

# Uttlesford District Council

Chief Executive: John Mitchell

## Planning

**Date:** Wednesday, 01 July 2015  
**Time:** 14:00  
**Venue:** Council Chamber  
**Address:** Council Offices, London Road, Saffron Walden, CB11 4ER

**Members:** Councillors Robert Chambers, John Davey, Paul Fairhurst, Richard Freeman, Eric Hicks, John Lodge, Janice Loughlin, Alan Mills, Vic Ranger (Chairman), Howard Ryles.

## AGENDA PART 1

### Open to Public and Press

- 1 Apologies for absence and declarations of interest.**  
To receive any apologies and declaration of interest
  
- 2 Minutes of the meeting held on 3 June 2015** 5 - 18  
To receive the minutes of the meeting held on 3 June 2015
  
- 3 Matters Arising**  
To consider matters arising from the minutes
  
- 4 Planning Applications**
  
- 4.1 UTT/15/0455/DFO Saffron Walden** 19 - 34  
To consider application UTT/15/0455/DFO Saffron Walden

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	To consider application UTT/14/0127/FUL Great Dunmow	
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	To receive the latest appeal decisions	
<b>7</b>	<b>Chairman's urgent items</b>	
	To consider 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 3 JUNE 2015**

Present: Councillor J Davey (Vice – Chairman)  
Councillors R Chambers, P Fairhurst, R Freeman, E Hicks, J  
Lodge, J Loughlin, A Mills and H Ryles.

Officers in attendance: N Brown (Development Manager), K Denmark  
(Development Management Team Leader), C Oliva (Solicitor), A  
Rees (Democratic and Electoral Services Officer), M Shoesmith  
(Development Management Team Leader), S Stephenson  
(Planning Officer), A Taylor (Assistant Director Planning and  
Building Control) and L Trevellian (Senior Planning Officer).

**PC1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Ranger.

**PC2 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 29 April 2015 were signed by the Chairman as a correct record.

*The Committee agreed to move to Item 6.*

**PC3 TREE PRESERVATION ORDER NO.06/14 ELSENHAM NURSERIES,  
STANSTED ROAD, ELSENHAM**

The Development Management Team Leader presented the report which explained that a provisional TPO had been made to cover woodland at the Elsenham Nursery site.

Objections had made to the order on the grounds that the woodland covered by the TPO did not have amenity value and there was no evidence that the amenity value of the site, or the trees, had been assessed prior to the TPO being made. Also, the site was under good arboricultural management and therefore a TPO did not need to be made.

The Council's Landscaping Officer had inspected the site and assessed the amenity value of the trees. He had deemed it expedient to make a provisional TPO order due to the development proposals for the site. There was no evidence of active management of the woodland trees. It was therefore proposed that the TPO be amended to reflect appendix 2 of the report.

Councillor Davey invited Dr Mott to speak. Dr Mott said that the terms of the order should have been included in the report and he was disappointed that the map did not include the individual trees. The objections to the TPO were

contradictory as it was not possible to say the trees did not have amenity value if their amenity value had not been assessed.

Councillor Chambers proposed the recommendations as outlined in the report. This was seconded by Councillor Hicks.

Councillor Lodge said he felt the documentation provided with the report was not sufficient to make an informed decision and he could not vote in favour of the amended TPO on this basis.

In response the Assistant Director Planning and Building Control explained the maps used were standard maps which were used as a matter of practice. There had been some issues in substantiating the quality of some of the trees and this is why they were included in the TPO.

Members voted on the proposal, which was defeated. Councillor Lodge then proposed that the item be deferred so more detailed information about the nature and number of trees in the area could be provided. This was seconded by Councillor Freeman.

The Assistant Director Planning and Building Control explained that as the provisional TPO was temporary and the time had elapsed, there was no TPO currently in place.

RESOLVED that the item be deferred to enable more information about the TPO to be provided.

PC4

## **PLANNING APPLICATIONS**

### **(a) Approvals**

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

**UTT/15/1036/FUL Takeley** – Development of an eight storey, 12,842sqm (GEA) quality hotel consisting of a net accommodation area of 8,159sqm, with ancillary restaurant and gym, vehicle parking and access - Land south west of Enterprise House, Stansted Airport, Takeley for Terrace Hill (Property Developments) No 2 Limited

Subject to the following 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 the commencement of the development hereby permitted a construction management strategy shall be submitted to and approved in

writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the following matters:

- Details of cranes and other tall construction equipment (including the details of obstacle lighting) - Such schemes shall comply with Advice Note 4 'Cranes and Other Construction Issues'(available at [www.aoa.org.uk/policy-campaigns/operations-safety/](http://www.aoa.org.uk/policy-campaigns/operations-safety/)).
- Control of activities likely to produce dust and smoke
- Details of temporary lighting - Such details shall comply with Advice Note 2 'Lighting Near Aerodromes' (available at [www.aoa.org.uk/policycampaigns/operations-safety/](http://www.aoa.org.uk/policycampaigns/operations-safety/)).
- Control and disposal of putrescible waste to prevent the attraction of birds.

The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

REASON: To ensure that construction work and construction equipment on the site and adjoining land does not breach the Obstacle Limitation Surface (OLS) surrounding Stansted Airport and to ensure that the development does not endanger the safe movement of aircraft or the operation of Stansted Airport through interference with communication, navigational aids and surveillance equipment. This pre-commencement condition is required to ensure the safe operation of Stansted Airport.

- 3 Prior to the commencement of the development hereby permitted a Bird Hazard Management Plan shall be submitted to and approved in writing by the local planning authority. The submitted plan shall include details of the management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' (available at [www.aoa.org.uk/policy-campaigns/operation-safety/](http://www.aoa.org.uk/policy-campaigns/operation-safety/)). The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the local planning authority.

REASON: It is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport. This pre-commencement condition is required to ensure the safe operation of Stansted Airport.

- 4 No works relating to the construction of the hotel hereby permitted shall be commenced until such time the works to the staff car park as shown on drawing no 7369-L(00)80A, dated 24 September 2014, contained in the document "Design Proposals for the Vertical Circulation Core and Horizontal Walkway", approved under reference UTT/14/3730/FUL, have been carried out and made available for staff use, or until temporary arrangements have been made available for the use of staff car parking

to accommodate the lost staff spaces, which shall be available until the replacement staff car park is completed.

REASON: To ensure there is adequate parking within the airport boundary in the interests of highway safety, in accordance with Uttlesford Local Plan Policy GEN1.

- 5 No development shall take place, including any works of 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. hours of working on the construction site
  - ii. route of construction traffic including proposed signage for the approved route
  - iii. the parking of vehicles of site operatives and visitors
  - iv. loading and unloading of plant and materials
  - v. storage of plant and materials used in constructing the development
  - vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - vii. measures to control the emission of dust and dirt during construction
  - viii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In the interests of the amenity of surrounding locality and business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005). This pre-commencement condition is required to ensure the safety of operations at Stansted Airport.

- 6 Prior to the first operation of the hotel hereby permitted, the operation shall sign up to membership of the existing airport wide travel plan to ensure that staff have appropriate access to information and promotions for sustainable transport options rather than reliance on the private car.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with Uttlesford Local Plan Policy GEN1 (2005).

- 7 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, prior to the first use of the development hereby permitted. The landscaping details to be submitted shall include vehicle and pedestrian access and circulation areas, and planting plans, including specifications of species, sizes, planting centres, number and percentage mix.

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



- 8 No development shall take place until samples of materials to be used in the construction of the external surfaces of the development hereby permitted have been 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 Uttlesford Local Plan Policy GEN2. This pre-commencement condition is required to ensure the development is carried out using appropriate materia/s.

**UTT/14/2230/FUL White Roding** – Variation of Condition 10 of Planning Permission UTT/0678/12/FUL (the premises shall not be open to the public other than between the hours of 7.30 hours and 23.30 hours for no more than 80 days in one year) in order to allow opening hours between 7.30 hours and 00.30 hours except for overnight residents, and to allow events/functions to take place on no more than 180 days in one year - Colville Hall, Chelmsford Road, White Roding for Mrs Philippa Wisbey

Subject to the amendment of condition 28 to read as follows:

Notwithstanding the submitted details, the use shall not be brought into use until a revised scheme to allow adequate ventilation to the function building has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and thereafter retained.

REASON: To protect the amenities of neighbours in accordance with Policy GEN 4 of the Adopted Uttlesford Local Plan 2005.

*Richard Marriage and Philip Kratz spoke in favour of the application. Councillor Lemon, Mark Bolden and David Edwards spoke against the application.*

**UTT/15/0684/FUL Clavering** – Proposed demolition of existing dwelling and erection of replacement dwelling - Hill Green Farm Cottage, Clatterbury Lane, Clavering for Mr E Hitchcock

*Chris Hennem spoke in favour of the application.*

**UTT/15/0740/FUL Great Dunmow** – Change of use from B2 Light Industrial to D2 Assembly and Leisure - Unit 4, Zone A, Chelmsford Road Industrial Estate, Great Dunmow for Mr Oliver Pemberton

*Oliver Pemberton spoke in favour of the application.*

**UTT/15/0782/HHF Quendon and Rickling** – Proposed first-floor rear and side extensions; dormer windows in front and rear elevations, rooflight in rear

elevation and a new porch - Hedges, Rickling Green Road, Rickling Green for Mr and Mrs C White

*Alan Price spoke against the application.*

**(b) Approval with legal obligations**

**UTT/14/2991/OP Elsenham** – Outline application, with all matters reserved except for access, for the demolition of existing buildings and erection of 40 residential dwellings including open space and landscaping – Elsenham Nurseries, Stansted Road Elsenham for Stansted Road LLP

RESOLVED that conditional approval be granted for the above application subject to

1 the conditions set out in the report and the following additional conditions

13 Prior to the commencement of any development, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. This document shall state how construction traffic will be managed including, but not limited to, the management and provision of the following items:

- Suitable access arrangements to the application site in connection with the construction of the development
- Wheel cleaning facilities for the duration of the development to prevent the deposition of mud and other debris onto the highway network/public areas
- Turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site
- Routing and timing of construction traffic, which should be discussed in advance with the Highway Authority to minimise impact on the local community.

Subsequently the development shall be carried out in accordance with the approved Construction Management Plan.

REASON: In the interests of highway safety in accordance with Uttlesford Local Plan Policy GEN1 (2005). This pre-commencement condition is required to ensure highway safety at the site is secured prior to commencement.

14 Prior to the occupation of any dwelling, there shall be the provision of a priority junction formed at right angles to Stansted Road, Elsenham as shown in principle on Intermodal drawing no. IT1403-TA-02 dated May 2014, to include but not be limited to, minimum visibility splays of 43m by 2.4m by 90m, 10m junction radii and a 5.5m carriageway width and two x 2 metre footways. Details shall be submitted to and approved in writing by the local planning authority in consultation with the Highway Authority prior to the commencement of

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

REASON: To provide highway safety and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access, in accordance with Uttlesford Local Plan Policy GEN1 (2005).

- 15 Prior to the occupation of any dwelling, there shall be the provision of a scheme of traffic management to include a gateway feature at the commencement of the 30mph 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 shall be submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. Subsequently the development shall be carried out in accordance with the approved details.

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

- 16 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period of the development hereby approved.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and for compliance with Uttlesford Local Plan Policy GEN7 (2005). This pre-commencement condition is required to ensure the protection of biodiversity on the site.

- 17 No development shall take place until a Biodiversity Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- a) A description and evaluation of features to be managed;

- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving the aims and objectives of the project;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) On-going monitoring and remedial measures.

The Plan shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Uttlesford Local Plan Policy GEN7 (2005). This pre-commencement condition is required to ensure the protection of biodiversity on the site.

2 and a legal obligation as follows

(I) The applicant be informed that the committee would be mindful to refuse planning permission for the reasons set out in paragraph (III) unless by 5 June 2015 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:

- (i) Provision of affordable housing
- (ii) Payment of contributions towards primary and early years and childcare provision
- (iii) Payment of contributions towards health care facilities
- (iv) Monitoring of a Woodland Management Scheme
- (v) Monitoring of Biodiversity Management Scheme
- (vi) Cycle/footpath link
- (vii) Monitoring fee
- (viii) Pay the Council's reasonable costs

(II) In the event of such an obligation being made, the Assistant Director Planning

and Building Control shall be authorised to grant planning permission subject to the conditions set out below:

(III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:

- (i) No provision for affordable housing
- (ii) No financial contributions received towards education provision
- (iii) No financial contributions received towards health care provision
- (iv) No monitoring of a Woodland Management Scheme
- (v) No monitoring of a Biodiversity Management Plan
- (vi) No cycle/footpath link
- (vii) No payment of monitoring fee

*Trevor Dodkins spoke in favour of the application. Dr Mott and Peter Johnson spoke against the application.*

**UTT/14/3662/FUL Quendon and Rickling** – Detailed application for the erection of 19 residential units (including 5 affordable units) and a new vehicular access point, incorporating public open space, hardstanding, landscaping and land for educational use - Land South of Foxley House, Rickling Green Road, Rickling Green for CALA Homes (North Home Counties) Ltd

RESOLVED that conditional approval be granted for the above application subject to

1- the conditions set out in the report and the following additional conditions

(i) Wheelchair housing

The Plot 4 is allocated for wheelchair housing and as such shall be layout required to conform to the Wheelchair Housing Standard within the SPD Accessible Homes and Play space.

REASON: to ensure that the premises can be readily used by people with physical disabilities in accordance with national and local planning policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

(ii) Omit window

The first floor flank window on the west elevation serving bedroom 2 of Plot 5 shall be omitted.

REASON: In the interest of the residential amenities of the future neighbouring occupiers, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

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 freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) Education contribution
- (ii) Provision of playground and provision of ongoing maintenance
- (iii) Provision of footpath
- (iv) Transfer of land for educational purposes
- (v) Provision of affordable housing
- (vi) Payment of monitoring fee
- (vii) Pay Councils reasonable costs

(II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below

(III) If the freehold owner shall fail to enter into such an obligation by 1 July 2015 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons:

- (i) Lack of Education contribution
- (ii) Lack of Provision of playground and provision of ongoing maintenance
- (iii) Lack of Provision of footpath
- (iv) Lack of Transfer of land for educational purposes
- (v) Lack of Provision of affordable housing

*Phillip Wright spoke in favour of the application. Alan Price spoke against the application.*

**UTT/15/0972/FUL Great Hallingbury** – Erection of a single building for employment (B1, B2 and B8 use), associated access, parking and turning facilities (amended details for Block B approved under planning permission (UTT/14/0138/FUL) - Land south of Dunmow Road, Great Hallingbury for Vision Stansted Ltd

RESOLVED that additional approval be granted for the above application subject to the conditions in the officer's report and 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 freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an agreement to secure the following:

(i) The transportation of the requirements of the S106 Legal Obligation attached to planning permission granted under reference UTT/14/0138/FUL

(ii) Council's reasonable legal costs

(II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below.

(III) If the freehold owner shall fail to enter into such an agreement by 29 June 2015, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:

(i) The lack transportation of the requirements of the S106 Legal Obligation attached to planning permission granted under reference UTT/14/0138/FUL

**UTT/15/0133/FUL Flich Green** – Removal of condition 17 attached to planning permission UTT/14/0005/OP for 98 dwellings, 2 no. football pitches, cricket square, pavilion, play and games area, youth shelter, car park, nature reserve, landscaping and erection of footbridge - Land off Tanton Road, Flich Green for Enodis Property Development Limited

RESOLVED that additional approval be granted for the above application subject to the conditions in the officer's report and a legal obligation as follows

1. The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 8th July 2015 of being invited to do so the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an agreement to secure the following:

(i) Community payment for education, health care services and highways.

(ii) Provision of 40% affordable housing;

(iii) Transfer of land for education purposes

(iv) Provision and transfer of public open space, sports pitches, car park, MUGA, NEAP, Youth shelter, pavilion and maintenance shed.

(v) Contribution towards maintenance of open space for 20 years

(ii) Pay monitoring costs

(iii) Pay Councils' reasonable costs

2. 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

3. If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:

- (i) Lack of provision of community payment for education, health care services and highways.
- (ii) Lack of affordable/social housing
- (iii) Lack of provision of land for education purposes
- (iv) Lack of provision of community facilities including public open space, sports pitches, car park, MUGA, NEAP, Youth shelter, pavilion and maintenance shed.
- (v) Lack of contribution towards maintenance of open space for 20 years

### **(c) Site Visits**

The Committee agreed to visit the site of the following application

**UTT/15/0377/FUL Stansted** – Proposed partial demolition of 2 no. extensions, construction of 1 no. two storey extension and change of use from 1 no. residential unit and 1 no. shop to 3 no. apartments and 1 no. shop - 42 Chapel Hill, Stansted for Mr Howard Berndes.

PC5

### **WEST OF WOODSIDE WAY, GREAT DUNMOW – LPA REF UTT/13/2107/OP**

The Assistant Director Planning and Building Control presented his report. He informed Members the application had initially been approved subject to a Section 106 legal obligation. At the meeting on 29 April 2015 the Committee agreed to alter the commencement condition from 1 year to 3 years. Subsequently it had become clear that the condition was not in its full form and it was recommended that the conditions were amended as follows;

- (A) Application for approval of the first Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 year from the date of this permission. The development of phase 1 shall be begun before the expiration of 5 years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- (B) Application for the approval of further Reserved Matters for the subsequent phases of development as identified by the phasing plan shall be made to the local planning authority before the expiration of 9 years from the date of this permission. The subsequent phases of development hereby permitted shall be begun either before the expiration of 12 years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**REASON:** To comply with the provisions of Article 5 of the Town and Country Planning (General Development Procedure) Order 2015 and



Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The Assistant Director Planning and Building Control responded to questions by Members. He explained that the development was for a scheme of 750 dwellings which formed part of Great Dunmow's allocation for new housing. He said that requiring all reserved matters to be approved separately was the pragmatic approach to take. Large developments were often completed in parcels and took a number of years to complete. Housing requirements were liable to change over the development period, so if all matters were approved at once, it was likely there would be many subsequent applications. Having all matters reserved prevented this.

Councillor Chambers proposed the recommendation as outlined in the report. This was seconded by Councillor Hicks.

RESOLVED that the revised conditions be approved

PC6

## **PLANNING AGREEMENTS**

Members received an update on outstanding planning agreements. The Assistant Director Planning and Building Control explained the report came before every other meeting. Any appeal decisions would be brought before Members by the Development Manager.

The Development Manager, in response to a question by Councillor Freeman, explained that applications listed as refused had failed to comply with their Section 106 legal obligations within the deadline given, meaning the applications had been refused. The Development Manager also said the possibility of bringing an enforcement report to the Committee on a regular basis was being explored.

The report was noted.

The meeting ended at 4.45pm.



**UTT/15/0455/DFO - (SAFFRON WALDEN)**

(MAJOR)

**PROPOSAL:** Reserved matters following outline application UTT/13/2423/OP, for replacement Ridgeons building, commercial access road, and bus turning area together with fencing, retaining walls, fuel tank, cycle parking, substations external racking and associated works.

**LOCATION:** Ashdon Road Commercial Centre, Ashdon Road, Saffron Walden

**APPLICANT:** Turnstone St Neots Ltd

**AGENT:** Carter Jonas Incorporating Januarys

**EXPIRY DATE:** 15 June 2015

**CASE OFFICER:** Maria Shoesmith

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**1. NOTATION**

1.1 Development Limits, within 500m of Oil pipes, Protected Verge, adjacent to County Wildlife Site, 500m of AQMA, Airport Safeguarding, and Archaeology

**2. DESCRIPTION OF SITE**

2.1 The application site is located north east of Saffron Walden, north of Ashdon Road also east and to the rear of the properties that are located on De Vigier Avenue. To the north and west of the site is open countryside. Ten Acre Wood lies to the north of the application site, Whitehill Wood is situated to the north east and Pounce Wood to the southeast of the site. Opposite the application to the south of Ashdon Road is a current housing and commercial scheme which is being developed (UTT/0400/09/OP) The subject application site currently comprises of 13 hectares of commercial industrial units.

2.2 The Ashdon Road Commercial Centre contains 12 warehouse and industrial units which vary in size, with a majority of the buildings being located along the eastern part of the site.

2.3 There are large areas of concrete hardstanding surrounding the built form. Many of the buildings on site date back to 1950s and 1960s and many are showing to be beyond economic repair.

2.4 The main owner and occupant of the land is Ridgeons, a retail warehouse industrial unit for construction materials. The buildings on site are large in scale and are dominating. Although boundary vegetation and topography mean that the site is well screened to the west and south and partly screened close up along the east and north. There are large grassed areas either side of the access which form terraces at the southern end of the site, which is framed a native hedgerow, with levels falling steeply to meet Ashdon Road. A drainage pond is located to the west of the site. There is a hedge which runs along the southwestern edge which bounds the rear gardens of properties along De Vigier Avenue, together with other native and coniferous planting.

- 2.5 The character of the area surrounding the application site changes from one which is of an urban nature, to countryside, to one that is commercial/industrial.
- 2.6 The site is stated to be located on the mid-slopes of the valley sides north-east of Saffron Walden between 80 and 90 AOD (above ordinance datum). Generally the site slopes from north to south, with parts being terraced to accommodate the commercial buildings. These areas of ground levels are linked by concrete ramps and access roads. There is a vegetated area of higher ground is located to the north of the site at 93.5m AOD. From this point the ground levels slopes steeply down on both sides. The northeastern part of the site has a hardstanding area at 91.5m AOD. From this point of hardstanding area the levels fall to the main development area of approximately 84m AOD. From the developed area the ground falls further away to the south with a gradient slope increasing at the southern edge of the site to meet Ashdon Road. The ground slopes up away from the buildings along the eastern boundary. A dismantled railway line runs along the eastern edge of the boundary located within a cutting and it is surrounded by dense trees and scrub
- 2.7 There are no public rights of way which run through the site.
- 2.8 The site is surrounded by various constraints in the form of having high pressure oil pipes which run through the site, being located adjacent to a County Wildlife site, part of the sites frontage is protected special verge. The site falls within the airport safeguarding zone by which no buildings can exceed 15m in height, also the application site is located within 500m of the designated Saffron Walden Air Quality Management Area. ANCO Oil storage facility is located southeast of the application site. There are two oil pipelines which cross the site and are connecting to the oil storage facility, one running north-south down the centre of the site and the other across the southwestern corner of the site.
- 2.9 There is an existing electricity substation which is located to the northwestern corner of the wider site.
- 2.10 Outline planning permission has been granted for the redevelopment of the site for a mixed residential and commercial use.

### **3. PROPOSAL**

- 3.1 This application is for reserved matters on a section of the redevelopment of the wider Ashdon Road Industrial Estate, also known as Phase 1 (a). Planning permission was granted for "*Outline application for redevelopment of the site to provide up to 1.25 hectares of land to be used as a Builders Merchant and Yard (Use Class B8), up to 0.47 hectares of land to be used as Offices (B1(a)), up to 0.4 hectares of land to be used for Offices and/or Research and Development and/or Light Industrial (Use Class B1 (a), (b) and (c)), up to 1.16ha of land for use as Business, General Industrial and Storage and Distribution uses (Use Classes B1, B2 and/or B8), a Local Centre of up to 0.86ha for uses falling within Use Class A1, including a local retail store (with the net A1 retail floor space limited to 279m<sup>2</sup>), a cafe/restaurant/public house (Use Classes A3 and A4), a hotel (Use Class C1), up to 167 dwellings including affordable housing (Use Class C3) to be provided on 4.78 ha of land, together with public open space, landscaping and the provision of supporting infrastructure including replacement substations, and the demolition of existing buildings, with all matters reserved except for access*" (UTT/13/2423/OP) in November 2014.

