of use. Given this previous position where it is understood that

there have been no material changes occurring at the site since the 2002 permission, Council Officers are of the further view that the timber storage buildings shown for that approved development could still be lawfully erected and that once operational the site could thereafter be classified as “light industrial” as a change from its former agricultural use. Notwithstanding this, it is the Council’s view that the site cannot be classed as brownfield land, firstly as a poultry farm is not classified as a brownfield use by definition (agricultural) and secondly as the extant timber storage commercial use has not commenced. Therefore, any argument that it would be beneficial in this context for residential use to take place at the site rather than a commercial use is a spurious one where it was considered by the Council (and also the Parish Council) at the time of the 2002 planning application for the timber storage use that this would be an appropriate form of commercial activity at this rural location and where it was subsequently the personal circumstances of the applicant who decided to relocate the timber business elsewhere which meant that the use has never commenced at the site.

- 10.2 The applicant’s marketing report carried out by Cheffins dated January 2014, albeit that this has not been updated for the current application, states that the marketing of the site for alternative commercial uses from 2008 onwards where the approved timber business use had become surplus to applicant requirements has proved unsuccessful to date and where it is stated in the report that:

“In six years, very few genuine enquiries from commercial users have been received and no offers have been made. The land is in a relatively remote location and is close to housing. It is therefore not well suited for modern business use. Those parties which have expressed an interest in commercial uses here have been put off by the restrictive planning permission and the seemingly inflexibility of the local authority for alternative commercial uses. I would consider a well-designed, high quality residential development to be a much more suitable form of development on this site”.

- 10.3 Cheffins have stated in their report that during the six years of marketing the site that it has received numerous enquiries from third parties wishing to seek residential development of the site where only two stated commercial enquiries were received during this period, namely by a mobility company looking for a warehousing and office building and by a local scientific company looking for production floorspace and offices. Marketing has been carried out of the site for commercial use by a variety of marketing methods which are accepted by the Council where it is noted that a Cheffins advertising board still remains displayed outside the site. It is considered from this level of marketing that commercial re-use of the site is unlikely to take place in the foreseeable future.

- 10.4 It will be seen from the above that there is a high probability that the site will remain vacant in its current state and condition unless an appropriate rural use, including acceptable B1 activity can be made of the site. Whilst this is possible, the chances of this occurring are considered unlikely if the marketing report by Cheffins is to be relied upon and where it is argued that an intensive poultry farm were this, say, to be re-introduced at the site is not in itself a particularly neighbourly activity where dwellings exist along the road frontage and along Abrams Lane. However, whilst recognising that the site will have a land value currently either as agricultural status or as an uplift value with the benefit of an extant commercial consent, the betterment in land value which clearly would be achieved through its development for residential use has to be weighed against the overall sustainability of such development and whether this would be sustainable and/or cause rural harm at this location.

- 10.5 ULP Policy S7 of the adopted local plan states that the countryside will be protected for its own sake and that planning permission will only be given for development that

needs to take place there, or is appropriate to a rural area, adding that this would include housing infilling in accordance with para 6.13 of the Housing Chapter of the Plan. As such, there will be strict control on new building. The policy goes on to say that development will only be permitted if its appearance “protects or enhances 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 needs to be there. Whilst the comments made by the applicant that the site is now for all intents and purposes redundant having been offered for sale for several years and that the site’s re-use for housing would in a small way reduce the need to take out productive agricultural land elsewhere to satisfy the housing need for the district, the proposal would not constitute natural housing infilling appropriate to a rural area, whilst a sufficiently cogent argument has not been put forward by the applicant to demonstrate why the proposal *needs* to take place at the site. As such, the proposal would be contrary to the countryside protection aims of ULP Policy S7, which as a local plan policy has been considered in the Ann Skippers Planning report to be partly consistent with the NPPF and is seen more as a restrictive policy rather than an enabling one.

10.6 The NPPF has a presumption in favour of sustainable development where it states at para 14 that LPA’s should be seen to *“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole; or specific policies in this framework indicate development should be restricted”*. Paras 6-7 of the framework state that there are three dimensions to sustainable development, namely economic, social and environmental where para 8 states that *“These roles should not be undertaken in isolation because they are mutually dependent... Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system”*.

10.7 In terms of the presented scheme when assessed against the framework as a whole, it is acknowledged that:

- The site does not represent land in active agricultural use where the proposed development would make more efficient use of it given the length of time the site has remained vacant;
- The development seeks to secure high quality design and a good standard of residential amenity and also seeks by its layout to establish a strong sense of place by responding to local character;
- The development supports the transition to a low carbon future through sustainable construction and use of electric cars;
- The development seeks to promote homeworking opportunities.

10.8 However, as previously mentioned, the site lies outside development limits for Chrishall at the northern end of the parish where it is physically separated by farmland from the central nucleus of the village. In terms of assessment against the environmental strand of the NPPF, the site is enclosed and heavily screened along all of its boundaries by perimeter banking and a planted and now maturing tree belt resulting from the landscaping works carried out under the 2002 permission for commercial use which means that views into the site from both Mill Causeway and Abrams Lane are limited and where the site interior is only readily appreciable from the site entrance itself. However, ULP Policy S7 seeks to protect the countryside for its own sake and the proposal would therefore be contrary to this policy.

- 10.9 In terms of assessment against the social strand of the NPPF, the proposed development has to be considered in the context of its physical location and the range of local services that Chrishall village offers and whether the proposal would support these. The site is situated approximately 1 mile north of the village centre and is therefore not considered to be within convenient walking distance of the village centre, albeit that this is achievable by walking along Abrams Lane. Vehicular access to the site would be maintained via Mill Causeway, although the revised application now includes a footpath link onto Abrams Lane from the rear of the development where this link was not shown for the previous application. However, Abrams Lane is a country lane which is not lit and does not have any public footpaths and it is considered that this lane is not a safe pedestrian linking route to the village centre as it would be potentially hazardous by users.
- 10.10 Furthermore, Chrishall is poorly served by public transport where it is stated by the Parish Council that the village currently only has one village bus service a day where this has had to be saved and that the Bishops Stortford bus service is poor. Therefore, it is highly likely that future residents of the site development would be mostly dependent upon the motor car for trips to the village and further afield. This position appears to have been recognised by the applicant where it is proposed that electric cars would be made a compulsory requirement of any purchase of the dwellings on the development where this would be written into purchase contracts where the case is strongly made that this initiative would result in carbon free private transport. Such transport innovation is encouraged by the NPPF to promote carbon free travel. Whilst this measure has been offered by the applicant on other planning applications which have been considered by this Council, there is no way in which it is considered that this resident requirement could be enforced in planning law by way of an enforceable planning condition or indeed even if this could be realistically enforced by way of private contractual arrangement thereafter.
- 10.11 The lack of physical connectivity of the site from the village centre and reliance on private transport is therefore likely to lead to the proposed development having a lack of social connectivity and integration with the remainder of the village. Whilst Chrishall offers a range of local services, including a primary school, village hall and a public house, it does not have a shop, post office or any other retail outlet. It therefore argued that the village is unlikely to substantially benefit from the proposed development in any measurable or meaningful way where the Parish Council have stated that the primary school is already oversubscribed. The proposal would promote homeworking by the inclusion of homeworking “hubs”, which the NPPF also encourages to promote sustainable development. However, there is no guarantee that this facility would be taken up by future occupants of the dwellings. In the circumstances, the proposal would amount to an unsustainable form of development when viewed against the definition set out within the Framework and when assessed against the framework as a whole and would be contrary to the provisions of the NPPF and ULP Policy GEN1 where it should be noted that a new dwelling proposal at Longview, Mill Causeway within close proximity of the site was refused as being an unsustainable form of development when viewed against the definition set out within the Framework (APP/C1570/A/14/2223003). As such, the presumption in favour of sustainable development as set out in the Framework does not apply to the proposal.

B Design / Housing mix / (ULP Policies GEN2 and H10).

- 10.12 The scheme as put forward contains a mix of housing types where the submitted layout drawing and perspective show how the proposed scheme seeks to create a traditional housing concept, if not rural idyll, through the use of a range of vernacular building form at very low site density. Whilst no objections are raised to the design of the dwellings

per se, the proposed scheme would contain either 3 or 4 bedroomed detached market dwellings of high specification where ULP Policy H10 states that all developments on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. Whilst it is noted that the revised scheme as submitted now has the inclusion of the “smaller” and identical so called “Farm Cottages” for Plots 1 and 2 and dispenses with a previously shown Georgian style manor house of substantial proportions for Plot 3 for the previously submitted five dwelling scheme for this site where this plot dwelling is now shown as a “Barn Style Dwelling” in Essex barn vernacular, it is considered that none of these house types would represent low cost or affordable market homes which may bring housing benefit to the local community where Members will be aware that the government has removed the requirement for affordable housing financial contributions on sites of ten dwellings or less.

C Whether the development would be harmful to priority/protected species (ULP Policy GEN7).

- 10.13 The interior of the site comprises a flat surface with perimeter banking above up to a tree line. The application is accompanied by a protected species survey report and also a supplementary reptile survey report, both of which have concluded that protected species are not present at the site where the reptile survey report adds that the likelihood of the site being a reptile habitat is minimal. Given these findings, it is considered that the proposed development would not have a harmful effect on protected or priority species where it is noted that ECC Ecology has not raised any ecology objections. The proposal would therefore comply with ULP Policy GEN7.

D Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8).

- 10.14 Vehicular access to the development would be via the existing wide site access point along Mill Causeway with an improved roadway alignment leading through the middle of the site as shown with the previously submitted application. Visibility splays have been demonstrated at 2.4m x 150m in both directions with the western facing splay meeting with the junction of The Causeway with Abrams Lane. ECC Highways have been consulted on the application and have not raised any highway objections subject to suitable highway conditions. The proposal would therefore comply with ULP Policy GEN1 in this respect (although see objection on sustainability grounds as mentioned above).
- 10.15 Resident parking for the dwellings would be in the form of both garaged and hardstanding parking as indicated. Parking for each dwelling as referred to in the application proposal description above would comply or exceed the minimum level of parking required by the adopted parking standards. The proposal would therefore comply with ULP Policy GEN8.

E Impact on residential amenity (ULP Policy GEN2).

- 10.16 The proposed dwellings for the scheme would be positioned within generous residential curtilages well away from the site boundaries which, as previously mentioned, contains dense screening where the dwelling for Plot 1 would be positioned 32 metres from the rear boundary of Hillside House and the dwelling for Plot 5 would be positioned 30 metres from the rear boundary of the dwellings along Abrams Lane. The development would therefore not have a significant detrimental effect on the reasonable amenities of these adjacent dwellings and would not be contrary to ULP Policy GEN2 in this regard.

F Pollution risk (ULP Policy ENV14).

- 10.17 The Environmental Health Officer has advised that the site has the potential to be contaminated due its former uses, although it should be emphasised that the site has not been used for timber treatment processing for which it has planning permission for. However, the applicant's own Site Waste Management Plan has identified the subsoil of the site as hazardous and then goes on to say that it will be re-used on site. The applicant has since advised that any material used for soft landscaped areas for the proposed development would be certified as clean. Notwithstanding this assurance, it is considered that any grant of planning permission should carry the standard remediation conditions so that the site can be properly controlled and if necessary, monitored during any remediation process that is carried out of the land (ULP Policy ENV14). It should also be emphasised that the Environment Agency initially objected to the previously submitted housing application for this site as insufficient information had been submitted by the applicant to show that the risk of pollution to controlled waters would be acceptable in view of the site's location within a Groundwater Protection Zone (Zone 3) and its positioning over an aquifer where the site is considered to be of high sensitivity because of these factors. This objection was subsequently removed following the submission of following additional information subject to suitable conditions being imposed to reduce contamination risk.

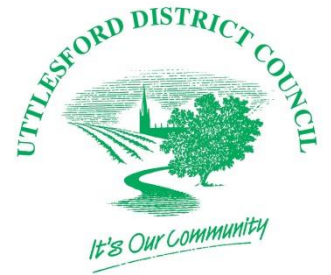
11. CONCLUSION

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

- A The proposal would be unacceptable in principle as it would represent an unsustainable form of development contrary to the sustainability aims of the NPPF and also contrary to ULP Policy GEN1 in terms of accessibility;
- B The applicant has failed to demonstrate why the development in the form proposed needs to take place at the site and would therefore be contrary to the countryside protection aims of ULP Policy S7, which states that the countryside will be protected for its own sake.
- C The proposal would be contrary to ULP Policy H10 which states that all developments on sites of 0.1ha and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties.

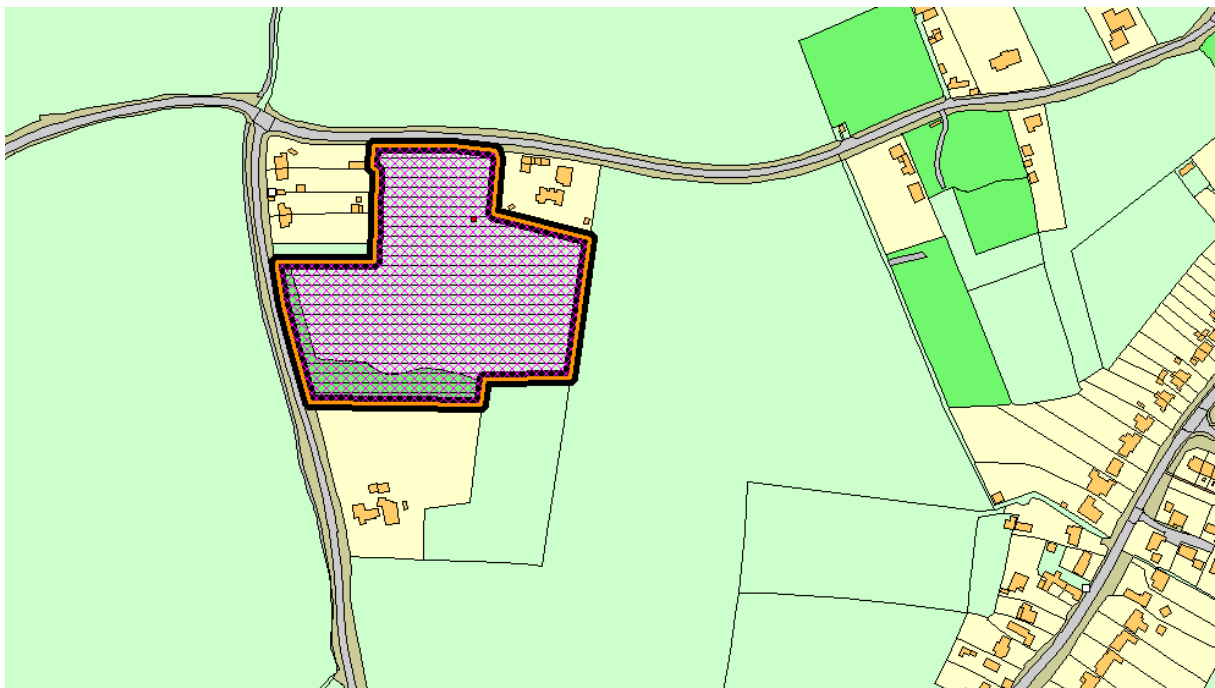
RECOMMENDATION – REFUSAL

1. The application site forms part of the countryside beyond development limits and the proposed development is fundamentally unsustainable by reason of the site's relative inaccessibility to local services that reflect the community's needs and which support its health, social and cultural well-being and also as the type and tenure of the dwellings proposed would not deliver an inclusive and mixed community or reflect local housing demand. Furthermore, the applicant has failed to sufficiently demonstrate why the development in the form proposed needs to take place at the site. The proposal would therefore be contrary to Paragraph 17 – "Core Planning Principles" within the National Planning Policy Framework and ULP Policies S7, H10 and GEN1 of the Uttlesford Local Plan (adopted 2005).



Application no.: UTT/14/3819/FUL

Address: Hillside Farm Mill Causeway Chrishall



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Organisation: Uttlesford District Council

Department: Planning

Date: 24 March 2015

SLA Number: 100018688

UTT/15/0404/FUL – GREAT CANFIELD

(Deferred by Committee for site visit)

PROPOSAL: Proposed change of use of land for two additional pitches at existing gypsy caravan site

LOCATION: Tandans Great Canfield Road, Great Canfield

APPLICANT: Mr and Mrs Boswell

AGENT: Mr R Perrin

EXPIRY DATE: 03 April 2015

CASE OFFICER: Sarah Marshall

1.0 NOTATION

1.1 Outside Development Limits

2.0 DESCRIPTION OF SITE

2.1 The site is a rectangular plot of land approximately 0.9ha in area located off a private drive in Great Canfield south of the B1256. The site is currently occupied by one gypsy pitch which is comprised of a mobile home and a touring caravan and there is permission for an additional two pitches on site. The site boundaries are landscaped with mature vegetation which provides screening from the neighbouring properties. The rest of the site is currently being used for grazing.

3.0 PROPOSAL

3.1 The proposal is for an additional two pitches which will bring the number of pitches on site to five. The proposed pitches will be approximately 0.25ha each and be located west of the approved pitches.

4.0 APPLICANTS CASE

4.1 The applicants have submitted a joint planning and design and access statement. This document sets out how the development meets the relevant policies that are set out in the NPPF, the Planning policy for traveller sites (PPTS), and the policies set out in the local plan as well as addressing the design and access principles. Attached to the statement are the following documents: Approved Plan TD1B which was granted approved in 2012. The policy HO11 from the Development Uttlesford Draft Local Plan, the excerpt from the PBA report site assessment for the site and the Gypsy and Traveller Issues and Options Consultation Assessment for the site.

4.2 It should be noted that the Uttlesford Draft Local Plan has been withdrawn as a result of the Inspectors comments; therefore this is not a relevant policy.

5.0 RELEVANT SITE HISTORY

5.1 UTT/0998/08/FUL

“Long stay caravan pitch for one gypsy family”. This permission was personal to Mr and Mrs Boswell. (Granted 2008)

5.2 UTT/0808/11/FUL

“Proposed continued use of long stay caravan pitch for the use of one gypsy family. (Not subject to condition C.13.4- UTT/0998/08/FUL (The mobile home and touring caravan hereby permitted shall be occupied only by Mr T Boswell and Ms A Fuller and when they cease permanent occupation they shall be removed from the site within 2 weeks of this event and the land shall be restored to its former condition within 1 month in accordance with a scheme of work submitted to and approved by the local planning authority in writing).” (Granted conditionally on the 27th July 2011 with a personal condition to Mr and Mrs Boswell being re-instated. Allowed at appeal (reference APP/C1570/A/11/2160858) which removed conditions 2 and 13 from the permission including the personal condition.

UTT/1617/12/FUL,

A subsequent application for “proposed two additional pitches at existing gypsy caravan site”. This application was conditionally approved and the condition relating the landscaping was discharged under reference UTT/12/6070/DOC. A non-material amendment for the layout of the additional pitches was approved under reference UTT/13/0028/NMA.

6.0 POLICIES

6.1 National Policies

- National Planning Policy Framework
- Planning policy for traveller sites

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy GEN1 - Access
- Policy GEN2 - Design
- Policy GEN8 - Vehicle Parking Standards

7.0 PARISH COUNCIL COMMENTS

- 7.1 The Parish Council (PC) object to this application on the basis that the proposed development does not follow the aims of the latest government consultation for Planning and Travellers. The aims are that the planning system is fair and equal to both settled and traveller communities, the sensitive areas and the Green Belt are protected and that the negative impact of unauthorised occupation is addressed. The PC stated that the access to the site down Canfield Drive is inappropriate due to its narrow width with lack of pedestrian access and no passing places. That the creation of additional pitches on the site will be overdevelopment and this would not be seen as being a fair and equal system if the Council refused an application for outline permission for the erection of four dwellings on the site.
- 7.2 The PC is aware that that an extension to this site has been proposed in the Uttlesford Gypsy and Traveller Issues and Options consultation to which this Parish Council responded in early February 2015. The PC feel that their comments were not addressed in the summary of responses received to the consultation. Furthermore these documents are the beginning of the process of creating the Uttlesford Gypsy and

Traveller Local Plan. As the Council has not decided or considered sites across the district the PC fail to understand how this application can be determined.

8.0 CONSULTATIONS

Highways

8.1 No objection as the development is not contrary to policy GEN 1.

Informative

Canfield Drive is private and is accessed off Great Canfield Road which is unclassified. There is adequate width and visibility at the junction and the highway authority is satisfied that the low vehicle movements associated with this proposal will not have a detrimental effect on highway safety or efficiency.

Thames Water Utilities

8.2 Waste Comments

Sewerage infrastructure capacity- no objections.

Surface Water Drainage – it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer.

Water Comments - With regard to water supply, this comes within the area covered by the Affinity Water Company.

9.0 REPRESENTATIONS

9.1 24 Neighbours were consulted on this application. 25 Representations were received by the Council.

- Canfield Drive is unsuitable for additional traffic due to insufficient passing places which can result in cars having to reverse out onto Great Canfield Road
- The maintenance of Canfield Drive is poor and will only get worse with increase traffic
- There will be an increase in traffic which will be detrimental to the rural character of the area
- The site will be over developed
- The surrounding area is typically large detached dwellings within large plots- this will be out of keeping
- The site will become more urban with all the residential paraphilia which is not suitable for the rural location
- Pitches should be evenly distributed throughout the district
- Why is there a need for additional pitches when the two approved have not been implemented?
- Previously approved application retained half the site as open paddock which is within keeping with the surrounding area
- The Planning policy for traveller sites advises that the number of pitches or plots to the circumstances of the specific size and location of the site and surrounding population density
- An application for four dwellings on the site was refused on the basis of being over development and unsatisfactory access to the site and substandard construction with poor visibility at the junction of Canfield Drive and Great Canfield Road.

- The scale and form will be out of keeping with the surrounding location and have a detrimental impact on the character of the rural location
- The impact of the additional pitches is not sustainable in accordance with the NPPF
- Previous applications have restricted the number of pitches on this site to prevent proliferation of caravans and mobile homes on this site to protect the rural character of the location
- The resultant vehicle movements from this site is not considered to be low as each additional pitch has a provision of three car parking spaces each
- The highways issues have not changed since 2010 when the Highways Agency objected to the application for four dwellings on the site
- Canfield Drive is not suitable for larger vehicles or caravans due to the width.
- Protected species was a reason for refusing the outline planning application for four houses, however no ecological report has been submitted with this application.
- Insufficient evidence to demonstrate the need for the additional pitches or that the need of the occupants have changed since the original planning approval which could outweigh the harm to the character and appearance of the local area
- A section 106 agreement should be sought to mitigate the impact on the local infrastructure, amenity and services
- The harm created by this proposal could not be mitigated by a temporary permission
- Refusing this application would not impact on the human rights of the applicants as it is for a proposal
- The road is a track which services 8 properties including Tandans. The track is unmade and has not been maintained to a high standard in recent times.
- The traffic generated by the existing properties is relentless and the track cannot cope with the level of traffic already and any additional traffic would result in the need for major upgrading and upkeep of the track.
- The original permission in 2011 was granted with a condition restricting the number of mobile homes and caravans on site to avoid proliferation of mobile homes and or caravans which might adversely affect the character of the area and protect the residential amenity of the occupiers of neighbouring dwellings.
- The original permission was granted on the personal circumstances of the applicants and normally no residential development would be considered appropriate for this location.
- The previous applications have already satisfied Mr and Mrs Boswell's needs.
- The road or the junction of Great Canfield Road and Canfield Drive is not suitable for caravans
- Insufficient evidence to demonstrate that the occupants are gypsies which can be considered as demonstrated in appeal decisions
- The development by stealth will set a precedence on the south side of the flich way
- The application conflates existing policy with consultation and a call for sites- both yet to be resolved
- It fails to take into account stated government policy for the reform in this area which it intends to pre-empt
- Why has the highways agency stated that the junction of Canfield Drive and Great Canfield Road suitable when in 2010 an application for four dwellings on the same site was refused on the basis that this junction was deficient and the impact on the highways was inappropriate.
- By approving this application the Council would be opening the floodgates for other similar developments in the area.

- Given the recent planning history of the site could be subdivided and transformed into a multi owned/occupied site supporting an unknown number of residents
- It appears that the applicants have intended to develop the site into a commercial enterprise rather than a residential site.
- UDC need to review the history of the planning applications for this site and the statements made with these applications
- The reasons for refusing the 2010 application for four dwellings remain and are applicable

10.0 APPRAISAL

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

- A The principle of the two additional pitches
- B Access to the property
- C Residential Amenity

A The principle of the two additional pitches

10.1 The National Planning Policy Framework (NPPF) and the Planning policy for Traveller sites (PPTS) set out a presumption in favour of sustainable development. The definition of a gypsy or traveller is set out in Annex 1 of the PPTS which states:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of Travelling Show People or circus people travelling together as such”

10.2 The PPTS states that “Local planning authorities should set pitch targets for Gypsies and Travellers and plot targets for Travelling Show People, which address the likely permanent and transit site accommodation needs of Travellers in their area...” The Essex- Gypsy and Traveller and Travelling Show People Accommodation Assessment report, which was commissioned on behalf of the Essex Planning Officers Association, established that Uttlesford District Council will need an additional 26 pitches within the district by 2033.

10.3 The PPTS sets out in Policy B that LPAs should identify and update annually a five year supply of sites. Within Uttlesford this equates to 9 pitches being required between the period 2013 and 2018. Since 2013 only 1 pitch has been approved by the Local Authority, therefore there is still an additional 8 pitches required.

10.4 LPAs should consider the following five points which are set out in Policy H of the PPTS when processing planning applications for gypsy and traveller sites.

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections.

As demonstrated above, there is a clear need for pitches within Uttlesford and this proposal meets criteria a.

- 10.5 In relation to criteria b) as above, there is a clear need of pitches within the district. The applicants are already occupying the existing pitch on site; therefore they are not in need of a pitch themselves. The application states that the site is considered to be a family site; however these two additional pitches will be general pitches with the potential to being occupied by the applicant's extended family. It should be noted that the previous application for two additional pitches, has not been restricted for family use by conditions, just that the pitches are occupied by Gypsies and Travellers.
- 10.6 The PPTS states in Policy C that sites within rural areas and the countryside should not be of a scale which dominates the nearest settled community. Policy H of the PPTS then goes on to say that weight should be given to the following points when determining a planning application for pitches
- a) effective use of previously developed (brownfield), untidy or derelict land
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
 - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community
- 10.7 The site is already established as a Gypsy site with 3 permitted pitches. The site benefits from existing vegetation along the boundaries of the site and it is proposed to plant trees and hedgerows between the pitches and around the paddock. The proposed pitches will utilise the already approved driveway so this proposal will not significantly increase the level of hardstanding already approved by previous applications. It is considered that the proposed development meets the four criteria set above.
- 10.8 The planning inspector has confirmed that this site is considered to be in a sustainable location and given that it is a brownfield site, is considered that this site is suitable for the proposed additional pitches.
- 10.9 As a result of the Essex Gypsy and Traveller and Travelling Show People Accommodation Assessment report Uttlesford District Council engaged Peter Brett to undertake a Site Assessment Survey to identify a supply of deliverable and developable sites within the district. The survey recommended that Tandans can be extended by an additional two pitches. In the Report of Representations, Officer Comments and Recommendations which followed the consultation period between December last year and February this year, Tandans was considered suitable to be extended by an additional two pitches. It is considered that the site is large enough to accommodate further landscaping within the site as a mitigation measure.

