



Uttlesford District Council

Chief Executive: Dawn French

Planning Committee

Date: Wednesday, 25th October, 2017

Time: 2.00 pm

Venue: Council Chamber, Council Offices, London Road, Saffron Walden
CB11 4ER

Chairman: Councillor A Mills

Members: Councillors R Chambers, J Davey, P Fairhurst, R Freeman, E Hicks,
M Lemon, J Lodge, J Loughlin (Vice-Chair) and L Wells

Substitutes: Councillors A Gerard, G LeCount, V Ranger, H Ryles and G Sell

Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given notice by 12 noon two working days before the meeting.

AGENDA PART 1

Open to Public and Press

1 Apologies for Absence and Declarations of Interest

To receive any apologies for absence and declarations of interest.

2 Minutes of the Previous Meeting

1 - 8

To consider the minutes of the previous meeting held on 27 September 2017.

3 UTT-17-2241-FUL Hill Top Yard, Mill Road Henham

9 - 24

To consider application UTT-17-2241-FUL.

- 4 UTT-17-2050-FUL The Thatch, Stansted 25 - 34**

To consider application UTT-17-2050-FUL.

- 5 UTT-17-2179-HHF 3 Whitegates Holders, Green Road Lindsell 35 - 42**

To consider application UTT-17-2179-HHF.

- 6 UTT-17-2167-FUL The Delles, Carmen Street, Great Chesterford 43 - 52**

To consider application UTT-17-2167-FUL.

MEETINGS AND THE PUBLIC

Members of the public are welcome to attend any of the Council's Cabinet or Committee meetings and listen to the debate. All agendas, reports and minutes can be viewed on the Council's website www.uttlesford.gov.uk. For background papers in relation to this meeting please contact committee@uttlesford.gov.uk or phone 01799 510548/369.

Members of the public and representatives of parish and town councils are permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting.

The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

Facilities for people with disabilities

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate.

If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact committee@uttlesford.gov.uk or phone 01799 510548/369 as soon as possible prior to the meeting.

Fire/emergency evacuation procedure

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest designated fire exit. You will be directed to the nearest exit by a designated officer. It is vital you follow their instructions.

For information about this meeting please contact Democratic Services

Telephone: 01799 510369 or 510548

Email: Committee@uttlesford.gov.uk

General Enquiries

Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: uconnect@uttlesford.gov.uk

Website: www.uttlesford.gov.uk

This page is intentionally left blank

PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 2pm on 27 SEPTEMBER 2017

Present: Councillor J Loughlin (Chairman)
Councillors R Chambers, J Davey, P Fairhurst, R Freeman, E
Hicks, M Lemon, J Lodge, V Ranger (substituting – A Mills) and L
Wells.

Officers in attendance: N Brown (Development Manager), K Denmark
(Development Management Team Leader), B Ferguson
(Democratic Services Officer), M Shoesmith (Development
Management Team Leader), E Smith (Legal Officer) and C
Theobald (Planning Officer)

Also present: B Bampton, C Barrow, Cllr B Barrow, R Gray, A Maisey-Young, J
Melton, Cllr E Oliver, R Thomas, S Weston, J Wittingham and P
Young

PC36

CHAIRMAN'S STATEMENT

The Chairman made a statement relating to a letter by Councillor Lodge printed in a local newspaper, which she said had brought the Planning Committee's political impartiality and integrity into disrepute. The Chairman said the letter was misleading and politically motivated, and she refuted the accusation that the Conservative and Liberal Democrat members of the committee had combined to approve a planning application at the last meeting. She said members of the Planning Committee were bound by a strict code of conduct, and collective or political voting would amount to maladministration in the eyes of the Ombudsman.

Councillor Lodge rejected the sentiment that his letter was politically motivated and said the accusation was unfounded; if he were found to be in breach of the code he should be reported to the Standards Committee.

The Chairman thanked the public for their patience and moved on proceedings to the first item on the agenda.

PC37

APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillor Mills.

Councillor Freeman declared a personal but non-prejudicial interest in application UTT/17/1951/FUL as his wife was a teacher and governor at the Herts and Essex School.

Councillor Chambers sought legal advice regarding application UTT/17/2167/FUL, as the applicant was a fellow Councillor and they shared the same ward. In response to a question from the Legal Officer, he affirmed that the relationship was collegiate. The Legal Officer said this would not be defined

as a prejudicial interest and therefore he could take part in the discussion and decision of this item.

Councillor Lodge declared a prejudicial interest in application UTT/17/1950/FUL as he was a close friend of the applicant. He confirmed that he would leave the room before consideration of the application took place.