- 3.2 The outline planning permission involved the demolition of the various industrial units on site and sites redevelopment comprising of the following;
- Up to 167 residential dwellings, including affordable housing covering an area of 4.78ha;
  - Replacement Builders Merchants and Yard for Ridgeons on 1.25ha;
  - Up to 0.47 ha of land to be used for offices and/or Research Development and/or Light Industrial (Use Class B1 (a), (b) and (C));
  - Up to 1.16 ha of land for use as Business, General Industrial and Storage and Distribution uses (Use Class B1, B2 and /or B8);
  - A Local Centre of up to 0.86 ha for uses falling within Use Class A1, including a local retail store (with the net A1 retail floor space limited to 279m<sup>2</sup>), and a up to a 40 bed hotel (Use Class C1) with a café/ family restaurant/ public house (Use Class A3 and A4)
  - The proposed scheme also includes the provision of public open space, landscaping and the provision of supporting infrastructure including replacement substations with all matters reserved except for access.
- 3.3 This application for reserved matters would involve the demolition of Units 2, 3, 6, 7, 8, 9, and 10 on site located to the eastern half of the site, and the erection of a new Ridgeon's store encompassing a new building which would have the dimensions of 42.2m (w) x 98.2m (d) x 10.4m (h). There would be 2 separate accesses into the Ridgeon's building one catering for customers and the other for delivery vehicles and staff. This would also access two separate car parks. There would be external racking and storage proposed along the western side of the proposed building which would be between 4-5m in height.
- 3.4 Due to the change in ground levels within the site retaining walls are proposed along the eastern boundary and also outside of the phase redline to secure earth works. The levels and gradients will remain generally unchanged from the existing road, except with some minor changes to suit the proposed overlay of the existing road with new surfacing. The height of the proposed retaining walls would be approximately 1.2m in height.
- 3.5 65 car parking spaces including 6 disabled are allocated for customers to the south of the building. 36 car parking spaces are proposed along the western elevation of the building adjacent to the external storage areas to allow for easy loading. Within the staff car parking area there are 7 motorbike parking spaces, and 22 car parking spaces. Bicycle parking provision will be made for 20 covered cycle bays to the north and 6 uncovered to the south.
- 3.6 The delivery vehicles have been provided with a separate entrance and will be able to service the site in a clockwise one way system. The vehicles have been arranged in that there would not be any conflict with customers from the site. There is a 40m deep service yard which is proposed to the north of the site.
- 3.7 The scheme will be DDA compliant.
- 3.8 A 3m high weld mesh paneled fence is proposed to secure the site with electric strands over the top. Secure access gates to the site and the building are proposed as well as CCTV and operational/security lighting which is proposed both mounted on the building

and on the ground. No details of the CCTV and the lighting have been submitted as part of this application.

- 3.9 As part of the proposals a sub-station, fuel tanks, refueling and refuse areas are proposed but no details have been provided.
- 3.10 The details of the access road servicing this phase of the site, the bus turning facility to allow a bus stop at a later date and landscaping also forms part of this reserved matters application. The bus turning facility would be a one way system for buses and other vehicles. Spaces have been allowed for traffic on the one way loop to pass a stationary bus.
- 3.11 The proposed scheme would involve the demolition of buildings and the erection of a replacement Builders Merchants and Yard (use Class B8) consisting of a total site area of 1.81ha and the combined proposed newly created floorspace of the Ridgeons building would be 6,443m<sup>2</sup> (GEA). It should be noted that the outline consent allowed for 1.25 ha of land to be used for this purpose however the consent also allowed up to an additional 1.16 ha of land for use as Business, general Industrial and Storage and Distribution uses (Use Class B1, B2 and /or B8), thereby this scheme now utilizes an additional 0.56ha from the 'flexible' development leaving a balance of 0.6ha for future development from the consent.

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

- 4.1 A statement has been submitted by Ridgeons as part of the original outline application which stated the following;
- 4.2 "Ridgeons is one of the UK's largest independent Timber and Builders Merchants, supplying all the materials and services required to construct residential and commercial properties to the trade, professional DIY'ers and retail customers. Ridgeons supply over 18,000 products including showrooms displaying kitchens and bathrooms, heating and plumbing, sustainable products, hire equipment, landscape, timber and building materials.
- 4.3 Ridgeons has strong link with Saffron Walden since 1958, have been located at the former Acrow site since 1987 and this Branch together with that provided in Cambridge, and are the busiest and most active in the business portfolio. These two branches form the hub of the business. The retention of the Saffron Walden Branch is therefore of up most importance to the business.
- 4.4 The Saffron Walden Branch employs 85 staff and generates 20% of the Group's sales. There are over 5,500 account held by customers based in and around Saffron Walden with between 500 and 600 customers visiting the site each day to collect and order products.
- 4.5 Ridgeons also has strong community links in the form of the Ridgeon Community Fund providing grants to Saffron Walden Explorer Scouts, the Thaxted Centre for the Disabled and Support4sight. Annual staff fund raising for Help the Heroes in Carver Barracks is also undertaken while support is given to local events such as St Mary's Church Saffron Walden Festival of Flowers, Ashdon Primary School PTA and Saffron Walden Carnival.
- 4.6 The existing branch was created in 1980s by a refurbishment. Overtime this has been this has been further altered and refurbished, but has now pasted its economic life. The

building has become very expensive to maintain for both heating and lighting and it no longer complies with current environmental standards. The way products are handled, stored and displayed has also improved over the past 25 years and there is no longer a need for such a large building and outside storage areas. Customers are looking for more efficient way to buy and collect materials. While improvements have been delivered in other locations, the Saffron Walden Branch is now in need of urgent improvement.

- 4.7 The new Branch will be modelled on other new Ridgeons sites that have been provided across the region over the last few years. This is a proven model that has successful in offering the same range of products and services as currently offered, but on a more efficient site.
- 4.8 The Saffron Walden Branch will continue to provide the full range of products to our customer base in and around the town while supporting smaller Branches in the County. While the building and site are will be reduced, the overall scale of the operation will remain.
- 4.9 Their vision for the development is *“to create a sustainable, mixed-use development that provides a purpose built site for Ridgeon’s established Saffron Walden business, intensifies employment land uses to meet market need and provides market and affordable housing within a landscape structure and public open space.”*
- 4.10 The Design and Access Statement has been submitted in support of the application. It highlights that the main focus of the application is to upgrade and intensify the site’s employment land uses by providing accommodation that meets the current and future needs of businesses within the area. It has been stated that up to 400 jobs could be generated by the proposed development. The delivery of new houses will enable the redevelopment of the commercial and employment premises. The homes will also help meet the market and affordable housing requirements. The mixed use development will lead to greater opportunities to live close to locations of employment. The indicative master plan highlights areas of open space which would be within walking distance of the site. The application is located approximately 2km (1.24miles) from the town centre which provides various services and facilities, with the nearest school being within 20 minute walk from the site”.
- 4.11 Within the Design and Access Statement it is stated that the scale and mass of the building would comfortably sit within the site and what is envisaged for the future redevelopment of the site. It is also stated that the scale of the building has been design to incorporate service doors which would cater for the loading and unloading of HGV vehicles.

## **5. RELEVANT SITE HISTORY**

- 5.1 There have been numerous individual applications for various developments and changes of use on site however none that are considered to be of relevance to this application. There are other applications within Saffron Walden which are considered appropriate to take into consideration in terms of a wider strategic level in the form of the following;
- 5.2 UTT/13/0268/OP - Granite Site - Demolition of the existing buildings and redevelopment to comprise retail warehouse units and associated garden centre (Class A1), a discount foodstore (Class A1), and a cafe (Class A3), including associated landscaping, car park,

access, internal roads and cycle/footway, including the provision of access to adjoining land. Granted 10th May 2013; this is in the process of being implemented.

- 5.3 UTT/13/1937/OP - Land Behind The Old Cement Works, Thaxted Road - Outline application for up to 52 dwellings with all matters reserved except access – Granted September 2013;
- 5.4 UTT/0400/09/OP - Land At Ashdon Road - Mixed use development comprising the construction of 130 residential units (37 units of affordable housing) and approximately 3800 square metres of Class B1 employment land with associated access points, play areas, open space, landscaping and associated ancillary works – Granted July 2012; This is in the process of being implemented.
- 5.5 UTT/13/2060/OP - Land South And North Of Thaxted Road - Outline application with all matters reserved except access for residential development of up to 300 dwellings, pavilion building, extension to skate park and provision of land for open space/recreation use, including an option for a new primary school on a 2.4 ha site – Refused at appeal June 2015
- 5.6 UTT/13/3467/OP - Land South Of Radwinter Road - Outline planning application for either a residential development of up to 230 dwellings; Class B1 Business floorspace, extra care housing within Class C2, provision of public open space or for development of up to 200 dwellings, Class B1 Business floorspace, extra care housing within Class C2, provision of public open space, provision of land for a one form entry primary school; together with associated infrastructure including roads, drainage, access details from Radwinter Road and Shire Hill, with all matters reserved except access. Granted planning permission May 2015
- 5.7 UTT/13/2423/OP - Outline application for redevelopment of the site to provide up to 1.25 hectares of land to be used as a Builders Merchant and Yard (Use Class B8), up to 0.47 hectares of land to be used as Offices (B1(a)), up to 0.4 hectares of land to be used for Offices and/or Research and Development and/or Light Industrial (Use Class B1 (a), (b) and (c)), up to 1.16ha of land for use as Business, General Industrial and Storage and Distribution uses (Use Classes B1, B2 and/or B8), a Local Centre of up to 0.86ha for uses falling within Use Class A1, including a local retail store (with the net A1 retail floor space limited to 279m<sup>2</sup>), a cafe/restaurant/public house (Use Classes A3 and A4), a hotel (Use Class C1), up to 167 dwellings including affordable housing (Use Class C3) to be provided on 4.78 ha of land, together with public open space, landscaping and the provision of supporting infrastructure including replacement substations, and the demolition of existing buildings, with all matters reserved except for access – Granted November 2014
- 5.8 A Screening Opinion has been undertaken regarding the proposed development in the form of the following;
  - UTT/13/1044/SCO - proposed development of circa 170 residential dwelling and Circa 12,000m<sup>2</sup> commercial floor space. The Screening Opinion concluded that an EIA would not be required (dated 14<sup>th</sup> May 2013). The submitted application has not altered the scope of the scheme therefore the Screening Opinion issued is considered to still be relevant in receipt of this application.



- This application has also been re-screened of which it was concluded that an EIA would not be required.

5.9 The application site has been promoted through the draft local plan process.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

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

- S1 Development Limits for the Main Urban Areas
- SW6 Safeguarding Existing Employment Areas
- S7 Countryside
- GEN1 Access
- GEN2 Design
- GEN3 Flood Risk
- GEN4 Good Neighbourliness
- GEN5 Light Pollution
- GEN6 Infrastructure Provision to Support Development
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards
- ENV4 Ancient Monuments and Sites of Archaeological Importance
- ENV12 Protection of Water Resources
- ENV13 Exposure to Poor Air Quality
- ENV14 Contaminated Land
- ENV15 Renewable Energy

## **7. SAFFRON WALDEN TOWN COUNCIL COMMENTS**

The Committee objected to the design of the bus turning circle and the junction with the spine road for the housing development. The turning circle should be one-way only, clockwise, and the junction of the Ridgeons access road, the turning circle exit, and the spine road should be in the form of a mini-roundabout. The crossing point for pedestrians from the spine road to the turning circle should be to the west of the junction and in the form of a full light controlled crossing.

## **8. CONSULTATIONS**

### **Network Rail**

8.1 No objections or further observations to make

### **National Grid**

8.2 There are apparatus in the vicinity relating to gas, but no electricity apparatus.

### **NATS**

- 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.

**Affinity Water**

- 8.4 Located in Ground water protection zone.

**HSE**

- 8.5 HSE does not advice, on safety grounds, against the granting of planning permission in this case.

**Airside OPS Ltd**

- 8.6 No objection.

**Highways Agency**

- 8.7 No objection.

**Environment Agency**

- 8.8 At present only the Surface Water Drainage Layout has been provided. In our previous correspondence (response to the outline planning permission) we recommended the following condition and identified specific issues which would need to be dressed as part of the detailed submission. The condition remains pertinent until full details of the surface The proposed development will only meet the National Planning Policy Framework (NPPF) policy to ensure flood risk is not increased elsewhere if the following planning condition is included.

**Condition** The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) Ridgeons Ltd Land at Ashdon Road, Saffron Walden, Essex CB10 2NH Reference: SJC/614633/JRC, 07 August 2013 has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA giving priority to infiltration should ground conditions permit. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

*N.B: It should be noted that this condition was imposed on the outline application and therefore would still need to be formally discharged and complied with.*

**ECC SUDs**

- 8.9 Drainage Strategy report has not been submitted. The drainage condition should not be discharged until we have viewed the proposals.

*N.B: It should be noted that this condition was imposed on the outline application and therefore would still need to be formally discharged and complied with.*

**Natural England**

- 8.10 No further comments to make on these reserved matters. The proposed amendments to the original application relate largely to landscaping, and are unlikely to have significantly different impacts on the natural environment than the original proposal.

### **ECC Ecology**

- 8.11 The proposed landscape masterplan appears to be similar to that proposed in the outline application, but not exactly the same. The advice and views of the applicant's ecologist must be in the context of the development. Therefore, the ecologist should advise as to whether the ecological impacts for the recently proposed reserved matters are the same as for the outline proposals, or how they will differ.

*N.B: The masterplan was illustrative with all matters reserved apart from access. The access has been approved and conditions relating to ecology imposed on the outline would still need to be discharged separately.*

### **UDC Environmental Health**

- 8.12 The revised B8 land area proposed to be occupied by the Ridgeons facility has reduced the land area available for the proposed Business Park, which would have generated its own vehicular trips. The revision would lead to an overall reduction in vehicle movements accessing the local road network compared to the predictions submitted at outline stage. The findings of the Air Quality Assessment to satisfy condition 31 of the outline consent in its application to the Ridgeons facility are acceptable, in that an overall reduction in traffic will not be detrimental to the emission modelling outcomes provided at outline stage.
- 8.13 Also included in the assessment is reference to a slight increase in traffic using Elizabeth Way and Ashdon Road compared to the outline predictions due to traffic accessing the on-site convenience store, which had previously assumed no traffic from outside the site. The impact on emissions will be negligible, and mitigation to reduce the impact to a minimum will be reliant on sustainable transport conditions applied at outline stage relating to cycle provision, bus access facilities and EV charging points. Details have been submitted for residential and workplace travel plans and a further condition would be welcomed to require the provision and continued monitoring of travel plans for each phase of development at the reserved matters stage.
- 8.14 No comment can be made on the impact of the new substation facility on the proposed Ridgeons area, as no details have been included, however details will be required in due course to fulfil condition 30 applied at outline stage.

### **German Fisher**

- 8.15 Confirm that our client's apparatus, the Government Pipelines and Storage System (GPSS), may be affected by the proposals. Therefore contact should be made with OPA Central Services before work commences on site.

### **Uttlesford Special Road Verges**

- 8.16 Object on partial destruction of Special Roadside Verge and Calcareous Grassland. Mitigation measures were mentioned under the outline application but are not mentioned as part of this application. Therefore conditions would need to be applied to ensure that

the mitigation work is still carried out.

- 8.17 Site layout changes between the outline and the reserved matters application show more areas of Calcareous Grassland.

### **Highways**

- 8.18 A transport assessment (TA) has been submitted in with this application to assess the impact of the increase in floor space at the builders' merchant (from 3741 – 5939m<sup>2</sup>) and decrease in office B1, B2 floor space (from 5067 – 3272m<sup>2</sup>) when compared to the outline application UTT/13/2423. The TA shows that there is a decrease in number of vehicles generated by the development but assumes that the increase in the builders' merchant will generate no extra traffic due to the re-organisation of operational structure of the stores and the use of the additional floor space for storage only. In order to ensure a robust assessment the Highway Authority has carried out a sensitivity test assuming that the traffic generation by the store does not have a discount applied due to operational changes. In this case more vehicles are generated by the increased store size, but this is more than offset by the decrease in the B1/B2 element and so therefore there is a minor decrease in the impact of the reserved matters application in relation to the outline application. Therefore the proposal is acceptable in highways terms, subject to the conditions outlined in application UTT/13/2423.
- 8.19 The internal layout proposed has been examined in terms of safety, accessibility, parking standards and deliverability. The layout has been subject to swept path analysis (to show its suitability for HGVs) and stage 1 road safety audit has been carried out. Following this work the highway authority finds the layout acceptable subject to the conditions below.
- 8.20 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to (the following) mitigation and conditions.

### **Landscape Officer**

- 8.21 No objections.

## **9. REPRESENTATIONS**

- 9.1 The application has been advertised on site and within the local press. Neighbouring residential occupiers have also been consulted of the application. As a result 8 letters have been received raising the following points:
- Objection on Traffic and congestion
  - Highway safety
  - No objection in principle
  - Conditions under outline still need to be addressed
  - Proposal is a good idea
  - Happy that there is no residential, this forms part of this application.
  - Suggest a relief road be implemented to address the traffic and congestion on the east side of the town linking to M11
  - Retention of Ridgeons and its employment opportunities

- Sewage and drainage
- No information on impact upon biodiversity, species or habitat
- Special Roadside Verge adjacent to the entrance damaged or removed
- No details are provided of how it is to be protected from vehicle over-running during development, no details are provided of mitigation for any areas removed. At the very least any removed topsoil should be distributed thinly over an area of the larger Outline Approval site where it will remain undisturbed by any future phases and where the seed bank in the soil can potentially regenerate native grassland species.

## 10. APPRAISAL

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

- A Whether the design of the development is acceptable & impact upon amenity
- B Highways & Parking Standards
- C Air Pollution
- D Landscape
- E Other material considerations

### **A Whether the design of the development is acceptable & impact upon amenity**

- 10.1 It should be noted that the principle of the scheme, for clarity as outlined in Section 3.2 of this report, has already been previously accepted as part of the outline application subject to conditions, therefore the matters for consideration are that purely reserved by the consent for this phase (1a) in the form of layout, appearance, scale and landscaping.
- 10.2 With regards to the proposed design of the scheme the NPPF and Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.
- 10.3 The proposed design and appearance of the Ridgeons building is considered functional and appropriate in its context of location. The layouts of the building and the roads have been design around the high pressure pipes which are on site to prevent any harm. The proposed materials of metallic silvers and gun metal grey steel profile would provide a neutral colour code which would blend in with the rest of the industrial buildings once implemented. The proposed building would be 10.8m in height; this would be 1.8m higher than what was stipulated as a parameter within the outline. However, under the circumstances the building it would replace currently stands at 15m and the increase of 1.8m is considered to be acceptable. There are no neighbouring residential properties within close proximity that would be adversely affected. This is considered particularly the case in the context of the outline application and further commercial phases which are planned. This is in accordance with Policy GEN2 of the adopted Local Plan in this respect.
- 10.4 The building is designed to be DDA compliant both internally and externally, in accordance with Local Policy GEN1 and GEN2.

- 10.5 Through the incorporation of design techniques and principles the proposal will be able to discourage and minimise the risk of crime and anti-social behavior through natural and informal surveillance. It is proposed that there would be glass curtain corner that would form the main entrance. This would provide an element of perception of overlooking the customer car park area. The separation of customer and staff car parking areas, secured entrances, fencing, CCTV and security light would all facilitate to provide a secure and safe development. This is in accordance with Local Plan Policy GEN2 and the NPPF.
- 10.6 A Noise Assessment has been submitted as part of the outline application, whereby a condition has been imposed on details of all plant and machinery would need to be submitted for approval before the commencement of each phase, this would include details of the substation which is indicated on the submitted plans. The proposed lighting on the site may cause loss of amenity from glare to current and future residents of site and in close proximity to the site, however, no details have been provided as part of this application but a condition is imposed on the outline application whereby the details of lighting would need to be submitted before it is installed. The scheme is therefore in accordance with Local Plan Policy GEN4 and GEN2.

## **B Highways & Parking Standards**

- 10.7 Local plan policy GEN1 states “*development will only be permitted if it meets all of the following criteria;*
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*
  - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
  - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*
  - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.*
  - e) The development encourages movement by means other than driving a car.”*
- 10.8 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework
- 10.9 The proposal would provide a total of 123 car parking spaces which would comply with the maximum standards of 129 car parking spaces in accordance with the Essex Parking Standards (2009). However, the proposed car parking space sizes fall below the size standards of 2.9m x 5.5m at 2.5m x 5m, which are the old standards. There are no special circumstances which have been outlined to justify warranting smaller spaces. Nonetheless, whilst the scheme does not accord with parking standards in this respect the site would be within a contained industrial estate. The scheme would meet the number of car parking spaces required and the back to back distances to allow for maneuvering. If the scheme was designed to allow for the increase in parking spaces sizes this would inevitably result in lesser car parking spaces and reduced maneuverability around the site. It is there considered to be acceptable in this instance and generally in accordance with Local Plan Policies GEN1, GEN2, and GEN8, also the Essex Parking Standards (2009).
- 10.10A Stage One Safety Audit has been submitted as part of the application which has made a number of recommendations. A number of which affect other phases of the outline

consent which would be dealt with at that time, others are off site recommendations which would be dealt with via Section 278 Highway Agreement. As part of the Safety Audit it is proposed that the access will be marginally modified to provide visibility splays of 2.4m x 43m as opposed to 90m, which was originally proposed. By providing this visibility splay it would only slightly affect the special verge which is located to the front of the site as reduced amount of grass verge would be affected. In terms of highway safety no objection was raised regarding the proposed access, therefore the scheme is considered to accord with Local Plan Policy GEN1.

- 10.11 The bus turning facility has been amended to allow for one way vehicle movement, and the capability of passing stationary buses.
- 10.12A Transport Assessment and a Travel Plan has been submitted as part of the outline application. An updated Transport Statement has been submitted as part of the reserved matters. This has highlighted that the consumption of speculative B8 floorspace by Ridgeons amending their floorspace coverage from 3,741sqm (GIA) to 5,939sqm, whilst the scheme would still be in accordance with the approved outline consent, there would be a slight betterment in vehicle trip rates. There would be an increase in storage space area which would not generate vehicle movements in itself. Nonetheless, a number of off-site mitigation measures would still need to be undertaken as part of the agreed Section 106 Obligation.
- 10.13 In considering the above the proposed development still remains acceptable in highway terms subject to conditions. It is therefore in accordance with Policies GEN1, GEN2, and GEN8 of the adopted Local Plan (2005).

## **C Air Pollution**

- 10.14 An Air Quality Assessment (AQA) has been submitted as part of the outline application. This stated that various assessments have been undertaken in order to establish whether the proposed development would have an adverse detrimental effect upon sensitive junctions within the Air Quality Management Area. A revised Air Quality note has been submitted as part of the reserved matters to take into account of the change in floorspace intake by Ridgeons and to satisfy the discharge of the outline consent which seeks an updated highway assessment and air quality assessment with each phase.
- 10.15 The UDC Environmental Health has been consulted as part of the application, whilst the EHO has confused the land take situation, as stated above in Section 10.12 the intake of a greater floorspace by Ridgeons would result in a slight improvement of vehicle movements and in turn would result in an improvement in Air Quality. The additional floorspace is required by Ridgeons for operational reasons to accommodate storage of bulky lightweight goods and would not as a result lead to additional traffic movements. No objection has been raised by UDC Environmental Health and the scheme therefore still complies with Local Plan Policies GEN4 and GEN2.

## **D Landscape**

- 10.16 The proposed landscaping whilst limited it is considered appropriate due to the nature of the scheme, incorporating and retaining existing trees and hedges. Landscaping is proposed along the western boundary of the site which would screen the external storage and soften the appearance of the site from the main spine road. The proposed

development would enhance the level of biodiversity of the site from what currently exists on this part of the site. No objection has been raised by the Landscaping Officer. The landscaping details for this phase are in accordance with Policy GEN7 of the Local Plan.

## **E Other material considerations**

10.17 Concerns have been raised by a number of consultees, namely Environment Agency, ECC SUDs, ECC Ecology, UDC Special Road Verges and third parties, regarding that the conditions have not been discharged or submitted relating to drainage and ecology. Whilst this phase of the reserved matters has been submitted before the submission of conditions, the conditions do not fall away the developer will still need to submit the details for approval and any approved reserved matters would need to accord with those details or would need to be amended so that they do. It should be noted that 20 conditions relating to this phase has been submitted to the Local Planning Authority which are under consideration.

## **11. CONCLUSION**

11.1 The proposed size, scale, design and layout of the store and associated parking, external storage, landscaping, roads and bus turning facility are considered to be acceptable. No additional harm is considered upon the amenity of the locality in accordance with Local Plan Policies GEN1, GEN2 and GEN4.

11.2 Whilst the proposed car parking spaces are below standards in size this is considered acceptable in consideration of the site's location in this instance and in order to be able to achieve the number of required car parking spaces and turning tables.