B Access to the property

- 10.10 Highways have not objected to this application and have confirmed that the development meets policies GEN1 and the policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

10.11 The proposed development has the potential to increase the level of traffic by an additional six vehicles. Highways have stated that there is adequate width and visibility at the junction of Great Canfield Road and Canfield Drive which is a private road to accommodate the low vehicle movements associated.

C Residential Amenities

10.12 Policy GEN2 of the ULP states that development should be designed to ensure that it does not have a material adverse effect on the reasonable occupation and enjoyment of a residential property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. Whilst the proposed pitches would be in close proximity to the adjoining property to the west, there is existing vegetation along that boundary. A condition requiring further landscaping along that boundary along with the proposed location and orientation of the mobile homes/touring vans would not cause any overlooking, loss of privacy or have an overbearing impact on the adjoining property. Therefore it is considered that the proposed development meets Council's policy GEN2 set out in the ULP.

7.0 CONCLUSION

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

- A There is a need for gypsy and traveller pitches within the district and this site meets the criteria set out in the PPTS. Both the PPTS and the NPPF state that there is a presumption in favour of sustainable development and this site is in a sustainable location and is brownfield. Therefore it is considered that the site is appropriate for additional pitches and due to the size and location, the site can accommodate an additional two pitches creating a total of five pitches on site without causing any detrimental harm to the surrounding location.
- B It is considered that the access to this site is suitable for the proposed development and will not have a detrimental impact
- C The proposed development will not have a detrimental impact on the residential amenities of the neighbouring properties.

RECOMMENDATION – CONDITIONAL APPROVAL

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 site shall not be permanently occupied by any persons other than gypsies and travellers as defined in Annex 1, paragraph 1 of the Planning Policy for Travellers Site" produced by the Department for Communities and Local Government (March 2012).

REASON: The development is acceptable in order to meet the District's shortfall in provision for gypsy and traveller sites in accordance with "Planning Policy for Travellers Sites".

3. There shall be no floodlighting or other form of external lighting constructed within the application site without the prior written consent of the local planning authority.

REASON: To ensure the development does not adversely affect the rural character of the area in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005)

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the visual amenity of the rural location in accordance with Policy S7 of the Uttlesford Local Plan (2005).

5. Prior to the commencement of the development hereby approved 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. means of enclosure;
 - II. car parking layouts;
 - III. other vehicle and pedestrian access and circulation areas;
 - IV. hard surfacing materials;
 - V. existing trees, hedges and other soft features to be retained and additional planting proposed

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].

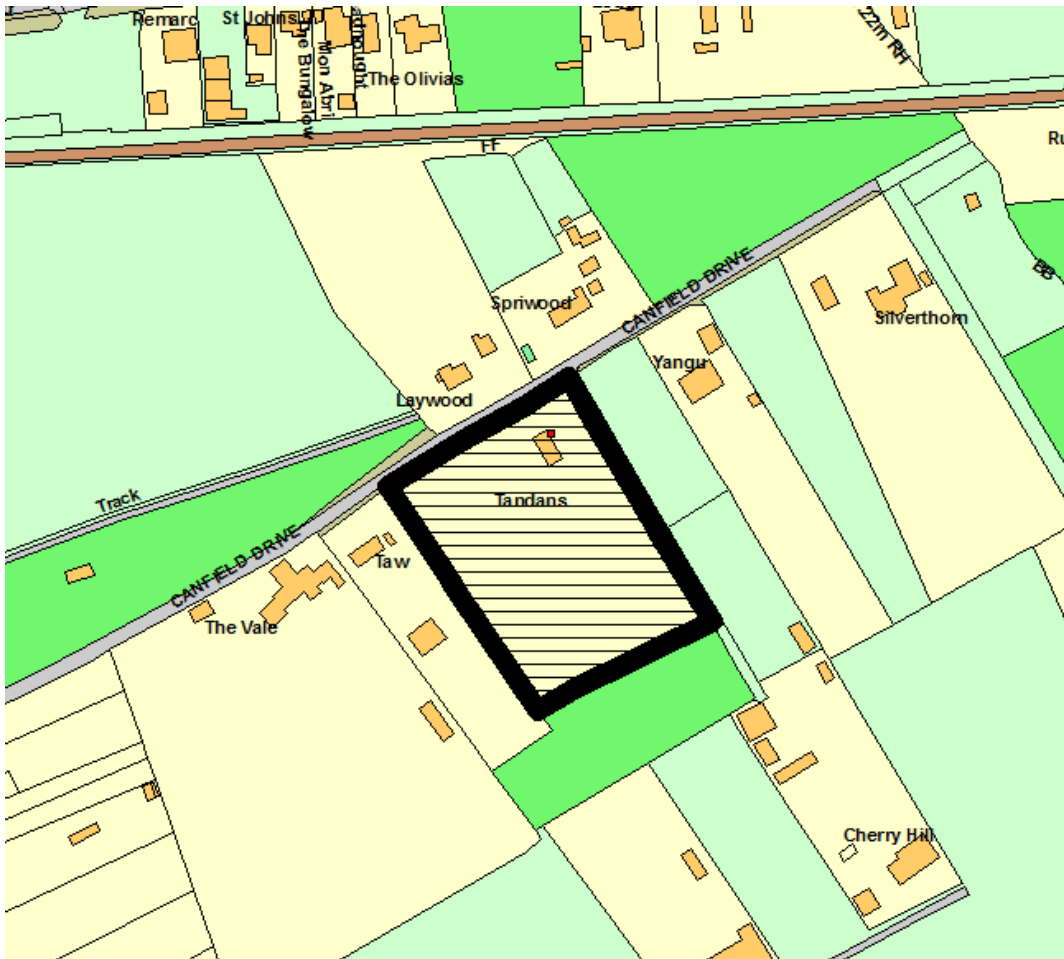
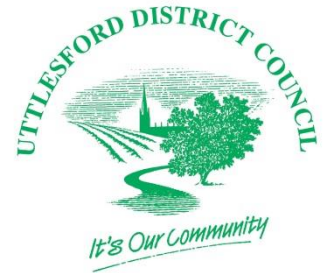
REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, and S7 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GEN2 and S7 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/15/0404/FUL

Address: Tandans Great Canfield Road Great Canfield



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Organisation: Uttlesford District Council

Department: Planning

Date: 24 March 2015

SLA Number: 100018688

UTT/15/0284/DFO - (STANSTED)

(MAJOR APPLICATION)

PROPOSAL: Details following application UTT/13/1618/OP (Outline application for approximately 160 house dwellings, with associated development and infrastructure) - Details of construction of a link road from Cambridge Road in the application site

LOCATION: Land at Walpole Farm Cambridge Road Stansted

APPLICANT: Bloor Homes/Martin Grant Homes

AGENT: Pegasus Group

EXPIRY DATE: 1 May 2015

CASE OFFICER: Maria Shoemsmith

1. NOTATION

1.1 Outside Development Limits, airport safeguarding, within 2km SSSI, Public footpath runs along the southern boundary of application site rear of properties fronting Rainsford Road, Archaeology, Adjacent to Protected Lane - Pennington Lane

2. DESCRIPTION OF SITE

2.1 The site is located off Cambridge Road (B1383), to the north of Walpole Farm. The application site covers a total area of approximately 10.3 hectares which is currently arable agricultural land. The farm leases buildings within the main farm complex to a potatoes packing company and for the storage of pallets. The site comprises of 2 fields. There are hedge and tree lines which separates the fields. There is an existing access which is taken off Cambridge Road and runs parallel to the road up to the main farm buildings. There is a drainage ditch which runs parallel to Cambridge Road and the internal access. The site has undulating ground levels.

2.2 There is a 'valley' that forms the spine of the application site running from the centre of the site, west to east. This is close to the northern boundary of the application site, which consists of a drainage ditch/Ugley Brook and the boundary hedge to the field and the site. The application site jets out at the top of the valley towards the northwest corner of the site where ground levels increase again.

2.3 The main farm buildings sit on a higher ground level as you enter into Stansted heading south-westwards.

2.4 The site is edged by Pennington Lane immediately adjacent to the site's western boundary where the site levels splay and increase.

- 2.5 There are existing allotments to the southwest corner of the application site, adjacent to Pennington Lane, which are proposed to remain and expanded. Also, there is a Public Right of Way adjacent to the southern boundary to the rear of properties which front onto Rainsford Road, Poulteney Road, Alderbury Road and The Rookery. This is also retained and forms part of the outline application illustrative scheme.

3. PROPOSAL

- 3.1 This application is for the reserved matters of the detail construction of the link road from Cambridge Road into the application site following the granting of Outline planning permission for *“all matters reserved (except for access) for the redevelopment of site to provide approximately 160 house dwellings , up to 600 square metres of commercial (B1) floorspace, approximately 0.45ha reserved for educational uses, seven full size allotments, paddock and community woodland area with associated open space, landscaping, access, parking and drainage”* 1st April 2014.
- 3.2 The link road would cover for the length of the road from Cambridge Road into the site, up to T-Junction of the proposed estate road where the housing development would begin. The proposal also includes a spur road that will provide the vehicular access in the retain facilities at Walpole Farm.
- 3.3 It has been clarified within the application submission that this application does not include any off site highway works which have been conditioned as part of the outline application and will form part of a separate discharge of condition submission.
- 3.4 The proposed main link road into the application site would consist of 5.5m wide carriageway, 2 x 2m wide footpaths either side of the road, increasing to 3m at the main road T-junction with the proposed roundabout. The proposed road would have a gradient of no more than 4-5%.

4. APPLICANT'S CASE

- 4.1 Condition 15 of the outline application requires the proposed estate road(s) to be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). Given that all dwelling houses will take access from this link road and that it will assist with the construction of the wider development site, it is pragmatic for it to form an individual reserved matters application while the details of the remainder of the development are being prepared.
- 4.2 The proposed layout of the link road and spur roads are confirmed with the illustrative layout and approved access position from Cambridge Road and do not prejudice the future layout of the wider residential site that will be submitted as a separate reserved matters application.
- 4.3 As such, this proposal complies with condition 15 and in bringing the link and spur roads forward as a separate reserved matters application to the wider residential site; it does not conflict with any other conditions set out within the decision notice for UTT/13/1618/OP.
- 4.4 The proposed development therefore fully accords with the development principles set

pout in the outline application and ensures that there is an appropriate means of access to the development and that this access along with its associated footpaths are constructed to the appropriate standard in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

4.5 The following statement has been submitted as part of the application;

- Ecological Assessment June 2013 (FPCR)

5. RELEVANT SITE HISTORY

5.1 UTT/13/1618/OP – Outline application with all matters reserved (except for access) for the redevelopment of site to provide approximately 160 house dwellings , up to 600 square metres of commercial (B1) floorspace, approximately 0.45ha reserved for educational uses, seven full size allotments, paddock and community woodland area with associated open space, landscaping, access, parking and drainage. Granted 1st April 2014.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S1 – Development limits for Main Urban Areas
- Policy S7 - The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy ENV12 – Protection of Water Resources

6.3 Stansted Mountfitchet Community Plan (2011)

The document identified that Stansted has enlarged over the years and states that any further attempts to significantly enlarge Stansted would be resisted.

7. PARISH COUNCIL COMMENTS

Stansted Parish Council

7.1 No comments

8. CONSULTATIONS

ECC Highways Authority

8.1 Further information/amendments were required.

8.2 Further comments following amendments;

The Highway Authority would not wish to raise an objection to the above application as shown in principle on drawing number E3273/760/B, and defines the alignment and dimensions of the access road between the B1351, (Cambridge Road) and the proposed development, subject to conditions.

9. REPRESENTATIONS

9.1 The neighbouring properties have been consulted of the application. The scheme has been advertised on site and within the local press. 24 letters of response have been received raising the following points;

- Increase in vehicle movement;
- Congestion;
- Infrastructure to capacity;
- Parking/Highway safety;
- Speed/speed limits of adjacent roads;
- Over development;
- Concerns that roundabout would lead to tail back for congestion into Stansted;
- Agree the roundabout is the best way to deal with this junction. It would need to be as safe as possible;
- Loss of agricultural land;
- Water levels;
- Sewage problems;
- Loss of views;
- School capacity;
- Set President;
- How and where will it link to the main road and what effects will it have;
- Relationship with High Lane and Alsa Street;
- Air pollution;
- Flooding in main road
- Vague application no details of landscaping;
- Improve footpaths in and out of the site;
- Improve visibility;
- Speed signs;
- Creation of formal parking bays for 1-4 High Lane;
- Improved lighting on road;
- Traffic calming measures and parking lay-bys on High Street;
- There are slow worms and snakes on site;
- The site is recognised as an ancient track and building;
- A new roundabout at the junction will probably be helpful;
- Should have easy crossing points to footpaths;
- Cycle provision;
- Flooding to the rest of Stansted;

The objections raised all relate to the principle of the development which has already been granted planning permission.

10. APPRAISAL

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

- A Access to the site and highway safety (ULP Policies GEN1, GEN8; Design and Good Practice; Development Management Policies);
- B Other material considerations

A Access to the Site and Highway Safety

- 10.1 The principle of the development, issues surrounding highway and pedestrian safety, traffic volume, infrastructure, flooding and ecology have been addressed and approved at outline stage subject to conditions. Matters concerning housing mix, landscaping and amenity would be further assessed at reserved matters stage. Nonetheless some of the points are addressed and clarified below in respect of the subject of this application.
- 10.2 This application is solely for the reserved matters relating to the main internal link road between the main road (Cambridge Road) leading to the housing estate element of the approved outline. The intricate detailing of the road such as materials, lighting, and joins would be the subject of separate highway applications under Section 38 and 278 of the Highways Act.
- 10.3 This application includes a re-sited location of the access into the site further southwards to enable the construction of a 4 armed roundabout which would allow vehicle movement from the site and from High Lane to access the junction with ease. It is stated that the proposed highway works would not only facilitate the proposed development it would also improve existing highway safety issues by reducing speeds. The decision to utilise a roundabout as opposed to a right hand turn has followed from discussions with ECC Highways at outline stage.
- 10.4 The detailed stage of the main link road through the application site has been the subject for further consultation with ECC Highways. As a result amendments have been sought regarding number of footpaths, size, footway/cycle path to roundabout, junction layout, visibility etc, also Section 38 internal adoptable standards requirements have been sought in the form of drainage and ditch details, crossing points, gradients of embankments and verges widths and street lighting. The plans have been amended and resubmitted reflecting the requested changes. ECC Highways have been consulted and as a result no objections have been raised subject to conditions.
- 10.5 The details of the proposed link road are acceptable and in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

B Other material considerations

Ecology

- 10.6 A Phase 1 Ecological Assessment of the site has been undertaken and submitted with the outline application and has been further submitted as part of this submission. This concluded that the site has low to moderate ecological value. The proposal would therefore comply with the requirements of ULP Policy GEN7. No objections have been raised by the Environment Agency further to additional information that has been

submitted and no objection has been raised by ECC Ecology subject to conditions at outline stage.

Landscaping

- 10.7 The outline scheme was supported by a Landscape Visual Impact Assessment that demonstrated that the development would not give rise to unacceptable visual impact. The approved indicative layout showed when carefully managed through the provision of a soft landscaped forecourt which would consist of 'rural characteristics' through incorporates measures to protect and enhance existing landscaping boundary treatment including reinstating and extending hedgerows with new planting and supplemented planting, water bodies, working with the existing ground levels etc. would address such concerns. However, as previously stated this would be addressed at a later reserved matters submission, and does not form part of this consideration.

Flood Risk and Drainage

- 10.8 The application site is located in Flood Risk Zone 1 and has a low probability of the risk of flooding. A Flood Risk Assessment has been submitted as part of the application. As part of the proposed scheme it is proposed that sustainable drainage elements would be included within the design of the scheme that the drainage would be diverted through the site in the form of swales, ditches and ponds. No objection has been raised by the Environment Agency at the time of assessing the outline application. Details of the water runoff, pipes would need to accord with highway adoptable standards. This has been considered as part of details of this application and further information has been sought and amended plans received. This scheme is only a small element which would feed into a strategic drainage system which has been condition as part of the outline consent. This is in accordance with Local Plan Policy GEN3.

Third Party Comments

- 10.9 Further to third party comments received relating to heritage remains, an Archaeological Assessment has also been undertaken and has been submitted as part of the outline application. This concluded that whilst no archaeological remains have been discovered on site there is a low potential that there may be remains on site.
- 10.10 Whilst there are 2 conservation areas and Grade II listed buildings within 400m of the application site the proposed development would not adversely affect their heritage significance. No objection has been raised by ECC Archaeology subject to conditions at outline stage. This is in accordance with Local Plan Policies GEN2, ENV1, ENV2 and ENV4.

11. Conclusion

- A Details of the link road have been amended to meet adoptable standards. No objection has been raised by ECC Highways subject to conditions. This is considered to be acceptable and in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan.
- B The ecological assessment submitted as part of the application concluded that the site is of low ecological value the proposed development would provide enhancements through the creation of the balancing ponds, strengthened and enhanced landscaping, also the inclusion of bat boxes. The character and biodiversity of Pennington Lane would be retained with minimal impact. The scheme would accord with Local Plan

Policies ENV8 GEN7 and the NPPF in this respect.

- C The application site is located in Flood Risk Zone 1 and has a low probability of the risk of flooding. Drainage would need to be diverted through the development through the use of new swales and ditches that would be linked to existing ditches. The scheme would also incorporate sustainable drainage systems through the inclusion of ponds through the site. The principle of this has been accepted at outline stage. This scheme is only a small element which would feed into a strategic drainage system which has been conditioned as part of the outline consent. This is in accordance with Local Plan Policy GEN3.
- D There are no new heritage issues which are raised by this application, in accordance with GEN2, ENV1, ENV2 and ENV4.

RECOMMENDATION – APPROVE SUBJECT TO 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. Prior to first occupation the road scheme as shown in principle on drawing number E3273/760/B shall be constructed to adoptable standards and retained as such in perpetuity.

REASON: To provide free and unhindered access to and from the highway to the application site, in the interest of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

3. The junction of the proposed internal residential road and the access road at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 60 metres to the north and 2.4 metres by 60 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided prior to the first occupation of the development hereby permitted and retained free of any obstruction in perpetuity.

REASON: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

4. The junction of the access road and Walpole Farm access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 60 metres to the south-west and 2.4 metres by 60 metres to the north-east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays

shall be provided prior to the first occupation of the development hereby permitted and retained free of any obstruction in perpetuity.

REASON: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

5. The junction of the access road and Foul Pump Access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 60 metres to the north-east and 2.4 metres by 60 metres to the south-west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided prior to the first the first occupation development hereby permitted and retained free of any obstruction in perpetuity

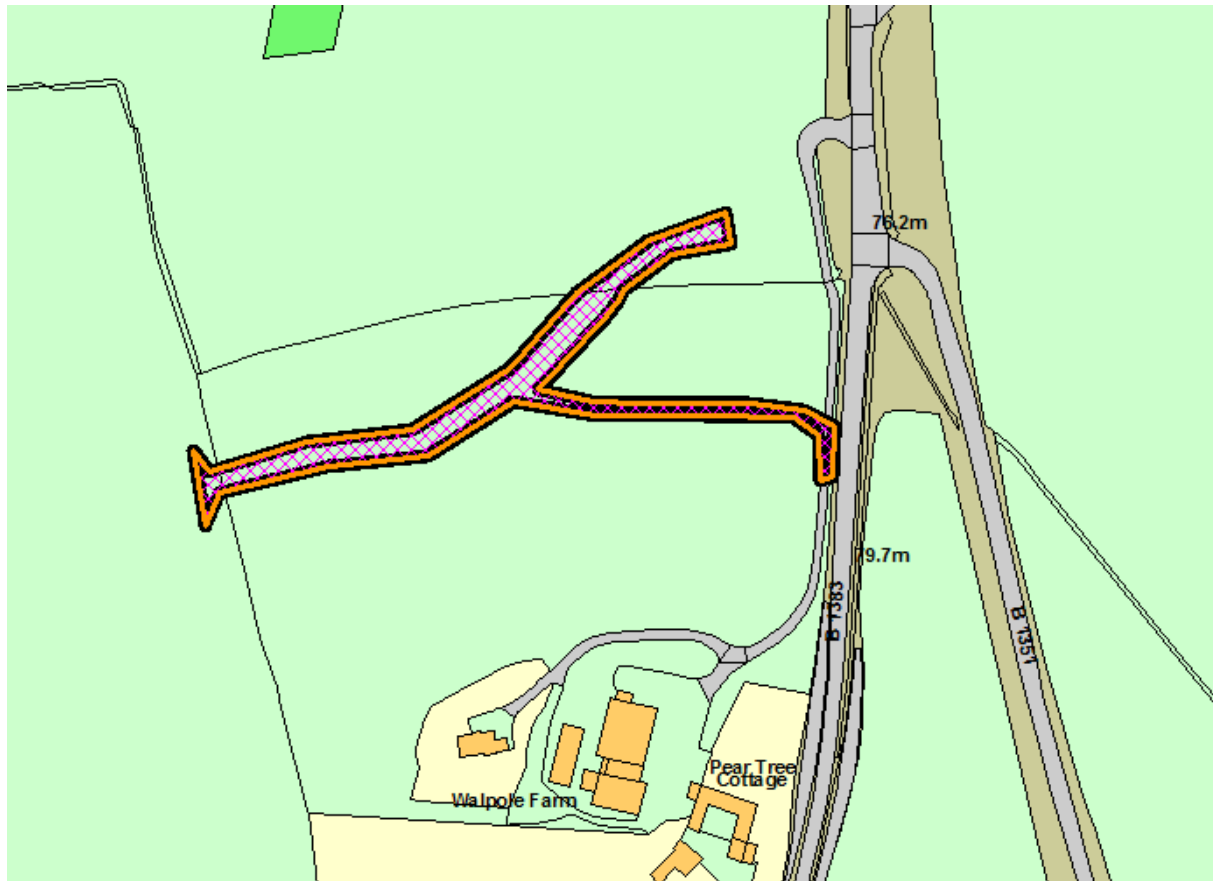
REASON: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

6. Prior to the installation of any plant or machinery associated with the foul pumping station and electrical substation to the north of the access road details shall be submitted to and approved in writing by the Local Planning Authority and therefore shall be implemented in accordance with the approved details.

REASON: in the interest of safeguarding the development and the visual amenity of the locality in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/15/0284/DFO

Address: Land at Walpole Farm Cambridge Road Stansted



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Organisation: Uttlesford District Council

Department: Planning

Date: 24 March 2015

SLA Number: 100018688

UTT/15/0145/FUL - (Stansted)

Referred to Committee by Councillor Dean: Reason – Due to significant community concern about access and parking.

PROPOSAL: A development comprising a ground floor retail unit, 1 bed apartment at first floor and 1 bed apartment at loft level (Option B, REVISED APPLICATION)

LOCATION: Land South of Clark Close Stansted

APPLICANT: Mr Chirayo Patel

AGENT: A + Architecture Studio

EXPIRY DATE: 25 April 2015

CASE OFFICER: Emmanuel Allannah

1. NOTATION

1.1 Within Development Limits; Aerodrome Direction and within 6KM to Stansted Airport.

2. DESCRIPTION OF SITE

2.1 The application site is described as plot 164 Forest Hall Park, at the turn of Clark Close to the south of the open ground and residential neighbourhood. It is bounded on the western and southern parts by both two to two and half storeyed dwellings; to the eastern side by a new primary school and to the northern part by existing open land designated for health centre site in accordance with the approved Master Plan comprising at present of more than 700 dwellings (See page 78 paragraph 17.4 of the Uttlesford Local Plan adopted Local Plan 2005)

3. PROPOSAL

3.1 The revised proposed application would comprised of the erection of two and half storey detached building with retail at the ground floor (141sq.m) ; one bedroom apartment (97sq.m) at first floor, one bedroom apartment at the loft level (59sq.m); in addition with the provision of four off-street car parking spaces plus cycle storage.

3.2 The access to the site will be from Clark Close via Herrington Avenue.

4. APPLICANT'S CASE

4.1 The application is accompanied by the following documents:

- Design and Access Statement
- A survey of the need of retail within the estate
- Proposed opening hours and delivery times
- Feasibility study for shop at Clark Close, Foresthall Park

4.2 Summary and conclusion of the Planning Statement:

- Option B significantly scales down footprint of the development with one bedroom apartment at first floor and one bedroom apartment at the loft level; at the ground floor level thus making space for 4 car parking spaces in addition with cycle storage.
- The proposed deliveries from the main retail supplier will be done in a rigid lorry and not long arctic vehicle, thus causing minimal disruption to traffic through residential street.
- The deliveries will be taken between 8am to 7pm three days a week – Monday-Wednesday-Friday.
- Delivery for milk will be made by Dairy Crest, 6 days a week (Monday to Saturday).
- Deliveries for the newspaper will be done by Smith News, 7 days a week. This will be done in a small transit van.
- Deliveries for bakery will be made Monday to Friday 8am to 7pm.
- The development will create employment opportunity for the local residents which will be equivalent to 3 full time persons.
- Opening hours will be Monday to Saturday from 6am till 10pm; Sunday -7am till 8am.
- From the recent survey carried out revealed there is strong demand support for a shop on the site, and the proposed development with the proposed alterations in Option B has been designed to meet this need. And Option B make it more environment friendly, and the revised scale further help in siting it better within the development, reducing its impact and making it more suitable to the scale of the neighbourhood.

5. RELEVANT SITE HISTORY

- 5.1 There is no relevant planning history relating to this site except it is part of the approved master plan for the development of former Rochford Nurseries which is now known as Forest Park Hall – plot 164. Which is the land south of Clark Close. (See page 78 of the adopted Uttlesford Local Plan 2005).