PC38 **MINUTES**

The minutes of the meeting held on 30 August 2017 were approved and signed by the Chairman as a correct record subject to the following amendments:

PC35 - CHIEF OFFICER'S REPORT – PLANNING APPEALS

In the final sentence of paragraph two of Minute PC35, “the possibility that officers from other authorities could be brought in to defend planning appeals instead,” to include, “*as is common practice amongst Local Authorities and the Civil Service, in cases where there appears to be a conflict of interest.*”

In the first sentence in paragraph five of PC35, “The Development Manager said if an individual officer had a difference of opinion with the case officer, then that person would conduct the appeal.” For the sake of clarity, to substitute “then that person” with “*then the Planning Officer with a difference of opinion* would conduct the appeal.”

In the last paragraph of PC35, to include the words of Councillor Freeman, “*Cross charging an officer from another authority is the most cost effective way of attaining high quality advice and representation. This is a reasonable and economical way to proceed and the option should be considered for adoption.*”

In the first sentence of paragraph four of PC35, “but it was part of the process that appeals be successful if there was no good planning reason for refusal,” to be replaced with, “*Members would only refuse an application against officer recommendations if they had a good planning reason to do so.*”

PC39 **UTT/17/0649/OP- LAND OFF STEVENS LANE, FELSTED**

The Chairman adjourned the meeting at 14.20 due to audio equipment problems. The meeting was reconvened at 14.25.

The outline application with all matters reserved related to the residential development of the site to provide 8 market dwellings with associated garages and a service road.

Councillor Ranger asked why the provision for affordable housing had not been included and why there had been no education consultation. The Planning Officer said a threshold of 20 houses was required for an education consultation, and 11 houses were required for the mandatory provision of affordable housing. Councillor Ranger said he was surprised as the information

on the Council's website stated differently. The Development manager said this information was out of date and would be removed from the website.

RESOLVED that the application be approved subject to the conditions in the report.

R Thomas spoke on this application.

PC40 **UTT/17/1951/FUL – LAND TO THE SOUTH OF BOWLING LANE, GREAT HALLINGBURY**

The application related to the creation of new playing fields, including associated regrading of land levels, drainage works and the creation of a pedestrian link. The playing fields were for use by Herts and Essex High School. No buildings were proposed as part of the proposals.

The application formed part of a three stage process for the expansion and redevelopment of the school facilities, the other application being located within the administrative boundary of East Hertfordshire District Council and being dealt with by Hertfordshire County Council. Therefore, the application could not be viewed in isolation. The application was accompanied by a BB103 Education Capacity Assessment which set out the need for the additional playing fields.

Councillor Ranger said the development of new playing fields was a good thing, as it would only encourage young people to participate in sporting activities. He would be supporting the application.

RESOLVED that the application be approved subject to the conditions in the report.

J Melton and R Gray spoke on this application.

PC41 **UTT/17/1950/FUL – LAND ADJACENT TO THE HAZELS, WICKEN ROAD, CLAVERING**

Councillor Lodge withdrew from the room before consideration of this application and took no part in the discussion or decision.

The application was for planning permission to erect two detached dwellings, both of which would be served by a single point of access from Wicken Road.

RESOLVED that the application be approved subject to the conditions in the report.

Cllr Oliver, CJ Barrow, J Wittingham, Cllr Barrow and B Bampton spoke on this application.

PC42

**UTT/17/2075/FUL – PELHAM SUBSTATION PARK, GREEN LANE,
BERDEN, HERTFORDSHIRE**

Councillor Lodge re-entered the room.

The application was for an amendment to the previously approved scheme UTT/16/2316/FUL due to the applicant's technical reassessment of the battery storage facility. This incorporated a reduced site area, improved landscaping and additional equipment.

RESOLVED that the application be approved subject to the conditions in the report.

PC43

UTT/17/2179/HHF- 3 WHITEGATES, HOLDERS GREEN ROAD, LINDSELL

Planning permission was sought for the construction of a single storey rear extension to the existing dwelling house. The extension would project 10.4m from the original rear façade and have a width of 7.3m. It would have an eaves height of 2.6m and consist of a dual pitch roof with a maximum height of 3.9m. External finishing materials were to match those of the existing building.

The extension would be constructed along the northern side boundary shared with number 4 Whitegates and 1.1m off the southern side boundary shared with number 2 Whitegates. The extension would provide additional living accommodation for 2 further bedrooms and a bathroom.

Councillor Freeman said he found it unaccountable that this application had been recommended for refusal by officers. He said he had seen similar applications for extensions in his role at Saffron Walden Town Council which had been recommended for approval. Furthermore, as a principle, he thought the adaption of homes was a positive thing if it allowed the current residents to continue living there. The Development Manager said he was disappointed that the Planning Department had not been made fully aware of the situation and would be in contact with Environmental Health department to discuss.

Councillor Hicks said he had sympathy for the applicants but the rights of the neighbouring houses could not be ignored. The Development Manager confirmed that objections had been received from the neighbouring houses. Councillor Ranger said he had experience in adapting homes for those living with disabilities and the plan put before the committee was not satisfactory. He proposed a deferral and a site visit to give the applicant time to amend the plans. The Chairman seconded the proposal, to give both the neighbours and the applicants a fair assessment.