11.3 The increase in floorspace intake for Ridgeons for the purposes of operational storage would decrease the number of vehicle movements that that floorspace would have generated as part of the other phases which form part of the outline application. In considering the above the proposed development is acceptable in terms of highways subject to recommended conditions; it is also therefore in accordance with Policies GEN1, GEN2, and GEN8 of the adopted Local Plan (2005)

11.4 The intake of a greater floorspace by Ridgeons would result in a slight improvement of vehicle movements and in turn would result in an improvement in Air Quality. No objection has been raised by UDC Environmental Health and the scheme therefore still complies with Local Plan Policies GEN4 and GEN2.

11.5 The landscape details submitted are considered to be acceptable and would soften the boundaries of this industrial location. No objection has been raised by the Landscaping Officer, therefore the landscaping details for this phase are in accordance with Policy GEN7 of the Local Plan.

11.6 The concerns raised by a number of consultees regarding the lack of information on conditions at this reserved matters stage is not an issue as the conditions which have been imposed at the outline application stage would still need to be submitted for approval prior to the commencement of the works, unless the condition trigger states otherwise, and the approval of this reserved matters does not fetter this from happening. If the design of the reserved matters needs to be amended due to problems at a later date then this would need to be amended at that time.



## **RECOMMENDATION – CONDITIONAL APPROVAL**

### Conditions

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

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

2. 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 GEN1, and GEN8 of the Uttlesford Local Plan (2005), also Uttlesford Local Parking Standards (2013) and Essex Parking Standards (2009).

3. The internal road junctions with the internal spine road (as shown in principle on plans 582090/610 P3, 582090/611 P3 and 582090/612 P2) at their centre lines shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in each direction or the direction of approaching traffic where one way working is proposed, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the road junctions 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.

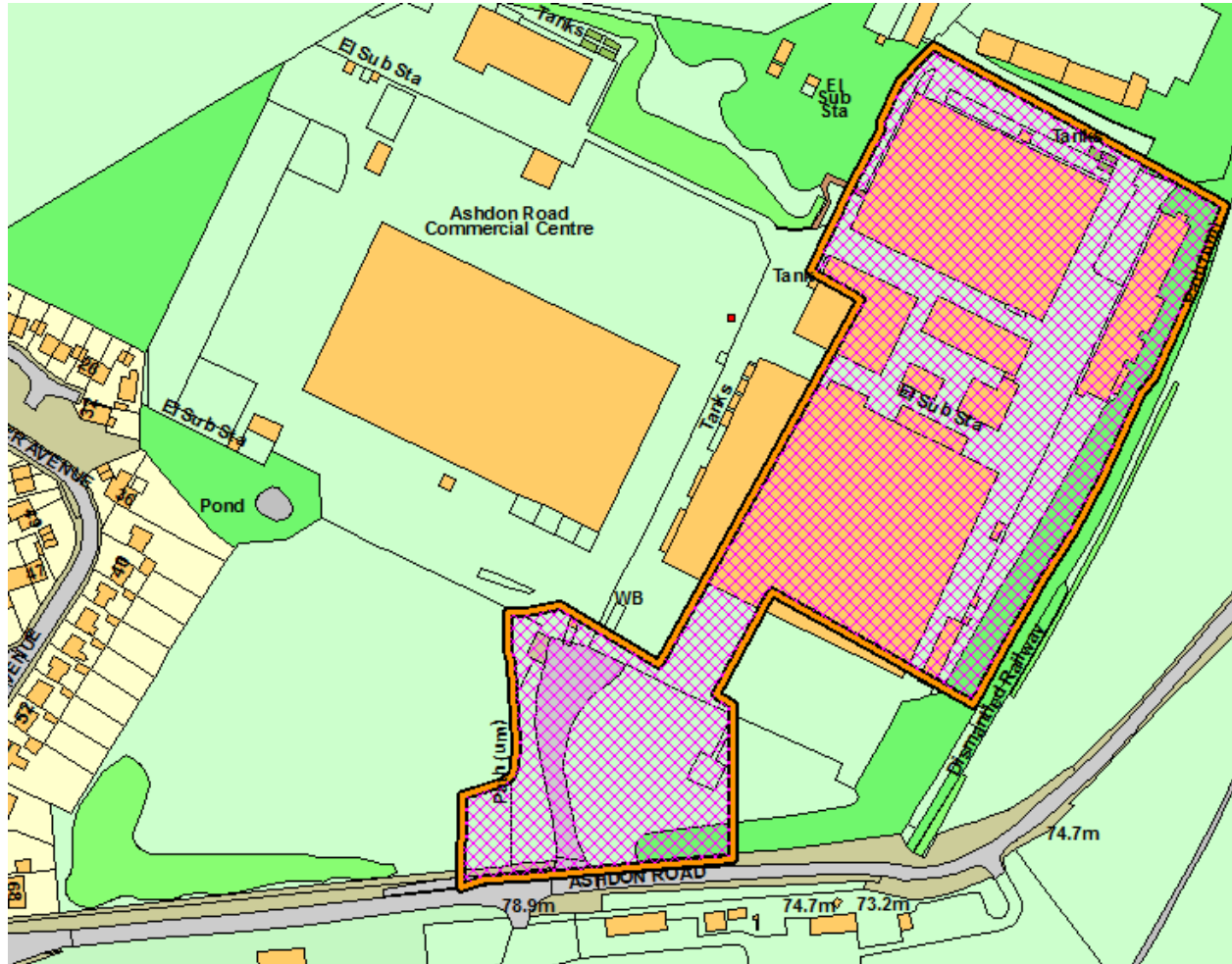
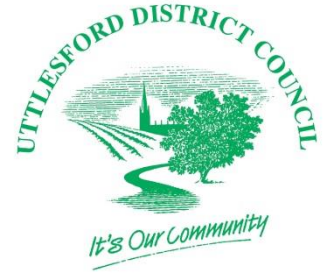
4. Before development commences cross-sections of the site and adjoining land, including details of existing levels around the building(s) hereby permitted and any changes in level proposed, together with the proposed floor levels within the building(s), shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: In order to minimise the visual impact of the development in the street scene and the wider development of the site in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Justification: The details of the heights of the buildings would need to be submitted for approval prior to the commencement of the development to ensure that the resulting appearance of the development is safeguarded and the amenity of the surrounding locality is protected.

Application no.: UTT/15/0455/DFO

Address: Ashdon Road Commercial Centre, Saffron Walden



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Organisation: Uttlesford District Council  
Department: Planning  
Date: 18 June 2015  
SLA Number: 100018688

## **UTT/15/0623/FUL – (HENHAM)**

*(Referred to Committee by Cllr Morson: Reason: Unsuitable of the development on the Countryside Setting and the application pre-empts the wider discussion on allocation of Travellers sites throughout the district)*

**PROPOSAL:** Proposed change of use from haulage yard to gypsy site for 5 no. pitches with toilet block

**LOCATION:** Land Rear of Hill Top Yard, Mill Road, Henham

**APPLICANT:** Mr M Moloney

**EXPIRY DATE:** 28<sup>th</sup> April 2015

**CASE OFFICER:** Sarah Marshall

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### **1.0 NOTATION**

1.1 Outside development limits.

### **2.0 DESCRIPTION OF SITE**

2.1 The application site is a long narrow piece of land which is approximately 0.2 ha in area and approximately 500 metres south of the settlement of Henham and 1 kilometre from Elsenham. The lawful use of the land is a haulage yard with the stationing of two residential mobiles on the land. The adjoining properties to the northern boundary are a residential property and a commercial nursery. To the land which adjoins the southern and eastern boundaries is open agricultural land.

### **3.0 PROPOSAL**

3.1 The application is for the change of use of part of the site as a haulage yard for the siting of five gypsy and traveller pitches with associated wash rooms and a play area. The gypsy pitches are being proposed towards the rear most area of the site behind the existing buildings which are on site. Access to the gypsy pitches will be via the existing access onto Hill Road.

It should be noted that the 20. No street lights and one of the porta cabins do not form part of this application and are subject to an ongoing enforcement investigation by the Council's Corporate Enforcement Team.

### **4.0 APPLICANTS CASE**

4.1 The applicant has provided a location plan and a block plan which shows where the caravans and mobile homes will be placed on the land, where the amenity block will be and where the children's play area will be located. The plan also shows where the five pitches will be located in relation to the haulage business which is outlined in blue on the plan.

## **5.0 RELEVANT SITE HISTORY**

- 5.1 UTT/15/0231/FUL Installation no. 2 no. Portacabins in conjunction with yard and retrospectively for the installation of 20 no. street lights. This application was refused on the 26<sup>th</sup> March 2015. This is still an ongoing investigation by the Council's Corporate Enforcement Team.
- 5.2 UTT/0099/11/OP for Outline planning application with all matters reserved for the erection of 11 no. dwellings was refused on the 21<sup>st</sup> April 2011
- 5.3 UTT/0889/03/FUL for the Erection of dwelling to replace existing yard was refused on the 2003.
- 5.4 UTT/0180/02/FUL for Resitting of two mobile homes and erection of replacement building for storage and repair of commercial vehicles was approved conditionally on the 26<sup>th</sup> July 2002.
- 5.6 UTT/0082/01/FUL for the Change of use from haulage/plant hire yard to residential and erection of two detached dwellings and associated garaging was refused on the 20<sup>th</sup> March 2001.
- 5.7 UTT/0927/96/CL Proposal: Application for certificate of lawfulness for haulage yard and plant hire issued on the 25<sup>th</sup> March 1997.
- 5.8 UTT/0575/93/CL Application for Certificate of Lawfulness for the stationing of two existing mobile homes for residential was issued on the 20<sup>th</sup> July 1993.
- 5.9 UTT/0021/88 Outline application for conversion of a redundant barn into residence and alteration of an existing access was refused on the 21 Mar 1988
- 5.10 UTT/0633/86 for Outline application for erection of a dwelling and alteration of an existing access was refused on the 30<sup>th</sup> July 1986
- 5.11 SWR/0669/72 for Demolition of existing house and construction of 5 detached houses and garages was refused on the 14<sup>th</sup> December 1972.
- 5.12 SWR/0024/69 Development of land for 3 dwellings was refused on the 6<sup>th</sup> March 1969.
- 5.13 SWR/0187/68 for a dwelling was refused on the 15<sup>th</sup> August 1968.

## **6.0 POLICIES**

### **6.1 National Policies**

National Planning Policy Framework  
Planning Policy for Travellers Sites  
Designing Gypsy and Traveller Sites – Good Practice Guide

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

ULP Policy S7: The Countryside  
ULP Policy GEN2: Design  
ULP Policy GEN1: Access  
ULP Policy GEN5 - Light Pollution

ULP Policy GEN4: Good Neighbourliness  
ULP Policy GEN8: Vehicle Parking Standards  
ULP Policy ENV10: Noise Sensitive Development and Disturbance from Aircraft  
ULP Policy ENV14 Contaminated Land

## 7.0 PARISH COUNCIL COMMENTS

- 7.1 A Letter on behalf of the Henham Parish Council (PC) has been submitted by Gardner Planning objecting to this planning application. Attached to the letter is the planning history of the site, a record of unauthorised waste disposal to this letter. The following is the conclusion of the letter.

*“The application proposals are clearly contrary to the Development Plan (Section 38(6) of the Planning and Compulsory Purchase Act 2004) Policies S7 (protection of the countryside); GEN1 (lack of pedestrian access), GEN2 (lack of protection or retention of environmental features and impact on the adjoining dwelling); and possibly GEN7 (protection of ecology). It is also comprehensively contrary to Government Policy in ‘Planning Policy for Traveller Sites’ (March 2012). It is contrary to the criteria of Policy HO11 of the 2014 Local Plan. It is not a site identified, assessed or consulted on as part of the emerging Local Plan. At the very least consideration of the application site in isolation without similar assessment to the sites already considered would be unreasonable, and premature to the plan process. Consideration of need and provision of such proposals (which can be very controversial) should properly be on a District-wide basis.*

*31. There can be no claim that the location of the site and the proposals are sustainable in any meaningful way. Isolation and lack of pedestrian access alone underline this point. The Framework (paragraph 17) says that “planning should be genuinely plan-led, empowering local people to shape their surroundings”. Some 450 letters of objection have been submitted.*

*33. The application makes no attempt to seek to justify the proposals in the light of this policy context, indeed it does not seem to be aware of it. There is no analysis of need and supply; no assessment of landscape impact, land contamination (a likely consideration given the history of the site), transportation, connectivity, or potential ecological impact.*

*34. The only (implied) claim seems to be that this is a haulage yard with 2 caravans already sited on it, so it is suitable for such development. The Inspector in 2001 was dismissive of such a claim, pointing out that rural areas sometimes accommodate a historical anomaly which is no justification for further development. That argument still holds true.*

*35. The site is likely to be contaminated both because of its former use and the evidence of unauthorised waste disposal with imported material. This needs to be the subject of a contamination report before the application can be considered and case law requires that in such circumstances an EIA is required.*

*36. Based on current site conditions and breaches of planning control, there must be some doubt about the willingness or ability of the applicant to conform to the terms or conditions of a planning permission, and thus a permission only acceptable with conditions would be unacceptable if not complied with.”*

## **8.0 CONSULTATIONS**

### **8.1 Highways**

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following:

The proposed development shall not be occupied until 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. The above condition is required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

### **8.2 Natural England**

Statutory nature conservation sites – no objection

### **8.3 Thames Water**

#### Waste Comments

Surface Water Drainage - 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.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

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

### **8.4 UDC Environmental Health**

The site is potentially contaminated due to past usage as a haulage yard.

A condition as set out below should be applied to ensure risks to all receptors on and off site including human health, controlled waters and building services, are minimised.

1. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning

Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination  
(ii) an assessment of the potential risks to: human health, service lines and pipes, adjoining land, and the water environment  
(iii) an appraisal of remedial options, and proposal of the preferred option(s).  
The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and with the Essex Technical Guidance for the redevelopment of land affected by contamination third edition.

2. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to the above receptors has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. The remediation scheme shall be implemented in accordance with the approved timetable of works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority.
4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

### **8.5 ECC Ecology Advice**

Thank you for consulting us on the above application. The site appears to be dominated by hard standing with few natural features other than overhanging boundary trees.

I therefore have no objections.

### **8.6 National Air Traffic Services**

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.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NERL (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NERL in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

### Aerodrome Safeguarding

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

We would, however, make the following observation:

### Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at [www.aoa.org.uk/policycampaigns/operations-safety/](http://www.aoa.org.uk/policycampaigns/operations-safety/)).

## **9.0 REPRESENTATIONS**

The Council received 610 representations which object to this application. Many of these representations include standard wording which is echoed in the PC's objection.

- little information has been provided on this application
- The application is contrary to Policy S7
- Government's framework in para 17 is relevant- planning should be genuinely plan led empowering local people to shape their surroundings
- This site has not been fully assessed in the same manner as other G&T sites in the district
- Policy states that LPAs should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan
- Residential development has been refused on the site previously
- Rural areas sometimes accommodate historical anomalies which is no justification for further development
- The site is poorly connected to facilities in Henham
- The application makes no attempt to seek to justify the proposals in the light of this policy context with no justification
- The road on the top of the hill is actually quite dangerous and if a lot of traffic is coming in and out of the site.
- The site is located in close proximity to a pond and two properties
- The development is not appropriate for Henham or the rural location
- The site is not suitable for travellers due to its prominent location
- A travellers site would be particularly intrusive for the neighbouring house



- The use of lighting would be required which would be an obtrusive feature in the rural environment
- The site could accommodate more than 5 pitches and there is the prospect of further applications being submitted to the Council
- The fact that works to the property has been carried out should not influence the decision of the council on the application
- Similar considerations are taken for residential applications and travellers sites and there have been a number of applications refused for residential on this site which have been upheld at appeal
- The increase in traffic will have an impact on the traffic safety on top of the hill
- Hill Top Yard has already been found to be unsuitable for commercial vehicles because of its position and is unsuitable for a community or group to live in
- The lights are unnecessarily bright and appear like the end of a runway
- The fact that the mobile homes will be permanent makes this application no different to those which have been refused
- The size of the village is not suitable for this type of development
- Village life in rural community not suitable for a gypsy site
- Conditions have been put in place for new builds in the village to protect its character and allowing this development would undermine the character of the village
- Lack of pavements and services in this area
- Mains drainage has been over the years proved insufficient to deal with current demand
- Henham school is not under subscribed so where will the children attend
- No doctors nearby
- The site is the gateway to the village
- Henham has already been spoilt by harsh lighting and concrete and gravel expanse installed
- Just because there are already caravans on site it does not make it a gypsy or travellers site
- The presence of travellers will tarnish the scenic quality of the village
- Communities should be involved with helping locate new traveller sites
- The application does not address the contamination matters
- The Government's Framework for Traveller and Gypsy sites advocates that planning should be driven by a coherent plan so that local people can shape their surroundings. This application seeks to circumvent that framework by unilateral development.
- The Planning Policy for Traveller Sites, Policy H, 24d. states that "When considering applications, local planning authorities should attach weight to the following matters:
  - 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." The fencing surrounding this site and the extensive use of lighting in such a rural environment gives the appearance of a prison camp and will inevitably give the impression that the occupants are indeed deliberately isolated.
- The site has been used for commercial and not redevelopable brown field site for housing
- This site has an overbearing impact on the adjacent property in terms of loss of privacy, noise and light pollution due to its close proximity and is contrary to planning policy GEN 7
- If the application was approved the village will have lost a business site and therefore potential employment
- As this site is not, to my knowledge on a traveller route why would it be a useful or appropriate stop for nomadic people.

- The landowner has gone ahead with substantial preparations on this site before seeking planning permission - something which seems to be on the increase and makes a mockery of Planning.
- There has been no mention of Community Infrastructure Levy (CIL)
- It is not clear whether the haulage part would be fenced off or not. I question whether these two uses of the site are compatible without boundary measures. Is it acceptable to have children playing within an area used by haulage vehicles? The fenced off children's play area would only be suitable for toddlers.
- The Removal of the green boundary was a mistake as this obscured the haulage yard from the entrance to the village.
- It is totally out of keeping with the nature of the rest of the village. It is anomalous to have a commercial operation of that sort in the village and the present application will make things worse.
- The high metal fence surrounding the site gives the impression that the occupants are deliberately being isolated thus not complying with Planning Policy for Traveller sites Policy H, 24d
- The danger to the health of occupants of the site (especially children in the open fenced play area) as a result of being so close to agricultural land regularly sprayed with insecticide, weed killer and fertiliser.
- The lack of infrastructure consideration raises the risk that the parish council; Uttlesford or ECC will become liable for retrospective costs in addressing infrastructure issues. This is clearly unfair on local ratepayers a
- There is historical precedent that development is not permitted on this site b) the application is poorly rendered and clearly does not address planning matters that would be expected on such a development c) the local community do not approve this application and, indeed, the councils that manage our money
- The hugely negative impact a development of this type will have on this small rural community.

#### **Issues which are not valid planning matters**

- The applicant is an outsider who is flouting planning legislation
- The nursery next door is reliant upon high standards of cleanliness and appearance
- The view from a Grade II listed building at Green End Farm would be blighted by this development
- Prior to the application being submitted the land was cleared of any vegetation which could have harmed habitats
- Do they pay rates?
- Can anyone become a Gypsy
- This application will result in further applications for gypsies in the future
- "Give them an inch they will take a mile"
- No action has been taken against the unauthorised lights
- Crime rate will go up
- The applicant appears to have taken the position of developing first and applying for permission after the fact instead of applying first. This is patently unfair on other applicants who do follow the regulations.

## **10.0 APPRAISAL**

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

- A The principle of the use of the land as a private gypsy site (National Planning Policy Framework and Planning Policy for Traveller Sites)
- B The impact of the development on the surrounding location (ULP Policy S7)
- C Highway issues (ULP policies GEN1 & GEN2)

D Contamination

**A The principle of the use of the land as a private gypsy site (ULP policy S8, ENV10, National Planning Policy Framework and Planning Policy for Traveller Sites)**

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 Showpeople 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 Showpeople, 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 were 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 the Uttlesford district 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 the Uttlesford district and this proposal meets criteria a. of Policy H.

10.5 In relation to criteria b) as above, there is a clear need of pitches within the district and the applicant already lives on the site who is also the owner/operator for the business that is being run on the area outlined in blue.

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 lawful use of the site is as a haulage yard with two residential caravans being permitted. The site is surrounded by a high palisade fencing which was erected prior to the submission of this application with the benefit of permitted development allowances which the Council has no control over. It is considered that a condition requiring details of soft landscaping both around the perimeter of the site and within the site for approval by the LPA would satisfy criteria b) above. No additional hardstanding will be required at the site. It is considered that the site is large enough to accommodate landscaping within the site as a mitigation measure
- 10.8 It should be noted that this site has not previously been assessed as a possible Gypsy or Traveller Site and therefore was not part of the Site Assessment Survey produced by Peter Brett. This does not preclude the Council from considering this planning application.
- 10.9 It is considered that the proposal meets criteria set out in policies C and H of the PPTS and on balance is a suitable location for gypsy and traveller pitches.

#### **B The impact of the development on the surrounding location (ULP Policy S7)**

- 10.10 This site is located within the countryside setting in close proximity to the settlements of Henham and Elsenham. Policy S7 of the ULP states that the development will only be permitted within the countryside setting where it is needed to take place there, or is appropriate to the rural location. The policy then continues to say that the development will only be permitted where its appearance protects or enhances the particular character of the part of the countryside in which it is set or there are special reasons why the development in the proposed form. There are a number of residential dwellings which fall outside of development limits between these two settlements including one which is adjacent to the haulage yard site. It is considered that, due to a lack of footpaths and street lighting it is not safe to walk to these settlements, however residents could cycle and they are in close proximity that on balance they will have a detrimental impact on the countryside setting.
- 10.11 As stated above it is considered that the requirement of soft landscaping of the site will soften the visual impact of the development on the open character and appearance of the open countryside setting. The application site is also separated from the neighbouring residential property by the haulage yard which will reduce the impact of this development on the residential amenities of the occupants of the neighbouring property.
- 10.12 Whilst residential activity on this site has been refused in the past, with the most recent being in 2011 this was prior to the NPPF and the PPTS coming into force. This was for 11 dwellings which would have a larger impact on the countryside setting than five pitches and there is a demonstrated need for these in the district. As such it is considered that on balance this site is suitable for the proposed use of the site for five gypsy pitches and associated development.

10.13 Policy GEN4 states that development will not be permitted where pollution including smell, light fumes, other pollutants will cause material disturbance or nuisance to occupiers of the surrounding properties and policy ENV10 states that housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance. It is considered that five gypsy pitches would not be subjected to adverse impacts of the neighbouring activities nor would they cause any impacts such as noise or other pollutants.

10.14 The current application was submitted prior to the refusal of planning application, reference UTT/15/0231/FUL for the retention of the lighting on site for the haulage yard. It is accepted that low level lighting on the site is a common feature on gypsy and traveller sites as well as residential properties, and as such it is considered appropriate to put a condition requiring details of proposed external lighting as well as a condition restricting any additional flood lighting will be required if this application is approved to ensure accordance with policies GEN4 and GEN5.

### **C Highways and parking issues (ULP policies GEN1 & GEN2)**

10.16 Access into the site will be through the existing access point and will be shared with the haulage yard. At present there are no physical barriers which will separate the five gypsy pitches and the commercial activity which will be continued on site, however it is considered that a condition requiring details of internal boundary treatments to be submitted to ensure there are no safety issues between the commercial use and the gypsy pitches on the access point and to not prevent vehicles being able to enter and exit the site in front gear. It should be noted that there is approximately 4 metres between the entrance of the existing building and the red line of the application site. As such it is not considered that the gypsy site will have a detrimental impact on the commercial activity.

10.17 There are sufficient areas on site to accommodate the carparking requirements for the pitches within the area outlined in red and also for vehicles access the haulage yard which falls outside of this application site. Furthermore highways do not have an objection to this proposal and have recommended a condition if it is an approval.

10.18 It is considered that the surrounding road network will be capable of accommodating the traffic movements created by the addition of five pitches on this land. Whilst it is acknowledged that it is not safe to walk from the site, on balance it is considered that this site is not in a location which would adversely affect the road network or have an impact on the traffic safety of the road users. As such it is considered that the proposed development accords largely with policy GEN1 and GEN8.