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S1 – Development Limits for the main Urban Areas
- Policy ENV11 – Noise Generators
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN4-Good neighbouring
- Policy GEN8 – Vehicle Parking Standards
- Policy H3 – New houses within developments limits
- Policy SM4/BIR1 – Rochford Nurseries
- UDC Parking Standards
- SPD Accessible Homes and Playspace

7 PARISH COUNCIL COMMENTS

- 7.1 Stansted Parish Council is concerned about lack of parking for studio flat, otherwise no objection.
- 7.2 **Councillor = Dean** – referred this proposed planning application to Planning Committee for the following reasons:

- I am a keen supporter of the council ensuring the long-intended provision of a shop or retail unit on Forest Park Hall as envisaged in the extant Section 106 agreement is delivered.
- I have no reason to doubt the survey conducted by the local residents' association correctly demonstrated that there is public support for a shop.
- I have concerns about the suitability of the chosen site for vehicular access.
- My enquiries of Uttlesford District Council Street Services suggests that the council's bin collection team prefers to collect bins for homes in Clarke Close from neighbouring roads Walson Way or Herrington Avenue.
- When bin collections have been carried out directly from Clark Close, seemingly only after I made enquiries in February 2015 about the crew's methodology, access difficulties arose and kerbs had to be removed.
- I have been unconvinced by Essex Highway's rationale for firstly objecting to the application and then supporting the amended application.
- Their claim that the site was contained in the master plan for Forest Hall Park and that consequently they should support the application at the Clark Close location is misleading. No site was identified in the original master plan.
- The developer responsible for delivering the master plan has been uncooperative and has tried to avoid the provision of a site for a shop and has endeavoured to get out of meeting his obligation under the Section 106 Agreement.
- This application should be refused and the Forest Hall Park developer should be encouraged through negotiation to deliver a site for the shop with good access on the adjacent land originally designated for a health centre.

8 CONSULTATIONS

Highways Authority

- 8.1 The applicant has submitted revised drawings which overcome the highway authority reasons for refusal as the scale of the residential element has been reduced. Both options include cycle parking and Option B has the benefit of customer parking.
- 8.2 Taking the above into account, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the recommended planning conditions appended to this Planning Committee report.

UDC Environmental Health Officer

- 8.3 Mixed use development can have adverse noise impact on residential occupiers, including noise from deliveries and chiller units. In order to protect and safeguard the amenity of the adjoining occupiers no deliveries to the retail unit shall take place between 20:00 and 07:00. No external plant for extraction, ventilation, air-conditioning or chiller units shall be installed to the retail unit without written agreement of the planning authority. Such planning mitigation measures would be secured through planning condition. The Environmental Health Officer also advised that the acoustic specification of any plant should indicate that the noise level LAeq of the plant will not exceed the background level LA90 at a point 1m from the façade of the nearest residential premises. Such detailed would be brought to the attention of the applicant or developer through an informative.

Thames Water

- 8.4 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect

of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 8.5 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

9 REPRESENTATIONS

- 9.1 This application has been advertised and thirty one letters of objection have been received and their common grounds of objection include:

- It would spoil their visual amenity
- Generate adverse traffic
- Generate noise
- It would generate parking problems
- It would generate health and safety risk to the children in the area around the shop and pedestrians as a result of the increase in traffic.
- There is only one entry and exit road to the shop which is up Clark Close, so large, noisy, heavy vans and trucks will be using it to deliver goods, causing traffic problems for the residents on the close and surrounding area as well as damage to the road surfaces.
- It would attract young children due to sale of alcohol.
- It would generate anti-social behaviour late at night during the week and on weekends.
- It would bring down the value of properties in the area and eye sore.

- 9.2 Twenty four letters of support for the proposed application have been received and their common grounds of support includes:

- It would serve as a convenient store for the elderly citizens that cannot drive to Stansted for their daily needs.
- It would help mothers with young children for their daily needs
- It would serve the residents of Foresthall because there is no other store in the area except travelling to Stansted.
- It would stop people on the development using their cars unnecessarily to drive to get bread etc.
- It will help parents bringing children back from school
- It was part of the documents that accompanied the sales of properties in the area that there would be retail, school and health centre which enabled buyers to buy their properties
- A small independent shop will enhance the area
- The proposal will create local employment and meet local needs.

10 APPRAISAL

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

- A The principle of development of the site NPPF and (ULP Policies S1, H3 and SM4/BIR1).
- B Design and visual impact (ULP Policies H3 and GEN2).
- C Impact on residential amenity (ULP Policies H3 and GEN2)
- D Traffic impact (ULP Policies GEN1 and GEN8)
- E Other material planning consideration

A The principle of development of the site (ULP Policies S1, H3 and SM4BIR1)

- 10.1 The application site is located within development limits for Stansted Mountfitchet as such ULP Policies S1 and H3 applies. These are permissive policies where planning permission will be granted for development that is compatible with the settlement character. Plot 164 in question is part of the approved Master Plan for over 700 dwellings, primary school and open space now implemented; in addition with designated health centre which has not being be implemented.
- 10.2 Policy SM4BIR1 relate to the land at Rochford Nurseries which is proposed for comprehensive residential and associated development for 720 dwellings, primary school, health centre, community facilities, suitable shopping and satisfactory open space and arrangements for sport and recreation. The proposed application site or plot 164 is part of the approved Master Plan for Rochford Nursery as a result the proposed element of the retail at the ground floor with residential apartments above aimed at achieving the objectives of Policy SM4/BIR1; hence in principle the proposed mixed used can be considered acceptable because it is not in conflict with Policy SM4/BIR1 considering the proposed revised application comprised of both residential accommodation and retail unit.

B Design and visual impact (ULP Policies H3 and GEN2)

- 10.3 The character of this area Clark Close is not uniform; there is a mixture of single, two storey and two half storey dwellings of differing size, scale, mass and design. The residential dwellings flanking the proposed site at the western and southern parts comprised of both two and two and half storey dwellings which the proposed site mirrored in order to ensure that the scale, mass and design approach incorporated features of the nearby dwellings by making the proposed development more sympathetic to the character of the area.
- 10.4 In design and material terms the proposed two half storey building comprising of retail at the ground floor with one apartment in both the first and loft level would be constructed with similar brick facing materials and roof slates which reflects the external materials of the nearby existing residential building and despite incorporating retail at the ground floor adequate architectural skills has been applied not to break the existing skyline of the immediate built environment and such external construction material would be secured by planning condition in order to protect and safeguard the visual amenity of the area in accordance with Policies GEN2 and H3

C Impact on residential amenity (ULP Policies GEN2, GEN4 and ENV11)

- 10.5 In order to protect the residential amenity of the adjoining occupiers, the proposal has been revised for example; the initial proposal comprised of retail unit at ground floor

- approximately (158sq.m); 1 bedroom apartment of approximately (75sq.m) at the first floor and another studio apartment of approximately (50sq.m) at the loft level; in addition with only two off-street car parking with no cycle storage; such proposal was considered to be viable by applicant. As a result of inadequate off-street car parking the Highways Authority objected to the initial proposed scheme. And the initial proposal also generated letters of objection due to traffic generation and insufficient of car parking and noise that would be associated with the proposed development.
- 10.6 Applicant was persuaded to review the proposed by revising the proposed scheme and providing proposed two options for Council's consideration namely; the first revised option "A" comprised of (158sq.m) of retail unit at ground floor level; 1 bedroom apartment of (75sq.m) at first floor; studio apartment of (50sq.m) at the loft level; two off-street car parking spaces and cycle storage.
- 10.7 Option "B" comprised of (141 sqm) of retail floor space at the ground level; with four off-street car parking spaces and cycle storage. The first floor would comprised of (97sq.m) of one bed apartment in addition with (59sq.m) of 1 bed apartment at the loft level. The reduction of the retail floor space at ground floor level enabled the applicant enabled to applicant reconfigure the architectural design of the revised option B in order to address the objection and issues raised by both the Highway Authority and other letters of objection received.
- 10.8 Having considered both options A and B respectively on balance it can be demonstrated that option B is considered acceptable as it would enable the missed development to address the concerns and issues raised by both Highways Authority and other local residents relating to inadequate off-street car parking and traffic generation.
- 10.9 The issue relating to the proposal attracting heavy lorry vehicles has been considered by the applicant and the following information has been provided for example; it is proposed that deliveries from the main retail supplier will be done in a rigid lorry and not the long arctic vehicle, thus causing minimal disruption to traffic through the residential streets. Applicant suggested deliveries will be taken between 8am to 7pm three days a week namely; Monday, Wednesday and Friday. The applicant advised that the retail partner has confirmed they will be happy to follow "preferred" entry and exit routes suggested by the planning authority in order to protect and safeguard the amenity of the adjoining occupiers. The applicant confirmed the delivery for milk will be made by Dairy Crest, 6 days a week (Monday to Saturday). This will be done in electric vans. Dairy Crest already delivers milk in the estate to the residents, and the same van will deliver to the shop, hence this is expected to not create any additional traffic to the proposed development. The delivery for newspaper will be done by Smith News, 7 days a week. This will be done in a small transit van. The duration of the delivery to the shop will not be more than 5 minutes.
- 10.10 The site will be monitored by CCTV and will be part of red care security system by ADT to keep proper checks and control. The opening hours as proposed by the applicant include Monday to Saturday will be 6am till 10pm; and on Sunday from 7am till 8pm. In order to minimise the likely impact of the proposal on the amenity of the adjoining occupiers the Environmental Health Officer advised no deliveries to the retail unit shall take place between the hours of 20:00 and 07:00; such hours are considered acceptable as the main retail deliveries falls within such period. Although, the deliveries of milk and newspapers which are outside these hours can be considered acceptable because the deliveries of milk and newspapers as indicated above would have a minimum impact on the amenity of the adjoining occupiers. No external plant for extraction, ventilation, and air conditioning or chiller units shall be installed to the retail

unit without written agreement of the planning authority. This is welcome and such mitigation measures would be secured through planning conditions; hence the proposal on balance would not adversely harm the living conditions of the adjoining occupiers.

D Traffic impact including access and parking issues (ULP Policies GEN1 and GEN8)

10.11 Access to the site would be via Clark Close. Highways Authority did not raise objection to revised Options A and B because they overcome the highway authority reasons for refusal as the scale of the residential element has been reduced. Both options include cycle parking and Option B has the benefit of customer parking.

10.12 The revised application includes four off-street car parking spaces and two of them are designated for the two residential flats above the retail shop; one for customer and one for staff of the shop. In addition, it includes secured cycle storage for customers. Given that many of the local residents would choose to walk to the local shop due to its proximity to nearby residential dwellings; the proposed cycle storage would enable the mixed development to comply with the principle of controlling climate change and make the mixed development more environmentally friendly as it would not generate more private car fumes to the immediate built environment.

10.13 In design and traffic terms, Option B has been considered acceptable as it would assist in overcoming the planning issues raised by the proposed development to the level that it can be demonstrated to be acceptable subject to the implementation of the recommended planning conditions from the Highways Authority and other internal consultees such as the Environmental Health Officer's recommendation on issues relating to noise, traffic movement and opening hours which are considered acceptable because it would assist in safeguarding the amenity of the nearby adjoining occupiers.

E Other material planning consideration

10.14 A survey was conducted by Acme Holding Limited, and questionnaires were distributed in and around the estate to understand if the local residents were in support or objecting to the proposals for the shop on the site. A total of 600 questionnaires were sent out of which 134 (22%) responses were received. Out of the 134 replies, 120 (90% of responders) were in support of a shop in the development, 13 responders didn't want a shop in the development, and 1 was undecided. This clearly demonstrated a strong support for the shop. Out of the 134 replies, 109 (81% of the supporters for the shop) were in support of the proposed development and 5 (4%) were undecided.

10.15 It was always intended that the shop would be located in a central position following the approved master plan for the development of former Rochford Nurseries, currently known as Foresthall Park; because it would be seen as a reasonable convenient shop to the large open square and school nearby. The only other place it could possibly go would be the vacant health centre land (subject to negotiation).

10.16 The issues relating to car parking are considered to be relatively limited and are part of the planning regime as advised by the government to make it easier for people to walk to local services or in this case a local shop. It is therefore perfectly possible to walk to the proposed shop from any part of Foresthall Park.

10.17 There may be some disruption from deliveries to the shop hence the delivery hours have been a condition. It is important to note there are 700 dwellings within this estate, and one might ask how many deliveries each week will there be of goods that residents have ordered online such as through Tesco, Ocado, Asda, Argos etc which are likely

to come in similar medium –sized lorries and it can be guarantee that drivers will try to get as close to the customers' houses as is possible when compared to walking to the proposed local shop. On balance, the benefit of the proposed revised mixed use development is considered acceptable because it is not in conflict with the core principle in paragraph 17 of the National Policy Framework which is to make fullest use of public transport, walking and cycling. For that reason the location of the shop would be accessible to all those residents at Forest Hall Park.

10.18 The applicant advised this development will create employment opportunity for the local residents which will be equivalent to 3 full time persons; it can be concluded that the proposal is not in conflict of the core principle of sustainable development covering the issues such as economic role such as the benefit of local job; social role which is seen as the delivery of two self-contained flats and environmental role by encouraging the use of walking and less dependent on private cars to reach the local shop thereby minimising the emission of car pollution to the local environment.

11 CONCLUSION

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

- A The principle of the revised planning application comprising of retail and residential demonstrated it would not be in conflict with the mixed use development of the approved master plan for the former Rochford Nurseries currently now known as Foresthall Park Road because the revised application would provide a mixed and balanced community; it assisted the master plan to provide the implemented nearby primary school and the revised scheme has been designed to mitigate the adverse effects on existing nearby adjoining occupiers.
- B The scale, mass, layout, form, design, appearance and materials for the proposed revised scheme are considered acceptable and sympathetic to the character of the area.
- C In order to protect and safeguard the amenity of the adjoining occupiers in terms of traffic generation, parking problems and noise the revised scheme included off-street car parking spaces, cycle storage and conditions for the delivery time and opening hours. And the design approach taken ensured the elevation details would not harm the visual amenity of the area or lead to overlooking or overbearing.
- D The proposed mixed development would provide mixed of balance community and local shop that would be easily accessible by walking by the residents of Foresthall Park which is not considered to in conflict of the original approved master plan for the area.

RECOMMENDATION –CONDITIONAL APPROVAL

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 samples of 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. The development shall be

implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the adopted Local Plan (2005).

3. No deliveries to the retail unit shall take place between 20:00 and 07:00

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and ENV11 of the adopted Local Plan (2005).

4. No external plant for extraction, ventilation, air-conditioning or chiller units shall be installed to the retail unit without written agreement of the planning authority.

REASON: In order to protect the amenity of the adjoining occupiers in accordance with Policies GEN2 and ENV11 of the adopted Local Plan (2005).

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

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy GEN1 of the adopted Local Plan (2005).

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

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy GEN1 of the adopted Local Plan (2005).

7. No occupation/use of the development hereby permitted shall take place until secure and covered cycle parking on site has been provided in accordance with the standards set out in "Parking Standards - Design and Good Practice, September 2009" published by Essex County Council. Such provision shall be undertaken in accordance with details first submitted to and approved in writing by the local planning authority, and in a form agreed in conjunction with the highway authority.

REASON: In the interests of accessibility in order to protect and safeguard the amenity of the area in accordance with Policy GEN1 of the adopted Local Plan (2005).

8. Construction of the development hereby permitted shall not commence until a scheme of brick walls and close-boarded fences at least 1.8m high has been submitted to and approved by the local planning authority in writing. The heights of these walls and fences shall be measured from whichever side the ground level is higher. Such walls and fences shall be erected in accordance with the approved scheme before any dwelling [building] [extension] is first occupied.

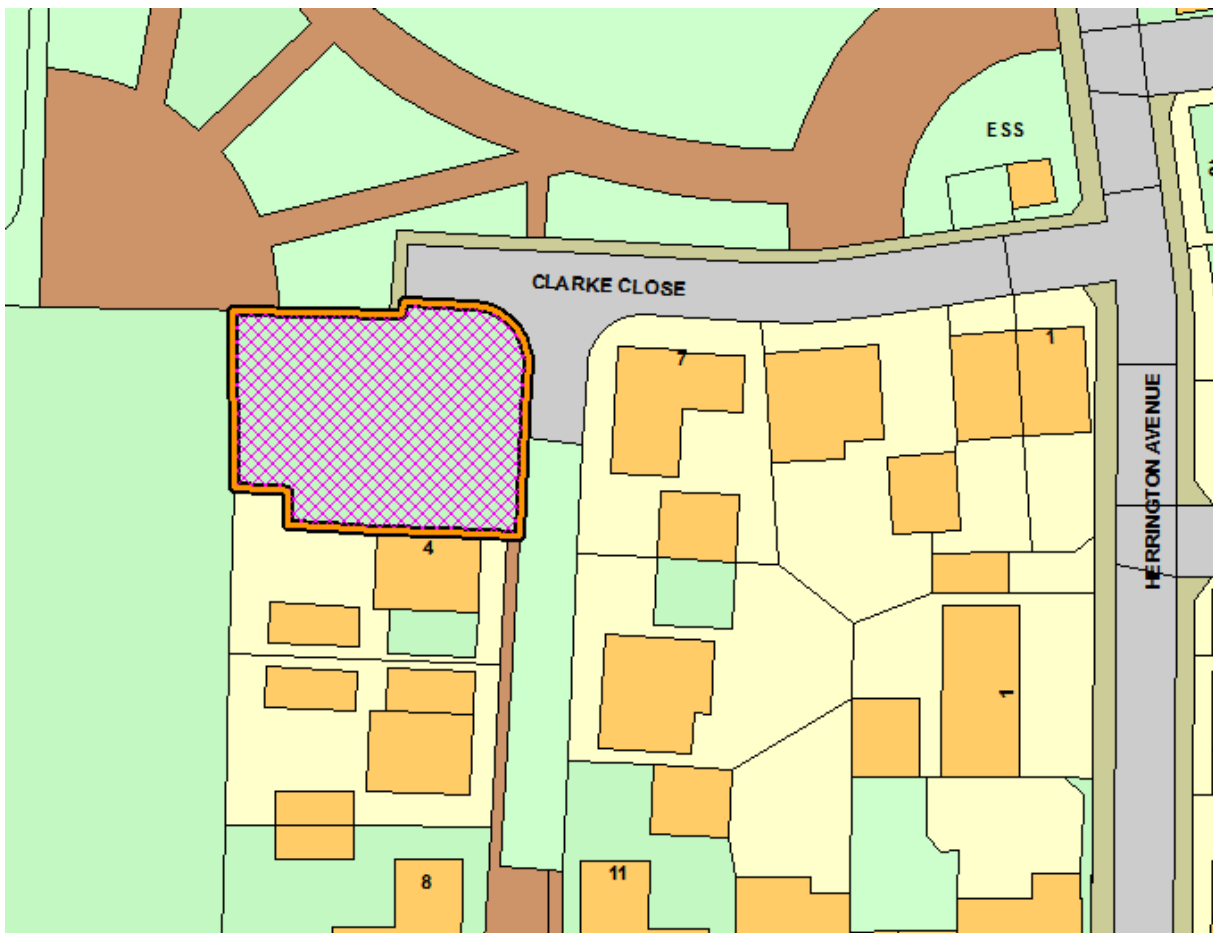
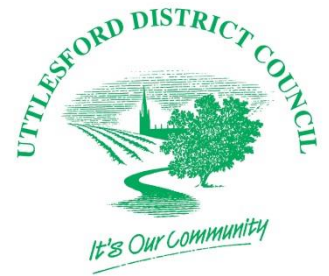
REASON: To protect the amenities of neighbours in accordance with Policy GEN2 of the adopted Local Plan (2005).

Informative

1. The acoustic specification of any plant should indicate that the noise level LAeq of the plant will not exceed the background level LA90 at a point 1m from the façade of the nearest residential premises.

Application no.: UTT/15/0145/FUL

Address: Land South of Clark Close Stansted



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Organisation: Uttlesford District Council
Department: Planning
Date: 16 April 2015
SLA Number: 100018688

UTT/15/0831/DFO (STANSTED)

(Referred to Committee by Cllr Salmon. Reason: complexity of application and whether all issues are correctly addressed)

PROPOSAL:	Details following outline application UTT/13/3345/OP for erection of 1 no. dwelling - details of access, scale, layout and appearance
LOCATION:	Land at 40 Bentfield Road, Stansted, Essex
APPLICANT:	Mrs L Luther
AGENT:	Philip Livings Ltd
EXPIRY DATE:	7 May 2015
CASE OFFICER:	Samantha Stephenson

1. NOTATION

- 1.1 Within development limits; TPO in neighbouring adjacent garden.

2. DESCRIPTION OF SITE

- 2.1 This application relates to an area of existing garden land to the east of No.40 Bentfield Road. The land is currently grassed with a large shed on the southern boundary with the neighbour. The site is bounded by 1.8m close boarded fencing and tall leylandii trees on the eastern boundary, 1.8m close boarded fencing on the southern boundary (there is a TPO beech tree in the neighbouring garden close to the boundary) and 1.8m close boarded fencing with established hedging on the northern boundary. The application site measures approximately 28m along the rear eastern boundary, 23m along the front western boundary, 14.5m along the northern side and 16m along the southern, totalling approximately 410sqm. No.40 is a detached 1½ storey dwelling set at back from the road on the eastern side, it is located within an established residential area, and there is a mix of housing sizes and designs in the near vicinity with two storey dwellings and bungalows.

3. PROPOSAL

- 3.1 The application is for reserved matters approval in relation to access, scale, layout and appearance following the grant of outline planning permission under UTT/13/3345/OP for the erection of one dwelling.

4. APPLICANT'S CASE

- 4.1 Planning, Design and Access Statement is available on the file.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0180/05/FUL Erection of a single storey dwelling. Refused 05.09.05. Dismissed at appeal – harm to neighbouring properties, cramped and out of character, safety hazard to pedestrians and vehicle drivers due to lack of turning space.

- 5.2 UTT/13/3345/OP Outline application for the erection of 1 no. dwelling with all matters reserved except appearance and landscaping. Approved 17.01.14.
- 5.3 UTT/14/1999/FUL Erection of 1 no. dwelling. Refused 22.09.14. size, scale and design is unacceptable resulting in a cramped form of development out of keeping with the surrounding area and harm to the residential and visual amenities of the adjacent residential occupiers. Dismissed at Appeal as proposal would have a harmful effect on the living conditions of existing occupiers with particular regard to noise and disturbance.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework (2012)

6.2 Uttlesford District Local Plan 2005

- Policy S1 – Development limits for the Main Urban Areas
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN4 – Good Neighbourliness
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy H3 – New houses within development limits
- UDC Parking Standards
- SPD Accessible Homes and Playspace

7. PARISH COUNCIL COMMENTS

- 7.1 No objections as long as the building is contained within the footprint already granted outline consent.

8. CONSULTATIONS

Highways

- 8.1 No objections, subject to conditions.

9. REPRESENTATIONS

- 9.1 13 Neighbours were notified. Consultation expired 09.04.15. 4 representations received, concerns regarding harm to neighbouring properties, overlooking, cramped and out of character, safety hazard to pedestrians and vehicle drivers due to lack of turning space, pedestrian visibility splay, width of access, traffic noise for neighbours, highways restrictions ignored, detrimental impact on TPO tree, proposals turned down at Appeal.

10. APPRAISAL

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

- A Whether the proposed works would be of appropriate design, scale, layout and appearance. (ULP Policies S1, GEN4 and GEN2).
- B Access and parking (ULP Policies GEN1 and GEN8)

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

- 10.1 The principle of residential development for the erection of one dwelling at this site located within development limits has been established under UTT/13/3345/OP. The application proposes a bungalow located approximately 1.5m from the eastern boundary of the site. It would have a footprint of 10.5m in width and 10m in depth, totalling 87sqm, it would be 2.3m to the eaves and 4.1m to the ridge. The building would be single storey and have a l-shaped layout with 2 bedrooms. Materials are proposed to be agreed by condition. The site layout is identical to the indicative layout submitted at outlined stage, and the design of the dwelling is also identical although one window has been omitted from the front elevation and two from the rear elevation. All four elevations are shown on the submitted drawing. The property is of traditional design and is compatible with the character of the local area and is acceptable by way of design and scale.
- 10.2 There would be approximately 12m between the front elevation of the proposed dwelling and the rear of No.40 and approx. 18m between the rear elevation of the new dwelling and those of the properties in Bentfield Gardens. The omission of the windows on the rear elevation protects the amenity of properties in Bentfield Gardens which back on to the proposal site. The plot is wide and deep enough so that the building would not be unduly overbearing or have a significantly detrimental impact regarding overshadowing. It is considered that the amenity of the neighbouring properties is protected in terms of light and privacy.
- 10.3 The outline application proposed a render finish however this reserved matters application states on both the application form and design and access statement that brick and tiles will be used. This is considered to be acceptable however a condition will be imposed regarding details of materials to be submitted to ensure compatibility with the dwellings in the locality. The application also proposes native hedge planting on the eastern boundary to help screen the development, a landscaping condition was imposed on the outline and will be imposed on this reserved matters application. In addition, as there is a beech tree with a TPO in the neighbouring garden at No. 38A a condition will be imposed to ensure the protection of this tree.

B Access and parking

- 10.4 The outlined application indicated a new access that was proposed to run along the southern boundary, this would be used to serve the existing dwelling and the new dwelling (the existing access would be closed). The access was proposed to be approximately 4m wide. The reserved matters application shows the same width but with 1.5m visibility spays added. The submitted layout details show that there would be adequate space within the site for the parking of three vehicles off road for the existing dwelling and the two spaces for the proposed new dwelling with a turning point. The indicated spaces are of a scale that complies with current adopted standards. Essex County Council Highways Authority has no objection to the proposal as it is not contrary to the relevant transportation policies contained within the Highways Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Local Plan Policy GEN1, subject to conditions. The use of the proposed access would not have any harmful impact on highway safety in this location.

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

- 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 Prior to commencement of the development hereby permitted, details of tree protection measures in relation to the Beech to the south of the site shall be submitted to and approved in writing by the Local Planning Authority and the approved details implemented prior to the work commencing.

REASON: In order to protect the existing tree that is covered by a Tree Protection Order in the interest of visual amenity in accordance with Policy GEN2 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 3 Prior to the occupation of any of the proposed dwelling, the proposed private drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the footway.

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.

- 4 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

- 5 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

- 6 Any gates provided at the vehicular access 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 and to allow parking off street and clear from obstructing the adjacent footway/carriageway in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

- 7 The existing access shall be permanently closed incorporating the reinstatement to full height of the footway/kerbing, immediately the proposed new access is brought into use.

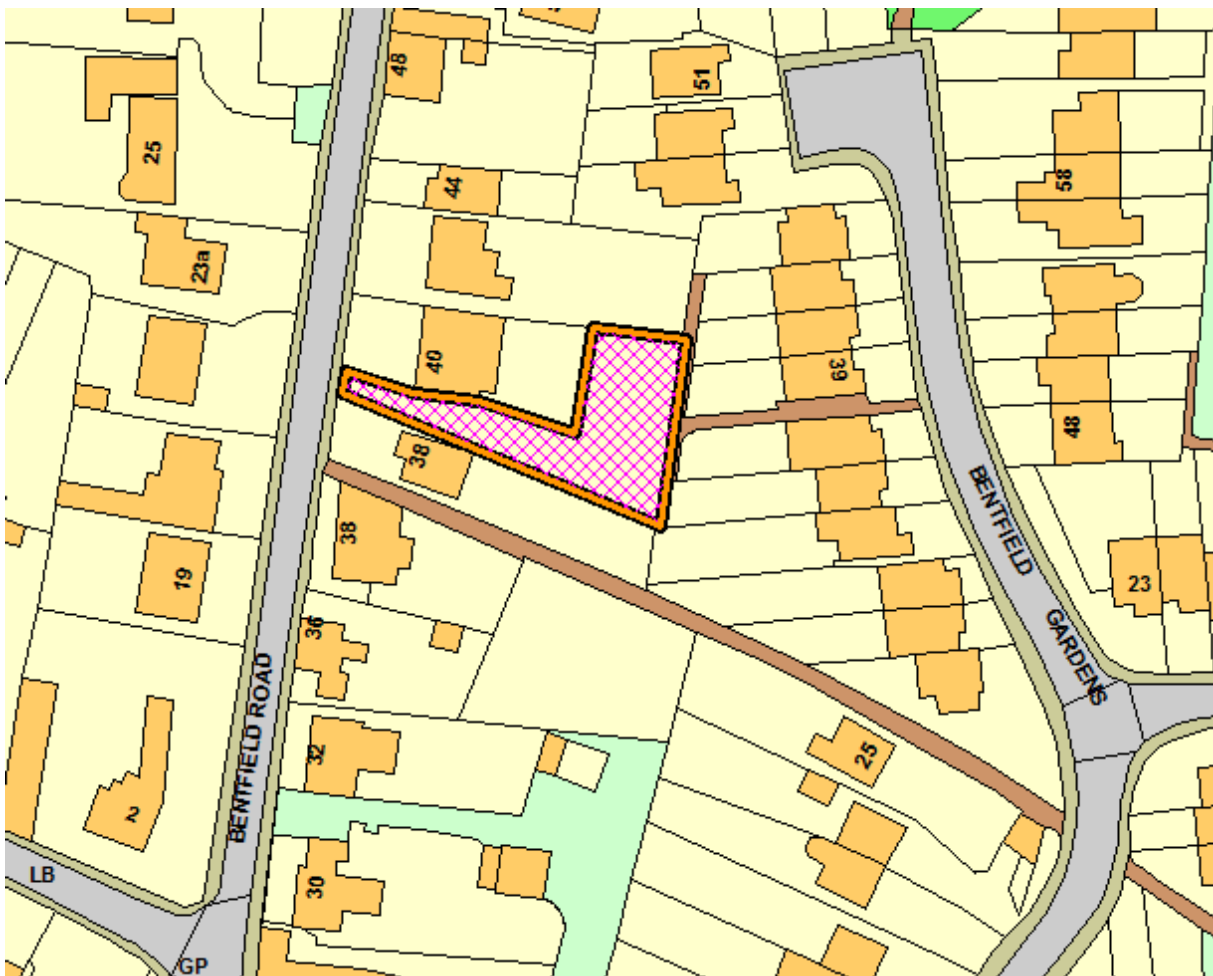
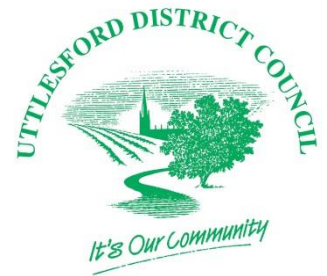
REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings/buildings in accordance with the Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

Application no.: UTT/15/0831/DFO

Address: Hillside Land at 40 Bentfield Road Stansted



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Organisation: Uttlesford District Council

Department: Planning

Date: 16 April 2015

SLA Number: 100018688

UTT/14/3539/FUL (STANSTED)

(Uttlesford District Council is the land owner)

PROPOSAL: Replacement skatepark, including boundary fencing and 6 No. 8m high floodlighting columns.

LOCATION: Stansted Skatepark, Lower Street, Stansted.

APPLICANT: Stansted Mountfitchet Parish Council.

EXPIRY DATE: 5 March 2015.

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Within Development Limits.

2. DESCRIPTION OF SITE

- 2.1 The site is situated at the eastern end of the Lower Street public car park and coach park to the east of the village centre and comprises the Stansted skate park facility consisting of various wooden ramps enclosed by 2m high perimeter fencing on a rectangular footprint comprising 0.06 ha. The mainline railway to London, Cambridge and Stansted Airport runs parallel to the site to the immediate south, whilst Stansted Castle and a residential property known as Moat House are situated on rising land to the north behind a row of existing frontage trees onto the adjacent surface car park. The skate park is accessed via the car park entrance leading off Lower Street at its junction with Chapel Hill, Church Road and Station Road adjacent to which the approved Stansted Health Centre is currently in the course of being built.
- 2.2 The skate park was opened in 2005 and the land upon which the skate park has been constructed is leased from Uttlesford District Council to Stansted Mountfitchet Parish Council on a long term lease. The facility is currently unlit.

3. PROPOSAL

- 3.1 This detailed application proposal relates to the replacement and upgrading of the existing skate park facility with a new "fit for purpose" skate park. The new facility would be constructed of smooth "low noise, low maintenance" concrete incorporating end ramps and various concrete mounded features formed in between and would be enclosed by new 3 metre high anti-climb fencing onto the southern (railway line) boundary and 1.2 metre "Bow Top" fencing around the remainder of the site boundaries. The new park would be lit by floodlights mounted on 3 No. 8 metre high columns which would have sensor and timing mechanisms to enable the park to be used in the evenings during the winter months until 10.00pm where the number of columns has since been reduced to three from receipt of application.
- 3.2 The design and ramp specification for the scheme has also been revised by the applicant since receipt of the application for the reasons as stated in the applicant's email to the Council dated 2 March 2015 whereupon a semi-circular railed end ramped feature shown for the western end of the new facility has been deleted from the scheme due it is understood to cost constraints.

4. APPLICANT'S CASE

4.1 A Design & Access Statement accompanies the application which describes in more detail the design of the new skate park and the rationale behind the proposal, including an explanation of the user profile and reference to initial drivers for the project where it is stated under the Design section that *"Whilst the previous design was biased towards BMX riders at the expense of skateboarders, our proposed design is a more balanced park with lower level technical features to suit everyone"*.

4.2 The Design and Access Statement identifies the following purposes and aims behind the project:

- To replace old and ageing wooden skate ramps with a sustainable facility requiring minimal maintenance.
- To increase awareness of the benefits of a healthy lifestyle and provide a modern sporting facility that fills a gap in the leisure opportunities that are currently available in the village.
- To focus on the needs of children and young people in an area that has some of the most deprived young people in Uttlesford District.
- To encourage end users to take an active role in the development of the village and its facilities by involving them in the design, development, promotion and marketing of the skate park.
- To attract more people to bike and skate sports pursued in a safe family orientated environment.

4.3 It is stated that the current skate park is reaching the end of its economic working life as the cost of maintenance becomes uneconomic where it has been established that the skate park will need to be taken out of commission within a timescale of around six months meaning that there would be no facility within the village and hence the urgent need for the planning application. It is further stated that Stansted has limited public outdoor space for sport and leisure activities and that the skate park is a very well used and valued resource, particularly given the significant population growth of Stansted in recent years, adding that having a skate park results in more respect from local users and lessens the risk of vandalism and that continued demand for a skateboard park in the village has been recognised through the Skate Park Action Group. In terms of use profile, it is stated that the existing skate park initially proved very popular with young people, but that the park has started to show its age and that its usage has declined by around a half as users are now travelling further afield to more attractive and challenging parks which have opened in neighbouring villages and towns.

4.4 Email from applicant to Uttlesford District Council dated 2 March 2015:

"Further to our telephone conversation this morning, I am writing to confirm we are discussing making some changes to the design we specified in our original application. There will be no changes to the footprint of the park and no increase in the height of any of the ramps. The purpose of the modifications is to ensure the park reflects contemporary trends in skatepark design and make the park more inclusive and to ensure we meet the needs of a wide group of potential users as possible. Our designers are consulting with Network Rail over the positioning of the flood lights, but there will no increase in the number of columns and only minor adjustment to the positioning of the columns".

5. RELEVANT SITE HISTORY

- 5.1 Planning permission was granted in 2003 for the change of use of land at former railway sidings, Lower Street to a skateboard facility and erection of associated equipment (UTT/0123/03/FUL: applicant - Stansted Mountfitchet Parish Council). The principle of the skate park as a local communal recreational facility at this location was therefore accepted under this grant of planning permission.
- 5.2 Planning permission subsequently granted in 2008 for the erection of 4 No. 10 metre high lighting columns with floodlights and a security light for Stansted Skate Park as operational (UTT/1778/08/FUL). The officer report for that application noted that the skate park facility had no time restriction on its usage and that this was controlled by natural factors such as the weather and natural light. The proposed lighting would increase the hours during which the facility could be used and would also enable the Police to be able to view what was going on at the site later in the evening. The officer report also noted that the site was located within a semi-urban environment away from the main built-up core of Stansted village and that there was already some lighting in the car park adjacent to the site, concluding that the proposed floodlights could be used without impacting on residential amenity. A condition was imposed on the grant of permission stating that the floodlighting permitted should be fitted with movement sensors to ensure that the floodlights were only operational whilst the skate park was within use and additionally that the sensors should be fitted to a timing device to ensure that all floodlighting did not operate outside the hours of 8.00am to 9.00pm in order to minimise the impact of the lighting on the character of the rural area and the amenity of neighbouring residential properties.
- 5.3 Preliminary enquiry submitted to the Council in 2014 by Stansted Mountfitchet Parish Council relating to a replacement skate park facility at Lower Street on the site of the existing facility (see current planning application for details).

6. POLICIES

6.1 National Policies

- National Planning Policy Framework.

6.2 Uttlesford District Local Plan 2005

- ULP Policy LC2 – Access to Leisure and Cultural Facilities
 - ULP Policy GEN1 – Access
 - ULP Policy GEN2 – Design
 - ULP Policy GEN3 – Flood Protection
 - ULP Policy GEN4 – Good Neighbourliness
 - ULP Policy GEN5 – Light Pollution
 - ULP Policy GEN8 – Parking Standards
 - ULP Policy ENV11 – Noise Generators
- Stansted Mountfitchet Parish Plan (2011).

7. PARISH COUNCIL COMMENTS

- 7.1 The Parish Council wishes to support its own application.

8. CONSULTATIONS

Environment Agency

- 8.1 The proposed development sits within Flood Zone 3 and is therefore at risk of flooding. We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals where flood risk is an issue to replace direct case by case consultation with us. This planning application sits within this category. These standard comments are known as Flood Risk Standing Advice (FRSA). We recommend that you view our standing advice in full on our web site before making a decision on this application. Please refer the applicant to our standing advice at the above web address. Applicants should follow the advice and submit a completed form as part of their planning application submission.

Network Rail

- 8.2 The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts Network Rail prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with us to enable approval of detailed works.

Essex County Council Highways

- 8.3 The Highway Authority has no comments to make on this proposal from a highway and transportation perspective as it is not contrary to 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.

UDC Environmental Health Officer

- 8.4 Light pollution:

While there are few residential properties close to this site at present, there is potential for the lighting to affect Moat House and new developments at 2 Lower Street and Elms Farm.

Recommended Conditions:

Details of the lighting scheme, including the location, angle and light spread of the lumieres, shall be submitted to and approved in writing by the local planning authority before use of the skate park commences, and any lighting installed shall be in accordance with the approved details. The lights shall be fitted with movement sensors and shall be switched off at 10.00pm.

9. REPRESENTATIONS

- 9.1 None received. Neighbour notification period expired 29 January 2015. Advertisement expired 19 February 2015. Site notice expired 10 February 2015.

10. APPRAISAL

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

- A Design (ULP Policies LC2 and GEN2);
- B Flood Risk (ULP Policy GEN3);
- C Access and Parking (ULP Policies GEN1 and GEN8);
- D Impact on residential amenity (ULP Policies GEN2, GEN4, GEN5 and ENV11).

A Design (ULP Policies LC2 and GEN2).

- 10.1 As previously mentioned, the current skate park at this location is beginning to age and is considered by the Parish Council and other stakeholders to be less challenging than other, newer skate parks which have subsequently opened within the district and beyond where older youngsters as previous users are now travelling to in order to skate. Furthermore, the park by reason of its design and features is considered to be unrepresentative to all potential users in terms of demographics and user profile.
- 10.2 The proposed new facility has been designed involving all of the relevant skate park stakeholders in the pre-application process and it is considered that the design of the proposal would be acceptable for the site as a more inclusive skate park facility where it would be on the same scale as the existing facility, but with new surfaces and features. The perimeter fencing, which would comprise RoSPA compliant 1.2 metre high bow top metal fencing with similar style entrance gate with 3 metre high security fencing onto the railway line would also be acceptable, as would the proposed perimeter floodlight columns, which would comprise galvanised tubular steel with semi-domed lights. The proposal would therefore comply with ULP Policies LC2 and GEN2.

B Flood Risk (ULP Policy GEN3).

- 10.3 The site lies parallel with Stansted Brook which runs along the southern side of the adjacent railway line and is situated within a Flood Zone 2/3 zone as defined on the Environment Agency Flooding Maps. The Environment Agency has been consulted on the application and has stated that the site is at risk of flooding because of the adjacent Stansted Brook, although considers the proposal to constitute a “lower risk” development in view of its particular nature and has requested the local authority to refer to its Flood Risk Standing Advice (FRSA) and to advise the applicant to refer to this also and provide relevant information to show how flooding would be addressed at the proposal site.
- 10.4 The applicant (Stansted Parish Council) has provided the following details regarding the same;

“The current site has suffered from some surface flooding due to its poor design and construction, which has shortened the life of the wooden ramps and created maintenance problems. The new skate park will be built to a higher specification with improved drainage provision so we do not anticipate any problems from surface water in the park and any potential impact on the surrounding area will be reduced. The fact that the new ramps will be constructed in concrete means that the ramps will just need

to be cleaned should any flooding occur and the park can be in operation as soon as flooding recedes. A detailed Flood Risk Assessment [FRA] which covered the area where the skate park is located was submitted with the planning application for the Castle Lotus development in Lower Street under ref; UTT/1522/12/FUL”

- 10.5 The applicant has advised the Council that the site has never flooded notwithstanding its close proximity to Stansted Brook on the other side of the railway line and that any standing water which occurs is as a result of natural pooling after heavy rain. Surface water run-off measures as proposed by the applicant as part of the design of the new park as referred to above are considered appropriate in terms of dealing with surface water run-off where the applicant has subsequently confirmed that the drainage has been designed so that any surface water would flow towards the roadway that links the two sections of the car park and has consulted with the construction company which is building the nearby health centre and responsible for reconfiguring the car park who has stated that it is happy to set its levels to enable the water to flow into its drainage provision. The proposal by reason of its design would therefore not be contrary to ULP Policy ENV3.

C Access and Parking (ULP Policies GEN1 and GEN8).

- 10.6 The new skate park would continue to use the existing public car park access from Lower Street. This access is due to be modified at the northern boundary line of the skate park where it is separately proposed to slightly widen the width of the existing access road along the length of this boundary to facilitate an extension of the existing Pay and Display Car Park beyond the site to the immediate east, which is currently being used as a temporary plant and storage compound in connection with the Stansted Health Centre currently under construction. The skate park site layout reflects this slight boundary alignment change to increase the access road width, although this requirement does not in itself affect the footprint of the skate park. No objections therefore arise under ULP Policy GEN1.
- 10.7 The new skate park would take advantage of its edge of village centre location, which is within walking and cycling distance of nearby residential developments and also its immediate proximity to a large public car park. Whilst it is the applicant's hopes that the upgraded facility will have an increased community usage, it is considered that there would not be any need for any additional parking provision to be provided for the new skate park itself given these relevant factors and that the status quo can prevail in this respect. Given the fact that the footprint of the park would not be increasing, the proposal would not be utilising any of the existing car park spaces or those for the proposed car park extension to the rear where this extra parking provision would provide parking spaces for visitors to the health centre if required. The proposal would therefore comply with ULP Policy GEN8.

D Impact on residential amenity (ULP Policies GEN2, GEN4, GEN5 and ENV11).

- 10.8 The existing skate park has been at the site for the last ten years and it is considered that the design upgrade of the facility as now proposed is not likely to generate any more noise or disturbance to the nearest residents than the current facility through its continued operations where it is stated in the applicant's Design and Access Statement that the new concrete surface would not generate any greater noise than the existing surface wooden ramps. It should be noted that the now operational Lower Street car park community initiative CCTV camera installed immediately adjacent to the current facility on its western side at the end of the coach park currently serves as an anti-social behaviour deterrent, whilst it is proposed to install an additional CCTV camera at

the eastern end of the proposed Lower Street car park extension as part of this initiative.

- 10.9 Lighting for the new skate park would be in the form of 3 No. 172w LED floodlights on 8 metre high columns in the position as shown on the revised site layout drawing where such lighting is currently not available for the present facility notwithstanding the grant of planning permission in 2008 for the erection of floodlights and a security light at the site (see above). The lighting has been designed to minimise glare and light spillage beyond the site and to have minimum impact on the safe operations of the adjacent main railway line where the consultation response from Network Rail is noted and where the two lights positioned in the two corners onto the rear boundary are inward facing and the centrally positioned light onto the front boundary would have a light spread which would not reach the rear boundary. The applicant has advised the Council that it is separately in discussions with Network Rail regarding the installation of the lighting.
- 10.10 Environmental Health have been consulted on the application who have advised that there is potential for the lighting if not properly controlled to affect Moat House to the north and the new approved residential developments at 2 Lower Street and also Elms Farm to the south across the railway line were these developments to be built and has recommended that details of the lighting scheme, including the location, angle and light spread of the lumieres, be submitted to and approved in writing by the local planning authority before use of the new skate park commences and that any lighting installed shall be in accordance with the approved details. It is further recommended that the lights shall be fitted with movement sensors and switched off at 10.00pm.
- 10.11 The applicant has requested that the hours of opening for the skatepark be from 8.00am to 10.00pm Mondays to Saturdays and also for Sundays. As previously mentioned, the 2003 permission for the current skate park facility at the site did not carry a condition limiting the times during which the skate park could be operational, although the subsequent 2008 permission for perimeter floodlighting stated that the floodlighting should not be switched on outside the hours of 8.00am to 9.00pm in the interests of residential amenity. In effect, the applicant is seeking an additional hour within the evenings through to 10.00pm during which the proposed floodlighting can be switched on beyond the previously permitted times on the now expired scheme. The maximum advantage of this benefit would be gained during the winter months when the lights would be required to be switched on during the evenings through to 10.00pm, although the floodlighting would not be needed to be switched so much during the summer months when daylight is longest.
- 10.12 An assessment has to be made from this as to whether having the floodlights on for any extra hour when needed beyond the previously permitted switch off time of 9.00pm would have a greater effect on loss of amenity compared to the previous situation to warrant an earlier similar switch off time. It is a material consideration that planning permission has recently been granted for The Elms development even if it were the case for any reason that this permission was subsequently not implemented, although the Parish Council as applicant has confirmed that it would have the ability to override the time if it ever received any noise complaints from the general public. It is therefore considered that the use of floodlighting at the site until 10.00pm in the evenings can be justified under ULP Policies GEN2, GEN4 and ENV11 subject to a condition requiring the lighting to be switched off at 10.00pm every evening and further lighting details to be submitted and approved.

11. CONCLUSION

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

- A The principle of a skate park as a local community facility at this edge of village centre location was accepted under the 2003 change of use permission for the site.
- B The design of the new skate park is considered acceptable.
- C The proposal would not have any impact on existing parking arrangements.
- D The floodlighting proposed would be acceptable subject to the imposition of an appropriate condition controlling operation usage and submission of further lighting details.

RECOMMENDATION – CONDITIONAL APPROVAL

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

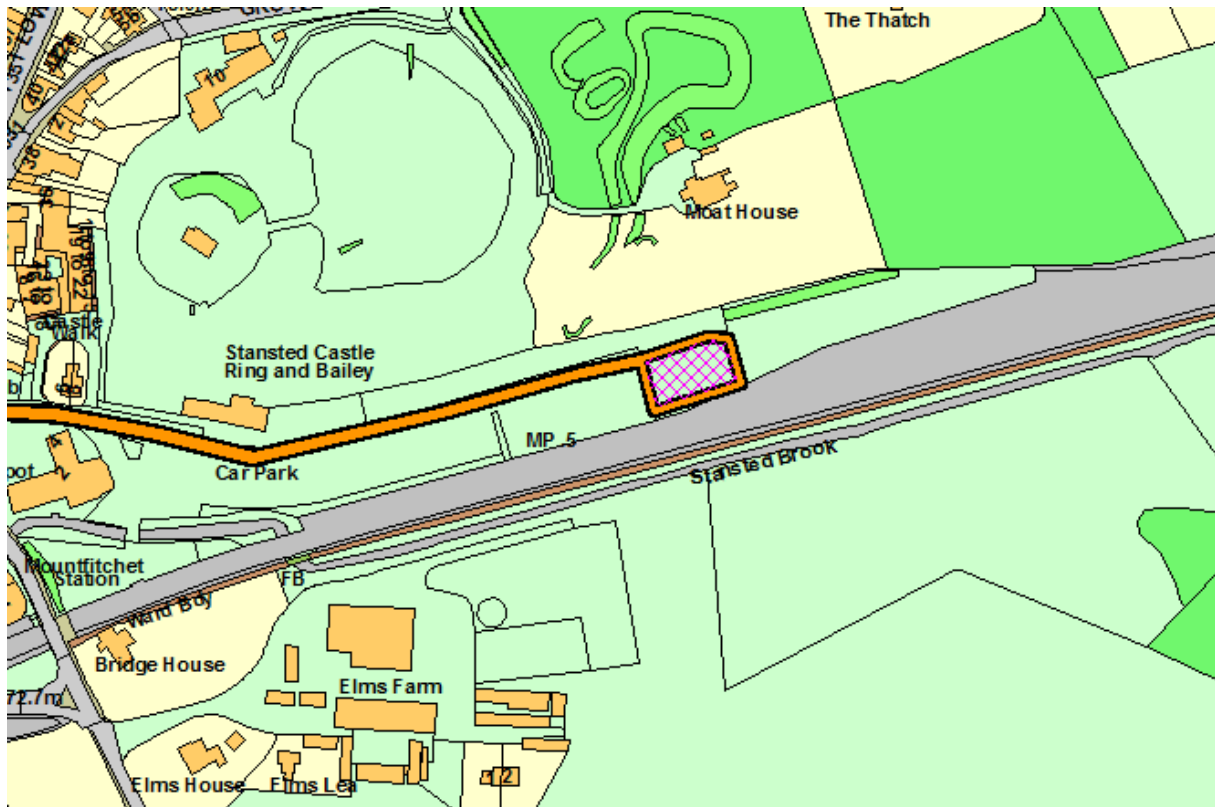
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The floodlighting hereby permitted shall be fitted with movement sensors to ensure that the floodlighting is only operational whilst the skate park facility is in use. In addition, the sensors shall be fitted to a timing device to ensure that all floodlighting does not operate outside the hours of 8.00am to 10.00pm. Details of the lighting scheme, including the location, angle and light spread of the lumieres, shall be submitted to and approved in writing by the local planning authority before use of the new skate park commences and any lighting installed shall be in accordance with the approved details.

REASON: In order to minimise the impact of the lighting on the character of the area and the amenity of neighbouring residential properties in accordance with ULP Policies GEN2, GEN4 and GEN5 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/14/3539/FUL

Address: Stansted Skatepark Lower Street Stansted



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Organisation: Uttlesford District Council

Department: Planning

Date: 16 April 2015

SLA Number: 100018688

UTT/15/0395/FUL SAFFRON WALDEN

Reason: Major Application

PROPOSAL: Omission of Condition 6 of UTT/12/5227/CA and Condition 7 of UTT/12/5226/FUL, and the varying of details approved under Condition 5 of planning permission UTT/12/5226/FUL “Erection of 31 sheltered apartments including communal facilities, access, car parking and landscaping” to allow for the removal of an additional section of wall and for the installation of railings.

LOCATION: Saffron Lodge, Radwinter Road, Saffron Walden

APPLICANT: Churchill Retirement Living

AGENT: Mr Thomas Whild, Planning Issues Ltd

EXPIRY DATE: 15 May 2015

CASE OFFICER: Rosemary Clark

1. NOTATION

Within Development Limits, Conservation Area

2. DESCRIPTION OF SITE

The application site comprises a recently completed development of sheltered apartments located within the Conservation Area and adjacent to Radwinter Road to the south-east of Saffron Walden town. There is a stretch of brick and flint wall that was constructed at the time of the development. There is an undercroft that leads to parking to the rear of the site. At present there is a section of the original brick and flint wall that adjoins Mercer and Hughes (Veterinary Surgery) to the east. To the south are the modern residential properties in Harris Yard. Opposite the site on the northern side of Radwinter Road are residential properties and the junction with Hollyhock Road.

3. PROPOSAL

This application relates to changes to the approved scheme in respect of conditions attached to application UTT/12/5227/CA and UTT/12/5226/FUL. The application is applying to omit Condition 6 of UTT/12/5227/CA and Condition 7 of UTT/12/5226/FUL and to vary the details approved under Condition 5 of planning permission UTT/12/5226/FUL. This will include the removal of the section of original wall to the east of the site and for the installation of railings. It will also regularise the railings that exist to the west of the access which differs from the details approved under Condition 5 of UTT/12/5226/FUL. The removal of the section of wall has been requested by the residents to improve visibility from the site access.

4. APPLICANT'S CASE

- 4.1 The applicants letter states that the reason for requesting these relatively minor visual changes is following requests by the residents and visitors that at present the retained wall to the east of the site impairs visibility for vehicles exiting the site which can make

leaving the site by car difficult when the road is busy. The changes will lead to a considerable improvement to highway safety for both visitors and residents.

5. RELEVANT SITE HISTORY

UTT/12/5226/FUL - Erection of 31 sheltered apartments including communal facilities, access, car parking and landscaping – approved 4.1.13

UTT/12/5227/CA - Demolition of existing outbuildings and erection of 31 sheltered apartments including communal facilities, access, car parking and landscaping – approved 4.1.13

UTT/13/0929/DOC - Application to discharge condition 6 (methodology statement) attached to UTT/12/5227/CA dated 4 January 2013 –discharged 17.5.13

UTT/13/2665/DOC - Application to Discharge Condition 7 (Reduction of Flint Wall) attached to UTT/12/5226/FUL dated 04 January 2013 – discharged 4.10.13

UTT/13/1839/DOC - Application to Discharge Condition 5 (Hard and Soft Landscaping) attached to UTT/12/5226/FUL dated 04 January 2013 – discharged 6.9.13

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- GEN2 – Design
- ENV1 – Development within the Conservation Area
- GEN8 – Highway Safety
- GEN1 - Access

7. PARISH COUNCIL COMMENTS

- 7.1 Parish consulted – No objections to original submission. Revised plan received. Re-consulted Parish Expired 12.4.15 – No further comments received

8. CONSULTATIONS

- 8.1 **Essex County Highways** – No comments to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highways Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

9. REPRESENTATIONS

- 9.1 49 Neighbours consulted – No responses received to original submission. Revised plan received. Re-consulted - expired 12.4.15 – No responses received

10. APPRAISAL

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

- A Whether the proposals would be of an appropriate design and scale, respecting the existing building and character and appearance of the Conservation Area (ULP GEN2 and ENV1)

B Whether the proposals would have any adverse impact on highway safety (ULP Policy GEN1 and GEN8)

A Whether the proposals would be of an appropriate design and scale, respecting the existing building and character and appearance of the Conservation Area (ULP GEN2 and ENV1)

10.1 The minor changes that are proposed will not be harmful to the character and appearance of the building. The installation of the additional railings is considered to be an acceptable alternative to the wall and would not be harmful to the setting of the Conservation Area in which the site is located. The railings that are already in place sit comfortably with the approved wall and it is therefore considered that the proposals would meet the aims of the relevant Local Plan Policies.