### **D Contamination**

10.19 The site is potentially contaminated and Environmental Health have suggested that if this permission is approved a contamination investigation should be carried out and a method of how the site could be de-contaminated to accommodate safe and healthy residential accommodation. It is considered through conditions this development would meet Policy ENV14.

## **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. The site is a brownfield site which will not dominate Henham which is the closest settlement. Whilst the site is located outside of

development limits, due to its close proximity to two settlements it is considered that on balance the site is in a suitable location.

- B. The site is situated outside of development limits, however it is within close proximity to two settlements and will not dominate these settlements nor have a detrimental impact on them. The site is sufficiently large enough to accommodate five pitches without it being dominant. Therefore it is considered that the site is appropriate for gypsy pitches and due to the size and location, the site can accommodate five pitches on site without causing any detrimental harm to the surrounding location.
- C. There are no objections from Essex County highways department on this application and have suggested a condition is put on the permission regarding the layout of the carparking areas. It is also confirmed that this proposal will not have an impact on the activities at the haulage yard.
- D. Conditioning the permission requiring investigations into contamination of the site will ensure that the site is suitable and safe for residential accommodation.

## **RECOMMENDATION – CONDITIONAL APPROVAL**

### Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site.  
Moreover, it must include:
  - (i) a survey of the extent, scale and nature of contamination
  - (ii) an assessment of the potential risks to: human health, service lines and pipes, adjoining land, and the water environment
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).The assessment must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’ and with the Essex Technical Guidance for the redevelopment of land affected by contamination third edition.  
REASON: To ensure that site is suitable for residential habitation in accordance with Policy ENV14 of Uttlesford Local Plan (adopted 2005).  
JUSTIFICATION: Contamination is an important issue which may require further works to the site prior to the implementation of the scheme and details of an investigation is required to be submitted and approved by the authority.

4. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to the above receptors has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.  
 REASON: To ensure that site is suitable for residential habitation in accordance with Policy ENV14 of Uttlesford Local Plan (adopted 2005)  
 JUSTIFICATION: Contamination is an important issue which may require further works to the site prior to the implementation of the scheme and details of an investigation is required to be submitted and approved by the authority.
5. The remediation scheme submitted under condition shall be implemented in accordance with the approved timetable of works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority.  
 REASON: To ensure that site is suitable for residential habitation in accordance with Policy ENV14 of Uttlesford Local Plan (adopted 2005)
6. In the event that contamination is found at any time when carrying out the approved that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 4. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 5.  
 REASON: To ensure that site is suitable for residential habitation in accordance with Policy ENV14 of Uttlesford Local Plan (adopted 2005)
7. 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)
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 visual amenity of the rural location in accordance with Policy S7 of the Uttlesford Local Plan (2005).
9. 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:

1. means of enclosure;
2. car parking layouts;
3. other vehicle and pedestrian access and circulation areas;
4. hard surfacing materials;
5. internal boundary treatments;

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).

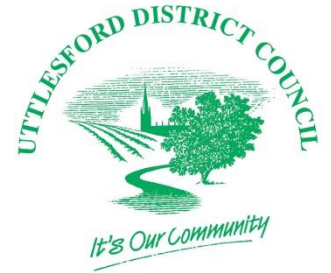
JUSTIFICATION: To ensure that the soft and hard landscaping will be within keeping with the site and surrounding location is important and details need to be submitted and approved by the Authority.

10. 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).
11. The proposed development shall not be occupied until 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. The above condition is required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.



Application no.: UTT/15/0623/FUL

Address: Land Rear of Hill Top Yard, Mill Road, Henham



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Organisation: Uttlesford District Council

Department: Planning

Date: 18 June 2015

SLA Number: 100018688



## UTT/15/0377/FUL (STANSTED)

(Referred to Committee by Cllr Salmon. Reason: Loss of light to neighbours, overshadowing, overbearing, tunnel effect, lack of parking provision, lack of amenity space and deferred to July committee for site visit by Members.)

**PROPOSAL:** Proposed partial demolition of 2 no. extensions, construction of 1 no. two storey extension and change of use from 1 no. residential unit and 1 no. shop to 3 no. apartments and 1 no. shop.

**LOCATION:** 42 Chapel Hill, Stansted.

**APPLICANT:** Mr Howard Berndes

**AGENT:** Mr James Coad

**EXPIRY DATE:** 17 July 2015

**CASE OFFICER:** Samantha Stephenson

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### 1. NOTATION

1.1 Within Development Limits; Conservation Area.

### 2. DESCRIPTION OF SITE

2.1 The application site comprises a 2 storey red brick building located on the northern side of Chapel Hill on the corner of St. Johns Road. The building is a carpet shop with ancillary storage/office space to the rear on the ground floor and a residential unit on the first floor containing 3 No. bedrooms. The site frontage runs 7.5m along Chapel Hill and 25m up St. Johns Road. To the rear of the building are two extensions that are used as a garage and a small storage room off the kitchen. The site is on a hill and consequently the building is at a higher level compared to the neighbouring property No. 40.

### 3. PROPOSAL

3.1 The application proposes the partial demolition of 2 no. extensions, the construction of 1 no. two storey extension and change of use from 1 no. residential unit and 1 no. shop to 3 no. apartments and 1 no. shop. The proposal seeks to convert the building into 3 self-contained one bed apartments and retain the shop on the ground level. The side entrance will be retained allowing access for the private accommodation and will separate the shop from the rest of the property. This application has been revised following Officer advice to reduce the extension to the rear and to provide parking provision.

3.2 The scheme would have an additional ground floor footprint of approximately 6.7m<sup>2</sup> and an additional first floor footprint of approximately 34m<sup>2</sup>. The footprint would be broadly in-line with the neighbouring dwelling No.40. The two storey structure would step down from the ridge height of the existing roof and matches the design of the original building with matching materials.

- 3.3 Four parking spaces are proposed to the rear of the building, one for the shop and three for the residential units, provision for cycle storage and bin store has also been made. A rear garden for the ground floor flat is proposed with a rear garden approximately 30m<sup>2</sup>.

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

- 4.1 Application supported by;
- Design and Access Statement
  - Biodiversity questionnaire

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

- 5.1 None.

#### **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 H3 – New houses within development limits  
Policy ENV1 – Design of Development within Conservation Areas  
Policy RS2 – Town and Local Centres  
Policy SM1 – Local Centres  
Policy GEN1 - Access  
Policy GEN2 - Design  
Policy GEN7 - Nature Conservation  
Policy GEN8 - Vehicle Parking Standards  
Uttlesford Local Parking Standards 2013

#### **7. PARISH COUNCIL COMMENTS**

- 7.1 Members object strongly to this application on the following grounds:

1. No parking provision
2. Contrary to Policy GEN2 – Design, the proposal will have an adverse effect on the occupants of 40 Chapel Hill as a result of loss of daylight, over-bearing impact and over-shadowing.
3. We believe the development will create a “tunnelling” effect for the occupants of 40 Chapel Hill.
4. No outdoor amenity space for two of the apartments.
5. Out of keeping in the Conservation Area.
6. Potential over-looking of no. 4 St John’s Road.  
For these reasons we believe that Cllr Salmon will call-in the application and request a site visit by members. We believe this is particularly important so that members will see the difference in ground levels between the application site and the neighbouring property at 40 Chapel Hill as we consider that this exacerbates the impact of the proposed development. Expired 21.4.15.

## 8. CONSULTATIONS

### Access and Equalities Officer

- 8.1 As nothing has changed with regard to the internal layout from the original drawings since my comment, I would suggest that a condition for an accessibility drawing is provided prior to commencement to show compliance with the SPD on Accessible Homes and Playspace.  
Expired 04.03.15.

### ECC Highways

- 8.2 The Highway Authority has no objections to this proposal subject to conditions.  
Expired 04.03.15.

## 9. REPRESENTATIONS

- 9.1 27 neighbours were informed. Consultation expired 21.04.15. 7 objections received. Concerns regarding – lack of parking provision, design of extension, impact on amenity to no.40 Chapel Hill, impact of construction works on No.40 Chapel Hill, overlooking to no. 4 St. Johns Road, maintenance of private road, increase in volume of traffic, inadequate provision for waste and recycling for a commercial unit.

## 10. APPRAISAL

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

- A The principle of development of the site (ULP Policies S1, RS2, SM1 and H3);
- B Design and visual impact (ULP Policies H3, ENV1 & GEN2);
- C Impact on adjacent residential amenity (ULP Policy GEN2).
- D Access and Vehicle Parking Standards (ULP Policy GEN8 & GEN1)
- E Nature Conservation (ULP Policy GEN7)

### **A The principle of development of the site (ULP Policies S1, RS2, SM1 and H3).**

- 10.1 The site is located within the development limits for Stansted and as such ULP Policies S1 and H3 apply. These are permissive policies where planning permission will be granted for development that is compatible with the settlements character.

- 10.2 In addition to this ULP Policy RS2 permits mix-use development including a residential element where:

- a) It maintains or enhances their role as retail and service centres;
- b) It does not harm their historic and architectural character;
- c) It contributes to the diversity of retail and other commercial activity;
- d) It does not result in significant loss of houses or flats in the centres;
- e) It does not prejudice the effective use of upper floors as living or business accommodation.

While Policy SM1 enables development that would support Stansted's role as local centre and resists change of use of ground floor units to residential.

- 10.3 The proposal seeks to convert the building into 3 self-contained one bed apartments, one at ground floor and 2 at first floor and retain the shop on the ground level. Access

to the shop will remain from Chapel Hill and the side entrance will be retained from St. Johns Road allowing access for the private accommodation, separating the shop from the rest of the property. The existing single storey extensions to the rear will be demolished to make way for a staggered two storey rear extension. Minor structural internal works to the existing building will be needed but no alterations to the front elevation will be made. It is considered that this proposal complies with Policies RS2 and SM1.

**B Design and visual impact (ULP Policies H3, ENV1 & GEN2);**

- 10.4 ULP Policy H3 requires, among other things, reasonable access to jobs, shops and services, this is a centrally located site and is considered to be a sustainable location. Although no amenity space is proposed for two of the 3 residential units, given the site's location in the near vicinity of green spaces and public amenity land this is considered to be acceptable in this instance. The proposed alterations to the exterior of the building to accommodate the apartments is considered to be compatible with the character of the settlement in this village centre location.
- 10.5 Policy GEN2 states that development should be compatible with the scale, form, layout and appearance of surrounding buildings and should have regard to guidance on layout and design adopted as supplementary planning guidance to the development plan. While Policy ENV1 permits development where it preserves or enhances the character and appearance of the Conservation Area. The existing rear extensions make little or no positive contribution to the Stansted Mountfitchet Conservation Area and are not of historic or visual merit, nor do they contribute to the appearance, character and setting of the original building. The proposed development of 42 Chapel Hill, with its matching design and materials will not only enhance the visible character of the existing building but improve the appearance of the building from St John's Road and tidy up this elevation. Views from the streetscene at Chapel Hill will be unaffected.
- 10.6 The gables reflect the design details of the neighbouring dwellings and whilst the overall proposed design differs from the existing, it is of vernacular design and similar to neighbouring properties along this part of Chapel Hill. It is not considered therefore that the proposal is so out of keeping as to warrant refusal. The proposed extension would not look out of place or be unduly prominent in the street scene. It would replace an unremarkable elevation with a more attractive one, more in keeping with nearby dwellings. It is considered that the design would not be out of keeping with the street scene or detrimental to the character and appearance of the street scene.
- 10.8 Taking all of the above into account, in this instance, it is not considered that the impact of the proposal on the visual amenities of the locality would be so great that permission could be refused on this basis.
- 10.9 The Essex Design Guide recommends 25sqm of private amenity area for a one bed apartment, the proposal allows a garden area for the ground floor flat of approximately 30m<sup>2</sup> which exceeds the standard. While there no amenity space proposed for two of the 3 residential units given the site's location in the near vicinity of green spaces and public amenity land this is considered to be acceptable in this instance.
- 10.10 The site is sustainable with regard to the availability of public transport and services within walking distance. The erection of one replacement dwelling would not generate a volume of traffic that would impact on the surrounding transport network.

## **C Impact on adjacent residential amenity (ULP Policy GEN2).**

- 10.11 The design of the rear extension addresses the scale of the adjacent dwelling no. 40, and has been reduced in size and scale to minimise impact following Officer advice. The rear projection closest to the neighbour will not project further than the existing neighbours dwelling while the projection on the St Johns Road side extends no further than the neighbours rear projection. The application site is set higher than the neighbours with an existing tall wall on the boundary and there exists an element of overshadowing and loss of light currently, however the applicant has demonstrated by use of the 45 degree rule that the extensions will not have a significant enough impact to warrant refusal in this case. While the neighbours ground floor window on the rear elevation will be affected there exists another window that serves this room that will be unaffected by the proposals. No additional windows are proposed on the side elevation facing no.40 (one rooflight is proposed) and while an additional window will be on the rear elevation at first floor level this is not considered to be significantly detrimental considering the existing situation on site, in addition any overlooking of any private garden area would be at an oblique angle.
- 10.12 With regard to the neighbour to the north, there is a distance of over 15m between elevations and while there is an additional rear first floor window it is considered that there is no significant detrimental impact on amenity with regard to overlooking, compared to what already exists.

## **D Access and Vehicle Parking Standards (ULP Policy GEN8 & GEN1)**

- 10.13 The proposal would utilise the existing access into the site. Essex County Council Highways Department has no objection to the proposal subject to conditions. The proposal provides one parking space for the shop and three for the residential units, currently there is only the garage on site, the parking provision is therefore an improvement to the existing. Adequate parking provision is provided for all uses to meet the parking standard.
- 10.14 The site is sustainable with regard to the availability of public transport and services within walking distance. The provision of two additional residential units would not generate a volume of traffic that would impact on the surrounding transport network.
- 10.15 Neighbours comment on the congestion and parking issues that exist currently on Chapel Hill, this is an existing situation that the developer cannot address or indeed be expected to. It is considered that the parking provision provided on site is sufficient and that this proposal will not exacerbate this existing situation.

Furthermore, it is considered that the parking provision for the proposal is sufficient given its central location in the village, the fact that many customers would be local and therefore walk, the nearby public carpark and availability of public transport.

## **E Nature Conservation (ULP Policy GEN7)**

- 10.16 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 the answers to the submitted biodiversity checklist and the Officer's site visit have shown that the proposed development would not have any impact on any protected species. The proposal complies with Policy GEN7.

## 11. CONCLUSION

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

The proposed development is acceptable and complies with all relevant Development Plan policies.

### **RECOMMENDATION – APPROVAL WITH CONDITIONS**

Conditions

1. STD1 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 the commencement of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005

3. All new brickwork to be formed in hand made soft red clay bricks laid in Flemish bond in accordance with details that shall be submitted to and approved in writing by the local planning authority before development commences, and thereafter be implemented in accordance with the approved details, and subsequently, the materials shall not be changed without the prior written consent of the local planning

REASON: In order to protect the character and appearance of the essential features of the Conservation Area in accordance with ULP Policy ENV1 and the NPPF.

4. New roof to be natural slate in accordance with details that shall be submitted to and approved in writing by the local planning authority before development commences, and thereafter be implemented in accordance with the approved details, and subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In order to protect the character and appearance of the essential features of the Conservation Area in accordance with ULP Policy ENV1 and the NPPF.

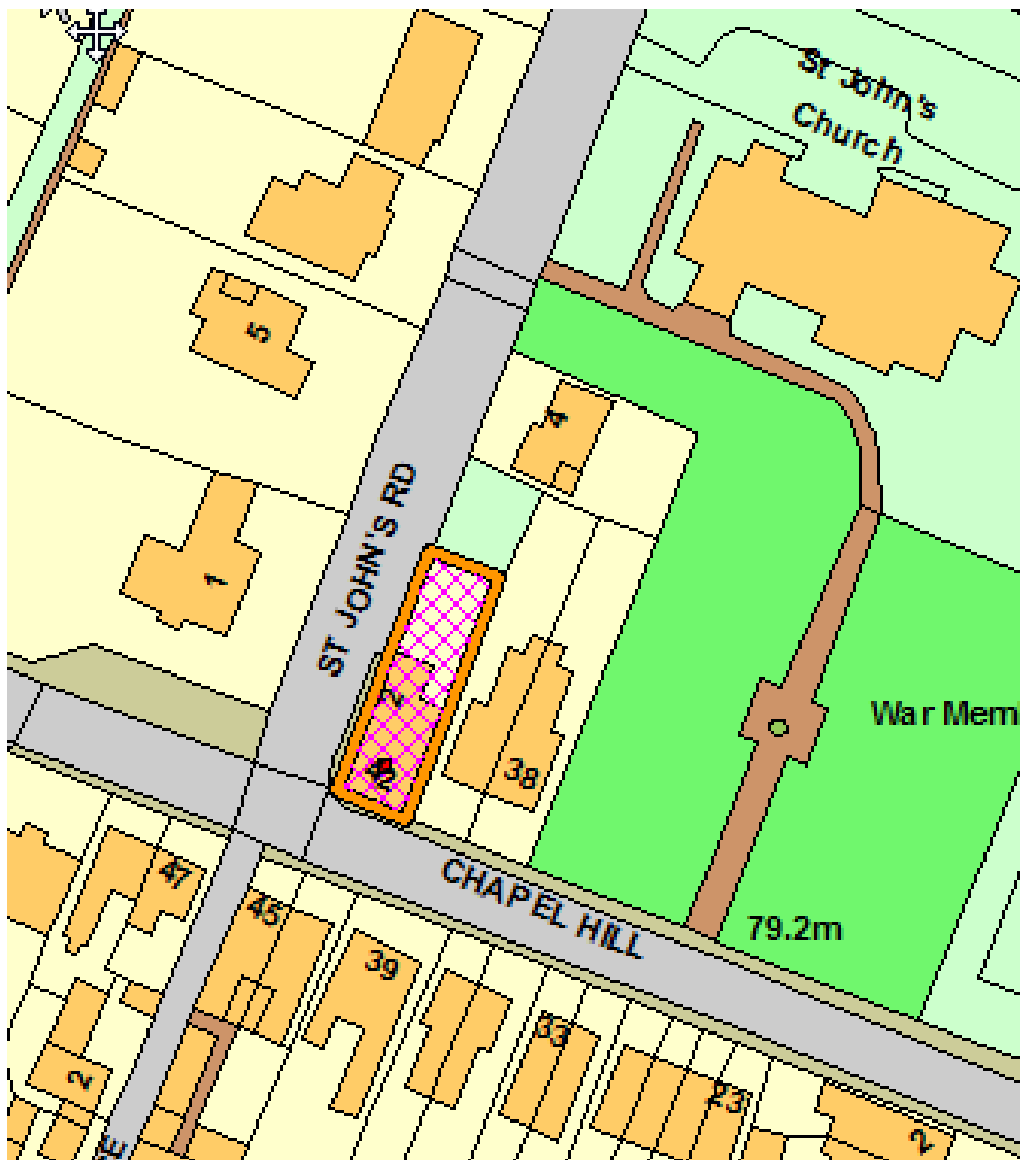
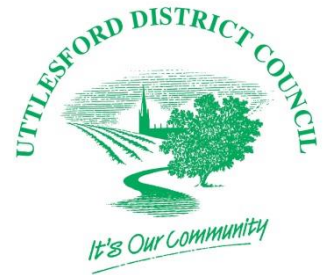
5. Before the development hereby permitted commences, an accessibility drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the building is accessible to all sectors of the community. The buildings shall be designed as 'Lifetime Homes' and shall be adaptable for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.



REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005.

Application no.: UTT/15/0377/FUL

Address: 42 Chapel Hill, Stansted



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Organisation: Uttlesford District Council

Department: Planning

Date: 18 June 2015

SA Number: 100018688

## UTT/15/1201/FUL (TAKELEY)

(Referred to Committee by Cllr Parr if recommended for refusal by officers for the reason that it would result in potential benefits for the local community).

(Referred to Committee by Cllr Jones if recommended for approval by officers for the reason that the proposal would result in back land development and be detrimental to the countryside).

<b>PROPOSAL:</b>	<b>Erection of new dwelling and associated work</b>
<b>LOCATION:</b>	<b>Land East of Bellstock, Molehill Green, Takeley</b>
<b>APPLICANT:</b>	<b>Mr James Salmon</b>
<b>EXPIRY DATE:</b>	<b>1<sup>st</sup> July 2015</b>
<b>CASE OFFICER:</b>	<b>Lindsay Trevillian</b>

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### **1. NOTATION**

- 1.1 Outside development limits, Countryside Protection Zone

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

- 2.1 The application site as outlined in red on the submitted location plan is located on the edge of the small settlement known as Molehill Green. The site itself is relatively level, long and narrow in shape and is approximately 0.12 of a hectare in size. Apart from a small derelict timber framed outbuilding, the site is vacant of any built form.
- 2.2 The site is accessed via an unmade track which provides access to the cricket ground to the east of the site. The site known as 'School Villas' abuts the western boundary of the site which also uses the unmade track for access. A linear row of housing fronting onto Chapel End is located further beyond to the west of the site. Additional housing that fronts onto School Lane is located south of the site. A large open field used for agricultural is located to the north.

### **3. PROPOSAL**

- 3.1 Planning permission is sought for the construction of a single detached one and a half storey dwelling that would contain 4 bedrooms.
- 3.2 The principle elevation of the new dwelling house would front onto the unmade track. At its closest point, it would be setback set back 8m from the unmade track and 4m from the eastern side boundary. The main form of the dwelling would be 'L' shaped with a single storey rear element. It would measure 13m wide by 12m in depth with a building footprint of approximately 146sqm. The dwelling would have a maximum height of 6.6m and it would consist of a half hip, half gable roof form with a rear gable end projecting feature. It is proposed that the external appearance of the dwelling would be finished from clay roof tiles with facing brickwork and render walls.
- 3.3 In addition, it is proposed to construct a single storey detach garage to the western side of the new dwelling to provide an undercover parking and storage area.

- 3.4 A new hedgerow and tree planting is proposed along the eastern side and rear boundaries to provide screening for the private garden area to the rear of the new dwelling.

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

- 4.1 Along with the submitted application form and relevant plans, the applicant has provided a planning 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.
- 4.2 The applicant concludes that the proposal does not represent inappropriate development within the countryside and that it complies with the 3 strands of sustainability. Furthermore it is regarded that the proposal would provide public benefits and it has overcome the concerns raised in previous refused applications by reducing the amount of proposed housing and applying adequate mitigation measures such as landscape buffering.

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

- 5.1 DUN/0106/72 – Site for dwelling (refused 19/6/72)
- 5.2 UTT/0453/80 – Outline application for one bedroom detached bungalow and garage (refused 2/6/80)
- 5.3 UTT/13/1190/OP – Erection of 4 dwellings with all matters reserved (refused and later dismissed at appeal 5/12/13)
- 5.4 UTT/13/2113/OP - Outline application for erection of 4 no. dwellings with all matters reserved (refused 25/9/13)

#### **6. POLICIES**

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

Nation Planning Policy Framework

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

Policy S7 – The Countryside  
Policy S8 – The Countryside Protection Zone  
Policy GEN1 - Access  
Policy GEN2 – Design  
Policy GEN4 – Good Neighbourliness  
Policy – GEN7 Nature Conservation  
Policy GEN8 – Vehicle Parking Standards

##### **6.3 Supplementary Planning Documents**

ECC Parking Standards (February 2013)  
Uttlesford Local Residential Parking Standards (February 2013)

#### **7. PARISH COUNCIL COMMENTS**

- 7.1 Takeley Parish Council: Objects

- The proposal is for a substantial 3-4 bed property and would create a backland form of development that would be out of character with the existing linear layout and form of development in this settlement.
- The development would encroach into the open countryside and could set a precedent for similar developments in the future.
- The proposed development would have an adverse impact on the open characteristics of the Countryside Protection Zone.
- The applicant has failed to provide information about means to dispose of foul water/sewage and any provision for waste/recycling facilities.
- The introduction of a private dwelling does not provide public benefits.
- Inappropriate access due to narrow laneway.

## **8. CONSULTATIONS**

### **ECC Ecology:**

- 8.1 No objection – The Preliminary Ecological Assessment provided by T4 Ecology deems no further surveys to be necessary and I agree with the findings.

### **ECC Highways:**

- 8.2 From a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

### **Thames Water:**

- 8.3 Sewerage - Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 8.4 Surface Water Drainage - 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.
- 8.5 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. With regard to water supply, this comes within the area covered by the Affinity Water Company.