B Whether the proposals would have any adverse impact on highway safety (ULP Policy GEN1 and GEN8)

10.2 The Essex County Councils' Highways Department have been consulted and raise no objection to the proposed changes. The proposal will be an improvement on the existing arrangement for access to and from the apartments and therefore meet the criteria of Uttlesford Local Plan Policies GEN1 and GEN8.

11. CONCLUSION

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

A The proposal would not have any material detrimental impact on the character and setting of the Conservation Area

B The proposed design of the proposed changes would not have an adverse impact to the character of the property and street scene.

C There would be no highway safety issues arising from the proposed changes.

RECOMMENDATION – CONDITIONAL APPROVAL

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 new railings to be erected shall match the existing railings on the western side of the access.

REASON: In the interest of the appearance of the development in accordance with Uttlesford Local Plan Policies ENV1 and GEN2

3. Each unit of the residential home hereby permitted shall be occupied only by:
i) persons of 60 years of age or over;
ii) persons living as part of a single household with such a person or persons;
iii) persons who were living as part of a single household with such a person or persons who have since died.

REASON: In the interest of the special circumstances surrounding the approval, highway safety, parking provision and educational contributions for school places in accordance with Policies H3, GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005) and ECC Parking Standards (adopted 2009).

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 brought into use and any apartment is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interest 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. The development hereby permitted shall be implemented in all respects in accordance with the scheme of mitigation/enhancement contained in the Bat Survey Report dated August 2012 submitted with the application 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).

6. The building shall not be occupied until the parking area shown on the plan number 40010SW-PL02 Rev A has been laid out and surfaced and that area shall not thereafter be used for any purpose other than for the parking of vehicles of the residents or visitors of the development hereby permitted.

REASON: To ensure that there are adequate parking spaces available at all times and in the interest of highway safety in accordance with Policies GEN1, GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005)

7. Infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality. A scheme for surface water disposal shall be submitted to and approved by the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with the approved details in the interests of protection of Controlled Waters in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005)

8. Using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to ground water. The development shall be carried out in accordance with the approved details.

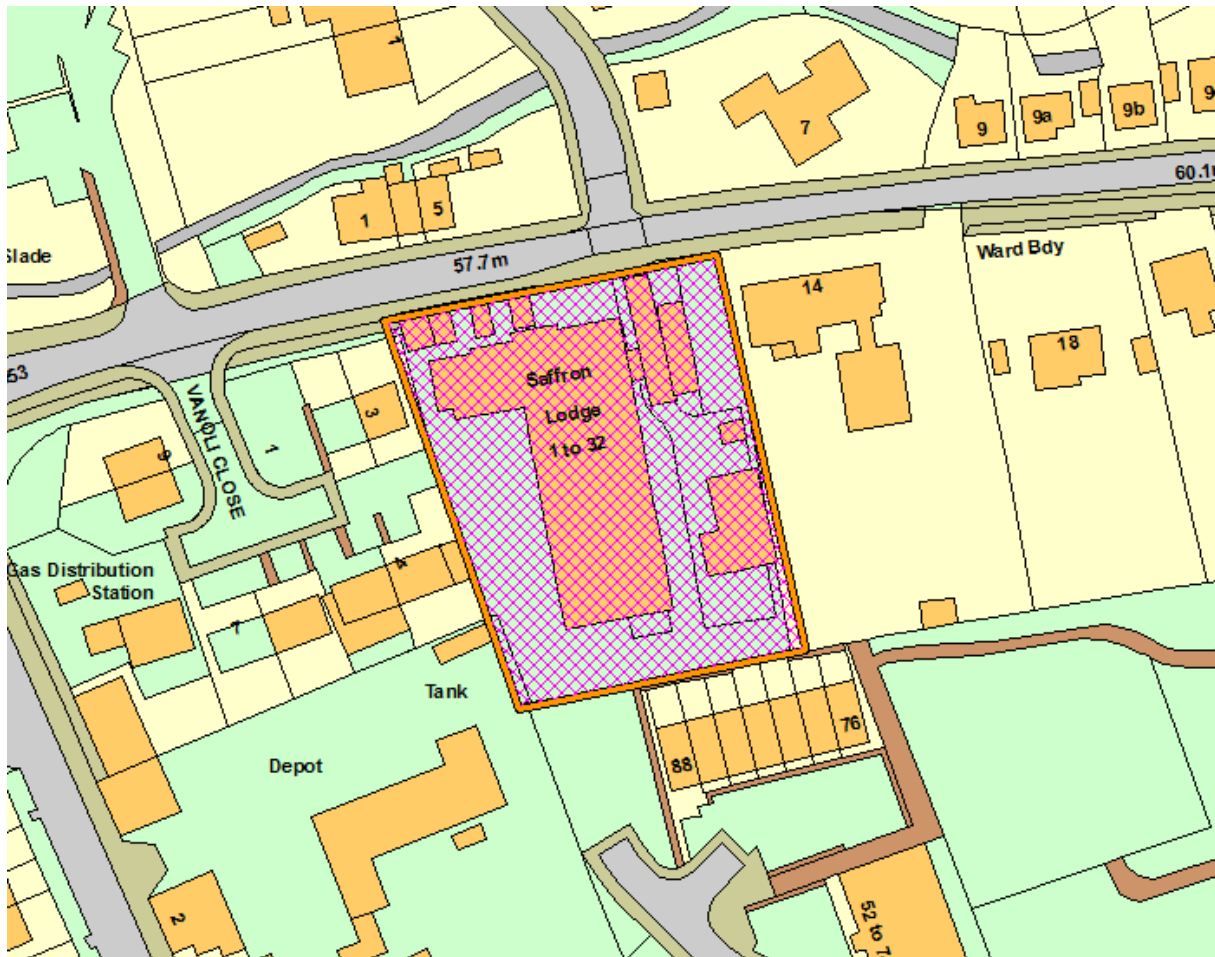
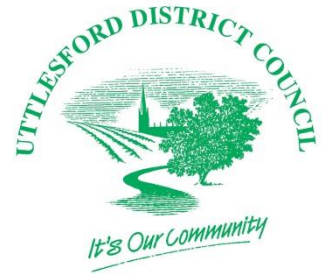
REASON: To protect and prevent the pollution of controlled waters in line with Environment Agency Groundwater Protection (GP3:2008) position statement P10-3. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005)

Informative

At the time of determining the application the development has been built and occupied and a number of conditions on the original applications UTT/12/5227/CA and UTT/12/5526/FUL have been removed

Application no.: UTT/15/0395/FUL

Address: Saffron Lodge Radwinter Road Saffron Walden



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Organisation: Uttlesford District Council

Department: Planning

Date: 16 April 2015

SLA Number: 100018688

UTT/15/0546/HHF (SAFFRON WALDEN)

(Application by Cllr. A Ketteridge)

PROPOSAL: Partial demolition of existing rear addition and demolition of existing front porch. Erection of two storey rear extension and single storey front extension. New rooflight to existing single storey roof to rear and new side door and windows with obscured glazing to side elevation.

LOCATION: 53 Landscape View, Saffron Walden

APPLICANT: Mr A Ketteridge

AGENT: Mr C Cumbers

EXPIRY DATE: 29 April 2015

CASE OFFICER: Samantha Stephenson

1. NOTATION

1.1 Within Development Limits.

2. DESCRIPTION OF SITE

2.1 The application site comprises a two storey semi-detached dwelling with enclosed front porch located amongst similar dwellings, on the eastern side of Landscape View. There are semi-detached dwellings to the north and south and the land is level with neighbouring properties. There is a rear single storey extension that covers the width of the rear elevation and tall hedging to both side boundaries. Also in the rear garden is a walnut tree that has been made the subject of a TPO. There is off road parking to the frontage of the dwelling for 2 cars.

3. PROPOSAL

3.1 This application seeks planning permission for the partial demolition of the rear extension and front porch and the erection of two storey rear extension and single storey front extension. Materials are to match existing. There would also be 2 no. obscure glazed windows at first floor on the north elevation and a rooflight to the existing single storey roof to rear.

3.2 The dimensions of the single storey front extension are 4.6m x 2.2m and 3.8m to the pitch with a lean-to roof. This would provide a hall.

3.3 The two storey element to the rear measures 4m x 4.9m and 7m to the pitch with matching eaves height but lower ridgeline. This will extend the living space at ground floor and provide an additional bedroom at first floor.

4. APPLICANT'S CASE

4.1 None.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0175/95 FUL Erection of front porch and single storey rear extension. Approved 31.03.95.
- 5.2 UTT/1633/12/FUL Demolition of rear extension. Erection of single storey and two storey front and rear extensions. Approved 19.10.12.
- 5.3 UTT/14/3181/NMA Non Material Amendment to UTT/1633/12/FUL - Additional window to ground floor front elevation, removal of internal wall in kitchen and installation of RSJ to support. Installation (Temporarily prior to rear extension) of a velux window to current, rear extension, kitchen roof. Approved 17.11.14.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework (2012)

6.2 Uttlesford District Local Plan 2005

- Policy S1 – Development limits for the Main Urban Areas
- Policy H8 – Home Extensions
- Policy GEN2 – Design
- Policy GEN7 - Nature Conservation
- Policy GEN8 - Vehicle Parking Standards
- SPD Home Extensions
- Uttlesford Local Parking Standards 2013

7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 No objection.

8. CONSULTATIONS

ECC Ecology

- 8.1 Thank you for consulting us on the above application. I have no objections. The property to be affected is modern, appears tightly sealed and is unlikely to support bats. There will be no impact on other habitats within the garden.

Landscape Officer

- 8.2 Verbal comments; No objection subject to condition requiring details of protective measures.

9. REPRESENTATIONS

- 9.1 6 Neighbours were notified.
1 response to the application was received – 55 Landscape View - I have no objections to the proposed extension provided the walnut tree which carries a TPO and its roots are protected throughout the building process.
Comment received from Cllr Perry - I would like to see a condition placed on this application as follows; In order to protect the TPO Tree at this location a root sleeve

condition is attached. A no dig condition is OTT. I can find support in the NPPF and TPO legal grounds to protect.

10. APPRAISAL

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

- A Whether the proposed extensions would be of an appropriate design and scale, respecting the original dwelling (ULP Policies H8 and GEN2);
- B Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8, UDC Parking Standards);
- C Impact on adjacent residential amenity (ULP Policy GEN2).
- D Impact on trees (ULP Policy ENV3)
- E Nature Conservation (ULP Policy GEN7)

A Whether the proposed extensions would be of an appropriate design and scale, respecting the original dwelling

10.1 Local Plan Policies H8 and GEN2 as well as the Supplementary Planning Document (SPD) -Home Extensions indicate that extensions should respect the appearance of the existing dwelling with regard to design and appearance, in addition the SPD requires that all extensions should respect the scale, height and proportions of the original house.

10.2 The floor area of the existing dwelling is approximately 74m² and the proposed extensions represent an increase in ground floor footprint of approximately 19m², this is approximately 7m² smaller than the previously approved extensions. This application differs from that already approved in that the front extension is no longer two storeys but single and the rear two storey extension has been reduced in width. This revised proposal has been designed to minimise impact on neighbouring properties. It is considered that the proposal is of acceptable proportionate scale.

10.3 In addition the proposed appearance is considered to be appropriate as it mirrors the existing design and the rear extension has a lower ridge height than the existing dwelling indicating that it is visually subordinate to the main dwelling. The neighbouring property, No. 51, has a single storey front extension and it was noted from the Officers' site visit that other properties along this road have altered the appearance of their properties so that there is no longer a uniformity of appearance.

10.4 The SPD indicates that the choice of materials is important, as they match the existing dwelling they are considered to be acceptable

10.5 It is considered that given the scale of the existing dwelling and the size of its curtilage that it is capable of accommodating the proposed extensions whilst leaving sufficient amenity land.

B Whether access and parking arrangements would be satisfactory

10.6 The proposed development does not alter the existing access arrangement and the applicant has demonstrated that there is off road parking provision for 3 vehicles in line with adopted standards. The proposal would therefore comply with ULP Policy GEN8 and UDC Parking Standards.

C Impact on adjacent residential amenity (ULP Policy GEN2, ULP Policy ENV2).

10.7 Both the front and rear extensions have been designed to minimise the impact on the attached neighbour, they are both single storey on the boundary, therefore there are no concerns regarding overbearing or overshadowing impact. There are no additional first floor windows on the rear elevation so overlooking is not a concern.

10.8 With regard to the amenity of the unattached neighbour, it is considered that due to the distance of 3.5m between the properties and the existing screening on the boundary that there will be no significant impact with regard to over shadowing or overbearing impact. With regard to overlooking, while 2 no. additional windows are proposed on the side elevation these are bathrooms and are proposed to be obscure glazed.

D Impact on trees (ULP Policy ENV3)

10.9 The walnut tree in the rear garden of 53 Landscape View has been made the subject of a TPO. The existence of the TPO is a material consideration in the determination of this planning application. However the Landscape Officer has stated that the proposed rear extension to the house would not have an adverse effect on the mature walnut situated in the rear garden of the property and has no objection subject to the imposition of a condition requiring details of protective measures.

E Nature Conservation (ULP Policy GEN7)

10.10 Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife. As part of the application a Biodiversity Questionnaire was submitted and as part of the determination of the application the County Ecologist was consulted. The County Ecologist commented that the property to be affected is modern, appears tightly sealed and is unlikely to support bats and that there will be no impact on other habitats within the garden. The proposal complies with Policy GEN7.

11. CONCLUSION

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

- A The proposed extensions are acceptable and comply with all relevant Development Plan policies.

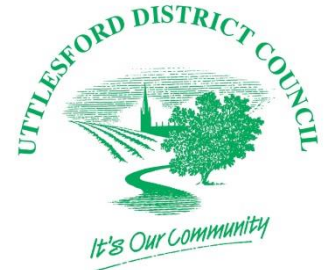
RECOMMENDATION – APPROVAL WITH CONDITIONS

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.

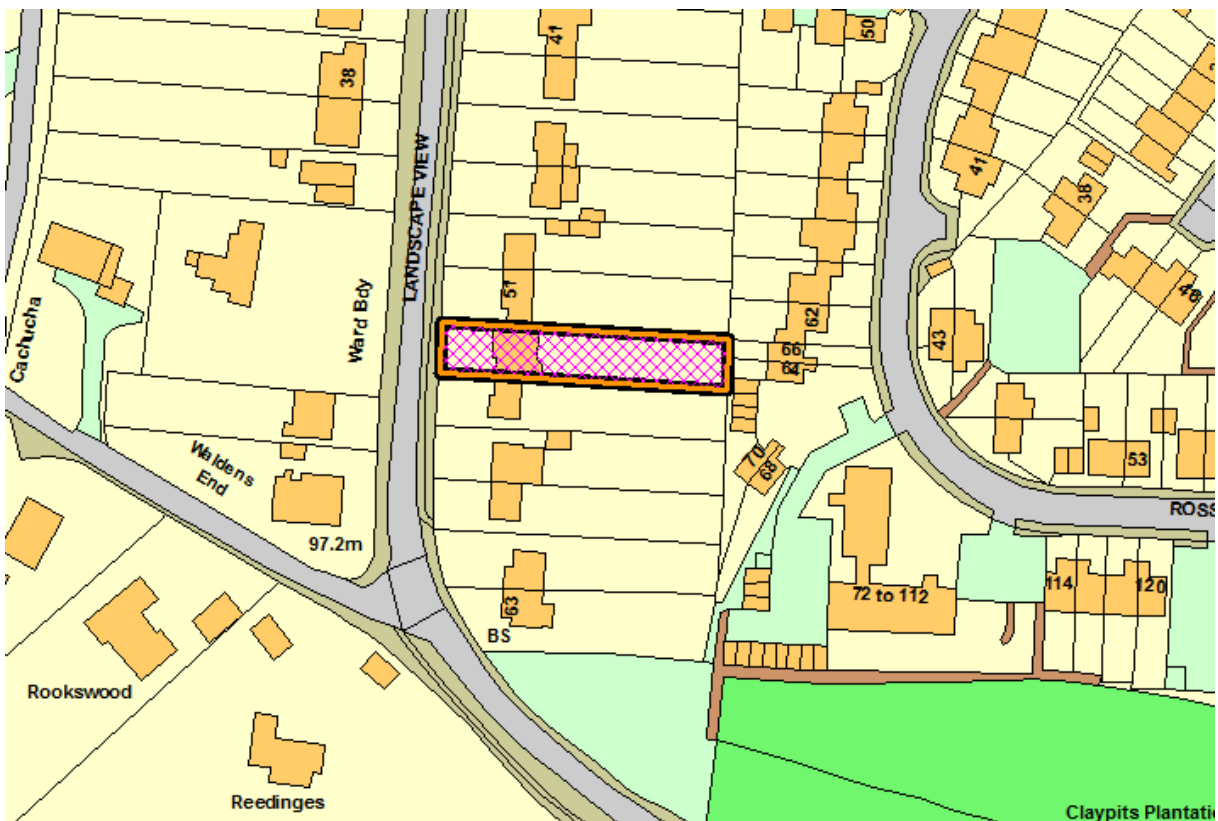
2. Prior to commencement of the development hereby permitted, details of tree protection measures in relation to the Walnut Tree to the east of the site shall be submitted to and approved in writing by the Local Planning Authority and the approved details implemented prior to the work commencing.

REASON: In order to protect the existing tree that is covered by a Tree Protection Order in the interest of visual amenity in accordance with Policy GEN2 and ENV8 of the Uttlesford Local Plan (adopted 2005)



Application no.: UTT/15/0546/HHF

Address: 53 Landscape View Saffron Walden



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Organisation: Uttlesford District Council

Department: Planning

Date: 16 April 2015

SLA Number: 100018688

UTT/15/0666/HHF – (SAFFRON WALDEN)

(Referred to Committee by Cllr Perry. Reason: Impact on the community / street scene)

PROPOSAL: Retrospective application for erection of boundary fence
LOCATION: 20 Loompits Way Saffron Walden Essex
APPLICANT: Miss Julia Smith
EXPIRY DATE: 4 May 2015
CASE OFFICER: Sarah Marshall

1. NOTATION

1.1 Within development limits

2. DESCRIPTION OF SITE

2.1 The application site is an elevated corner site on the south western corner of the intersection of Loompits Way and Gallows Hill. The property is comprised of a two storey brick built detached dwellinghouse and a single storey detached garage which is accessed via Gallows Hill.

2.2 The character of the surrounding location is a variety of styles of residential properties which are well set back from the highway with low walls and landscaping along the boundaries which has resulted in an open feeling to the area.

3. PROPOSAL

3.1 A retrospective application for the erection of a boundary fence. The fence is a closed boarded fence and the height ranges from 1.4 metres to 2 metres. It is proposed to paint the fence dark green and plant a Hornbeam hedge in front of fence. The fence protrudes forward from the front elevation of the dwelling by approximately 1.8 metres wraps around the side of the property until the driveway.

4. APPLICANTS CASE

4.1 The applicants have provided photographs of an older closed boarded fence which enclosed the side garden area however was set back from the front elevation of the dwelling, the application form and a location plan which has been annotated to show the location and height of the fence.

5. RELEVANT SITE HISTORY

5.1 UTT/14/2757/HHF

This application for the 'Retrospective application for the erection of boundary fence' was refused on 11th November 2014 for the following reason:

"The fence is an incongruent form of development for this location and has a detrimental impact on the visual appearance of the streetscene. Therefore the development fails to meet the Council's policy GEN2 of the Uttlesford Local Plan (adopted 2005)"

- 5.2 UTT/14/3744/HHF
Erection of a front porch was granted conditional permission on the 18.02.2015. This permission has yet to be implemented

6. POLICIES

6.1 National Policies

- National Planning Policy Framework 2012

6.2 Uttlesford District Local Plan 2005

- S1 - Settlement Boundaries for the Main Urban Areas
- GEN2 – Design
- H8 - Home Extensions
- GEN1 - Access

7. TOWN COUNCIL COMMENTS

- 7.1 No comments.

8. CONSULTATIONS

9. REPRESENTATIONS

7 Neighbourhood letters were sent and five representations were received.

- This fence is in contravention of covenant on the deeds
- The planting will impact on the traffic safety
- The reason for the refusal of the previous application will not be overcome by planting and painting the fence.
- Painting the fence and planting not restore the estate to an open plan
- The fence is out of keeping with the open plan of the estate
- The fence is a dominant feature on the corner of Loompits Way and Gallows Hill

It should be noted that the planning legislation does not include covenants which may appear on the title deeds.

10. APPRAISAL

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

- A The visual impact of the fence on the character and appearance of the location (S1 and GEN2)
- B The impact of the fence on the highway safety (GEN1)

A The visual impact of the fence on the character and appearance of the location (S1 and GEN2)

- 10.1 Policy S1 states that development within the built up areas will be permitted where it is within keeping with the surrounding developments. Policy GEN2 states that development should be compatible with the scale, form, appearance and materials of surrounding buildings. The properties in this area typically have either low brick walls or

soft landscaping to the front of their properties where there are boundary treatments which has given an open feeling to the area. There are no other examples in close proximity to this property with high closed boarded fences. Therefore it is considered to be out of keeping with the surrounding location. The location of high closed boarded fence is situated on an elevated corner of the intersection and is highly visible from both Loompits Way and Gallows Hill. Whilst the painting of the fence a dark green and planting a hedge to the front of the fence will help reduce the visual impact of the fence, it is considered that this will not overcome the detrimental impact on the streetscene. This is due to its prominent location on the site, its height and being forward of the building line. Therefore, in its current position and height, even with painting and planting, the fence is an incongruent form of development and has a detrimental impact on the character and appearance of the streetscene. As such the development fails to meet the Council's policy GEN2 of the ULP.

B The impact of the fence on the highway safety (GEN1)

10.2 It is considered that the fence does not have a detrimental impact on the highway safety therefore it meets the Council's policy GEN1 of the ULP.

11. CONCLUSION

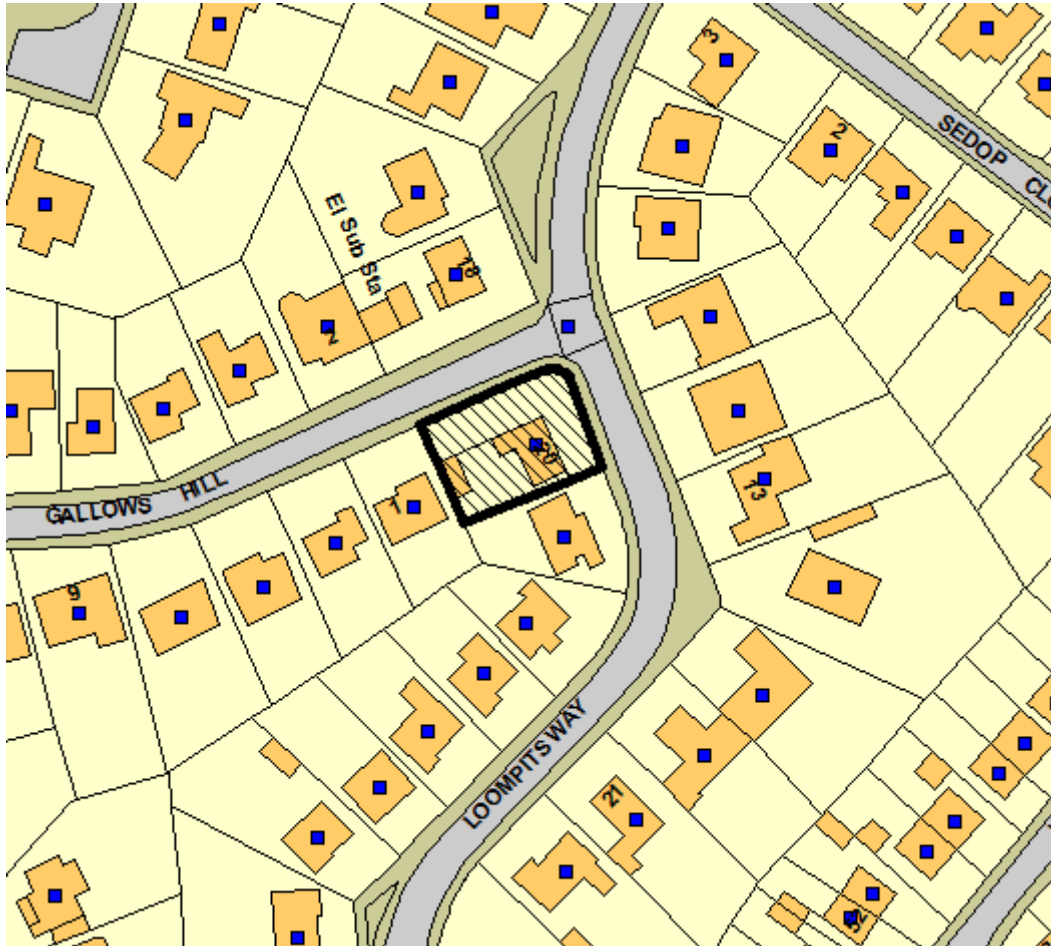
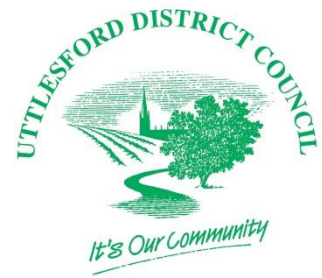
The proposed modifications to the fence will still not overcome the harm the fence is causing to the street scene and the character and appearance of the location. The fence fails to meet Council's policy GEN2 of the Uttlesford Local Plan (adopted 2005)

RECOMMENDATION – REFUSAL

1. The fence is an incongruent form of development for this location and due to its prominent location is a dominant feature and has a detrimental impact on the streetscene. The proposed mitigation measures do not overcome the harm created by the fence on the site and the surrounding location. Therefore the development fails to meet the Council's policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/15/0666/HHF

Address: 20 Loompits Way Saffron Walden



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Organisation: Uttlesford District Council

Department: Planning

Date: 16 April 2015

SLA Number: 100018688

Committee: Planning

Agenda Item

Date: 29 April 2015

5

**Title: Land North of Stansted Road, Elsenham -
LPA ref UTT/14/3279/DFO**

Author: Andrew Taylor

Item for decision

**Assistant Director Planning and Building
Control**

Summary

1. Members will recall that this application was reported to Planning Committee on 11 March 2015, members resolved to refuse planning permission. The matter was reported back to Planning Committee on 8 April 2015, to clarify the decision. Members deferred the matter so a transcript of the debate at the 11 March 2015 could be produced and considered.
2. The Report to Planning Committees of 11 March 2015 and 8 April 2015 are appended as Appendices A and B. The transcript of the Committee is appended as Appendix C.
3. The purpose of this report is:
 - a. Clarify/confirm the reason(s) for refusal
 - b. To consider submissions by the developer in response to the emerging refusal reason

Recommendations

4. It is recommended that the reasons for refusal be confirmed and noted as:
 - A. The proposed development would result in a poor design and location of the vehicular access point from Stansted Road being in close proximity to a neighbouring residential property at Hillcroft, and therefore creating a harmful impact through noise and disturbance to residential amenity. This would be contrary to policies GEN1 and GEN2 of the Uttlesford Local Plan 2005.**
 - B. The proposed development would result in a poor layout of design through the use of garage courts for some of the parking provision. This would be contrary to policy GEN2 of the Uttlesford Local Plan 2005.**
5. It is further recommended that members consider the application in light of the resubmitted plans attempting to address the above refusal reasons, and that the application be **APPROVED** subject to conditions recommended on the report to Planning Committee dated 11 March 2015 (Appended as Appendix A)

Financial Implications

6. None. There are no costs associated with the recommendation.

Background Papers

Planning Application Reference UTT/14/3279/DFO

Reports to Planning Committee 11 February 2015, 11 March 2015 and 8 April 2015.