### **Airside OPS Limited:**

- 8.6 No objection - The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal.

### **NERL Safeguarding:**

- 8.7 No objection - 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.

## **Natural England:**

8.8 Natural England has no comments to make regarding this application.

## **9. REPRESENTATIONS**

9.1 The application was notified to 40 surrounding occupiers and a site notice displayed. No representations have been received at the time of writing this appraisal.

## **10. APPRAISAL**

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

- A. Whether the principle of the development is appropriate (ULP S7, S8 and the NPPF);
- B. Whether the design and appearance of the proposal is appropriate (ULP Policy GEN2 and the NPPF);
- C. Impact on neighbouring amenities (ULP Policies GEN2 & GEN4)
- D. Highway safety and parking (ULP Policies GEN1, GEN8 and NPPF)
- E. Landscaping, ecology and Biodiversity (ULP policies GEN2, GEN7 and the NPPF)

### **A. Whether the principle of the development is appropriate (ULP S7, S8 and the NPPF);**

- 10.1 Any new proposal should aim of securing sustainable development as it is a golden thread running through the Framework. Paragraph 14 sets out a presumption in favour of sustainable development and paragraph 7 provide a definition for planning purposes. This identifies three mutually dependent strands; an economic role, a social role and an environmental role.
- 10.2 The Council is required to favourably consider applications for sustainable development, as set out in the NPPF. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and as such there would be some positive economic benefit.
- 10.3 In social terms, the Framework requires, amongst other things, that planning creates high quality environments, with accessible local services that reflect the needs of a community. With regard to services, the site is in reasonable walking distance to local amenities such as a school, local shop, village hall, public house and public transport. The proposal would comply with the social aims of the Framework.
- 10.4 The environmental role of sustainable development, as set out in the Framework, requires the prudent use of natural resources, minimisation of pollution and the move to a low carbon economy. The accessibility of the site would result in less vehicle movements and therefore assist in achieving a low carbon economy. In addition the proposal would not result in harm to the historic environment or upon biodiversity.
- 10.5 When considered in the round, against the three-stranded definition in the Framework, it is considered that proposal complies with the aims of the Framework.
- 10.6 In planning policy terms, the site lies outside of any established development limits as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the countryside and subject to all national and local policies.

- 10.7 Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside. This includes infilling in accordance to paragraph 6.13. 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 proposed needs to be there. In addition, the site falls within the countryside protection zone where policy S8 is similar to policy S7 although in addition it also stipulates that development will not be permitted if either the new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside or it would adversely affect the open countryside.
- 10.8 In the scheme that was recently dismissed at an appeal (ref: UTT/13/1190/OP) and although it was for the construction of 4 dwellings rather than the single dwelling as now proposed, the inspector clear states:
- 10.9 *To my mind, the appeal site visually forms part of the rural surroundings beyond the built confines of this part of Molehill Green. Thus, it provides a pleasant and open backdrop to the built up area. I consider the existing dwellings to the south and west of the site clearly define the edge of the built-up part of the village and the proposal would result in the harmful encroachment of new development into the open and undeveloped land.*
- 10.10 Although the proposal to construct a single dwelling house would result in less harm upon the countryside due to the reduction in built form than the proposal to construct four dwellings that was dismissed at appeal, it is still considered that detrimental harm to the countryside would occur.
- 10.11 Specifically it is regarded that the new dwelling along with its general domestic paraphernalia associated with it would still result in a significant intensification in the built form encroaching into the open countryside and thereby it would still intern cause harm the rural character of the surrounding locality.
- 10.12 In view of the above, the proposal would cause harm to the intrinsic value and beauty of the countryside, this being one of the core principles set out at paragraph 17 of the National Planning Policy Framework.
- 10.13 Within the supporting text of policy S7, it sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.
- 10.14 For the avoidance of any doubt, it is considered that proposed scheme for the erection of a single dwelling house on this site would not represent infilling but extend into the open countryside.
- 10.15 The Planning Inspector came to the same conclusion under the previous dismissed scheme where they state:
- 10.16 *The applicant promotes the site on the basis that the development should be regarded as 'infilling' within part of the built up area. However, I do not support that view because the site cannot realistically be regarded as a 'gap' enclosed by development.*

10.17 Furthermore, although it is regarded that there would be no direct coalescence between the airport and the proposed development, it would however conflict with policy S8 in that the proposal would adversely affect the open characteristics of the countryside protection zone.

10.17 Although the applicant has reduce the number of housing on the site from four to one, for the reasons outlined above, the proposal to construct a single dwelling house on the site would be contrary to local polices S7 and S8 and the National Planning Policy Framework.

10.18 It is therefore required to assess whether there are any other considerations that would outweigh the harm in which the proposal would have upon the countryside.

10.19 The applicant has provided justification within their planning statement justifying the reasoning in which why planning permission should be allowed. These reasons include:

- The proposal complies with the three strands of sustainability contained within the NPPF.
- The applicant refers to a number of other housing schemes allowed outside of development limits within the countryside.
- The proposal would result in public benefits to the local community.

10.20 It is acknowledge that the proposal is sustainable and it may provide some limited local benefit to the local economy, however this does outweigh the rural harm that the proposal would have upon the character of the surrounding area. In relation to the other examples of similar schemes allowed by the Council, it should be noted that each scheme should be judged on its own merits and besides, the individual circumstances and characteristics vary significantly from those of the proposed scheme and therefore have been assessed differently.

10.21 Further to the above, the applicant has acknowledged that the proposed dwelling is to be self-built. It is recognised that Central Government are promoting custom build dwellings however it is considered that the benefits of a self-built building would still not outweigh the harm the proposal would have of the character of the countryside.

10.22 It should be noted that similar reasons were presented under the previous application that was appealed. The planning inspector dismissed these reasons as sufficient justification to outweigh the harm the proposal would have upon the character of the countryside.

**B. Whether the design and appearance of the proposal is appropriate (ULP Policy GEN2 and the NPPF);**

10.23 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.

10.24 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.



- 10.25 The proposed siting within the street scene would be akin to a traditional street layout with the dwelling house arranged in a traditional street-facing format. Although it would be setback slightly further from the highway than the adjoining bungalow of 'School Villas', it is regarded that this alone would not be at odds to the street scene character in terms of siting.
- 10.26 In terms of the general appearance of the dwelling house, it is not regarded to be the most attractive in terms of its overall design particular in relation to its architectural rhythm and more significantly its design is one which would not be of a typical building that you would find within a rural setting.
- 10.27 The principle elevation of the dwelling contains a central porch feature with identical windows openings posited either side of it portraying what would be a very symmetrical and well balanced building. Nonetheless the building would be simplistic in design and appear rather plain in form lacking any great detailing that would provide any visual interest within the public realm.
- 10.28 The design of the main roof form incorporating a half hip, half gable form is not strictly in accordance with the guidance set out within Essex Design Guide. Normally a building found within a rural setting such as the proposed would usually incorporate high pitch roofs over the narrow plain of the building.
- 10.29 However given the mixture of building types and forms within the surrounding locality, it is considered that the proposal is not that drastically unpleasant in terms of its appearance to justify a reason of refusal and therefore on balance the proposal's general design is considered to be appropriate. Furthermore it is noted that the proposed external finishing materials of the new dwelling are appropriate.
- 10.30 The scale of the dwelling has been proposed with regard to the character of the surrounding locality which predominantly contains two story dwellings but combined, detached, semi-detached and single storey bungalows including that of the adjoining property known as 'School Villas'. Although the building footprint of the new dwelling would be slightly larger than adjoining surrounding properties, it is considered that the overall size and scale of the proposal is appropriate.
- 10.31 For a four bedroom dwelling house, the provision of 100sqm of amenity area has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. 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.
- 10.32 The proposal would provide an adequate amount of private amenity space to the rear of the dwelling house that would meet the recreational needs of future occupiers.
- 10.33 In accordance with local policy GEN2, the Council will require that a new dwelling house should be designed to lifetime homes standards. No response has been received from Council's access and equalities officer at the time of writing this appraisal however it is regarded that with appropriate conditions, the dwelling could be designed to lifetime homes standards if planning permission was granted consent.

### **C. Impact on neighbouring amenities (ULP Policies GEN2 & GEN4)**

10.34 Due consideration has been given in relation to the potential harm the development might have upon the amenities of adjoining property occupiers. With regard to neighbouring amenity, GEN2 requires that development does not have a materially adverse effect on neighbouring amenity as a result of overlooking, overbearing or overshadowing impacts.

10.35 The orientation of the site and the degree of separation between the new dwelling and adjoining properties are such that they would ensure that the amenities of these properties will be largely protected. 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.

### **D. Highway safety and parking (ULP Policy GEN1 & GEN8)**

10.36 In relation to the concerns raised by the Parish Council, it should be noted that the application was referred to Essex County Council's highways officer who stated that they had no objections to the proposal. It is considered that the amount of traffic movements to and from the site would not result in a great deal of intensification of the daily vehicle use of this unmade track to compromise road safety or cause significant traffic congestion. Amongst other criteria, it is considered that the proposal would comply with the objectives and guidance of local policy GEN1.

10.37 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'.

10.38 The Adopted Council parking standards recommends that a maximum of three vehicle spaces is provided for a four bedroom dwelling house such as the proposed. The dimensions of the proposed garage fall short of what would constitute as a designated undercover vehicle parking space and therefore the garage can only be classified as an outbuilding providing domestic storage ancillary to the dwelling house. However, the site plan does indicate that three off street parking spaces can be accommodated on the hard standing area in front of the garage. As such it is considered that adequate car parking provisions have been made available.

### **E. Landscaping, ecology and Biodiversity (ULP policies GEN7 and the NPPF)**

10.39 New development should require comprehensive landscaping – for which it should be design to be appropriate and effective in relation to the development itself and to its wider context. The landscaping scheme should be one which is likely to succeed in achieving necessary screening and softening the definition of space and enhancing the public realm.

10.40 A landscaping scheme has not been submitted to support the application however indicative planting has been shown on the submitted block plan. The planting shows a new hedgerow consisting of native mix and tree planting consisting of oak, ash, field maple and wild cheery.

10.41 However Airside Operations Limited have stated within their consultation response as an informative that any planting proposed as part of the development should be carefully designed to avoid any increase in the bird-strike hazard at Stansted Airport.

Berry/fruit bearing species (trees and hedges) should be kept to a minimum, should ideally not exceed 5% of the proposed planting palette and be dispersed throughout the scheme. Tree planting should be at centres of 4 metres or greater and should not include Oak (*Quercus* sp.) or Beech (*Fagus Sylvatica*) as these can provide attractive habitat for pigeons which is an increasing bird strike hazard at the airport.

10.42 Although the landscaping on the submitted block plan is indicative, it could in fact be contrary to the above requirements set by Airside Operations Limited. It is considered necessary that to ensure appropriate landscaping is achieved throughout the site, a planning condition requiring a landscaping scheme be submitted and approved before any works commence on site. Furthermore this would allow the development as a whole to integrate into the wider setting and ensure a sense of well-being for future occupiers.

10.43 An Extended Phase 1 Habitats Survey was submitted in support of the application which concludes that the site is not considered to present a notable or significant variety of habitats, and therefore presents limited potential to provide habitat for protected species. The application was consulted to Essex County Council's ecology officer who agreed to the findings within the report and therefore had no objection in relation to the proposal.

## **11. CONCLUSION**

11.1 It is concluded that the proposal to erect a new single dwelling house would result in an inappropriate encroachment into the open countryside that would significantly alter the character of locality and the open characterises of the countryside protection zone contrary to policies S7 and S8 of the Adopted Local Plan and the National Planning Policy Framework. No adequate reasoning has been demonstrated that would outweigh the harm in which the development would have upon the character of the countryside. The application is therefore recommended for refusal.

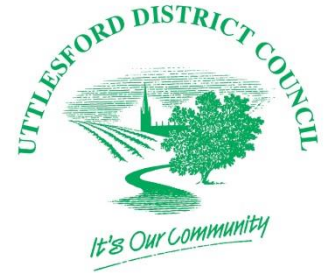
## **12. RECOMMENDATION – REFUSE**

Reason

12.1 The site is within the area identified in the Uttlesford District Local Plan as Countryside Protection Zone and outside the established development limits. The development to construct a single dwelling house would result in a significant intensification in the built form encroaching into the open countryside that would intern alter the character of the surrounding locality harmful to the setting and character and appearance of the countryside. No adequate special reasons have been provided why the development in this form proposed needs to take place to outweigh the harm that it causes. The development is therefore contrary to Policies S7 and S8 of the Adopted Local Plan and the National Planning Policy Framework.

Application no.: UTT/15/1201/FUL

Address: Land East Of Bellstock, Molehill Green, Takeley



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Organisation: Uttlesford District Council

Department: Planning

Date: 18 June 2015

SLA Number: 100018688

**UTT/15/0326/AV - (SAFFRON WALDEN)**

(Uttlesford District Council has an ownership interest in the site)

**PROPOSAL:** Update and installation of new illuminated and non-illuminated signage at both Waitrose Store and in and around the car park.

**LOCATION:** Waitrose Limited, Hill Street, Saffron Walden.

**APPLICANT:** John Lewis Group.

**AGENT:** Integrity.

**EXPIRY DATE:** 1 April 2015.

**CASE OFFICER:** Clive Theobald.

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**1. NOTATION**

1.1 Within Town Centre / Within Conservation Area.

**2. DESCRIPTION OF SITE**

2.1 The site is situated on the south side of Hill Street and comprises the Waitrose store and multi-storey car park situated immediately behind. The store has been the subject of an extensive internal refit in recent months, which is still ongoing, whilst the multi storey car park situated behind, which is owned and leased by Uttlesford District Council, is presently undergoing extensive upgrade works. The car park fronts onto Elm Grove, which in part contains sheltered housing for The Fairycroft Residents Association.

**3. PROPOSAL**

3.1 This proposal relates to an extensive corporate advertisement upgrade for the existing Waitrose store and also for areas of the multi storey car park situated to the rear (collectively forming "the site" for the purposes of this application) in conjunction with the store's internal refit and the car park construction changes. The replacement signage as proposed comprises a large range of both primary and secondary signage which would be either in the form of non-illuminated or externally illuminated signs across the site to reflect the applicant's corporate brand and specific site and customer requirements and which would include amongst the advertising specification lettering signs, projecting signs and totem style signs.

**4. APPLICANT'S CASE**

4.1 None submitted.

**5. RELEVANT SITE HISTORY**

5.1 Four non-illuminated directional shop signs approved in 1985. Retention of two illuminated shop signs - one to Hill Street elevation and the other at rear of The Mall approved in 1986. Provision of two internally illuminated signs and one non-illuminated sign approved in 1994.

- 5.2 Single storey extension to existing store, replacement decked car park and extension over existing service area, associated works, including relocation of roof mounted plant, replacement staircase and lift block and landscaping, including removal of trees on the southern boundary and works to trees on the western boundary and ancillary café approved in 2011 (UTT/2012/10/FUL). Demolition of decked car park to rear of the existing store, including associated vehicle ramp, lift and stair block adjacent to store entrance approved in 2011 also (UTT/2013/10/CA) – permission/consent currently being implemented
- 5.3 Non Material Amendment to UTT/2012/10/FUL for internal alterations to store layout, including installation of a storage mezzanine, reduction in the size of lift shaft and stairwell, replacement of glazed area to the car park area with brick, relocation of some plant and trolley bays, and trolley bays on upper car park level to be covered approved in 2014 (UTT/14/0101/NMA). Non-material amendment to planning permission UTT/2012/10/FUL for alterations to approved internal and external layout, alteration of surface materials around car park and store entrance, and additional glazing panel on western elevation approved on 24<sup>th</sup> April 2015 (UTT/15/0965/NMA).

## **6. POLICIES**

### **6.1 National Policies**

National Planning Policy Framework  
National Planning Policy Guidance

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

ULP Policy GEN1 (Access)  
ULP Policy GEN2 (Design)

## **7. TOWN COUNCIL COMMENTS**

- 7.1 The Committee objected to the illumination of the 3 No. high level signs shown as B2, B3 and B4 in the application as these would have an adverse impact on neighbouring residential properties.

## **8. CONSULTATIONS**

### **Essex County Council Highways**

- 8.1 The Highway Authority has no comments to make on this proposal from a highway and transportation perspective.

### **Conservation Officer**

- 8.2 The above application relates to proposed signage for the refurbishment scheme for the Waitrose Store, Saffron Walden. The store is located in a relatively unobtrusive position within the town, enjoying a strong brand presence along Hill Street through the existent non-illuminated signage. The scheme for the refurbishment also involves extensive works to the existing car park located to the rear. The entirety of the site falls within the boundary of the Saffron Walden Conservation Area.
- 8.3 The current application seeks consent for the proposed signage scheme. Whilst I am supportive of several elements of the scheme, I do have concerns, particularly

regarding the following signs: B1, B2, B3 & B5 (internally illuminated signage). In accordance with local policy ENV1 (Uttlesford Local Plan), there is a presumption against development which fails to preserve or enhance the character and appearance of the Conservation Area. In general, the Saffron Walden Conservation Area is characterised by modest commercial signage using traditional sign written or affixed lettering on timber fascias. Signage is generally non-illuminated, with traditional lighting such as swan neck lights or uplighters. Internally illuminated signage or lettering is actively resisted.

- 8.4 At present, the skyline is dominated largely by St Mary's Church, Saffron Walden Castle and historic rooftops and chimneys which contribute to the special character and appearance of the Conservation Area. Due to the highly sensitive nature of the historic environment, the use of excessive artificial lighting is generally discouraged, particularly that which detracts from the primacy of the principle historic buildings within the Saffron Walden Conservation Area. The current scheme proposes the addition of high-level internally illuminated signage to the eastern and western elevations above the lifts, signalling the car park (B2 and B3), internally illuminated signage on the north elevation set back from the street (B5) and a replacement of the existing non-illuminated signage also on the north elevation with internally illuminated letters affixed to the prominent gable of the structure (B1).
- 8.5 Having considered the impact of the proposed scheme upon the character of the Conservation Area, I consider that the internally illuminated signage would be out of character with the Conservation Area, and would have a significant detrimental impact upon the street scene. This impact would be widely felt given the visibility from the public realm. It is felt that the signage scheme will also result in the shop and car park assuming a visual sense of prominence in the town which will actively compete and detract from the primacy of the heritage assets which form part of the significance and character of the area. I am therefore unable to support the scheme in its current form. Finally, the scheme would also set a harmful precedent for other commercial premises in the town, which we would not wish to encourage.

Initial recommendation: Refuse.

Reason: The proposed scheme would introduce highly visible and prominent signage which would be at odds with, and cause substantial harm to, the character and appearance of the Conservation Area. The scheme is neither considered to preserve nor enhance the character of the Conservation and therefore, does not accord with Policy ENV1 of the Uttlesford Local Plan, 2005.

Email received from Conservation Officer dated 15/06/15 following receipt of final revised drawings:

- 8.6 In response to the revised scheme submitted via e-mail on 15th June 2015 (Reference: Issue H - WAI.301.311), I consider that the concerns raised in my previous response dated 2nd March 2015 have now been successfully addressed. I understand that all proposed internally illuminated signage has now been omitted from the scheme, with all prominent lettering and signage being non-illuminated or externally illuminated. I now consider the proposal to be acceptable in principle. However, I note that details of the external lighting have not yet been submitted and would therefore recommend that a schedule for the external lighting be conditioned to be agreed by the Local Authority prior to the commencement of works in order to ensure that the additional lighting continues to enhance and preserve the character and appearance of the Hill Street street-scene and wider Conservation Area in accordance with ULP Policy ENV2.

## 9. REPRESENTATIONS

- 9.1 Notification period expired 2 March 2015. 3 letters received objecting to the proposal. Advertisement expired 12 March 2015. Site notice expired 12 March 2015.

### Summary of objections as follows:

- Whilst the illuminated replacement corporate signs as proposed would be appropriate for the Hill Street shopping frontage as this is a commercial area, the new high level illuminated signs facing out from the rear car park would not be appropriate or necessary from this side onto a residential area (Elm Grove);
- The rear facing illuminated signs would have a detrimental effect on those residents living in Elm Grove opposite the Waitrose car park (including those properties occupied by the Fairycroft Residents Association) by reason of illumination;
- The District Council has a policy of not permitting internally illuminated signs within the town's conservation area, which has been policy for a number of years. This local policy should therefore be applied to the current proposal in the interests of consistency.
- Clearer new signage is required on both sides of a new gate to be retained between the Waitrose car park and Gold Street Surgery where access to the surgery is abused by the general public who are not surgery patients so that the access is not used as a short cut from Gold Street through Gold Street Mews to the Waitrose Store.

## 10. APPRAISAL

- 10.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state that a local planning authority when determining an application made under these provisions shall only exercise its determination powers with regard to amenity and public safety. Government advice to LPA's in considering applications for advertisement consent is contained within Circular 03/07 and more recently within paragraph 67 of the NPPF ("Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts"). Any material policies of the development plan or other relevant factors shall be taken into consideration when making a determination. The Uttlesford Local Plan does not contain any specific policies relating to the display of advertisements, although ULP Policies GEN1 (Access) and GEN2 (Design) are of relevance to this type of application.

- 10.2 The issues to consider in the determination of the application are therefore:

- A Whether the proposal would constitute a hazard to highway safety (ULP Policy GEN1);
- B Whether the proposal would be harmful to the visual amenities of the area (ULP Policy GEN2).

### **A Whether the proposal would constitute a hazard to highway safety (ULP Policy GEN1).**

- 10.3 In the case of public safety, the relevant factors to consider include the safety of persons using any highway and whether the display of the advertisement would obscure traffic signs or would create a hazard.
- 10.4 ECC Highways have been consulted on this application and have not raised any highway safety objections to the proposed advertising where it considers that the signs would not present a pedestrian obstruction nor constitute a hazard to highway safety. This includes the high level signs proposed. Given the lack of a highways objection, the proposal would comply with ULP Policy GEN1.



10.5 The separate representation raised by the Gold Street Surgery relating to access has been noted. However, this is not a material consideration to the planning merits of the current application under ULP Policy GEN1.

**B Whether the proposal would be harmful to the visual amenities of the area (ULP Policy GEN2).**

- 10.6 National Planning Policy Guidance (NPPG) states that “Amenity” is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. It is, however, a matter of interpretation by the local planning authority as it applies in any particular case. In practice, “amenity” is usually understood and interpreted to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.
- 10.7 In assessing amenity, the local planning authority must therefore consider the local characteristics of the neighbourhood; for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features and whether the local planning authority would consider whether it is in scale and in keeping with these features. Para 67 of National Planning Policy Framework (NPPF) states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. It advises that control over outdoor advertisements should be efficient, effective and simple in concept and operation and that only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment taking account of cumulative impacts.
- 10.8 The proposed corporate signage for this site has been revised and updated by the applicant since the original application submission in response to the initial concerns expressed by the Council’s Conservation Officer (see initial consultation response above) whereby two of the more prominent signs, i.e. b2 and b5, which comprised a high level internally illuminated “Waitrose” lettering sign to be located over the lifts to the car park and a “Waitrose” store entrance internally illuminated sign at the top of the entrance ramp have been removed from the scheme.
- 10.9 The most prominent signs remaining for the corporate upgrade would be the 500mm cap height externally illuminated “Waitrose” new design standard letter sign which would replace the existing Waitrose sign positioned at the bottom of first floor level along the Hill Street frontage building façade (sign b1), a new high level 600mm cap height non-illuminated “Waitrose” letter sign to be positioned over the lifts to the rear car park (sign B3) and a 600mm cap height externally illuminated “Waitrose” letter sign to be positioned at the end of the rear multi-storey car park onto Elm Grove.
- 10.10 Given the removal of internally illuminated signs b2 and b5 and the removal of the internal illumination for signs b1 (frontage) and b3 and b4 (rear car park) in favour of either externally illuminated or non-illuminated signage via negotiation with the applicant, the scheme is now considered acceptable to the Council in terms of impact upon amenity, with particular emphasis on its impact on the historic features of the conservation area where the signs would now be appropriate and would comply with ULP Policy GEN2.

- 10.11 The submitted scheme provides specification details of the means of external lighting intended to be used (i.e. bracket mounted swivel spot lighting with spot or flood beams). However, the Conservation Officer considers that there is an opportunity for other, more appropriate forms of external lighting/fixing to be used for the scheme overall, such as swan necks or uplighters for example and it is recommend that a schedule for the external lighting be conditioned to be agreed by the Local Authority prior to the commencement of works in order to ensure that the scheme overall enhances and preserves the character and appearance of the Hill Street streetscene and wider conservation area.
- 10.12 The proposed advertising has attracted some representations from the Fairycroft Road Residents Association and also an individual resident residing within Elm Grove concerning the high level signs proposed for the Elm Grove side of the store to the rear of the car park. However, it should be noted that these were received prior to the sign revisions as previously described in this report at the request of the Conservation Officer where one of the high level signs on this side has now been removed (b2) and the two remaining signs on this side (b3 and b4) are no longer internally illuminated.
- 10.13 National Planning Policy Guidance states that it is a matter of interpretation by the local planning authority (and the Secretary of State) as to how it applies the term amenity in any particular case. However, in most cases involving illuminated advertisements, it would be the level of brightness or intensity of a particular advertisement which could detrimentally impact upon the residential amenities of an area. In the case of the current proposal, the fact that the nearest sign to Elm Grove (b4) is now shown to be externally illuminated would mean that any loss of “amenity” in this regard would not be significant, although separate means of redress would still exist under environmental health legislation should the sign consequently ever represent a light nuisance.

## 11. CONCLUSION

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

- A The proposed signage scheme would not represent a hazard to highway safety and would comply with ULP Policy GEN1;
- B The proposed signage scheme would not be harmful to the visual amenities of the area following revisions to the signage as described in this report as a result of negotiations between the Council and the applicant and would comply with ULP Policy GEN2.

### **RECOMMENDATION – CONDITIONAL APPROVAL**

Conditions/reasons

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition.

REASON: In the interests of visual amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

REASON: In the interests of visual amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

REASON: In the interests of visual amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

REASON: In the interests of visual amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

6. This consent shall expire 5 years from the date of this notice or when the business occupying the premises changes, whichever is the sooner, whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority

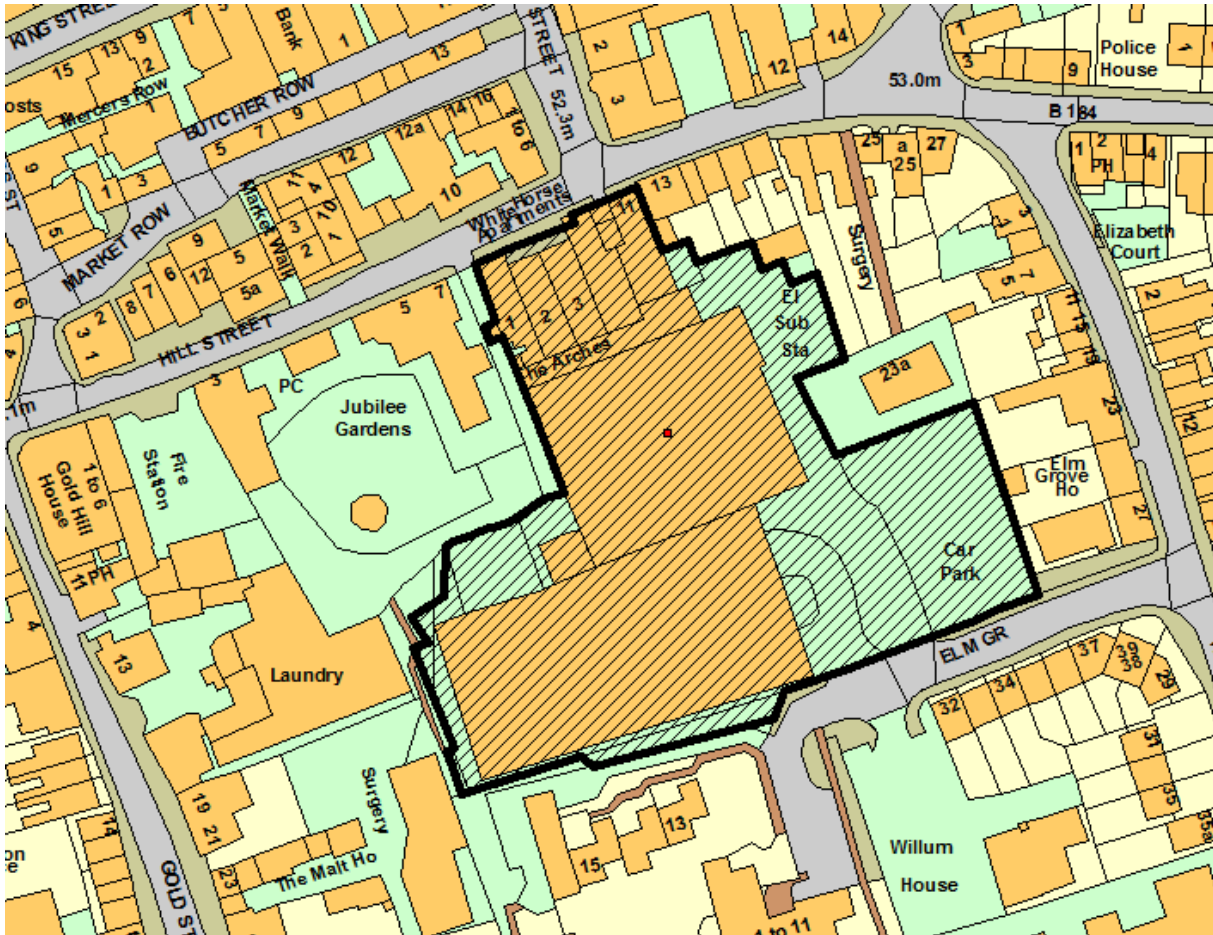
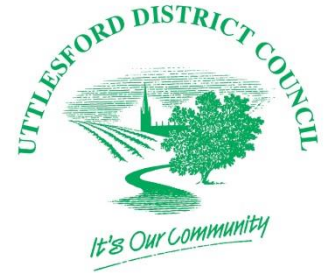
REASON: In the interests of visual amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

7. A schedule showing details of the external light fittings proposed to be used for the advertising hereby permitted shall be submitted to and approved in writing by the Local Authority prior to implementation and thereafter the means of external light fitting shall be implemented in accordance with the approved details.

REASON: In order to enhance and preserve the character and appearance of the Hill Street streetscene and wider conservation area in the interests of amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/15/0326/AV

Address: Waitrose Limited, Hill Street, Saffron Walden.



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Organisation: Uttlesford District Council

Department: Planning

Date: 18 June 2015

SLA Number: 100018688

## **UTT/15/1245/HHF - (RICKLING GREEN)**

*(Referred to Committee by Cllr Parry. Reason: loss of privacy to neighbouring property).*

**PROPOSAL:** Proposed loft conversion

**LOCATION:** 1 Long Ridge Rickling Green Road Rickling Green CB11 3BZ

**APPLICANT:** Mr R Osborn

**AGENT:** Philip Livings

**EXPIRY DATE:** 3 July 2015

**CASE OFFICER:** Rosemary Clark

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### **1. NOTATION**

Within Development Limits

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

The application site consists of a detached single storey dwelling on an elevated site off Rickling Green Road in the village of Rickling Green. It is accessed by a private lane. The dwelling was granted permission, on appeal in 2006 along with 5 other dwellings. It has a single integral garage to the side with gravel parking areas to the front. The property is of brick construction with a tiled roof. To the rear is a patio area and raised grassed area. The property is bordered by close boarded fencing - mature hedging and trees exist on the south and west boundaries. The property to the south-east, Maples is on lower ground than the application site and is a two-storey detached dwelling. The dwelling to the west is again on lower ground and is a two-storey detached dwelling. To the north are 4 detached dwellings constructed under the same permission as the application site.

### **3. PROPOSAL**

- 3.1 This application relates to the proposed conversion of the existing roof-space into habitable accommodation including the insertion of rooflights and windows to make this possible. It is proposed that there would be three rooflights and a window on the south-east facing roof slope, the rooflights being obscure glazed and serving a bathroom, ensuite and landing, with a high level window serving the bedroom to the far end of the roof slope. A dormer window is proposed to the south facing roof slope to serve a bedroom to the front of the property. This will also include a dormer on the north facing roof slope along with a rooflight for the ensuite and a window to serve a small study. One rooflight is proposed to the north-west roof slope to also serve the landing.

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

- 4.1 See supporting statement – main points

- Acknowledges previous conditions and refusal regarding windows in roof
- Pre-application advice sought – advice contained addressed in application
- Emphasis on needs of applicants

## **5. RELEVANT SITE HISTORY**

- 5.1 UTT/2114/05/FUL – Erection of three No five bedroom houses, one No three bedroom house and one No three bedroom bungalow – approved on appeal 30.6.06
- 5.2 UTT/1868/08/FUL – Variation of condition 7 on planning permission UTT/2114/05/FUL to allow for windows in roof space – refused 22.1.09

## **6. POLICIES**

### **6.1 National Policies**

National Planning Policy Framework

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

- S3 – Within Development Limits
- GEN2 – Design
- H8 – Home Extensions
- SPD1 – Supplementary Planning Document – Home Extensions

## **7. PARISH COUNCIL COMMENTS**

- 7.1 Notwithstanding the existing constraints on the property, and on the proviso that the concerns of those in neighbouring properties are accorded appropriate weight, and that neither the footprint or overall height of the property are increased, the Parish Council has no objection to this application.

## **8. CONSULTATIONS**

### **Natural England**

- 8.1 No comment

## **9. REPRESENTATIONS**

- 9.1 10 Neighbours consulted – main issues

- Overlooking and loss of privacy in particular to the property, Maples
- Previous applications rejected
- The property is a two-bedroomed dwelling which was known at the time of the current owners acquiring dwelling
- Concerns over means of escape in the event of fire
- Support received from one neighbour – confirming rooflights are present in their property and likewise have been positioned at such an elevation that it is impossible to look out and overlook neighbours.

### Officer's comments:

*The issues raised will be detailed within the report. Means of escape in event of fire will be considered as part of building control, however, details checked with Building control and windows are not necessarily required as a means of escape as this can be dealt with by the use of fire doors etc.*

## 10. APPRAISAL

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

- A Whether the proposed works would be of an appropriate design and scale, respecting the original dwelling (NPPF, ULP Policies GEN2 and H8)
- B Whether the proposal would adversely affect the visual and residential amenity of the locality and neighbouring residents (NPPF, ULP Policies GEN2 and H8)
- C Whether the proposal would result in adequate parking provision (ULP Policy GEN8 and Uttlesford Local Parking Standards (adopted February 2013))

### **A Whether the proposed works would be of an appropriate design and scale, respecting the original dwelling (NPPF, ULP Policies GEN and H8)**

10.1 Since the previous applications were considered, the National Planning Policy Framework (NPPF) was introduced in 2012. Whilst our Local Plan is still waiting to be updated, broadly speaking the policies in both the adopted plan from 2005 and the emerging plan follow the criteria of the NPPF. However Paragraph 10 and 17 of the NPPF do afford some weight to considering personal circumstances when determining applications and any upgrading of properties to improve living conditions and be more energy efficient.

10.2 Whilst it is appreciated that there is a need for smaller, 2 bedroomed dwellings, in this case a family has immersed itself into the community and wishes to remain in their existing dwelling, in the village without having to try and move house. Whilst not strictly a material planning consideration paragraph 7 of the NPPF encourages LPA's to consider the following when determining applications:-

*Supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.*

Also, Paragraph 9 of the NPPF is concerned with seeking positive improvements in the quality of the built, natural and historic environments, as well as in people's quality of life, including improving the conditions in which people live.

The needs of this family could be met if this conversion was approved, allowing them to stay within the village, thereby supporting the social well-being of the community.

10.3 The property is located in an area which is reasonably built up with dwellings clustered together. The style of this proposal using small gabled dormers and rooflights would not look out of place as this style has been commonly used within the village in particular along the Rickling Green Road itself. The sum total of additional habitable rooms would be three, two bedrooms and a study. Whilst it has been confirmed that the non-habitable rooms, i.e., bathroom, en-suites and landings will be obscure glazed, the introduction of the other additional windows and the potential harm to neighbouring residential amenity must be addressed. However, as far as the design of the proposal goes it is considered that the proposed conversion and additional features complies with the NPPF and Uttlesford Local Plan Policies GEN 2 and H8.

**B Whether the proposal would adversely affect the visual and residential amenity of the locality and local residents (NPPF, GEN2 and H8)**

- 10.4 The Maples lies approximately 33m away from the south-western end of the south-eastern side elevation of the host property, where it is proposed to insert a double rooflight to light a bedroom. This is 8m further away than the minimum distance of 25m recommended to avoid significant overlooking as detailed in the Essex Design Guide, which has been adopted by the Local Planning Authority as Supplementary Planning Guidance under Policy H8. No windows are proposed in the gable elevation of 1 Long Ridge which is much closer to The Maples. It is appreciated that The Maples is situated on lower ground than that of the application site which, in this case, it is considered lessens any potential for the overlooking of the main habitable rooms on ground level or indeed the private amenity areas of the property.
- 10.5 Whilst the perception of overlooking with the addition of rooflights and windows can be understood, having been on site and viewed the application site from The Maples to the south as well as from the application site itself, it is not considered that there would be an unacceptable level of potential for overlooking of this dwelling by the addition of one high-level window on the south-east facing roof slope. In particular as its position is to the more western side of the roof slope and due to the angle of the said window it would be unlikely to be able to see into the garden or windows of either the ground or first floor of The Maples without intentionally standing on something. To reassure the neighbouring occupants of The Maples it was requested that a minimum height of 1.7m be obtained for this double rooflight. The section drawing provided shows this to have been exceeded to over 2m above floor level. The angle of the dormer on the west facing roof slope again would make overlooking of the neighbouring property difficult and unlikely.
- 10.6 The window in the gable of the south-west elevation cannot be inserted any higher than 1.5m due to the constraints of the roof construction. Whilst it would have been preferred for this to be higher, the increase in potential for overlooking is not considered to be excessive, again as the angle of the window in comparison to the property at No. 3 Grey Hollows, would not directly face any windows in the rear elevation of this property.

Whilst should this application be approved, it appears to go against the decision made by both the Planning Inspectorate in 2006 and the officer determining the application to vary the condition in 2008, it should be noted that the condition still remains in place in as much as any additional windows could not be inserted in any roof slopes without prior permission from the Local Planning Authority.

**C Whether the proposal would result in adequate parking provision (ULP Policy GEN8 and Uttlesford Local Parking Standards (adopted February 2013))**

- 10.7 There would be sufficient parking available within the site to meet the standards of the Uttlesford Local Parking Standards (adopted February 2013), with the existing garage remaining and the two other parking spaces within the site.

**11. CONCLUSION**

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

- A The proposed loft conversion and insertion of windows and rooflights is acceptable in terms of design and meets the criteria of NPPF and ULP Policy GEN 2 and H8



- B On balance, it is considered that notwithstanding the original appeal decision, conditions and previous refusals, the needs of this young family who are settled within the community outweigh the limited increase in potential for any loss of privacy or overlooking concerns. The proposal is therefore considered to be acceptable in this instance and would meet the criteria of the relevant National and Local Plan Policies.
- C There is sufficient parking within the site to meet the requirements of the ULP Policy GEN8 and Uttlesford Local Parking Standards (adopted February 2013)

**RECOMMENDATION – CONDITIONAL APPROVAL**

Conditions

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

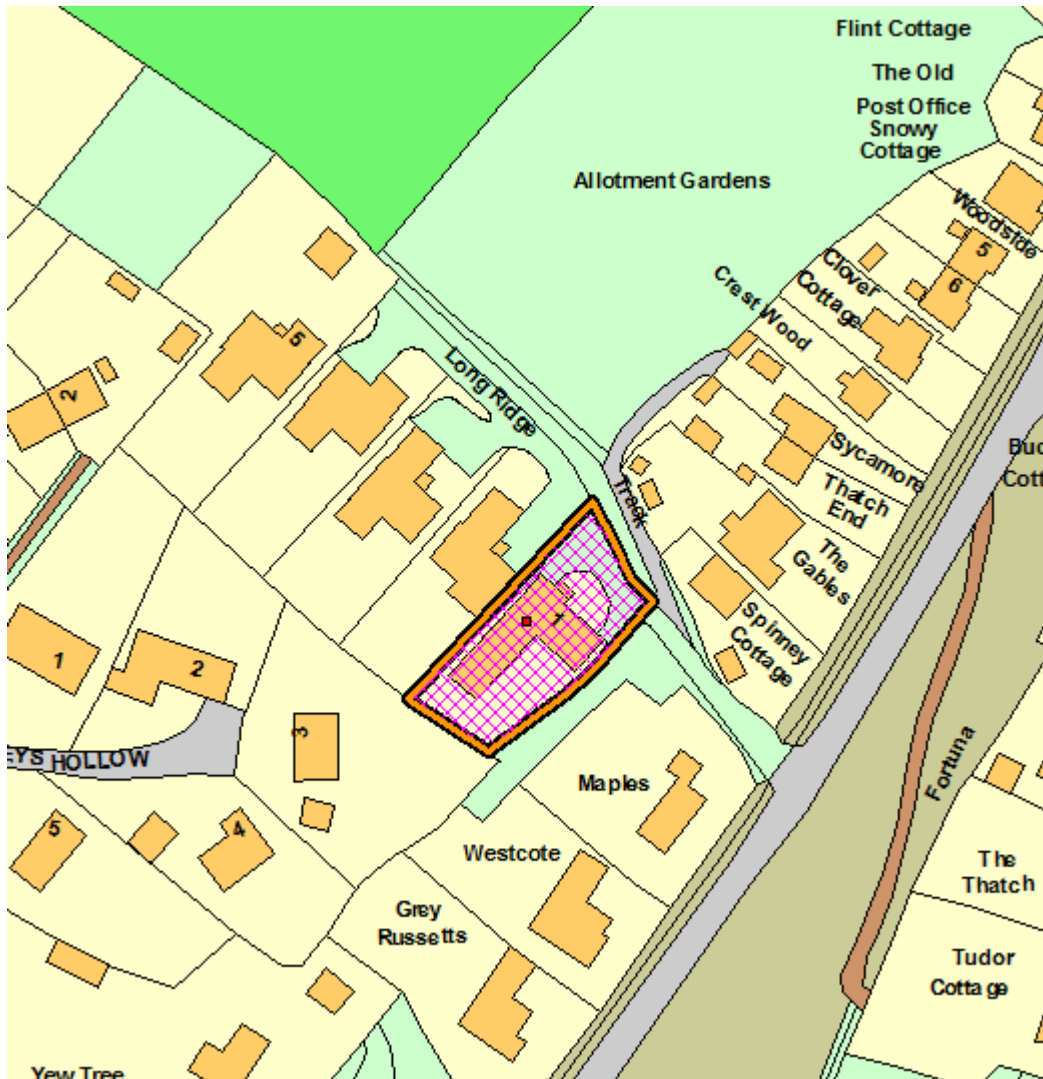
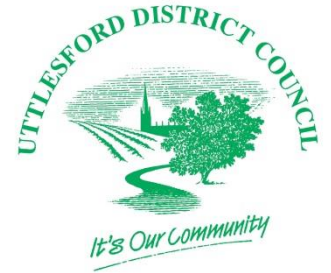
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The rooflights hereby permitted that serve the bathroom and ensuites as detailed on drawing no P2215/R shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in those windows.

REASON: In the interest of the residential amenity of neighbouring properties in accordance with Uttlesford Local Policies GEN2 and H8.

Application no.: UTT/15/1245/HHF

Address: 1 Long Ridge, Rickling Green Road, Rickling Green



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Organisation: Uttlesford District Council

Department: Planning

Date: 18 June 2015

SLA Number: 100018688

**UTT/15/1659/FUL – (STEBBING)**

MINOR

**PROPOSAL:** Provision of 2 hardstandings and creation of vehicular access

**LOCATION:** 12 and 12A Pulford Place, Stebbing

**APPLICANT:** Uttlesford District Council

**AGENT:** Uttlesford District Council (Andrew Hurrell)

**EXPIRY DATE:** 31 July 2015

**CASE OFFICER:** Karen Denmark

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**1. NOTATION**

1.1 Within Development Limits.

**2. DESCRIPTION OF SITE**

2.1 The application site is located on the eastern side of Brick Kiln Lane. 12 and 12A Pulford Place are located in a two storey building at the end of a row of bungalows. There are further two storey properties to the south.

**3. PROPOSAL**

3.1 The proposal relates to the creation of a vehicular crossover and the provision of two parking spaces. The parking bays would be 2.7m wide and the hardstanding areas would extend to 7.096m and 6.364m.

3.2 The parking areas would be laid in dense bitumen macadam. A green strip would be retained between the two spaces, and a damson tree would be retained.

**4. APPLICANT'S CASE**

4.1 None submitted.

**5. RELEVANT SITE HISTORY**

5.1 There is no relevant planning history associated with these properties.

**6. POLICIES**

**6.1 National Policies**

National Planning Policy Framework

**6.2 Uttlesford District Local Plan 2005**

GEN1 – Access

GEN2 – Vehicle Parking Standards

## **7. PARISH COUNCIL COMMENTS**

- 7.1 Stebbing Parish Council has no objection to the creation of the 2 hardstandings but would like to see the reinstatement of the verge in front of these properties where it has been damaged by the parking of vehicles upon it as part of this work.

## **8. CONSULTATIONS**

### **ECC Highways**

- 8.1 The impact of the proposal is acceptable to the Highway Authority.

## **9. REPRESENTATIONS**

- 9.1 Ten neighbouring properties have been notified of the proposals. No letters of representation have been received.

## **10. APPRAISAL**

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

- A The provision of the parking spaces would be appropriate in this location
- B There are any highway issues arising from the proposals.

### **A The provision of the parking spaces would be appropriate in this location**

- 10.1 The application site is located on the eastern side of Brick Kiln Lane. The majority of properties in this location do not have off-road parking, although there are two parking bays in the locality. However, it would appear that these do not provide sufficient parking for the properties that require off-road parking.
- 10.2 The proposed parking bays would be 2.7m wide and have a length of 7.096m and 6.364m. These do not strictly meet the adopted standards for parking bays which should be 2.9m by 5.5m.
- 10.3 The properties have a large grassed area to the front which contributes to the character of the street scene. This is enhanced by the damson tree in the middle of the grassed area. The parking bays have been designed to ensure the retention of the tree, thus they are technically undersized, although they would be bigger than the minimum standards of 2.5m x 5m which are appropriate in exceptional circumstances. The replacement of large sections of this area with tarmac would adversely impact on the character of the street scene. However, this adverse impact would need to be weighed up against the benefit of the provision of off-road parking spaces.
- 10.4 The proposals would result in the creation of a new vehicular access resulting in a large area of the highway verge being hard surfaced. Again, this would impact on the character of the area. However, it is noted that other vehicular crossings exist in the area and this would not be significantly out of keeping with the area.
- 10.5 The provision of off-road parking spaces has the benefit of increasing highway safety. Currently it would appear that vehicles are parking clear of the highway by utilising the grass verge. This is causing significant damage to the verge and vehicles, depending on their size, may also be causing conflict for users of the footway. These benefits would outweigh the harm caused by the creation of the spaces. This is further

benefited by the fact that a grassed central strip and a strip at the side of the spaces would be retained, thus ensuring a slight softening of the proposed development. On balance it is therefore considered that the proposals are acceptable.

**B There are any highway issues arising from the proposals.**

10.6 The proposals would result in the creation of an additional vehicular access. The proposed materials would not result in loose material being tracked into the highway. Essex County Council Highway's Officer has assessed the proposal and raises no objections. It is not considered that the proposals would give rise to any significant highway safety issues, and may improve highway safety. It is therefore recommended that the application be approved.

**11. CONCLUSION**

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

A The proposals would result in the creation of two additional parking spaces, which would remove the current potential for conflict from vehicles parked on the grass verge. Whilst these would have an adverse impact on the character of the street scene, when considered against the benefits it is considered that, on balance, the proposals are acceptable.

B The proposals would not give rise to any significant highway safety issues.