Impact

- 7.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	Elsenham
Workforce/Workplace	None

Situation

8. The matter was considered at Planning Committee on 11 March 2015. The officer's report to this Committee is appended as Appendix A. At this Committee members resolved to refuse planning permission for reasons of GEN1 and GEN2 of the Uttlesford Local Plan 2005.
9. The precise reason and wording of the refusal was left unclear and the purposes of this report are to clarify and confirm the agreed refusal reason(s) Following the deferral of the matter from Planning Committee on 8 April 2015 members requested that a transcript of the meeting of 11 March 2015 be prepared, this is appended as Appendix C.
10. The transcript has been reviewed and following the debate, resolution and subsequent input from officers at the meeting of 11 March 2015; it is considered that potential refusal reasons could be worded as set out in paragraph 4 above.

Response from Applicant

11. In response to the resolution from Planning Committee on 11 March 2015, the applicant has responded to what is now considered Refusal Reason 1 of 2. In an attempt to address this emerging reason for refusal, they have submitted

revised plans. It should be noted that the Local Planning Authority is not obliged to consider revised submission following a resolution by Planning Committee. However, considering that the submission addresses a reason for refusal officers considered it prudent to consider the submissions and report these to Planning Committee.

12. The applicant has provided an amended plan which proposes the relocation of the access 2.2 metres to the east of the previously siting. From discussions with the Local Highway Authority in order to retain adequate visibility splays (53.62 metre to the east and 90 metres to the west). If the access was moved any further to the east it is considered that this would likely compromise the level of visibility achieved. Elsenham Parish Council, the occupier of Hillcroft and the Local Highway Authority have all been reconsulted on this proposed repositioning of the access.
13. In response to concerns raised by members regarding the lack of clarity as to whether the proposed layout could accommodate sufficiently the Council's Refuse Vehicles, a tracking plan has been provided which adequately demonstrates compliance.

Consideration of Suggested Refusal Reason 2

14. Prior to the resolution to refuse for reasons of poor layout; matters related to car parking, garden sizes and the use of garage courts were raised around design issues. It was stated at the meeting, and reiterated here that the planning application fully complies with the Uttlesford Car Parking Standards with respect of numbers (including visitors car parking) and the size of spaces. All plots fully comply with the garden sizes within the Essex Design Guide. Members were advised at the meeting of 11 March 2015 that to pursue a refusal on the basis would be unreasonable and untenable.
15. It is accepted that historically, Planning Committee have been resistant to the use of Garage Courts. It must be highlighted that there is no policy basis for such a stance. Conversely, the Essex Design Guide advocates the use of garage courts. It is considered that any refusal based solely on this issue would be very difficult to sustain on appeal.

Conclusions

16. The applicant has responded to the emerging Refusal Reason 1 of this application, by repositioning the access as far from the property Hillcroft as is possible without compromising vehicle visibility. Officers consider that the applicant has suitably addressed Refusal Reason 1.
17. Officers consider that notwithstanding the decision on Refusal Reason 1, Refusal Reason 2 could not be sustained on appeal.

Committee:	Planning	Agenda Item
Date:	8 April 2015	5
Title:	RE: Land North of Stansted Road, Elsenham - LPA ref UTT/14/3279/DFO	
Author:	Nigel Brown Development Manager	Item for decision

Summary

1. Members will recall that this application was reported to Planning Committee on 11 March 2015. Members resolved to refuse planning permission.
2. The purpose of this report is:
 - a. Clarify/Confirm the resolution from the Planning Committee
 - b. Clarify/Confirm the reason(s) for refusal
 - c. To consider submissions by the developer in response to the emerging refusal reason

Recommendations

1. It is recommended that the reason for refusal be confirmed and noted as:

The proposed development, particular that of the main vehicle access point leading onto Stansted Road, would as a result of its poor design and siting, not take into account the necessary mitigation measures to minimise the environmental impact such as noise and disturbance, dust and fumes towards the occupiers of the property known as Hillcroft. The proposal would therefore result in detrimental harm to the amenities of the adjoining occupiers contrary to local policy GEN2 of the Uttlesford District Adopted Local Plan

2. It is further recommended that members consider the application in light of the resubmitted plans attempting to address the above refusal reason, and that the application be **APPROVED** subject to conditions recommended on the report to Planning Committee dated 11 March 2015 (Appended as Appendix A)

Financial Implications

3. None. There are no costs associated with the recommendation.

Background Papers

Planning Application Reference UTT/14/3279/DFO

Reports to Planning Committee 11 February 2015 & 11 March 2015.

Impact

4.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

5. The matter was considered at Planning Committee on 11 March 2015. The officer's report to this Committee is appended as Appendix A. At this Committee members resolved to refuse planning permission for reasons of GEN1 & GEN2 of the Uttlesford Local Plan 2005.
6. The precise reason and wording of the refusal was left unclear from Planning Committee and the purposes of this report are to clarify and confirm the agreed refusal reason.
7. The recollection of officers from the meeting was the thrust for the resolution to refuse was based mainly and possibly solely upon the proposed proximity of the proposed access road to the property, Hill Croft, Stansted Road Elsenham. On this basis the wording of the refusal reason is suggested to be:

The proposed development, particular that of the main vehicle access point leading onto Stansted Road, would as a result of its poor design and siting, not taken into account the necessary mitigation measures to minimise the environmental impact such as noise and disturbance, dust and fumes towards the occupiers of the property known as Hillcroft. The proposal would therefore result in detrimental harm to the amenities of

the adjoining occupiers contrary to local policy GEN2 of the Uttlesford District Adopted Local Plan

8. Members will note that the suggested refusal reason only includes reference to GEN2, and not GEN1 that was part of the resolution to refuse planning permission. It should be emphasised that the GEN1 is a totally technical policy and it would be very difficult to sustain a refusal on GEN1, where the Local Highway Authority raises no objection. To do so could seriously leave the Council open to an award of costs at any subsequent appeal.

Response from Applicant

9. In response to the resolution from Planning Committee on 11 March 2015, the applicant has responded to what it considers the sole reason for refusal. In an attempt to address the emerging reason for refusal, they have submitted revised plans. It should be noted that the Local Planning Authority is not obliged to consider a revised submission following a resolution by Planning Committee. However, considering this appears to be an attempt to address a sole reason for refusal officers consider it prudent to consider them and report these to Planning Committee.
10. The applicant has provided an amended plan which proposes the relocation of the access 2.2 metres to the east of the previously stated siting. From discussions with the Local Highway Authority in order to retain adequate visibility splays (53.62 metres to the east and 90 metres to the west). If the access was moved any further to the east it is considered that this would likely compromise the level of visibility achieved. Elsenham Parish Council, the occupier of Hill Croft and the Local Highway Authority have all been consulted on this proposed repositioning of the access, and any comments will be reported to the meeting.
11. In response to concerns raised by members regarding the lack of clarity as to whether the proposed layout could accommodate sufficiently the Council's Refuse Vehicles, a tracking plan has been provided.

Conclusions

12. It is considered that the sole reason for refusal from Committee on 11 March 2015 related to the relationship between the proposed access and the residential property, Hillcroft.
13. The applicant has responded to the emerging refusal of this application, by repositioning the access as far from the property Hillcroft as is possible without compromising vehicle visibility.
14. Officers consider that the applicant has suitably addressed the emerging refusal reason and the application should be approved.

UTT/14/3279/DFO (Elsenham)

PROPOSAL: Details following outline application UTT/0142/12/OP (erection of 155 dwellings with associated infrastructure) – details of access, appearance, landscaping, layout and scale.

LOCATION: Land North of Stansted Road, Elsenham.

APPLICANT: David Wilson Homes

EXPIRY DATE: 12 February 2015

CASE OFFICER: Lindsay Trevillian

1. ISSUES OF CONSIDERATION

- 1.1 This application was considered at the Planning Committee meeting dated 11 February 2015, a copy of the report is attached in Appendix A, and was deferred to allow further information on the following points:
- a) Clarification on the amount of amenity space for each residential unit
 - b) Clarification of the number and location of bungalows within the development.
- 1.2 Additional revised information has been submitted by the applicant covering the above issues by way of an updated schedule of accommodation, copy of this is attached in Appendix B. The schedule outlines the amount of private and communal amenity space for each residential unit.
- 1.3 Each two bedroom dwelling has been provided with at least 50sqm and each three or more bedroom dwelling has been provided with at least 100sqm of private amenity space meeting the minimum guidance as set out in the Essex Design Guidance.
- 1.4 Three apartment blocks are proposed within the development.
- Apartment Block A – has a total of 6 flats and will be provided with 200sqm of communal amenity space. 50sqm above the required amount (6 flats x 25sqm = 150sqm required).
 - Apartment Block B – has a total of 9 flats and which will be provided with 240sqm of communal amenity space. 15sqm above the required (9 flats x 25sqm = 225sqm required).
 - Apartment Block C – has a total of 6 flats and will be provided with 200sqm of communal amenity space. 50sqm above the required amount (6 flats x 25sqm = 150sqm required).
- 1.5 It is noted that 8 flats above garages (FOG's) are proposed within the development with each one comprising of two bedrooms. The minimum amenity space required for each flat would be 25sqm. It is noted that 2 of the 8 flats meet the required provision of providing at least 25sqm of amenity space (plots 148 and 149 have been provided with 32sqm). The remaining 6 flats have been provided with a balcony consisting of 5sqm

(plot numbers 78, 81, 92, 100, 104 & 114). Although this is under the minimum guidance set out within the Essex Design Guide, officers consider that the provision of a balcony rather than no amenity space at all is on balance appropriate to meet the needs of future residents. Given only 6 units out of 155 are slightly under the minimum guidance, on balance officers consider the slight shortfall is acceptable.

- 1.6 Turning to the second issue, it can be confirmed that the provision of 8 elderly person bungalows have been incorporated into the scheme (6 private & 2 affordable). This amounts to 5% of the total dwelling units being one or two bedroom elderly person bungalow across the tenure. Plot numbers 2, 3, 4, 5, 6, 7, 83 and 138 would each consist of one elderly person bungalow.
- 1.7 Since the planning application was differed from the Planning Committee meeting, the applicant has submitted further information in the form of revised plans. Specifically apartment Block B has been amended to show the eaves and ridge heights have been reduced. The overall height of the apartment block has been reduced by approximately 0.7m (from 11.4m high down to 10.8m). This would therefore mean the apartment block would be approximately 1.6m higher than the adjacent dwelling proposed. It is considered that the 2.5 storey buildings would on balance not be dominant or visually intrusive that would lead to an unacceptable overbearing impact within the development itself or on the wider landscape setting.

2. CONCLUSION

- 2.1 The submission of additional revised information relating to the clarification of the amount of amenity space for each residential unit and the amount and location of the elderly person bungalows is hereby considered to be appropriate to address the outstanding matters raised by Members at the 11 February 2014 Planning Committee. In addition the revision to the height of apartment block B would improve its relationship with other buildings within the street scene. The scheme is considered acceptable subject to conditions listed below.

3. 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. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

BH049-PL-01 Rev 00, BH056-OP1-002 Rev Q, BH056-PL-02 Rev I, BH056-PL-05 Rev J, BH056-PL-03 Rev I, BH056-PL-04-Rev I, BH056-AP01 Rev A, BH056-AP02 Rev C, BH056-AP03 Rev A, BH056-AP04 Rev 00, BH056-HA-01 Rev 00, BH056-HA-02 Rev 00, BH056-HA-03 Rev 00, BH056-HA-04 Rev 00, BH056-HA-05 Rev 00, BH056-HA-06 Rev 00, BH056-HA-07 Rev 00, BH056-HA-08 Rev 00, BH056-HA-09 Rev 00, BH056-HA-10 Rev A, BH056-HA-11 Rev B, BH056-HA-12 Rev B, BH056-HA-13 Rev 00, BH056-PD-01 Rev A, BH056-PD-02 Rev 00, BH056-PD-03 Rev 00, BH056-PD-04 Rev 00, BH056-PD-05 Rev 00, H056-PD-06 Rev 00, BH056-PD-07 Rev 00, BH056-PD-08 Rev 00, BH056-PD-09 Rev 00, H056-PD-10 Rev 00, BH056-PD-10b Rev 00, BH056-PD-10c Rev 00, BH056-PD-11 Rev 00, BH056-PD-12 Rev 00, BH056-PD-13 Rev 00, BH056-PD-14 Rev 00, BH056-PD-15 Rev 00, BH056-PD-16 Rev 00, BH056-PD-17

Rev 00, BH056-PD-18 Rev 00, BH056-PD-19 Rev 00, BH056-PD-20 Rev 00, BH056-PD-21 Rev 00, BH056-PD-22 Rev 00, BH056-PD-23 Rev 00, BH056-PD-24 Rev 00, BH056-PD-25 Rev 00, BH056-PD-26 Rev 00, BH056-PD-27 Rev 00, BH056-PD-28 Rev 00, BH056-PD-29 Rev 00, BH056-PD-30 Rev 00, BH056-CP-01 Rev 00, BH056-CP-02 Rev 00, BH056-GR-01 Rev 00, BH056-GR-02 Rev 00, BH056-GR-03 Rev 00, BH056-GR-04 Rev 00, BH056-GR-05 Rev 00, BH056-GR-06 Rev 00, BH056-GR-07 Rev 00, BH056-ST-01 Rev A, BH056-ST-02 Rev A, BH056-ST-03 Rev 00, BH056-ST-04 Rev D, BH056-AP05 Rev 00, Bir.4614_01F, 665145/110 Rev P3, 665145/111 Rev P4, 665145/500 Rev P1, 665145/501 Rev P1, 665145/502 Rev P1, 665145/503 Rev P1, 665145_1000 Rev P8, Bir.4614_02, Bir.4614_03, Bir.4614_04, Bir.4614_05 and Bir.4614_06.

REASON: In the interests of the appearance of the development and the amenity of surrounding residential/business premises in accordance with policy GEN2 of the local plan.

3. The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan No. BH056-PL-05 Rev I and as shown on the schedule of materials 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).

4. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policies GEN1 and GEN8 of the Local Plan.

5. Prior to occupation of any dwelling, the provision of a priority junction formed at right angles to Stansted Road, Elsenham exactly as shown on MLM Drawing No. 665145/110 Rev P3 dated August 2014.

REASON: In the interests of highway safety and providing 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 in accordance with policy GEN1 of the Local Plan.

6. Prior to occupation of any dwelling, the provision of a scheme of traffic management to include a gateway feature at the commencement of the 30 mph speed limit along Stansted Road to encourage lower speeds of traffic passing the site and an extension of the street lighting on Stansted Road westwards to incorporate the proposed priority junction. Details to be submitted to and approved in writing with the Local Planning Authority and implemented.

REASON: In the interests of highway safety in accordance with policy GEN1 of the Local Plan.

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

REASON: 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).

8. The development hereby permitted shall be completed in accordance with the approved details within the Flood Risk Assessment and the mark up drainage strategy plan No. 665145_1000 Rev P8 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development in accordance with policy GEN3 of the Local Plan.

9. The development hereby permitted shall be implemented in accordance with the Phase 1 Habitat Survey undertaken by J.B Consultancy Service Ltd (January 2015) submitted with the application in all respects and any variation there to 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 of the Uttlesford Local Plan (adopted 2005).

10. 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 of the Uttlesford Local Plan (adopted 2005).

11. No development shall take place until a Lighting Plan is submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved plans.

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

12. Prior to commencement of the development, a drawing demonstrating compliance with 'Lifetime Homes' standards shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved drawing.

REASON: To ensure that the dwelling is accessible for all, in accordance with the 'Accessible Homes and Playspace' Supplementary Planning Document and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Appendix A

UTT/14/3279/DFO (Elsenham)

Referred to Committee by Cllr Morson if officers are minded to approve on the grounds of excessive and unsuitable development in the countryside.

PROPOSAL: Details following outline application UTT/0142/12/OP (erection of 155 dwellings with associated infrastructure) – details of access, appearance, landscaping and scale.

LOCATION: Land North of Stansted Road, Elsenham.

APPLICANT: David Wilson Homes

EXPIRY DATE: 12 February 2015

CASE OFFICER: Lindsay Trevillian

1. NOTATION

1.1 Outside development limits

2. DESCRIPTION OF SITE

2.1 The application site as outline in red on the submitted location plan is located on the northern side of Stansted Road on the north western edge of the village of Elsenham. The site itself is relatively level, irregular in shape and comprises of approximately 6.86 hectares.

2.2 The site currently comprises mainly agricultural land with a small developed area in the south west occupied by offices and garages services (Essex Auto Spray). The site is relatively open with only bushes and trees located along the field boundaries.

2.3 The site is bounded by the playing fields to the south east along with the existing residential development at Leigh Drive. To the north of the site is the area known as 'The Orchards', for which planning permission was granted in 2012 for a residential development. This development is nearing completion. West of the site is Alsa Wood which is a designated Ancient Woodland and Country Wildlife Site. An unmade public footpath runs from Leigh Drive across the southern boundary of the large open field and into the woodland.

3. PROPOSAL

3.1 This application relates to the reserved matters following the granting of outline planning permission which was for the erection of 155 dwellings, 55 extra care units, land for the provision of a multi-use community building, and associated on and off site infrastructure provision, following the demolition and clearance of the Essex Auto Spray and associated residential property – ref: UTT/0142/12/OP.

3.2 The reserved matters for consideration now relates to Access, Appearance, Layout, Scale and Landscaping for the erection of the 155 dwellings.

- 3.3 It should be noted that the 55 extra care units along with the provision of a multi-use community building does not form part of the reserved matters for this application for reasons that are further explained under the heading 'History/background' within this report.
- 3.4 The proposed scheme consists of 100% residential housing with the proposed mix consisting of 60% private and 40% affordable housing. The breakdown of the housing is as follows:

Private housing:

15 x five bedroom houses
26 x four bedroom houses
37 x three bedroom houses
15 x two bedroom houses

(93 in total)

Affordable housing:

2 x four bedroom house
17 x three bedroom house
27 x two bedroom houses
16 x 1 bedroom apartments

(62 in total)

- 3.5 The dwellings would be predominantly two stories in height although the scheme also includes two and half storey apartment blocks. Building styles within the development would range from terrace style buildings, semi-detached and detached buildings that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. In addition, the provision of eight bungalows has been provided as part of the development. Each of these dwellings within the development has been provided with off street parking spaces and its own private or communal amenity space.

4. APPLICANT'S CASE

- 4.1 Extensive pre-application meetings with both the Local Planning Authority and Elsenham Parish Council were held in which general advice was taken into consideration regarding the final design and layout of the application.
- 4.2 The applicant has provided a Design and Access Statement in support of a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way. A Planning statement has also been provided to illustrate the planning policy context to the planning submission. In addition to the submitted plans, other supporting documentation that was submitted with the application included:
- Archaeological Evaluation – Prepared by Thames Valley Archaeological Services including Specialist Archaeological Advice.
 - Bat Emergence and Return to Roost Survey – Prepared by JBA
 - Flood Risk Assessment – Prepared by MLM

- Phase 1 Habitat Survey – Prepared by JBA
 - Landscape Management Plan – Prepared by Pegasus
 - Phase 2 Geo-environmental Assessment Report – Prepared by MLM
 - Planning Compliance Statement – Prepared by David Wilson Homes.
- 4.3 The applicant considers that the proposed residential scheme accords with policies contained within the Uttlesford District Council's Local Plan as well as the National Planning Policy Framework.
- 5. RELEVANT SITE HISTORY**
- 5.1 UTT/1368/86 - Outline application for residential development on 14 ha construction of a new access and alteration of an existing access (refused September 1986).
- 5.2 UTT/0142/12/OP - Residential development comprising of 155 No. dwellings, 55 No. extra care units, land for the provision of a multi-use community building, and associated on and off site infrastructure provision, following demolition and clearance of Essex Auto spray and associated residential property. (Planning permission granted subject to conditions and a S106 Agreement (May 2013).
- 5.3 The outline planning permission included the provision for 55 extra care units. Part 2 of the signed S106 agreement set out the requirements and timings for delivering the extra care units. The S106 agreement states that:
- 5.4 "Prior to the occupation 75th Open Market Housing Unit the owners or the developer shall provide satisfactory proof in writing to Uttlesford District Council and the Council shall acknowledge in writing that satisfactory proof has been provided of a building contract for the construction of 55 Extra Care Housing units on the land and the said binding contract shall require the 55 extra care housing units to be substantially completed and ready for occupation prior to the occupation of the last open market housing unit constructed on the land."
- 5.5 Carter Jones undertook an extensive marketing campaign from the end of January 2014 to the end of July 2014. The evidence from the marketing campaign conducted by Carter Jones concluded that there was a lack of interest from outside parties to deliver the provision of an extra care facility.
- 5.6 Officers were satisfied that the developer has adequately marketed the site for an extra care facility for an appropriate length of time and concluded that potential for the delivery of an extra care facility on this site had been exhausted. As such in this present time, it was agreed that the provision to provide an extra care facility of 55 units was not required to be submitted as part of the reserve matters application.
- 5.7 Therefore officers confirmed that Part 2 of the S106 Agreement associated with the planning permission to be enacted, and that the Local Planning Authority would be seeking a standard 40% provision of affordable housing on the site rather than 35% if an extra care facility was include as part of the application.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 – Flood Protection
- Policy GEN4 – Good Neighbourliness
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV3 – Open Spaces & Trees
- Policy ENV7 – The Protection of the Natural Environment – Designated Sites
- Policy ENV8 – Other Landscape Elements of Importance for Nature Conversation
- Policy H4 – Backland Development
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix
- Policy H11 – Affordable Housing on Exception Sites

6.3 Supplementary Planning Policy:

- SPD Accessible Homes & Play Space
- SPD Renewable Energy
- SPD Parking Standards Design & Good Practice September 2009
- SPD Essex Design Guide

7. PARISH COUNCIL COMMENTS

7.1 Elsenham Parish Council objects to the planning application for the following reasons:

- The proposal includes an inappropriate surface and foul water drainage strategy that would result in pressure on the capacity of existing infrastructure which may lead to surface water flooding within and outside the site.
- The proposed development would exceed the normal UDC limit of 10 dwellings or less in terms of clusters of affordable housing.
- No details have been provided on the submitted plans in terms of rights of way and footpaths
- No design proposals have been provided with the application to demonstrate that pedestrian and cyclist safety can be maintained through to Orchard Crescent.
- The Parish Council has concerns regarding the nature of the ownership and maintenance responsibilities of the open space land.
- The Parish Council notes that no street lighting has been proposed.
- The development only proposals 7 bungalows. This does not comply with UDC current housing strategy which requires the provision of at 5% of the total housing mix to be bungalows. At least 8 bungalows should be provided.

7.2 The above concerns raised by Elsenham Parish Council will be address within the appraisal section of this report.

8. CONSULTATIONS

ECC Education & Highways

- 8.1 No objection - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

Thames Water Utilities

- 8.2 No objection- Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 8.3 With regard to water supply, this comes within the area covered by the Affinity Water Company.
- 8.4 The amended surface water strategy is noted and is acceptable

Anglian Water Services

- 8.5 No comments Received.

Affinity Water Ltd

- 8.6 No objection - The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

ECC Sustainable Drainage

- 8.7 No objection - An updated drainage strategy was submitted to the LLFA on the 19 January. I am happy that the updated design addresses any water quality concerns we had.
- 8.8 It is now considered that a suitable drainage scheme has been submitted which demonstrates surface water management is achievable, without causing flooding on-site or elsewhere.

Environmental Agency

- 8.9 No objection - We have noted within the submitted documents that Essex County Council, the Lead Local Flood Authority, have been consulted and provided a comprehensive response to the reserved matters application. We have reviewed the information submitted and support the comments made by Essex County Council in their letter dated 18 November 2014.

ECC Ecology Advice

- 8.10 No objection – Subject to appropriate planning conditions requiring an Environmental and Biodiversity Management Plan submitted and approved by the Local Authority before any works commence on site. In addition it is also requested that an appropriate lighting scheme be produced.

Essex Bat Group

8.11 No comments received

ECC Police Architectural Liaison Officer

8.12 No comments received.

Natural England

8.13 No objection - Appropriate Biodiversity mitigation measures and the standard advice of Natural England should be relied upon when assessing the application.

Essex Wildlife Trust

8.14 No comments received.

UDC Internal Housing

8.15 No objection - The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 155 (net) units. This amounts to 62 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers. I confirm that the following mix is acceptable and meets all the Council's policy requirements.

UDC Landscaping

8.16 The illustrative landscaping scheme submitted with the application shows the provision of shrub planting to some of the plot frontages. However, this alone is not considered in itself sufficient and thereby a fully detailed landscape plan is required.

UDC Access & Equalities

8.17 Concerns raised:- I note the CHP comments about properties over garages, however, they do not meet the requirements of the SPD on Accessible Homes and Playspace. As a result none of the dwelling types identified as Argyll meet the standard as set out in the SPD. In addition those drawings identified as Studio Garage A and B will not meet the SPD either.

8.18 The plots to be designed to the SH48A standard, as an example, please advise of the glazing height in the living room, the requirement is again set out in the SPD and there is insufficient information for me to be able to determine this.

8.19 I note that Wellow A has been designed as a Wheelchair Accessible Bungalow, please advise how the 8 units (5% of the units to be constructed are to meet the Wheelchair Accessible Standard) are to be identified throughout the site. I note that there are other bungalows in the design. This is also important with regard to access to garages and car ports. I have looked at the documents on the screen and revised Design and Access Statement without any further information being contained within.