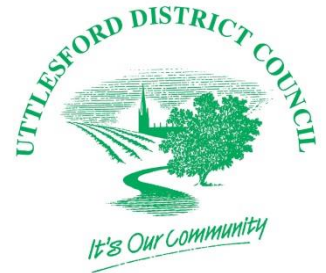
**RECOMMENDATION – CONDITIONAL APPROVAL**

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.  
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

Application no.: UTT/15/1659/FUL

Address: 12 And 12A Pulford Place, Stebbing, Dunmow



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Organisation: Uttlesford District Council

Department: Planning

Date: 18 June 2015

SLA Number: 100018688

**Committee: Planning**

**Agenda Item**

**Date: 1 July 2015**

**5**

**Title: UTT/14/0127/FUL; Planning application for the erection of 99 dwellings, including 40 percent affordable housing, facilitated by new vehicular and pedestrian access from the roundabout junction of Ongar Road and Clapton Hall Lane, public open space including a children's' play area, green corridors, associated parking and landscaping. Land South of Ongar Road, Ongar Road, GREAT DUNMOW**

**Author: Nigel Brown  
Development Manager**

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### **Summary**

1. The above planning application was reported to Planning Committee on 7 May 2014. Members resolved to grant planning permission. A Section 106 Obligation was completed and a decision notice was issued on 31 July 2014.
2. The Report to Planning Committees of 7 May 2014 is appended as Appendices A. The minutes of this are appended as Appendix B.
3. Subsequent to the issuing of the decision notice, a Judicial Review was received challenging the decision on the basis that the Council failed to carry out an appropriate EIA Screening of the application. The Council accepted this and the decision was duly quashed and has been returned to the Council to re-determine.
4. A final revised Screening Opinion has been provided under Reference UTT/15/0460/SCO dated 8 June 2015.
5. The purpose of this report is to reconsider Planning Application UTT/14/0127/FUL

### **Recommendations**

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

- (I) **The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be**

**prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an agreement to secure the following:**

- (i) the provision of 40% affordable housing split 70:30 between rented units and shared equity units**
  - (ii) to provide public open space and a LEAP before first occupation and offer it to the Town Council for adoption with a contribution to ongoing maintenance for 20 years**
  - (iii) Primary education contribution of £294,013.00**
  - (iv) Secondary education contribution of £289,854.00**
  - (v) Highway contribution of £27,183 toward improvements of the Hoblings junction**
  - (vi) Bus stop improvement works to the Gatehouse Villas and Chelmsford Road stops**
  - (vii) Healthcare contribution of £16,800.00**
  - (viii) Travel Plan**
  - (ix) Council's reasonable legal costs**
  - (x) Monitoring contribution**
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below.**
- (III) If the freehold owner shall fail to enter into such an agreement by 3 August 2015 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:**
- (i) Lack of contributions to essential healthcare and primary and secondary education facilities**
  - (ii) Lack of provision of 40% affordable housing**
  - (iii) Lack of open space and play equipment**
  - (iv) Lack of improvements to Hoblings junction, local bus stops**
  - (v) Failure to provide a Travel Plan**

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

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

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

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies



of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

JUSTIFICATION: It is imperative that the appropriate materials are agreed before the use of materials on the site.

4. Prior to the erection of the development hereby approved full details of both hard and soft landscape works consistent with the approved Landscape Strategy Plan 13.1705.01E and the Soft landscaping proposals Plan 13.1705.02 shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-
  - i. proposed finished levels or contours;
  - ii. means of enclosure;
  - iii. car parking layouts;
  - iv. other vehicle and pedestrian access and circulation areas;
  - v. hard surfacing materials;
  - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
  - vii. proposed and existing functional services above and below ground (e.g. drainage power,
  - viii. communications cables, pipelines etc. indicating lines, manholes, supports.);
  - ix. retained historic landscape features and proposals for restoration, where relevant.

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

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: Development prior to the agreement of landscaping could prejudice appropriate landscaping being secured on the site.

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the

development is occupied or in accordance with the programme agreed with the local planning authority.

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

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

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

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

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

JUSTIFICATION: Development prior to the agreement of the sustainable drainage system could seriously prejudice the delivery of an appropriate sustainable drainage scheme.

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

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

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

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

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 and PPS9 of the Uttlesford Local Plan (adopted 2005).

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

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

JUSTIFICATION: Any works prior the necessary archaeological works could prejudice and heritage asset.

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

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

JUSTIFICATION: Any works prior the necessary archaeological works could prejudice and heritage asset

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

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

14. Development shall not commence until a Bird Hazard Management Plan has

been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include confirmation of:

- planting and plant maintenance in the perimeter of waterbodies;
- measures to limit access during the development stage e.g. goose proof fencing surrounding all waterbodies;
- signs deterring people from feeding the birds;
- access to the site for representatives of Stansted Airport as required for the purposes of monitoring bird activity.

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

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

JUSTIFICATION: All matters including construction facilities can seriously prejudice the operations of the Stansted Airport.

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

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

16. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - *Trees in Relation to Construction - Recommendations* has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- (a) All tree work shall be carried out in accordance with British Standard BS3998 - *Recommendations for Tree Work*.
  - (b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within [1-5 years] from [*the date of the occupation of the building for its permitted use*], other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
  - (c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition ( ), at such time as may be specified in writing by the local planning authority,.
  - (d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

(e) No equipment, machinery or structure shall be attached to or supported by a retained tree.

(f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

(g) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

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

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

JUSTIFICATION: Protected and Retained trees can be harmed and prejudiced at the site clearance stage and as such tree protection measures do need to be in place at this early stage.

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

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

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

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

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

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

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

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

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

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

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

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

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

REASON: In the interests of amenity and highway safety

JUSTIFICATION: As matters relate to construction, the details need to be placed before the commencements of works.

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

REASON: To provide safe access and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

JUSTIFICATION: The delivery of these highway works could be prejudiced if general construction works commenced before the agreement of the details.

23. Before occupation of any dwelling, the bridleway as shown in principle on Architect's drawing number 12/030/11A running from Ongar Road along the western and southern boundaries shall be provided in accordance with details

that shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

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

### **Financial Implications**

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

### **Background Papers**

Planning Application Reference UTT/14/0127/FUL; and report to Planning Committee 7 May 2014.

### **Impact**

- 1.

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**

1. This application was considered by Planning Committee on 7 May 2014. Members resolved to grant Planning Permission subject to the completion a S106 Legal Obligation and certain conditions. The Section 106 Obligation was completed and planning permission was issued on 31 July 2014.
2. The planning permission was subsequently legally challenged on the following grounds:

- a. Failure to carry out an Environmental Impact Assessment (EIA) Screening but relied instead upon screening opinions from previous similar applications;
  - b. Failure to consider the cumulative effects of planned developments in Great Dunmow;
  - c. The EIA Screening we relied upon was flawed,
3. The Council accepted the failure on Ground a, but not on Grounds b & c. On this basis the Council did not contest the challenge.
4. The planning permission was quashed by the High Court on Ground a, alone, and the application has been returned to the decision maker, i.e. the Council, to be re-determined.

### **Updated Decision**

5. In response to quashed planning permission, the applicant's submitted a formal request for an EIA Screening Opinion, registered as UTT/15/0460/SCO on 30 March 2015. An officer's screening opinion was provided on 20 February 2015; with a further revised opinion provided on 7 April 2015. Both concluded that the Environmental Impact (including Cumulative) was not significant; so an EIA was not required.
6. On 15 May 2015; a letter was received from legal representatives of local residents raising various concerns over the robustness of the Screening Opinion of 7 April 2015. In response to this a further Screening Opinion was provided on 10 June 2015; accepting some and addressing other points raised. It was concluded that the Environmental Impact (including Cumulative) was not significant; so an EIA was not required.

### **Further Consultations.**

7. In light of the quashed planning permission, the applicant also submitted a revised Transport Statement. All residents notified originally of the application, Great Dunmow Town Council and ECC Highways were notified of the revised application on 12 May 2015. The purpose of the notification was to inform members of the public that the application had been returned to the Council for determination, and the likely Planning Committee date (initially 3 June 2015). The matter was not reported to Planning Committee on 3 June 2015 due to the ongoing discussions around the Screening Opinion of 7 April 2015.
8. Great Dunmow Town Council have made direct representations by way of letters dated 29 May 2015 and 3 June 2015; both are attached as Appendices C & D.
9. Nine further representations have been received from local residents objecting to the proposal. No new issues are raised by the representations that were not previously raised by representations reported to Planning Committee on 7 May 2014. Members are requested to refer to the Committee Report for 7 May 2014 appended as Appendix A. Previous consultation responses received,



including representations made. need to be considered when determining this planning application.

**Changes in Planning Circumstances since 7 May 2014**

- 10. Since the report to Planning on 7 May 2014, the Emerging Local Plan has been withdrawn following the Local Plan Inspector’s Decision in December 2014. This has no bearing on the determination of this application as the Emerging Local Plan had very minimal weight at the time of the previous determination.
- 11. The situation regarding the five-year land supply is fundamentally unchanged since the 7 May 2014 consideration
- 12. One matter that was clarified at the meeting on 7 May 2014 does require clarification. The officer’s report (Appendix A), at Paragraph 10.20, does indicate that the previous challenged planning permissions are a material planning consideration, they are not. The fact that this Committee has previously approved this application is also not a material planning consideration.

**Conclusion**

- 13. It is concluded that the sole reason for the quashed planning permission has been addressed through the provision of an appropriate Screening Opinion. No other policy circumstances have changed, and no further representations have been received to reverse the original recommendation for approval of this application.

**Risk Analysis**

14.

Risk	Likelihood	Impact	Mitigating actions
1	1	1	None

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.



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

Major Application

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

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

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

**AGENT:** Boyer Planning Limited

**EXPIRY DATE:** 21 April 2014

**CASE OFFICER:** Philip Hughes

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**1.0 NOTATION**

1.1 Outside Development Limits / Protected Lane (part).

**2.0 DESCRIPTION OF SITE**

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

2.4. A balancing pond is located between the site and the A120.

### **3.0 PROPOSAL**

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

slopes in order to reduce the silhouette of this building, which is located adjacent to the western boundary at the north western corner of the site.

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

#### **4.0 APPLICANTS CASE**

4.1 The application is accompanied by the following reports:

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

## 4.2 Summary of applicant's case

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

## 5 RELEVANT SITE HISTORY

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

following resumption of the hearing the appeal was allowed.

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

be contrary to the provisions of Policy H9 of the adopted Uttlesford Local Plan as well as the National Planning Policy Framework.

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

## **6 POLICIES**

### **6.1. National Policies**

- National Planning Policy Framework
- National Planning Practice Guidance

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

- ULP Policy S1: Development Limits
- ULP Policy S7: The Countryside



- ULP Policy GEN1: Access
- ULP Policy GEN2: Design
- ULP Policy GEN3: Flood Protection
- ULP Policy GEN6: Infrastructure Provision to Support Development
- ULP Policy GEN7: Nature Conservation
- ULP Policy GEN8: Vehicle Parking Standards
- ULP Policy E4: Farm Diversification: Alternative use of Farmland
- ULP Policy ENV2: Development affecting Listed Buildings
- ULP Policy ENV5: Protection of agricultural land
- ULP Policy ENV10: Noise Sensitive Development
- ULP Policy ENV13: Exposure to poor air quality
- ULP Policy ENV15: Renewable Energy
- ULP Policy H9: Affordable Housing
- ULP Policy H10: Housing Mix

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

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

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

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

### **7.0 TOWN COUNCIL COMMENTS**

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

deliverable housing. Full details are at 9.3.

## **8.0 CONSULTATIONS**

### **Highways Agency**

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

### **NATS Safeguarding**

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

### **Airside OPS Limited**

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

### **Environment Agency**

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

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

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

### **Natural England**

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

### **Essex County Council Highways**

- 8.7. The access design was developed following discussions during the previous application between the applicant and the Highway Authority utilising the existing Clapton Hall Lane arm of the B184 roundabout into the site segregating the existing

access for Nos. 1-7 Clapton Hall Lane from the new access road and this is considered acceptable.

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

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

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

8.10. Section 106 obligations as follows :

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

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

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

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

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

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

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

#### **Essex Police**

8.14. No objection subject to imposition of conditions

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

8.15. There are likely to be sufficient preschool places to serve the needs of the

development. However primary and secondary provision in the area is likely to be at or beyond capacity and therefore contributions are required to mitigate the impact of the development. Contributions are calculated in accordance with the 2010 Developers Guide to Infrastructure Contributions and the Education Contribution Guidelines Supplement July 2010. If the development results in a net increase of 93 dwellings of two or more bedrooms contributions of:

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

### **Sport England**

8.16. No comment.

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

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

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

### **Uttlesford Housing Enabling Officer**

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

### **NHS Property Services**

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

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

## **9.0 REPRESENTATIONS**

9.1. The application has been advertised by means of letters of notification, site notices and a press notice. **170** letters of representation have been received in respect of the original receipt of the application some comprise multiple replies from the same address, however this does not diminish the weight that should be given to any material planning considerations raised. A petition has also been sent to the Council

however it appears to be an on line document and no signatures are attached.

#### 9.2. The Dunmow Society

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

#### 9.3. Great Dunmow Town Council

The Council resolved to object strongly on the following grounds:

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

#### 9.4. Great Dunmow Neighbourhood Plan Steering Group

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

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

- Poorly designed scheme
- A significant part of the site is blighted by noise from the motorway and trunk road

#### 9.5. Additional points

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

- Major development should not be contemplated in Great Dunmow until the council is satisfied that key infrastructure issues such as water supply, sewage treatment have been addressed. There are general concerns also, which I share, that key demographic information is lacking with regard to provision of education facilities. A key element of this is that, 'pro tem', children of families living in any new development on this site will necessarily have to be bussed through the town to existing primary schools and to the Helena Romanes School and Sixth Form Centre. A pick-up and dropping-off point/bus-bay will be required on the Ongar Road itself.
- High quality agricultural land, and far reaching countryside vistas would be lost unnecessarily in exchange for an estate of 2 and 3 storey houses that do nothing to protect the character of the countryside

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

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

## **10 APPRAISAL**

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

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

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

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



occasional chalet bungalow. Behind, to the north of, these bungalows is an estate development of two storey dwellings accessed from Lukin's Drive that are located within the development limits of the settlement. The eastern boundary with Clapton Hall Lane is framed by a row of houses comprising a mix of bungalows chalet bungalows and two storey houses. In addition, and exceptionally for the area, there is also a two and a half storey house that comprises a Grade 2 Listed Building (Crofters). To the east of (i.e. behind) the houses fronting Clapton Hall Lane are open fields comprising a protected Landscape Area and allocated Employment Land both within the settlement development limits.

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

extend further south than existing residential development that fronts Clapton Hall Lane ending in 19 Clapton Hall Lane (Crofters) which comprises the edge of the town and Development Limits of Great Dunmow.

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

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

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

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

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

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

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

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

10.23. It now falls to consider the details of the siting of the scheme. The northern boundary features outward facing dwellings fronting an internal access road or driveways to the west (i.e. plots 5 to 7 and 54 to 59) or an internal footpath (plots 1 to 4). All these plots

are proposed to be located behind structural landscaping which would be a mix of existing and reinforced landscaping in terms of plots 5 to 7 and 54 to 59 but would be largely new planting in terms of plots 1 to 4.

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

green the site.

10.31. The siting of the proposed development is to welcome and broadly follows the approach in the previous scheme to which no objection was raised.

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

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

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

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

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

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

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

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

<b>Storey Height</b>	<b>Percentage</b>
1	10%

1.5	10%
2	75%
2.5	5%

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

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

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

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

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

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

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

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

to the settlement given the issue of principle has already been established.

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

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

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

- 10.51. Whilst there are some height differences between existing houses facing the application site and two storey houses proposed on the site, those houses are generally located some distance apart and have front to front relationships. For instance the houses in Ongar Road and those proposed facing them are sited between 26 metres and 43 metres apart.
- 10.52. Such a degree of separation, across the road and with intervening existing and proposed landscaping, will ensure that the amenities of the occupiers of properties in Ongar Road are protected.
- 10.53. Similar conclusions can be reached in the main for properties in Clapton Hall Lane despite the proposed buildings being sited closer to the existing properties. The use of buildings that present their flank elevation to this boundary (plots 19, 22 and 23) also assists in presenting a more open boundary and removing the potential for overlooking. The remaining properties at plots 20 and 21 are single storey and do not feature any

roof lights or dormers, as such there is no undue overlooking of neighbouring properties.

10.54. The second reason for refusal on the previous scheme related to overlooking from a two storey building into the garden of Crofters. That has been addressed in the amended scheme by the use of a re orientated single storey dwelling that will not lead to overlooking of any neighboring garden.

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

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

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

## **E Amenity of Future Occupiers**

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

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

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

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

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

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

10.64. The landscape strategy plan was amended following concerns about the level of

planting between buildings in some of the larger rear gardens. The applicant considered such matters could be the subject of conditions however given they include landscaping within their description of development and include a landscape strategy plan it was considered important that the overall strategy is reflected on this plan. The inclusion of more planting between buildings is considered to improve the overall appearance of the site and assist in breaking up the hard materials used on the buildings and hardsurfaces.

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

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

## **F Mix of housing and affordable housing**

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

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

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

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

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

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

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

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

## **G Access and Parking Provision**

10.73.Access to the application site is via a limb of the Ongar Road roundabout. Such



arrangements have been the subject of discussion and agreement between the Highway Authority and applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

objection to such an approach.

10.91. Subsequently confirmation has been received from the applicant that a contribution for secondary education (£297,773) is acceptable. Furthermore, the Heads of Terms and any undertaking can secure the Travel Plan and Travel information packs required by the Highway Authority.

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

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

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

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

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

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

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

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

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

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

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

- 10.101. There is potential for the development to proceed subject to suitably worded conditions without significant ecological effects and with the potential for some habitat enhancement and biodiversity gains.
- 10.102. A desk based assessment has been undertaken and concludes that the site has been undeveloped throughout its mapped history. The study has identified low potential for Palaeolithic and Mesolithic, Iron Age and Anglo Saxon, Medieval, Post Medieval and Modern period. Moderate potential is identified for the Neolithic and Bronze age periods and Good potential for the Roman period.
- 10.103. The applicant has therefore suggested that a condition similar to that imposed by the Inspector on the outline permission would be appropriate. Essex County Council concurs and proposed the wording of suitable conditions.

## **11 CONCLUSIONS**

- 11.1. The proposal provides for development outside the existing settlement and would harm the aims of Policy S7, which seeks to protect the countryside for its own sake. However reduced weight has to be given to such matters given the current lack of a 5-year deliverable supply of housing land, the Council counts this land within its existing bank of deliverable housing land, the site is allocated in the emerging Local Plan.
- 11.2. The proposed development would provide a satisfactory mix of market housing and affordable housing in an area where there is a need for deliverable housing land. These matters are to be afforded substantial weight in the planning balance. Satisfactory access arrangements are provided to the site and the landscaping strategy demonstrates that the site can be satisfactorily landscaped whilst incorporating an equipped play area.
- 11.3. The application, as amended, has overcome previous objections relating to the scale of proposed dwellings and a failure to relate satisfactorily to the immediate and wider context. Concerns about overlooking of neighbouring properties and the impact on heritage assets have also been overcome.
- 11.4. The site would provide satisfactory amenity for future occupants with garden spaces largely conforming to or exceeding the Essex Design Guide requirements. Car parking is provided within or close to the curtilage of all dwellings and separation distances between all proposed dwellings are acceptable.
- 11.5. The agreement to secure necessary infrastructure requirements associated with the scheme overcome previous objections to the scheme.
- 11.6. Finally the proposed application would accord with the Draft Local Plan allocation at Great Dunmow Policy 7 insofar as it proposes 99 dwellings of which 7% will be 2 bedroom bungalows across tenure, it provides a LEAP and mitigates impact to existing residential and community interests. The application is accompanied by the requisite reports and the applicant is agreeable to a satisfactory section 106 obligation.
- 11.7. The benefits of developing this site for housing in the short to medium terms outweigh any harm to outdated local plan policies seeking to protect the countryside. Therefore, the application is recommended favourably.

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

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an agreement to secure the following:**
- (i) the provision of 40% affordable housing split 70:30 between rented units and shared equity units**
  - (ii) to provide public open space and a LEAP before first occupation and offer it to the Town Council for adoption with a contribution to ongoing maintenance for 20 years**
  - (iii) Primary education contribution of £294,013.00**
  - (iv) Secondary education contribution of £289,854.00**
  - (v) Highway contribution of £27,183 toward improvements of the Hobblings junction**
  - (vi) Bus stop improvement works to the Gatehouse Villas and Chelmsford Road stops**
  - (vii) Healthcare contribution of £16,800.00**
  - (viii) Travel Plan**
  - (ix) Council's reasonable legal costs**
  - (x) Monitoring contribution**
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below.**
- (III) If the freehold owner shall fail to enter into such an agreement by 30 June 2014, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:**
- (i) Lack of contributions to essential healthcare and primary and secondary education facilities**
  - (ii) Lack of provision of 40% affordable housing**
  - (iii) Lack of open space and play equipment**
  - (iv) Lack of improvements to Hobblings junction, local bus stops**
  - (v) Failure to provide a Travel Plan**

Conditions/ reasons

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

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

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

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

Plan (adopted 2005) as shown in the Schedule of Policies.

3. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

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

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

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include confirmation of:

- planting and plant maintenance in the perimeter of waterbodies;
- measures to limit access during the development stage e.g. goose proof fencing surrounding all waterbodies;
- signs deterring people from feeding the birds;
- access to the site for representatives of Stansted Airport as required for the purposes of monitoring bird activity.

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

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

17. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small,



privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REASON: In the interests of amenity and highway safety

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

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

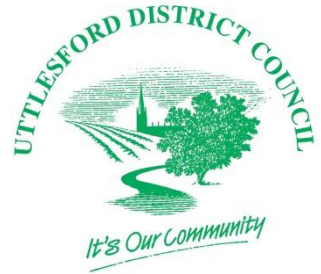
25. Before development commences the highway works as shown in principle on drawing number ITB6214-GA-010 Rev. G, to provide an appropriate access into the site from the Ongar Road/Clapton Hall Lane/Lukin's Drive Roundabout along with amendments

to the access arrangements for 1-7 Clapton Hall Lane shall be implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: To provide safe access and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

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

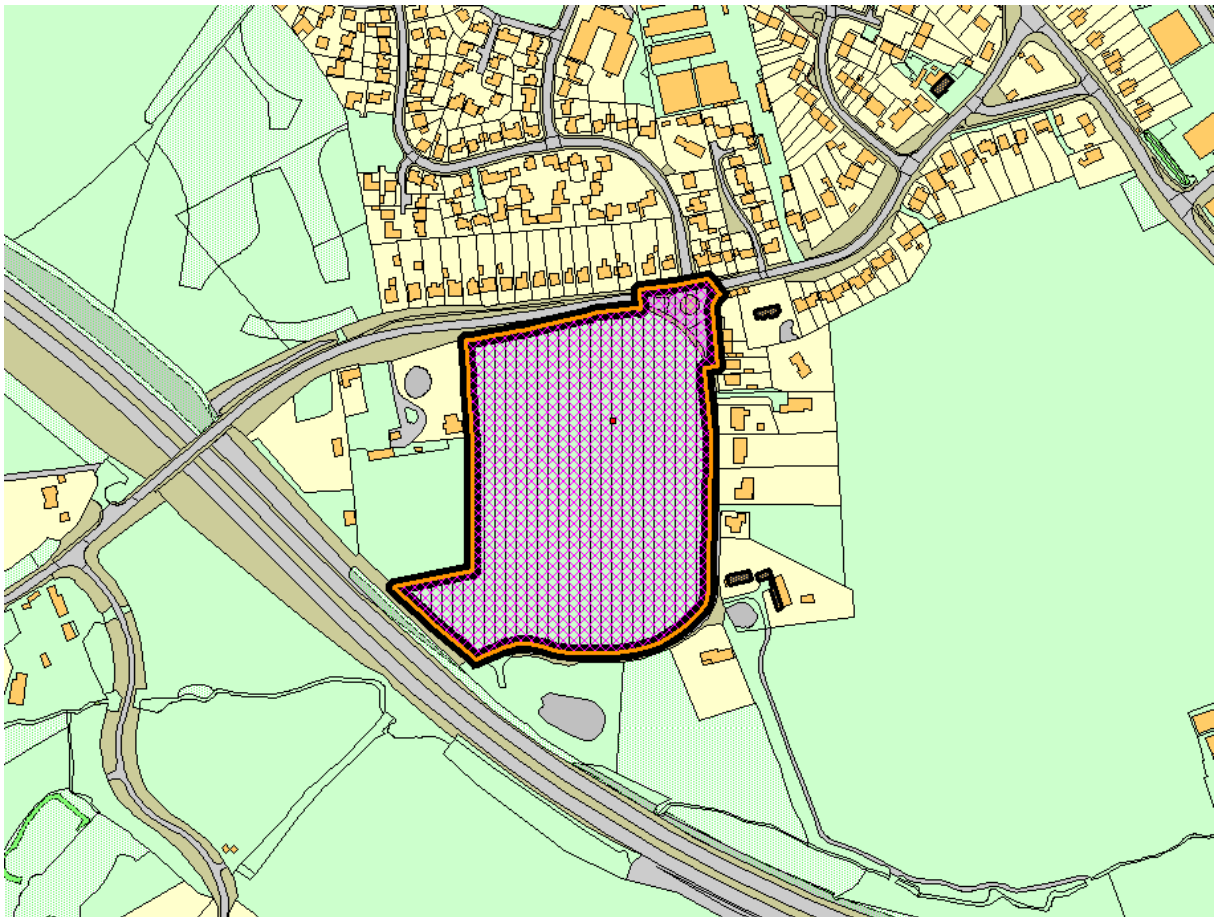
REASON: In the interests of highway safety, efficiency and accessibility



Application no.: UTT/14/0127/FUL

Address: Land South Of Ongar Road Ongar Road

Great Dunmow



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Organisation: Uttlesford District Council

Department: Planning

Date: 25 April 2014

SLA Number: 100018688

Extract from the minutes of the meeting on 7 May 2014

**PC83 (c) Planning Agreements**

**UTT/14/0127/FUL Great Dunmow** – erection of 99 dwellings, including 40percent affordable housing, facilitated by new vehicular and pedestrian access from the roundabout junction of Ongar Road and Clapton Hall Lane, public open space including a children’s play area, green corridors, associated parking and landscaping.- Land South of Ongar Road for Taylor & Ms.J.R.Mortimer, Ms S.M.Staines & Ms C.A.Stoneman.