8.20 Plot levels and topography will also be important to ensure level access to the principal entrance. If this is to be a problem, we need to identify now how this will be remedied.

8.21 The access route to the play area and access within will need to be inclusive for wheelchair users.

ECC Minerals & Waste

8.22 The Mineral and Waste Planning Authority's raise NO OBJECTION against this application.

Essex Ramblers Association

8.23 No comments received.

Fisher German Chartered Surveys

8.24 No objection - Our client, GPSS, do not have apparatus situated within the vicinity of your proposed works and as such do not have any further comments to make.

National Grid

8.25 No comments received.

NHS Property Services

8.26 No comments received.

9. REPRESENTATIONS

9.1 The application was publicised by sending 267 letters to adjoining occupiers, displaying 6 site notices and advertising it within the local newspaper. 10 letters of objection have been received at the time of writing this appraisal that raise the following concerns:

- The proposal would lead to an increase in the risk of flooding within and outside the site.
- As the Planning Inspector has declared that the District Plan is unsound, this development should be rejected.
- There is no mention in the planning application of Footpath 31 Elsenham.
- Plot 1 of the development is planned to be on the route of the public footpath (FP31 Elsenham).
- No mention has been made of applying for any diversion of this route.
- The normal consultation period for a footpath diversion will still apply and building may not start and the route must be left publicly accessible until an approved Public Path Order is in place.
- Plot 1 is to be built too close to the thriving woodland known as The Spinney. Residents will immediately complain about the nearness of this woodland and demand that the owners (Elsenham Parish Council) reduce the height of the trees. (as has happened by the residents of Leigh Drive on the other side of The Spinney).
- FP31 Elsenham disappears under the proposed roadway. A suitable Footpath diversion has not been proposed.
- The Open Space Land to the south & east of the site should be created as a public footpath, given to the Parish Council and money lodged for its upkeep in perpetuity.
- Similarly a dedicated footpath should be created to the north of the site along the existing hedge.
- Plots 2-9 will be built on polluted land, although the developer claims there is no pollution. Building along this access road just shows the greed of the developer.

- Plots 7/8/9/11/12/13 are far too close to the Ancient Seminal woodland of Alsa Wood. As Essex Place Services indicate this woodland is irreplaceable and should not be put under threat by a building site of this magnitude.
- The linear design of this estate does not follow Essex design guide standards. These are back to back slums in the making.
- There are insufficient bungalows for a development of this size. At least 10% would be more appropriate.
- Bungalows should be located at the edges of the site to allow older residents easier access to public transport routes.
- Blocks of apartments are inappropriate in a rural setting.
- Affordable housing should be pepper-potted throughout the site and not concentrated in specific roads.
- The apartment blocks should not be uniquely 'Affordable housing'.
- The design of the affordable housing should not be different from the open market housing.
- UDC are proposing 3 major road junctions within 100 yards along Stansted Road Elsenham.
- Elsenham is embedded within a rural road network, most travel will be on rural roads heading mainly west towards Stansted Mountfitchet through roads clearly unsuited for the purpose, or south through the Countryside Protection Zone via the longer route of Hall road to the airport and destinations along the A120.
- The high standards as promised by Crowned Estates in the original application have disappeared since the site was sold to David Wilson Homes. It would no longer respond to local sensitivities, respect the landscape and setting and the local environment.
- There is now no Care Home element and some dwellings are three stories high. High rise buildings are unacceptable in a small village.
- Provisions should be made for some retirement dwellings, which need to be single storey.
- Junction with Stansted Road, Elsenham Any new junction should be as far as possible from existing houses in Stansted Road.
- Boundary with Hill Croft, Stansted Road, Elsenham If The Gables is demolished, agreement is needed concerning the boundary.
- Dwelling No 2 The undertaking previously given should be respected.
- Public footpath 31 A strategy is needed to keep the footpath open.
- Highways A new transport assessment is needed.
- Traffic calming Details should be agreed with the local community.
- Three-storey blocks These must be avoided.
- LAPs and LEAPs The LEAP and LAP should not be on opposite sides of the main access road.
- Biodiversity Questionnaire Some of the answers are unreliable.
- Other developments A plan is needed for all the housing developments in Elsenham.
- Road surface There will be no change to the existing road surface in Stansted Road.
- Chimneys There is no place for false chimneys in Elsenham.
- The development will cause traffic congestion.
- Greenfield sites such as the one in this application should not be the target of new housing development when so many brownfield sites exist in this region.
- The proposal would result in a loss of agricultural land, loss of wildlife habitat and a more congestion and increase strain on local services.
- Alsa Woods will suffer.

- It would appear from the plans that they plan both drainage and road development on my land.

9.2 The above concerns raised within the letters of objection will be address within the appraisal section of this report.

10. APPRAISAL

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

- A Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)
- B Dwelling mix and Affordable Housing provisions (NPPF, Local Polies H9 & H10)
- C Access to the site and highway issues (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)
- D Landscaping and open space (NPPF, Local policy GEN2)
- E Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 and ENV7 and ENV8)
- F Drainage (ULP Policies GEN3 and GEN6)
- G Whether the proposal would cause harm to the amenities of adjoining property occupiers (NPPF and ULP Policies GEN2 & GEN4).

A Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)

10.2 The guidance set out in Paragraph 58 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.

10.3 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.

10.4 The guidance contained within the Essex Design Guide has been considered in the overall design of the development. The design of the buildings reflects the local vernacular of the surrounding built form, particular the recently constructed dwellings to the north of the site.

10.5 The mixture of individual housing types, the addition of different ridge heights and the use of different materials would all contribute to a development that would break up any repetitiveness and avoid any strict symmetry that would be visually unpleasant within the street scene. The scale of the dwellings has been proposed with regard to the character of the surrounding locality which predominantly contains two story dwellings but combined, detached, semi-detached and terrace units with linked and detached garages. The dwellings are normally made up of rectangular plan forms with some front and rear projecting features. The buildings contain pitch roofs spanning the narrow plan dimensions of the dwellings with most containing gable roof forms. They would be well proportioned and articulated to reflect the patterns of characteristics of surrounding built form.

- 10.6 It is noted concerns were raised by Elsenham Parish Council with regard to the height of the two and half storey apartment buildings within the development. Of a particular concern, it was regarded that the excessive height of these buildings will significantly conflict with the aesthetic appearance of the overall development and the wider landscape setting.
- 10.7 The applicant has provided street scene elevations of the proposed development which include a visual representation of the overall height of the 2.5 storey buildings compared to the two storey dwellings.
- 10.8 It is noted that the proposed 2.5 storey building are higher than the 2 storey dwellings. However it is considered that the difference in height between the two building forms is such that there would not be highly noticeable. The 2.5 storey buildings would not be dominant or visually intrusive that would lead to an unacceptable overbearing impact within the development itself or on the wider landscape setting.
- 10.9 In terms of the general layout, the development is largely in accordance with the general layout of the master plan that was granted outline consent under planning application UTT/0142/12/OP. The frontage of the buildings largely follows other development in the vicinity with the new buildings along the internal highways being sited at the back edge of the public footways allowing for car parking to be sited between houses, beneath upper storey structures or within garages and parking courts to the rear. As such, the visual impact of on-site parked cars is reduced and also allows as much private rear gardens as possible to the rear of the dwellings. In addition, the siting of the dwellings within the development have been arranged to follow the general curve of the highways within the site which allows for a more harmonious street scene appearance.
- 10.10 Although the majority of residential units would have on plot parking, it is however noted that there are a number of parking courts proposed within the development. The Parking Standards Design and Good Practice September 2009 sets out within the Design and Layout section examples of good design which enable parking provision to be successfully integrated into residential developments. Parking courts are not generally considered to be appropriate for the rural nature of Uttlesford and "on plot" parking should be the normal approach.
- 10.11 The parking courts within the proposed development are well enclosed by buildings or walls to reduce their intrusiveness, but at the same time they are overlooked in order to reduce car related crime or anti-social behaviour. In reference to the communal parking courts for apartment blocks B and C, although not enclosed on balance they are considered to be appropriate given the incorporation of tree and shrub planting to soften the effect and reduce the apparent size of them.
- 10.12 It is considered that the design and layout of the parking courts proposed are on balance appropriate in that they have been designed to ensure that car parking does not dominate the character and appearance of development.
- 10.13 Policy GEN2 requires that developments are designed appropriately and that they provide provides an environment which meets the reasonable needs of all potential uses and minimises the environmental impact on neighbouring properties by appropriate mitigating measures. The NPPF also requires that planning should seek to secure high quality design and a good standard of amenity for all existing and further occupants of land and buildings.

10.14 For a two bedroom dwelling unit, the provision of 50sqm of amenity area and 100sqm for a three bedroom or more dwelling unit has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. For two or more bedroom flats communal gardens must be provided on a basis of a minimum area of 25sqm per flat. It is recognised that residents of one-bedroom flats may be happy to forego any amenity space although any similar provision would be welcomed. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide an outdoor sitting area and should be located to the rear rather than the side. Each dwelling and residential unit has been provided with the minimum amount of private and communal amenity areas. In addition the amenity areas are to the rear of the dwellings, provide outdoor sitting areas and are not significantly overlooked.

10.15 It is considered that the measures incorporated into the design of the proposed development will protect the amenities of the existing residents and that they will not have a materially adverse effect on their reasonable occupation and enjoyment of their dwellings.

10.16 Furthermore, it should be noted that all the open market housing and affordable dwellings on the site are to be designed and built to achieve BRE Code for Sustainable Homes Code Level 3.

10.17 In accordance with local policy GEN2, the Council will require developers to provide new homes, which are designed to lifetime homes standards. These standards will apply to all new housing, including blocks of flats, for both social housing and private sector housing. In addition developments of 20 units and over at least 5% should be built to wheelchair accessible standards. It is noted that Council's access and equalities officer had some concerns regarding the proposed development however it is considered that these concerns can be overcome by way of planning conditions.

10.18 The development has also taken into account the general principles regarding 'Secure by Design' in terms of its layout. Public spaces, such as parking areas, streets, lanes and cycle areas have been designed to be overlooked to provide natural security to the public realm.

10.19 The size, scale and siting of the proposal is appropriate in that the development as a whole would not result in material harm to the character and appearance of the surrounding locality and the street scene. It is considered that the design of the scheme is consistent with the parameters set by the outline application and responds to the characteristics of the site and its wider context. It would integrate well with the surrounding built form and the natural environment whilst at the same time create and provide a sense of well-being for future occupiers.

B Dwelling mix and Affordable Housing provisions (NPPF, Local Policies H9 & H10)

10.20 In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out the Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Paragraph 50 of the Framework requires that developments deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

- 10.21 The S106 agreement attached to the outline planning permission specifies the number and type of affordable housing to be provided. It also states that the affordable housing shall be positioned on land in at least 3 separate groups and each group will not comprise more than 18 Affordable Housing units. In addition, it also stipulates that 40% of the development should be Affordable in which the Tenure mix should be 70% Affordable Rented and 30% Shared Ownership Units. The proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance.
- 10.22 ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's stance is that this should equate to approximately 50% of the dwellings
- 10.23 This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy HO2. 97 of the 155 dwellings proposed comprise of 3 bedrooms or more which equates to approximately 62%. Although the percentage of dwellings consisting of three bedrooms or more is a little high, and it would a better mix to provide more 1 and 2 bedroom dwelling units, on balance it is considered that the mix of one, two, three, four and five bedroom dwellings across the development is appropriate.
- 10.24 The provision of 8 bungalows has been incorporated into the scheme (6 private & 2 affordable). This amounts to 5% of the total dwelling units being one or two bedroom elderly person bungalow across the tenure. This is considered to be an appropriate number.

C Access to the site and highway issues (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)

- 10.25 The application includes the details of the proposed access to the site for approval at this stage. The primary vehicle access route into the site is from Stansted Road with a further pedestrian/cycle access point in the north eastern corner of the site leading into Orchard Crescent.
- 10.26 Issues related to congestion and the overloading of the road infrastructure serving Elsenham has been considered by Essex County Council Highways and no objections have been raised subject to conditions. It is considered that proposed vehicle access onto the main road network is capable of carrying the traffic generated by the development in a safe and efficient manner.
- 10.27 The existing public footpath (No. 31) that runs into a north south direction provides public access from Stansted Road towards Alsa Wood would be affected by the proposal. The footpath would be changed from rural footpath to an urban one and would need to be diverted around built form within the development. If planning consent is granted, the applicant should apply to the Essex County Council to divert the Public Right of Way around the built development. Internal pavements within the development are appropriately designed to meet the relevant safety requirements.
- 10.28 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards.

10.29 The Adopted Council parking standards recommends that a minimum of one vehicle space is provided for a one bedroom unit, two spaces for a two or three bedroom dwelling, and three spaces for a four bedroom dwelling house along with additional visitor parking spaces. In addition each dwelling should also be provided with at least 1 secure cycle covered space.

10.30 The proposal makes provisions for at least 1 car parking space for each one bedroom unit and at least 2 car parking spaces for dwellings consisting of two bedrooms or more. A total of 264 off street parking spaces have been provided. These would be accommodated within a range of options including car ports, garages and on and off street parking. There is also the allowance for 34 additional visitor parking spaces. In addition secure cycling has been provided for each residential unit within the site.

10.31 It is concluded that the proposed development would cause no harm to matters of highway safety.

D Landscaping and open space

10.32 An illustrative landscaping scheme was submitted with the application that showed the provision of shrub and tree planting to some of the plot frontages. However, this alone was not considered in itself sufficient by Councils landscape officer to recommend that the reserve matters for landscaping to be approved due to the lack of detail it showed.

10.33 Officers have therefore requested that a detailed landscaping scheme be submitted prior to the committee meeting which specifically highlights such elements like the proposals planting plans, including specifications of species, size, planting centres, number and percentage mix for the site as a whole.

10.34 The landscape plan would be included as a supplementary representation at the committee meeting with all issues concerning including the landscape officers comments to be presented in front of members.

10.35 There will be two areas of Local Play (LAP) and one Local Equipped Area of Play (LEAP) provided within the development. The first LAP is positioned outside plots 21 and 22; the second is located adjacent to plots 54 and 55. The LEAP is situated south of apartment block (plots 150 to 155).

10.36 The size and location of the proposed LAP's and LEAP are generally in accordance with the Master plan granted consent under the outline application. It is considered that the space provided would be of a useful size and in a safe location that are overlooked to allow for informal play activities and is assessable for everyone concerned. The provision of the play areas would be in accordance with Part 4 (play areas) of the S106 agreement that formed part of the outline consent.

10.37 There is no principle open space within the main body of the proposed development. The open space provision is shown to be provided at the eastern and southern edges of the north part of the development. This is an acceptable solution in order to accommodate drainage swales for the development. However, the consequence is that there is very limited open space provision within the main body of the development. This reinforces the case for a strong unifying soft landscaping element such as hedging to the frontages as recommended. Such a provision would impart a more appropriate character to the development in keeping with this location.

E Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 and ENV7 and ENV8)

- 10.38 The application site itself is not the subject of any statutory nature conservation designation being largely fields with some built development within the south western corner. However the woodland adjoining the site known as Alsa Wood has long been a historic feature of the village and is an ancient woodland and Local Wildlife Site and site.
- 10.39 The applicants have carried out an Extended Phase 1 Habitat Survey which, together with their data search, has identified the potential presence of various protected species.
- 10.40 The application was consulted to ECC ecology officer who stated that it is noted that the majority of the woodland lies 40 metres from the development, and that the small section of woodland (90m worth) that abuts the development lies beyond a 10 metre buffer. It is also noted that the easternmost part of the woodland has been planted more recently and does not qualify as ancient woodland.
- 10.41 The closest residential property lies 22m from the ancient woodland boundary and houses will be sited so that they face the woodland. This will remove any risk of litter being dumped over garden boundaries and accords with the Natural England / Forestry Commission Guidance on Ancient Woodlands.
- 10.42 In addition it is noted that a grass buffer is proposed between the road and the woodland and that traffic along this stretch of road will be light, serving only 4 properties. A lighting strategy should be conditioned, in line with the recommendations in the report to minimise impacts on bats using the woodland edge.
- 10.43 A landscape strategy should also be conditioned; with a particular focus on defensive planting along the woodland boundary.
- 10.44 It should be reminded that it was agreed under the outline application that a formal management plan for the future preservation and maintenance of Alsa Wood is to be submitted and agreed prior to the occupation of the 75th open market unit. If planning consent is granted, David Wilson Homes have agreed to work with the local Parish Council in finalising such a management plan.
- 10.45 It is concluded that the with appropriate mitigation measure by way of planning conditions, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area and in particular Alsa Wood. The proposal is in accordance with local policy GEN7 and the NPPF.

F Drainage (ULP Policies GEN3 and GEN6)

- 10.46 It is noted that concerns have been raised by both the Elsenham Parish Council and local residents in relation to on and off site drainage. In addition, Essex County Council sustainable drainage officer initially had concerns with the information submitted within the Flood Risk Assessment and Drainage Strategy. In particular, it was suggested that the proposal included an inappropriate surface and foul water drainage strategy that would result in pressure on the capacity of existing infrastructure which may lead to surface water flooding within and outside the site.
- 10.47 Subsequently the applicant revised both the FRA and the Drainage Strategy in order to overcome the concerns raised by the above parties.

10.48 The amended FRA and Drainage Strategy were re-consulted to Essex County Council in which the drainage officer stated:

10.49 Further to the additional information submitted by MLM Consulting on the 12 January 2015, in response to our consultation response on the 18 November 2014, to the Flood Risk Assessment associated with this application and the additional drainage strategy, it is now considered that a suitable drainage scheme has been submitted which demonstrates surface water management is achievable, without causing flooding on-site or elsewhere.

10.50 Following my initial response to the above consultation I have spoken with a representative of the parish council as well as a representative from the Essex Highways team and the consultant representing the developer.

10.51 The issues surrounding the existing flood risk have been explained. From my conversations I understand that flooding is mainly caused by a lack of maintenance to the receiving watercourse due to a section of this watercourse running through unregistered land.

10.52 We believe that it would be unreasonable to expect the developer to resolve these issues as they have not arisen because of the proposed development. Furthermore the watercourse already receives runoff from the proposed development at unrestricted greenfield rates. The drainage strategy proposes to limit these rates, therefore significantly reducing the water entering into the watercourse for event up to the 1 in 100yr event (+30% Climate change), which will reduce the risk of flooding in this area.

10.53 An updated drainage strategy was submitted to the LLFA on the 19th January. I am happy that the updated design addresses any water quality concerns we had.

10.54 The application was consulted to Thames Water in which they concluded that with regard to sewerage infrastructure capacity, we would not have any objection to the planning application. In addition the surface water strategy is noted and is acceptable.

10.55 To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development, a planning condition is considered necessary that the proposal is to be constructed in accordance with the details within the FRA and drainage strategy.

G Whether the proposal would cause harm to the amenities of adjoining property occupiers.

10.56 Due consideration has been given in relation to the potential harm cause to the amenities enjoyed by adjoining property occupiers.

10.57 The site is generally divorced from surrounding residential development as most of the proposed residential units situated close to the site boundaries would enjoy the open aspects of either backing onto wood lands or playing fields.

10.58 However some residential units would either back onto or front existing residential properties within the Orchards and Ridley Gardens along the northern and eastern boundaries of the site. In addition, one of the proposed bungalows would back on to the garden area of the property known as 'Hillcroft' that fronts onto Stansted Road.

10.59 The Illustrative Master plan shows a degree of separation between the proposed area of housing and the dwellings to the north and east of the site and the property of 'Hillcroft' that would ensure that the amenities of these properties will be largely protected. The distance would conform to the relevant setbacks within the Essex Design Guide and as such the proposal would not result in a significant degree of overlooking or overshadowing and would neither be visually intrusive or overbearing when viewed from adjoining properties.

10.60 In relation potential impacts at the construction stage, particular in relation to air quality, noise and vibration, it is considered that these could be addressed by appropriate conditions and also by a Construction Management Plan.

10.61 It is concluded that the development would not result in excessive harm to the amenities enjoyed by adjoining property occupiers and that the proposal would comply with local policies GEN2 and GEN4.

11. CONCLUSION

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

- A The layout, size and scale of the proposal is considered on balance to be appropriate to reflect the character and appearance of the characteristics of the site and its wider context. It would integrate well with the surrounding built form and the natural environment whilst at the same time create provide a sense of well-being for future occupiers.
- B The proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance and on balance it is considered that the mix of one, two, three, four and five bedroom dwellings across the development is appropriate.
- C It is concluded that the proposed development would cause no harm to matters of highway safety. In addition, appropriate parking provisions have been incorporated into the scheme that will meet the needs of future occupiers and visitors.
- D The proposed landscaping of open spaces including street frontages is considered to be appropriate. The two areas of Local Play (LAP) and one Local Equipped Area of Play (LEAP) provided within the development are appropriate and are in accordance with the S106 Agreement.
- E It is concluded that the with appropriate mitigation measure by way of planning conditions, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area and in particular Alsa Wood.
- F An appropriate surface and foul water drainage strategy and FRA have been submitted that provides details on the mitigation measures to be undertaken to reduce potential surface water flooding within and outside the site.
- G The proposal would not lead to excessive harm upon the amenities of adjoining property occupiers surrounding the site.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan No. BH056-PL-05 Rev I and as shown on the schedule of materials 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).

2. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policies GEN1 and GEN8 of the Local Plan.

3. Prior to occupation of any dwelling, the provision of a priority junction formed at right angles to Stansted Road, Elsenham exactly as shown on MLM Drawing No. 665145/110 Rev P3 dated August 2014.

REASON: In the interests of highway safety and providing 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 in accordance with policy GEN1 of the Local Plan.

4. Prior to occupation of any dwelling, the provision of a scheme of traffic management to include a gateway feature at the commencement of the 30 mph speed limit along Stansted Road to encourage lower speeds of traffic passing the site and an extension of the street lighting on Stansted Road westwards to incorporate the proposed priority junction. Details to be submitted to and approved in writing with the Local Planning Authority and implemented.

REASON: In the interests of highway safety in accordance with policy GEN1 of the Local Plan.

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

contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

REASON: 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 hereby permitted shall be completed in accordance with the approved details within the Flood Risk Assessment and the mark up drainage strategy plan No. 665145/SK/19012015 unless otherwise agreed in writing by the Local Planning Authority.

REASON To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development in accordance with policy GEN3 of the Local Plan.

7. The development hereby permitted shall be implemented in accordance with the Phase 1 Habitat Survey undertaken by J.B Consultancy Service Ltd (January 2015) submitted with the application in all respects and any variation there to 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 of the Uttlesford Local Plan (adopted 2005).

- 8 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 of the Uttlesford Local Plan (adopted 2005).

- 9 No development shall take place until a Lighting Plan is submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved plans.

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

- 10 Prior to commencement of the development, a drawing demonstrating compliance with 'Lifetime Homes' standards shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved drawing.

REASON: To ensure that the dwelling is accessible for all, in accordance with the 'Accessible Homes and Playspace' Supplementary Planning Document and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).


Appendix B. – Housing Tenure.

SCHEDULE OF PLOTS AND GARDEN SIZES LAND NORTH OF STANSTED ROAD, ELSENHAM

Revised 19-02-
2015

Plot	No of beds	Garden Size sq.m	Parking Spaces
1	4	191	4
2	2	103	2
3	2	83	2
4	2	77	2
5	2	66	2
6	2	59	2
7	2	81	2
8	5	163	4
9	3	119	2
10	5	286	4
11	5	128	4
12	4	114	3
13	4	154	3
14	4	107	3
15	4	112	3
16	5	149	6
17	5	151	6
18	4	100	3
19	5	148	4
20	3	100	2
21	3	100	2
22	3	101	2
23	4	100	3
24	3	119	3
25	4	139	3
26	4	122	3
27	5	156	4
28	4	125	3
29	5	133	4
30	5	122	4
31	5	212	4
32	5	210	5
33	4	161	3
34	4	101	3
35	5	180	4
36	4	137	3


Bungalows


Apartments


FOGS

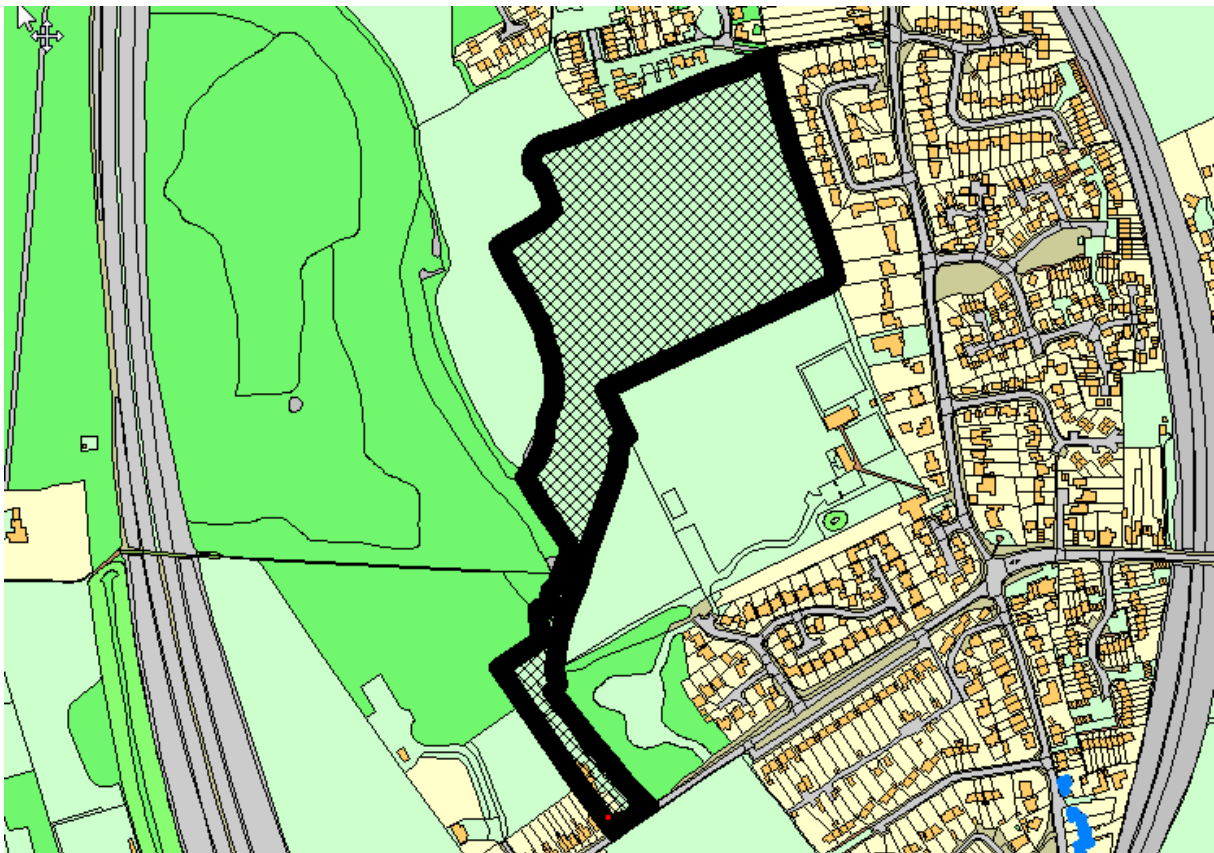
37	4	144	2
38	5	210	6
39	4	113	3
40	4	114	3
41	4	130	3
42	2	communal amenity area for unit 33.3	2
43	2	communal amenity area for unit 33.3	2
44	1	communal amenity area for unit 33.3	2
45	1	communal amenity area for unit 33.3	1
46	1	communal amenity area for unit 33.3	1
47	2	communal amenity area for unit 33.3	1
48	3	100	2
49	3	100	2
50	3	100	2
51	3	100	2
52	3	107	2
53	1	communal amenity area for unit 26.6	1
54	1	communal amenity area for unit 26.6	1
55	1	communal amenity area for unit 26.6	1
56	1	communal amenity area for unit 26.6	1
57	1	communal amenity area for unit 26.6	1
58	1	communal amenity area for unit 26.6	1
59	1	communal amenity area for unit 26.6	2
60	2	communal amenity area for unit 26.6	2
61	2	communal amenity area for unit 26.6	2
62	2	50	2
63	4	101	3
64	3	100	3
65	4	100	2
66	3	103	2
67	4	110	3
68	4	100	3
69	4	100	3

70	4	120	3
71	4	120	3
72	4	107	4
73	5	127	4
74	5	120	4
75	3	100	2
76	3	102	2
77	2	59	2
78	2	Private 5sqm Balcony	2
79	2	50	2
80	2	53	2
81	2	Private 5sqm Balcony	2
82	2	62	2
83	2	100	2
84	3	101	2
85	3	100	2
86	3	100	2
87	3	100	2
88	3	100	2
89	3	100	2
90	3	100	2
91	2	50	2
92	2	Private 5sqm Balcony	2
93	2	50	2
94	2	50	2
95	3	100	2
96	3	100	3
97	4	113	3
98	3	106	2
99	2	51	2
100	2	Private 5sqm Balcony	2
101	2	50	2
102	2	50	2
103	3	100	3
104	2	Private 5sqm Balcony	2
105	2	50	2
106	2	63	2
107	2	56	2
108	2	50	2
109	3	100	2
110	3	101	2
111	3	100	2
112	2	64	2
113	3	100	2
114	2	Private 5sqm Balcony	2
115	3	102	2

116	3	106	2
117	2	57	2
118	3	117	2
119	3	100	2
120	3	100	2
121	3	100	2
122	4	113	3
123	3	105	2
124	3	117	2
125	3	124	2
126	3	105	2
127	4	100	2
128	2	64	2
129	2	50	2
130	2	51	2
131	3	100	2
132	3	100	2
133	3	100	2
134	2	55	2
135	3	100	2
136	3	100	2
137	3	100	2
138	2	109	2
139	4	121	3
140	4	101	3
141	4	100	3
142	4	116	3
143	4	100	3
144	4	100	3
145	3	100	3
146	3	100	2
147	3	109	2
148	2	32	2
149	2	32	2
150	1	communal amenity area for unit 25	2
151	1	communal amenity area for unit 25	1
152	1	communal amenity area for unit 25	1
153	1	communal amenity area for unit 25	1
154	1	communal amenity area for unit 25	1
155	1	communal amenity area for unit 25	1

Application no.: UTT/14/3279/DFO

Address: Land North Of Stansted Road, Elsenham



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Organisation: Uttlesford District Council

Department: Planning

Date: 29 January 2015

SLA Number: 100018688

Transcript of Planning Committee meeting on 11 March 2015

CLlr C Before I open this up to members can I just ask a question with regard to the access, is there any wriggle room on that as we heard from the first speaker whether it's moved slightly away from the residents that are there now.

LT I could only imagine at most maybe a foot or two without actually going out there and measuring to see how much room there for it be moved further away from the adjoining neighbours, because you've obviously got a drive in front the proposed dwelling. I wouldn't have perceived too much without measuring.

CLlr C Can I ask then ask our legal officer if we wanted to put in a condition that the entrance is to be discussed between the Highway's committee and I'll use the expression again wriggle room to move slightly over maybe can we do that?

CO I would like to hear what the planners have to say about that as conditions have to be necessary to bring forward the plan

CLlr C Yeah cos it might be necessary to to ?? the plan

NB I think what's been said there is absolutely correct. I think in terms of what's been proposed in terms of the access it's got to be necessary, but in terms of the term wriggle room, we are only talking at most a couple of feet which is to be honest with you is a tolerance that we would normally deal with in terms of the actual scheme itself anyway. So if we ended up with the scheme being approved as it was with the access in that particular location and then once you got on the site there was a situation whereby it could be moved slightly away on site, and we heard from David Wilson homes, that is a couple of three feet away that is literally all we're talking to be honest.

JC A metre is quite a lot

LT Yeah I know it is but that is all that we're talking, I think that type of wriggle room could be tolerated within the scheme because as well don't forget the County Council need to be involved in the section 38 temporary adoption issues

JC I'm asking the question

LT Yeah so I don't think a condition is necessary to be honest I think the type of adjustment could be made at that level to be honest

CLlr C Councillor Menell

CLlr Me Thank you chairman, if you haven't got wriggle room there is not a lot of point in us being here and I'm very concerned about Dr Mott's letter. He's written in great detail and on the yellow pages, fourth paragraph from the bottom he points out as we seem to have always recognise that ECC do table top exercises without actually looking at the area properly and I think he's put forward some very valid points. I don't think Essex County Council have been at all helpful here, so I actually would like to suggest that we defer this application to a new access which he has suggested is looked at thoroughly

CLlr C Can we defer a deferral because I think that there is a certain amount of things we can defer

NB I think we need to get make a decision on this particular application to be quite honest, I think in terms of the precise access that Dr Mott requires he is quite reasonable in some of the things he's said there in terms that we could we maximise the distance away from the property, but we also need to be mindful of the developer situation in terms of what's in front of us. The county council cannot insist that the access be moved further away and from what is actually proposed I'd also question whether or not it's done at a desk top level. The transport stuff that's presented is by professionals acting for the agent and it is tested, and the officer dealing with those particular submissions is aware of the site and would have visited the site and so they would be aware of what's going on. The issue is Highways could not insist on the access being moved, so literally deferring it to try and find the appropriate part of the site, I think that can be sorted out if the application were approved. As once you get to Section 38 it's quite often the access is moved slightly because of various adoption issues. The developers are here and in terms of relationship issues there could be a possibility, I'm not saying there is definitely a possibility, but I don't think it needs to be deferred to sort this out, we really need to get a grasp and make a decision rather than deferring.

Cllr Ea (faint recording) wish to make comments on the application

Cllr Ch I think it I think it would be a good idea to continue the debate do you agree Councillor Menell

Cllr Me I'm happy for you to continue the debate, I don't think the answer I got of course was satisfactory to me. I do think Dr Mott's other suggestion hasn't been looked at by Highways.

Cllr Ch I think what the officer is saying Councillor Menell is that the highways look at what is put in front of them. They have an application and they have to decide whether this is acceptable or not. They are not in a position to come back and say I don't like this go away, well they can say I don't like this, but they don't say go away and put it there. Am I correct that is not in their remit, they have to comment on planning applications just as we have to comment on planning applications which are in front of us?

Cllr Me That is exactly what I have done Chairman.

Cllr Ch Councillor Eastham

Cllr Ea Thank you madam Chairman, I concur with Cllr Menell. Dr Mott has got some very valid points and I think he ought to be listened to seriously. It's almost as though wriggle room what you're talking about is not just a foot, to my mind its a house width which could quite easily be done. The house on the right of the entrance there could be moved left of the entrance itself, so the problem could be resolved, no destruction would have to take place. I agree the county council has no say in this, but the developers are here and David Wilson Homes do listen I'm pretty sure about and the aggravation could be alleviated if they take note of Dr Mott's comments. I'd like clarification on the number of plots for bungalows please, David Wilson Homes they say that the proposal could include eight bungalows and we had a document, which I've missed two off, so six plus 2 ok

Cllr Ch Have you answered your own question Councillor Eastham

Cllr Ea I have answered my own question but I would like serious consideration to be given to the access

Cllr Ch OK fine

Cllr Ea It can be solved and it can be done with cooperation

Cllr Ch Thank you can I just go through the other people that have indicated that they'd like to speak Cllr Ranger

Cllr R Thank you yes, I've got a couple concerns, points to raise and some questions that I wasn't able to raise last time because we deferred. I'd like clarification on the date when the NHS request for financial contributions started in relation to when we granted the consent. Have the applicants had sight of the conditions, certainly that happened last time so did we get any feedback about their ability to be able to satisfy the lifetime homes issues. On the website for the drawings that have been submitted there is only one plan for highways alignment probably 110. There should be drawing 111 that covers the vast majority of the roads and footpaths in the development, so we don't know what bits we are being asked to approve. There is no plan in our system for refuse collection vehicles particularly in that area which is the tightest part of the site. Should we be looking for 20mph speed limits within the sites and whether we've got any pressure to bear on that other than alerting the parish council and local members and there doesn't seem to be a trigger for a programme for completion of the affordable homes.

Cllr C Right would one of the officers like to answer those questions

NB I can't actually give you a date when the NHS start asking for contributions but all I can say is that after the approval of this particular site this application was considered in 2012 with the NHS only started coming back to us in 2013/14. We don't actually in terms of the resolutions in front of the committee mention the actual specific triggers, but there are specific triggers that you need to provide. You can't provide a certain amount of market dwellings until a certain amount of affordable housing is provided and that is true all the way through the development. It need to be reasonable that that the developer can provide some market dwellings but we need to make sure that the affordable housing scheme is provided early on in the scheme.

The issues over refuse and stuff, highway would have seen the layout but the specifics of in terms of if it actually works, the refuse collection vehicles relating to pathworks, that will be picked up by the county council under the section 38 document stage, so I think what you're basically doing is approving a scheme that can be brought forward and adopted and county are satisfied with what can be provided on this site. We haven't got any specifics for the footpath because they wouldn't have been done.

Cllr R I'd like to come back on that because there is one incident , there is a spur on the main road leading in where the highway reduces, no footpath and a property half meter strip marked up a narrower width of road. If that is replicated in the rest of the development then there could be issues there which we're being asked to approve, that's all I'm saying, that's the accusation I'm making, that if two drawings have been submitted by an applicant we should be able to view those drawings before our own conclusions before we're satisfied with the proposals before us

- Cllr C I mean I think what Cllr Ranger is saying is the drawing makes it very difficult to gauge.
- LT I haven't got the second drawing available at this stage, I realise there were 2 drawings. In terms of the lifetime homes query there were a couple of concerns in terms of size positioning of certain windows which were more than accommodated by amendments if need be by condition.
- Cllr Ch But on the points about the dust carts it's actually a very important point because if we're building an estate on this site we do need to know that the services can actually be able to service the area, and it does concern me that you are asking us to approve something. If we are minded to go down that road, and not have the information in front of us, we need a guarantee that the dust carts can get round otherwise we're going to have huge problems on estates of this size.
- LT I was gonna say in terms of getting around the site itself, it has to comply with the emergency exits
- Cllr R Yes we are aware of that but we have estates now where we have refuse vehicles that cannot get round, yet those estate were passed by county council as being suitable but on-street parking restricts the width and therefore the vehicles can't get round. There are plenty of examples of that and probably today when the refuse vehicles can't get through in some places. So you know when our phone rings, when there's a problem, all we're saying is give us a drawing and we can look at it and we can make our own judgement on whether we think that that layout is suitable in the circumstances.
- NB But with respect, I don't think it's for this committee to determine the niceties, there are very important issues with what you're saying but as Lesley's just said they need to pass the necessary building regs that are required under section 38. There's a team of people over at the county council who are paid to actually check that issue out so even if the drawing was available its not for us to determine whether that would work or not. The advice that you're getting is to determine it and in terms of the implementation it should comply with building regulations, that's what will need to happen and I don't think you cannot guarantee in terms of walking out the door today. I think what the indication is that they would comply but that it's not for us within this room to determine.
- Cllr Ch I hear what you're saying but one of the problems is that the buck always comes back to us and it's always the same, you gave permission why didn't you check this out ,so I think what we're saying is we would like that sort of information with us so we can be in a informed decision at the end of the day, and I think it is a very fair point that Councillor Ranger has brought up. If we've got that information we can say right, it's not going to be a problem there and continue, or there are mitigations put in so that you can do their job. I know we are only one department of the council but it would be lovely if we all worked together sometime
- Cllr Ma Chairman is it not true to say
- Cllr Ch I've got you down but there are other people who wish to speak
- Cllr Ea Just coming back on that particular point if I may, very briefly
- Cllr Ch Very briefly cos

CllrEa It is not true to say that this council, this committee is the final arbitrator in the final decision and that advice received from various quarters is taken into consideration, and if we don't get that advice we can't make a final decision.

Cllr Ch I think actually the appeal decisions is the final arbitrator or the courts but I hear what you're saying

LT The final decision maker in terms of the planning decision

CllrEa Yeah

NB There is a section 38 discussion that has to happen and there's a building control discussion that has to happen, built around guidelines in terms of what is put in front of us. But we are not approving the actual drain distances and stuff like that, which are critical issues that those kind of things in terms of the way it works. But if members are absolutely concerned about it and you know I'm not a fan of conditions an option is to put a specific condition to comply with layout but as you say that's not something I would always advocate it's a bit belt and braces but there is an option if members are that concerned

JC Right Ok fine Cllr Mackman

Cllr Ma Thank you chair, I was quite prepared to second Cllr Menell's offer of deferment and with the further questions that Cllr Ranger has raised, I think that the question of deferment definitely has to be considered.

Cllr Ch Right ok, right well you know the rules of the game because you have seconded, Councillor Menell you made a request, are you making that request again

Cllr Me Yes I am happy to do that and to add Cllr Ranger's concerns to mine

Cllr Ch Right then we have to go

Cllr R Chairman I am not seeking a deferment on my grounds

Cllr Ch Well we will have to go to a vote with regards to deferral because I have to cut the conversation and I have to go for a vote on deferral, yes you seconded, right all those in favour of deferral please show (one two) - those against please show -(one two three four five six seven) - right members I think we'll need to get down to the nitty and gritty and we need to make a decision on this Councillor Perry you are next.

Cllr Pe Thank you madam chairman. I have serious concerns for this especially the design, this committee has always stood for no parking courts because it creates ghettos, because people park in the roads and nothing can get through as has already been said. I also have concerns the access and equalities officer has raised and have these been addressed, and the access is crazy

Cllr Ch Sorry was that just a statement or what

Cllr Pe No I asked a question on the concerns raised on (lifetime homes? Recording not clear) have been addressed and been resolved

Cllr Ch Ok

NB The lifetime homes condition, I think Lindsey mentioned this earlier in terms of dealing with development. I'm not demeaning it's an absolutely critical part and is quite clearly written, but quite often to accommodate lifetime homes, it is issues such as the internal design of housing provision, situations where windows would be, where access would be, all that can seriously be considered within the layout. There is no issues regarding layout, hence why we've actually gone as far as condition 12 - a drawing demonstrating how lifetime homes should be provided and obviously that provides the necessary guidance which the council's Equality and Access officer is consulted on to make sure she is wholly satisfied. So I think you know, what's in front of you today probably doesn't go down to that much detail but it is an important issue.

JC Cllr Mackman

Cllr Ma Thank you, I think this is a very disappointing application. I'm very unhappy about the fact that officers went through grid and of the 155 houses, 63 had the bare minimum amenity space. There's a couple of houses that don't have sufficient parking places and then there's the four flats that just got dumped. The design of this is estate, for want of a better word, it's just poor. If Cllr Godwin were here she'd be saying why parking courts, I thought the idea was to set ourselves against these.

Cllr H Those grounds have been addressed by the developers and in my view they seemed to have made a fairly good fist at addressing those concerns which were expressed at the first meeting and in my view the application now is in a satisfactory state for progression and I propose that this development be approved

Cllr Ch Alright do I have seconder please for that for approval? Ok, I'll second it just to get it on the table. Can I ask if we are minded to go down this route that one of the conditions is to check that the roads are adequate for the- I think we called it the section 38.

NB So what we can do, sorry what we can do is a similar condition to condition 12 but only regarding access for refuse collectors etc - to provide a drawing to demonstrate compliance.

Cllr Ch And I will go back to when I started, how can I put my wriggle room into a condition because I think that is actually a very important part of this, to get the access right.

Cllr P Referring to conditions - they only do up to 10

Cllr Ch Page 12 - development lifetime houses - are you looking at the right one - sorry Doug, page 12 found it?

NB I'll just clarify, the matter was deferred for additional information provided by the applicant. As far as the Chairman's wriggle room issue, I think it is a matter of detail in the proposals to be honest but in terms of the drastic changes in the access to which Councillor Eastham was alluding to earlier, well I think it's more fundamental, it's more than just moving it a bit, it's moving it across. I'm not demeaning what it is, moving over a house is not in front of you in terms of what you want, because you know, it is an appropriate access supported by the highway authority who would have visited the site and would have assessed what is in front of them as well. So it's a difference of what you call wriggle room of moving things two or

three meters or two or three feet and that's normally what usually happens when development work starts happening on the site.

Cllr Ea Chairman nothing has been built yet, the thing's still in the design stage it's a question of putting another line on its that's all

Cllr Ch What I'm asking, if we can actually have a condition to say that the actual position of the access to be discussed with the developer and ourselves is that allowed because.

NB It is allowed.

Cllr Ch My wriggle room may be bigger than your wriggle room.

NB Just that members need to be mindful about what could come out of that in terms of

Cllr Ch Yeah well, we can request that that it comes back to us as a committee so that we can make a decision on it

NB Well

Cllr Ch I think we can

NB Well you can but it's your decision, but I think members need to be mindful that if you put that type of condition on that can have consequences in terms of ????? so members just need to be aware of what they are doing. So we have an access in front of you that is acceptable, it is not a simple as Cllr Eastham saying shifting an access across but it is

Cllr Ea Well sorry Nigel it's not acceptable to me, it's not acceptable to other people, it's not acceptable

NB The answer to the chairman's question in terms of wriggle room, is terms of moving things a few feet could be accommodated in the normal state of affairs. To put a condition on to actually say the access needs to be submitted, then well that's up to members whether they want to put that in, so you can put that in.

Cllr Ch As a seconder, I would ask Cllr Hicks if he would agree to that that we have discussions with regard to the exact position of the access

Cllr H Chairman I have no objection to that it seems very sensible way forward

Cllr Ch Would you mind repeating which is the wording I used last don't worry

NB You can start off by saying ,not withstanding, because again what you're basically doing is not approving that form of access, that's the first issue, and so therefore you need to consider whether or not the standing means of access (?? not clear on recording)
If members are mindful to do this they should mention the words - not withstanding

Cllr H Chairman could the word reconsidered be used in relation to the access

- Cllr C Notwithstanding - what Mr Brown is trying to say is we're not looking at having it over the other side of Elsenham. We're looking at this location but actually whether it is there, there or there is for discussion ok is that alright ok Councillor Menell you wanted ?
- Cllr M your assurance that that this will come back to us
- NB I think what would happened is that the first permission (not clear)
- Cllr Ch Not by email
- NB I'm not encouraging members to call in a discharged permitted application
- Cllr Ch No
- NB But its a fundamental part of the decision making process here, so I think that members you've got the right to call it in, in the normal process.
- Cllr Ch I think that what I'm asking for, that once the discussions have taken place that all the members of the committee are informed of the change
- NB No I don't think you can say that, I think what we're going to be saying that if the other condition (??? not clear) is submitted it would need to be considered in the normal way as any other submission at the time, so we wouldn't necessarily be telling members about it- I would anticipate the parish council raising it with the local member.
- Cllr Ch **Alright as long as we get noted, ok I think we've got to the stage where we've got an approval on the table subject to one extra condition 12 and one extra condition 13 and 14 so do you understand what you're voting on - all those in favour please show (one two three four five) those against (one two three four five six) right that is failed - therefore I have to have a recommendation with good reasons for refusal Councillor Mackman**
- Cllr Ma I'm hoping that colleagues will assist me on this one - can we use garden size I believe we've used that previously
- Cllr Ch You can't use garden sizes because they all conform except for two - oh ok none
- NB None they all comply and I must add that what Cllr Mackman said about they all achieved the minimum, there is one hundred percent compliance on garden sizes on this site.
- Cllr Ma Car parking
- Cllr Ea What about policies generally under GEN 1 and GEN2. We have talked about the size of the road, the parking situation the possible inability of the (internal roads?)
- Cllr Ch Can I remind you that taking on Essex County Council Highways department is always quite a serious thing to do Cllr Perry
- Cllr P I would disagree with you there Chairman because if you look at what one we have just won it's completely the same thing, where the actual Inspector has agreed with the council against county highways.

Cllr Ch Reasons now - because you have turned down approval Councillor Mackman

Cllr Ma I think I would go along with what Councillor Eastham just said and go with Gen 1 and Gen 2 and Gen 8

Cllr Ch Do you have a seconder for that - Cllr Perry - would you like to make any comment

NB I think we ought to be very careful here. The car parking standards is in compliance so therefore there is enough car parking spaces on that particular site, members need to be very very careful

Cllr Ma (not on the microphone)

NB We'll answer that question in a second. I just think Members need to - I'll just repeat what Councillor Cheetham is saying - that is a serious thing to action when we have Essex County Council supporting the application, There is a difference between 150 odd houses and a single dwelling in Stansted in terms (too quiet??)

Cllr Ma In other words your advice basically to say that we are on dodgy grounds on Gen 1 and Gen 8 but we can certainly go with Gen 2

NB Well It's your call, you can refuse it for whatever you want to refuse it for, but Gen 2 - I haven't heard anything regarding the design issues - which have not been involved in this decision at all, so I mean, if that's the only issue if you want to refuse it on - Gen 2 - you're quite entitled to do so but it's your call that's my advice.

JC Right Cllr Mackman again all those that voted against need to think what they want to do

Cllr Ma The thing is that I appreciate it's all outline planning permission but it is outside development limits and therefore it's not something that has to be there. So there is six of us that agree that at the it shouldn't be there, I certainly think we can use Gen 2

Cllr Ch You cannot, this development has outline planning permission, therefore development can go on this site. What you have to come up with, if you do not like the drawings that are in front of you is the reasons to refuse this now. Now you have a number of options but the garden sizes all conform, the highways have approved the entrance but in the approval proposal we tried to put on a condition to change that, and the car park meets the standard correct except the four bedroom houses - can you just come back on that

CllrM Can I just

Cllr Ch Just a moment

?? It is a four bedroom house two parking spaces and there's a second one

?? ????? Talking off tape

Cllr Ch Right the agent is telling us that the four bedroom property has three, so lets carefully go through this because we don't want to be making mistakes. The top one has four, these are (three, three, three, three) yeah if you go through this here

- Cllr M Sixty five
- Cllr Ch Sixty five only has two written down and 127 I think we'll check that that is not a typo yeah and in the meantime I'll ask Cllr Salmon to speak
- Cllr M Thank you madam chairman Gen 1 and Gen 2 - access and design - well the road falls into both of these categories so ??????
- JC Right well Cllr Mackman there is a typo error with regard to this parking - it is three and they're just checking another one – a typo alright - so the car parking spaces are all ok.
- Cllr Ch So the question has been asked - Gen 1 and Gen 2 deal with access and design we're not happy with the access therefore can that be used
- NB You can refuse it on access grounds, but you need to be mindful of the fact that county council have no objections to this proposal and you are seriously causing, I can tell you you are exposing us to serious cost implications regarding an access refusal when the county council find it ok
- Cllr Ea Sorry Chairman County Council have no objection which doesn't mean to say they think it's a good access, they say the proposal is acceptable but they don't say it's a good one
- Cllr Ch They don't give an opinion Councillor Eastham
- Cllr Ea So if it is moved to the other side of that house it might get acceptable, that's all they ask
- Cllr Ea You rely on the house being pulled down, he's a bit worried so he should be and we ought to listen to him and tell county council that a nine metre movement could cure the problem
- NB Condition 14 covered the issue regarding the access in that location. Well that's not on the table now, The proposal, seconded for approval included in condition 14 was to determine the precise position of that access with an indicated that we wanted it moved that you wanted it moved.
- Cllr Ch Right Cllr Mackman I'm getting I don't know whether to defer this thing until later or what but I think we need to move because we have other applications
- Cllr Ma I think basically because the majority of us voted not to approve this, therefore we're now trying to find reasons to refuse it. I proposed the refusal and seconded by Cllr Perry, I think that the reasons we can give and I am quite confident to support are Gen 1 and Gen 2 . I think Cllr Perry agrees with me.
- Cllr P I do
- Cllr Ch Right on those we will go to the vote Gen 1 and Gen 2 all those in favour of refusal grounds being Gen 1 and Gen 2 please show (one two three four five six) those against (one two three four five)
- Cllr ch Right it has been refused with reasons given as Gen 1 and Gen2 we will now move swiftly onto the next application, which is UTT/143655 and we are going to take a short break.

Committee: Planning

Agenda Item

Date: 29 April 2015

6

Title: West of Woodside Way, Great Dunmow -
LPA ref UTT/13/2107/OP

Author: Andrew Taylor, Assistant Director Planning and Building Control

Item for decision

Summary

1. Members will recall that this application was reported to Planning Committee on 12 February 2014. Members resolved to approve the planning permission subject to a S106 legal obligation.
2. The applicants have requested an extension of the commencement condition from 1 year to 3 years.
3. The purpose of this report is to seek the Committees endorsement for this alteration.

Recommendations

4. It is recommended that condition 2 of the application read as follows:

(A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 year from the date of this permission.
(B) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Financial Implications

5. None. There are no costs associated with the recommendation.

Background Papers

6. Report to Planning Committee 12 February 2014.

Impact

7.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	Great Dunmow North
Workforce/Workplace	None

Situation

8. The matter was considered at Planning Committee on 12 February 2014 when the Committee resolved to grant planning permission for the development subject to a S106 legal obligation. The legal obligation negotiations have been protracted due to the number of landowning parties and interests involved but has now been agreed and is ready for signature.
9. The applicants have requested an alteration to condition 2 which deals with the time limit for submitting the reserved matters. The committee will remember that for a period we reduced the period of submission to encourage development to commence and feed into the 5-year land supply delivery. More recently we have ceased to do this and grant permissions with the normal three year submission date.
10. The recommendation is that condition 2 be varied as follows to allow for the submission of the reserved matters in accordance with the usual timescales:
 - (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 year from the date of this permission.
 - (B) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Conclusions

11. Officers consider that the applicants request is reasonable and that planning permission should now be issued, subject to the signing of the S106 obligation, with a varied condition 2.