RESOLVED that conditional approval be granted for the above application

- 1 subject to the conditions in the report and an additional condition for a slab level agreement.
- 2 An informative note requesting the planting of mature trees on the boundary with the A120.
- 3 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 freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an agreement to secure the following:
    - (i) the provision of 40% affordable housing split 70:30 between rented units and shared equity units
    - (ii) to provide public open space and a LEAP before first occupation and offer it to the Town Council for adoption with a contribution to ongoing maintenance for 20 years
    - (iii) Primary education contribution of £294,013.00
    - (iv) Secondary education contribution of £289,854.00
    - (v) Highway contribution of £27,183 toward improvements of the Hobblings junction
    - (vi) Bus stop improvement works to the Gatehouse Villas and Chelmsford Road stops
    - (vii )Healthcare contribution of £16,800.00
    - (viii) Travel Plan
    - (ix) Council’s reasonable legal costs
    - (x) Monitoring contribution

(II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below.

(III) If the freehold owner shall fail to enter into such an agreement by 30 June 2014, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:

- (i) Lack of contributions to essential healthcare and primary and secondary education facilities
- (ii) Lack of provision of 40% affordable housing
- (iii) Lack of open space and play equipment
- (iv) Lack of improvements to Hobblings junction, local bus stops
- (v) Failure to provide a Travel Plan

Councillor Mackman proposed refusal of this application, which was seconded by Councillor Davey. The motion was lost by 2 votes to 9.

The voting was as follows:

For the proposal for refusal: Councillors J Davey and K Mackman.

Against the proposal for refusal: Councillors C Cant, J Cheetham, K Eden, E Godwin, E Hicks, J Menell, V Ranger, J Salmon, L Wells.

It was then proposed by Councillor Ranger, seconded by Councillor Hicks that the application be approved, and the motion was carried by 9 votes to 2.

The voting was as follows:

For the proposal for approval: Councillors C Cant, J Cheetham, K Eden, E Godwin, E Hicks, J Menell, V Ranger, J Salmon, L Wells.

Against the proposal for refusal: Councillors J Davey and K Mackman

*Sandra Lloyd, Dr Smite Price, Gerry Carden, Mike Dines, Will Lloyd, Ann Diezall, Dave Taylor, Barry Goodey, Sarah McCathy, Richard Elliott, Alan Storah, Philip Milne (Great Dunmow Town Council) spoke against the application. David Lander spoke in support of the application.*

## GREAT DUNMOW TOWN COUNCIL

CAROLINE FULLER, MII,CM  
Town Clerk  
& Responsible Financial Officer

CHARLOTTE BRINE  
Deputy Clerk



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29<sup>th</sup> May 2015

Mr N Brown  
Development Manager  
Uttlesford District Council  
Council Offices  
London Road  
Saffron Walden  
Essex CB11 4ER

Dear Mr Brown,

UTT/14/0127/FUL Land South of Ongar Road, Great Dunmow – Amended Application

The Town Council met on 28<sup>th</sup> May 2015 and resolved unanimously to continue to **object strongly** to this planning application as it does not comply with local or national planning policy and would cause significant unsustainable economic and social harm to the town and environmental harm to the countryside.

It is noted that Uttlesford District Council refused permission to applications UTT/1255/11/OP and UTT/13/1979/FUL. Although this latest application and its amendments go some way towards meeting those reasons for refusal, our objections remain as stated below:

### OUTSIDE DEVELOPMENT LIMITS

UDC refused planning application UTT/1255/11/OP as the site lies outside the development limit where, in accordance with Policy S7 the countryside is to be protected for its own sake and the countryside will be protected from development unless it needs to be there or is appropriate to a rural area. This development does not need to be there, would not protect the character of the countryside, and would be harmful to the character of the area. The Inspector in the 2012 appeal (paragraph 15 explicitly accepted this judgement). However he went on to give limited weight to the harm and without explaining his reasoning accepted the fact that S7 would be breached. We strongly disagree with this conclusion, which we consider is not justified. However, bearing in mind the ambiguity over the status of the ALP and S7 we would also argue strongly that the development of this site would be contrary to the core principles of the NPPF which require Councils to recognise the intrinsic character and beauty of the countryside, to protect and enhance valued landscapes and to use land of lesser environmental value (14 and 109). We deal below with the specific characteristics and value of this particular site and with the very urgent and significant policy implications.

**Fails to comply with Policy S7**

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29<sup>th</sup> May 2015

### **CONTRARY TO UDC LOCAL PLAN CONSULTATION 2012**

Responses to the draft Local Plan consultation (January – March 2012) showed overwhelmingly that development would be unacceptable to local people in this location (identified as GtDUN03). The sustainability appraisal that supported both the January 2012 and July 2012 consultations did not recommend the inclusion of GtDUN03 but, on the contrary, identified a number of strong negative factors. We are entitled to conclude that this site was not included as a draft allocation in 2012 precisely because of the negative score arrived at by the SA.

### **Fails to take regard of Local Plan Consultation and Sustainability Appraisal results**

### **UNSUSTAINABLE DEVELOPMENT**

The application does not contribute to the achievement of sustainable development as required by the National Planning Policy Framework (NPPF).

#### Economic

It is not sustainable to introduce the population of a further 99 homes, on top of Draft Local Plan allocations and other planning commitments, into the town which has limited employment opportunities. This development will speed it towards the inevitability of being a dormitory town with people living here but working elsewhere. The Neighbourhood Plan Questionnaire (2012) asked residents whether this was what they wanted for Great Dunmow over the next 15-20 years. Less than 1% of participants want this for the town.

This development will do absolutely nothing to broaden the economic base of the town. On the contrary it will impose economic burdens.

#### Social

The location of the development is detached from the town centre and will do nothing to further social interaction and healthy inclusive community as the NPPF requires (69). The high density of housing results in an overcrowded layout more suited to an urban setting. The design is inappropriate in this rural setting.

The proliferation of tandem parking may address the developer's need to provide sufficient parking spaces, but in practice residents will often find themselves blocked in and park elsewhere which will not only look unsightly, but could result in damaged property and blocked streets.

As can be seen at Fritch Green, garages 'en bloc' tend not to be used for the purpose of parking cars, which park out on the roads. These garages are often used for storage instead and are therefore more vulnerable to vandalism and being broken into. The Town Council would prefer to see individual garages placed next to houses to encourage cars to park off the roads and discourage crime.

**Contrary to NPPF Policies 56 & 64**



29<sup>th</sup> May 2015

The current application does not provide an acceptable or accurate analysis of the accessibility of the site but focuses merely on modelled traffic movements. This is unacceptable and should not be used as a basis for taking a decision. More analysis that demonstrates the sites sustainability should be required.

The Transport Report contains an accessibility assessment and design review. The document shows all the main facilities are outside the 'acceptable' 1km walking distance. Hence the town centre, for example is, at 1.3km, beyond an acceptable walking distance.

The nearest bus stop is 450m away and bus services are shown but without making it clear that only the 42, 42A and 542 (which are essentially the same service) are valid being 7 day, and run at best once per hour. The Rodings service can be ignored for this purpose as it runs only once per week.

The development demonstrably does not support reductions in greenhouse gas emissions and reduce congestion as set out in NPPF Policy 30.

The development does not fulfil the NPPF's policy to promote sustainable transport.

### **Contrary to NPPF Policy 30**

#### Environmental

The Adopted Local Plan contains no locally specific policies. The environment section, 5, however has the following aims:

- To safeguard the character of Uttlesford historic settlements;
- To conserve and enhance the historic buildings in Uttlesford and their settings;
- To protect the natural environment for its own sake particularly for its biodiversity, and agricultural, cultural and visual qualities.

The evidence base of the local plan contains the Historic Settlement Character Assessment and the Landscape Appraisal. The landscape appraisal discusses the western fringe of Dunmow but not in great detail. It is quoted in the Town Profile

*'Views across the (Rodings) plateau to Great Dunmow are an important characteristic of this area'.*

Great Dunmow Town Profile 2012 (UDC)

It recommends protecting the rural character and it recognises the pressures such as ' the expansion of suburban character and pattern .... Pressure on open character of countryside gaps.

It recommends a policy to protect and..enhance the locally distinctive and historic character of the ..urban ..settlements and their settings..' ( 8.3.6)

The Historic Settlement Character Assessment described the area of the site as follows:

This general approach, whilst being rural in nature, is also characterised by the presence of occasional buildings before the A120 crossing is reached. At this point the A120 is in a cutting and because of this its impact on the landscape is minimal. Immediately beyond the new bypass and to the north, there is an area of former parkland with a number of quality individual trees whilst to the south west there is an area of flat open arable countryside hemmed in by the bypass and Clapton Hall Lane. The open arable farmland with the clear-cut and precise urban edge abutting it makes a firm transition point between town and country. Despite being separated by the bypass from the wider countryside beyond, the arable farmland is visually part of the wider landscape because the A120 is in cutting in this location.

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29<sup>th</sup> May 2015

And it concluded:

*'It is considered that development in this sector (Land on the Ongar Road approach north of the A120) would diminish the sense of place and local distinctiveness of the settlement'.*

Historic Settlement Character Assessment 2007 (UDC)

The Town Design Statement which the Council adopted in its Guidelines for New Development draws specific attention to the need to protect and enhance the setting and the agricultural land to the west of the town fringing the A120. (pps 30-31)

The Inspector in the 2012 appeal explicitly accepted much the same view:

“Whilst the rectangular shape, gentle slope, and lack of internal landscape features gives the appeal site a utilitarian, arable character, views across it provide continuity with the countryside beyond. This effect is most marked at the north eastern end of the site, which presently has an open, semi-rural appearance”

The site is bounded by a protected land, which despite new frontage development largely retains its rural character and continues to be worthy of protection and enhancement.

In addition and by no means least the site is adjacent to a very significant colony of great crested newts, a protected species. The ecological report accepts this but fails to reflect the cumulative effect on this unique habitat of this development and those of Smiths Farm and Ongar Road North. The inevitable result of this massive scale of development would be serious ecological damage and the loss of the protected species. We are not persuaded that the scrutiny given to the ecological evidence matches the importance of the asset.

It is the firm view of the GDTC that the significance of the site, described in the above extracts from important policy documents is poorly reflected in the application.

The developer's statement in the Design and Access Statement that 'the site is unused field land with no significant features' does not convey the reality that the land is on the outer fringe of this rural market town offering long reaching views over the countryside. The application does contain a landscape analysis that touches on the site and the developer has provided a Built Heritage Impact Assessment, but we request that a landscape appraisal is carried out by an independent body (eg ECC), and the impact on the listed building in Clapton Hall Lane should be the subject of a specific appraisal by the Conservation Officer or independent expert.

Furthermore the GDTC believes that the low weight given to this site in the past is a direct result of the inadequacy of the policies to protect and enhance the unique setting of Great Dunmow in general and this site in particular. We intend that the emerging Neighbourhood Plan will propose such policies and trust that the Council will give greater weight to the setting as described in the above documents in particular the Town Design Statement in the interim so that irrevocable damage is avoided.

## **AGRICULTURAL LAND**

The development would result in the loss of 4 ha of the best and most versatile Grade 2 agricultural land. The NPPF requires Councils to take into account the economic and other benefits of BMV. Faced with the need to develop agricultural land it should seek land of lesser value. There is no evidence of the value of this land being taken into account. The case for the applicant is based on mere supposition. In the absence of such an evaluation the proposal is contrary to the NPPF (112 and Annex 2).

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29<sup>th</sup> May 2015

## INFRASTRUCTURE

There is not the necessary evidence for assessing the implications of new development for infrastructure in the town as clearly required by the NPPF (156, 157 and 162). It is urgent and essential that this gap is remedied so that decisions can be taken on major developments with more consistency and confidence and that necessary financial contributions can confidently be secured.

### Doctors

One of the town's doctor's surgeries is at capacity and the other is close to it. This development will put further strain on the town's health facilities. It is noted however that a financial contribution of £16,800 would be secured via a Section 106 agreement.

### Schools

UDC refused application UTT/13/1979/FUL on the grounds that it made no satisfactory provisions to secure the necessary infrastructure in terms of contributions to primary and secondary education. Essex County Council has calculated an education and childcare contribution of £591,786 for this size of development. However, only £294,013 has been included in the draft Heads of Terms of the Section 106 agreement for primary education. There is no financial provision as yet for secondary education.

### Sports

The Neighbourhood Plan Steering Group has identified that all of the town's sports clubs are at capacity. There are deficiencies in sports and recreational and play facilities. This proposal will exacerbate these deficiencies.

The approval of this application will stretch the local infrastructure close to breaking point. No provision is made for community facilities, school capacity, public services or transport provision.

**Fails to comply with Policy GEN6 and the infrastructure requirements of the NPPF (7, 17, 21, 156, 157 and 162).**

## ROADS & ROAD SAFETY

Ongar Road carries over 5000 vehicles per day and the peak flows are in excess of 500 (ECC 2007). UDC refused the outline proposal on the grounds that it would 'give rise to unacceptable level of road safety and traffic generation which would compromise the safety and convenience of users of the highway'. This application does not address this reason for refusal and concerns remain that the increased amount of traffic using the only access onto the roundabout (Clapton Hall Lane/Ongar Road) will result in increased safety risks for vehicles and pedestrians.

The plans show a visibility distance of only 35m at the roundabout junction of Clapton Hall Lane and Ongar Road. We need assurance that this is adequate for road safety when exiting Clapton Hall Lane. The design of the roundabout shows visibility lines for the internal junctions but omits any for the roundabout itself. This underlines the need to have the roundabout independently verified in the light of the increased flow onto it.

The accompanying traffic analysis is considered to be inadequate and does not provide a sound basis for a safe decision.

**Fails to comply with Policy GEN1 and the NPPF (32 and 35)**

29<sup>th</sup> May 2015

The Town Council has listened to residents and strongly objects to this development. It urges the District Council to uphold its original refusal of planning permission on this site on the grounds that it is unsustainable and contrary to local and national planning policies.

Yours faithfully



Caroline Fuller  
Town Clerk

Cc District Councillors G.Barker  
J.Davey  
P.Davies  
E.Hicks  
V.Ranger

# GREAT DUNMOW TOWN COUNCIL

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3<sup>rd</sup> June 2015

Mr N Brown  
Development Manager  
Uttlesford District Council  
Council Offices  
London Road  
Saffron Walden  
Essex CB11 4ER

Dear Mr Brown,

UTT/14/0127/FUL Land South of Ongar Road, Great Dunmow – Amended Application

Further to my letter dated 29<sup>th</sup> May 2015 this letter raises further objections to the above application particularly in light of two recent planning appeal decisions. The reasons given for dismissal in each case could apply equally to the above application.

Firstly, appeal ref: APP/C1570/A/14/2222950 by Gladman Developments Ltd. Up to 120 dwellings on Land off Walden Road, Thaxted which was dismissed on 1<sup>st</sup> June 2015 for the following main reasons:

- The effect on the character and appearance of the surrounding area.
- The provision of open space within the development along with the provision of affordable housing and contributions to mitigate the impact on healthcare and education would do little to make up for the harm of the loss of the countryside.
- The effect on heritage assets, including nearby listing buildings and conservation area.
- Acceptance that the five year housing supply is close to the target.

The inspector concluded that extent of harm to the character and appearance of the area and balancing social, economic and environmental roles would still not result in sustainable development. He noted that the Thaxted Design Statement was produced by local people with guidance from professionals and subject to public consultation and 'reasonable weight should be attached to it'. The benefits of the development would not outweigh the harm.

Secondly, appeal ref: APP/C1570/A/14/2221494 by Kier Homes Ltd. Up to 300 dwellings on Land off Thaxted Road, Saffron Walden which was dismissed on 2<sup>nd</sup> June 2015 for the following main reasons:

- The effect on the character and appearance of the area. The inspector noted that the appeal site is in a location where the countryside meets the town and development will amount to a 'substantial urban built form that will have a very significant effect on the character of the area.
- A materially adverse effect on the efficient operation of the local highway network.

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- Loss of the best and most versatile agricultural land which was not justified.
- Effects on local infrastructure and services including education and waste water treatment.

The inspector concluded that, in the presence of a five year housing supply, along with the reasons above, the development is not sustainable and should be dismissed.

With the failure of the Local Plan at examination in 2014, Land South of Ongar Road remains outside of development limits in the adopted 2005 Local Plan. The site is also outside development limits in the emerging Neighbourhood Plan which, although not yet 'made', has reached its current stage with full public involvement.

The Great Dunmow Town Design Statement draws specific attention to the need to protect and enhance the setting and the agricultural land to the west of the town fringing the A120. It was, as was the Thaxted Design Statement, produced by local people, guided by professionals, subject to public consultation and adoption by the Town Council, and should therefore have 'reasonable weight' attached to it.

The Winslow Neighbourhood Plan, which succeeded at examination, set out what it deemed to be sustainable housing numbers for the town when the Vale of Aylesbury Local Plan had been withdrawn. The Great Dunmow Neighbourhood Plan sets out development limits when the Uttlesford Local Plan had been withdrawn and these limits do not include Land South of Ongar Road. The Neighbourhood Plan Steering Group and the Town Council therefore feel fully justified in omitting the Land South of Ongar Road (and indeed Land North of Ongar Road) from the development limits and are encouraged by the Winslow case that this decision would be supported if tested in law.

The application does not take into account the impact of the development on the town's infrastructure, nor the cumulative impact with other recently granted applications, eg Smiths Farm. The Town Council feels that the consents already granted will push the town's infrastructure and public services to (and in some cases beyond) its limits.

The Neighbourhood Plan Steering Group and the Town Council strongly object to the application as the proposed development is unwanted, unnecessary and unsustainable and urges the District Council to refuse planning permission.

Yours faithfully



Caroline Fuller  
Town Clerk

Cc District Councillors G.Barker  
J.Davey  
P.Davies  
E.Hicks  
V.Ranger





**Title:** Appeal Decisions

**Item 6**

**Author:** Nigel Brown –

<b>SITE ADDRESS</b>	<b>APPLICATION NO</b>	<b>DESCRIPTION</b>	<b>APPEAL DATE &amp; DECISION</b>	<b>SUMMARY OF DECISION</b>	<b>DECISION BY OFFICER/OVERTURNED BY COMMITTEE</b>
Elsenham Sawmill Fullers End Tye Green Road Elsenham	14/00026/REF	Demolition of all existing buildings and change of use of site from B2 light industrial to residential. Proposed erection of 5 dwellings and 2 cart sheds and external parking/storage. Provision of new vehicular access to one dwelling and new pedestrian access	Allowed 11.05.2015	The fundamental discussion on this case, relates to the concerns raised by the Council with regards the sustainability of the development of this site. The Inspector concluded that the level crossing relatively close to the development, allowed safe access across the railway to access the main services of Elsenham. The Inspector did not agree that the level crossing would deter pedestrian traffic and therefore undermine the sustainability of the proposed development. In allowing the appeal, the Inspector concluded that the provision of a footpath link was not proportionate to the development and such a provision would not pass the tests of CIL Regulations 2010.	Granted subject to Section 106 by Planning Committee. Planning Permission refused due to the failure of the applicant to complete a Section Obligation.

Land East Of St Edmunds Lane Great Dunmow	14/00066/REF	Outline application with all matters reserved for the development of land for the provision of 22 custom / self-build dwellings with associated access, parking provision and amenity space.	Allowed 15.05.2015	The Inspector concluded that the Council did not have a five-year land supply. She did consider that the development would result in the loss of open countryside and some limited harm to the countryside setting. However, she considered that the limited harm would be outweighed by the fact the development would be sustainable development, boosting significantly the supply of housing, and the provision of custom/self-build housing in particular..	Delegated Refusal
Land West Of Walden Road Thaxted	14/00059/REF	Outline application, with all matters reserved except for access, for residential development, for up to 120 dwellings, provision of open space with recreational facilities, site access, associated highway and infrastructure works.	Dismissed 01.06.2015	The Inspector concluded that the proposed development would cause significant harm to the landscape setting of Thaxted, although only "less than substantial" harm to its Heritage setting.  He stated that regardless of any discussion over the lack of five-year supply of housing, he considered that the extent of harm, particularly to the character and appearance of the area and the harm to the setting of the church would not constitute sustainable development in terms of the Framework. Therefore the need for the housing does not outweigh the harm.	Delegated Refusal
The Old Post Office 65 Chapel Hill Stansted	15/00017/REF	Proposed demolition of existing outbuildings, erection of first floor rear extension and single storey studio building.	Dismissed 01.06.2015	By way of its design the Inspector that the proposal would neither preserve nor enhance the character and appearance of the Conservation Area.	Delegated Refusal

Land South And North Of Thaxted Road Saffron Walden	14/00047/REF	Outline application with all matters reserved except access for residential development of up to 300 dwellings, pavilion building, extension to skate park and provision of land for open space/recreation use, including an option for a new primary school on a 2.4 ha site	Dismissed 02.06.2015	<p>The Inspector concluded that was a five-year land supply of housing within the District. He stated that the proposed development would not have a significant adverse effect on the character of the area.</p> <p>On highways he concluded that application failed to demonstrate that the development would not adversely affect congestion within the town. Therefore he considered that development would have an adverse effect on the efficient operation the local highway network. He states that there would not be a material adverse effect on air quality in the town.</p> <p>He placed very little weight on the loss of best and versatile agricultural land.</p> <p>He considered that the proposal would not have a detrimental impact on the local infrastructure and services. However, he did not consider that the provision of the sports facilities was proportionate to the development, and was incompatible with the CIL Regulations 2010.</p>	Committee Refusal Against Officer Recommendation
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6 Hatch Green Little Hallingbury	15/00006/REF	Proposed demolition of side extension and replacement extension forming a separate dwelling	Dismissed 04.06.2015	<p>The Inspector concluded that, whilst the proposal would not result in an adverse impact upon the living conditions of adjoining occupiers, because of the lack of adequate garden and amenity space there would be a detrimental impact upon the occupiers of the proposed property</p> <p>The Inspector also considered that the proposal would be incompatible with the character and appearance of this part of the village.</p>	Delegated Refusal
Agricultural Building At Tilsbrook Duck End Stebbing	15/00007/REF	Prior notification of proposed change of use of agricultural building to dwelling	Dismissed 05.06.2015	<p>The Inspector concluded that the subject building was not used for agricultural purposes but for a purposes incidental to the dwellinghouse. Therefore the building is not afforded the permitted development rights from this part of the GPDO.</p>	Delegated Refusal