RESOLVED to defer the application in order for members to visit and assess the site to evaluate the impact of the dwelling's extension.

S Weston, A Maisey-Young and P Young spoke on this application.

PC44

UTT/17/2120/FUL – 14 CAMBRIDGE ROAD, STANSTED

The Chairman adjourned the meeting at 16:05 and reconvened at 16:15.

The application was to remove Condition 10 from planning permission UTT/16/2632/FUL, which was granted in February 2017 in relation to a mixed use development comprising 10 dwellings and retail, office and commercial units. The condition stated:

“Before development commences details of a proposed external lighting scheme, CCTV, fencing and security measures, including those for the proposed pedestrian footpath between the development site and Crafton Green car park, to reduce the potential for crime have been submitted to and approved by the Local Planning Authority.”

Councillor Ranger said the original application had been approved with this condition to ensure people felt safe. The Development Manager said it was a small residential development and CCTV was unnecessary whilst the buildings remained unoccupied. Members agreed to approve and amend the application, but the developer would be required to implement the condition prior to the occupation of any unit.

RESOLVED that the application be approved subject to the conditions set out in the report and the following amended condition.

Amended condition

- 10 Prior to the occupation of any unit (residential or commercial) details of a proposed external lighting scheme, CCTV, fencing and security measures, including those for the proposed pedestrian footpath between the development site and Crafton Green car park, to reduce the potential for crime have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details with all matters secured within the condition being fully implemented prior to occupation of any unit.

REASON: To protect the amenities of the locality by avoiding light pollution and reducing the potential for crime related activity in accordance with Policies GEN2 and GEN5 of the Uttlesford Local plan (adopted 2005).

PC45

UTT/17/2167/FUL – THE DELLES, CARMEN STREET, GREAT CHESTERFORD

The application was for planning permission to erect a detached house and garage. The proposal represents an alternative design for Plot 1 of the two-dwelling development approved by planning permission UTT/16/3394/FUL in February 2017. The main differences were to the design of the garage, the fenestration of the house and an increase of its height by 50 cm (approx.).

Councillor Lodge said that last year an application had come to the committee where the applicant was a relative of a Residents For Uttlesford (R4U) party member. Members of the party withdrew from the room for that application and took no part in the discussion or the decision. He asked why Conservative Members had not done the same for this application, as the applicant was a Conservative district councillor. The Legal Officer said the relationship between the applicant and Members was collegiate and therefore not prejudicial. Councillor Fairhurst said it was a matter of consistency and, whilst he agreed with the Legal Officer, the R4U Members should not have left the room last year.

Councillor Freeman said the materials seemed inappropriate for a medieval village. The Development Manager reminded Members that the application and materials had already been approved and it was only the garage Members were deciding on. Councillor Fairhurst proposed a site visit to allow Members to assess the impact on the surrounding area.

RESOLVED to defer the application in order for members to visit and assess the site to evaluate the impact of the development.

PC46 **UTT/17/2177/LB – COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN**

The application sought consent for the retention of 2 signs and a buzzer/camera entry system that had been installed as part of the letting out of part of the ground floor of the extension part of the building. It also included internal alterations for the retention of de mountable partitioning.

RESOLVED that the application be approved unconditionally.

PC47 **UTT/17/2261/FUL – GONVILLE BUILDING, BUILDING 200, CHESTERFORD PARK, LITTLE CHESTERFORD**

The application was for planning permission to erect a cycle shelter over existing cycle racks and to erect a permanent cold storage unit in place of the existing temporary unit adjacent to the southern elevation of the building.

RESOLVED that the application be approved subject to the conditions in the report.

PC48 **UTT/17/2248/FUL – FIELD ADJACENT IVY COTTAGE, WICKEN BONHUNT**

The application was in relation to the erection of a combined stable and field shelter building. The stable will have a footprint of 7m by 4.5m and low level ridge height of 3.5m. The stable will be of a timber construction under a felt roof.

Councillor Freeman asked if the development of a stable on this site would change the status of the land from agricultural to equestrian, and therefore make it more likely that a further application would be submitted for a habitual dwelling in the future. The Development Manager said the site was already an equestrian paddock and the application for the stable was genuine.

RESOLVED that the application be approved subject to the conditions in the report.

The meeting ended at 4.50pm.

This page is intentionally left blank

UTT/17/2241/FUL - (HENHAM)

(Referred to Committee by Cllr LeCount and Cllr Lees. Reason: Due to the wide public interest concerning the impact of the development on the Henham Conservation Area and its Listed Buildings'. That the land is outside the village envelope).

PROPOSAL: Retention of lamp posts/external lights reduced in height to 2m, and reduction in number from 20 to 10

LOCATION: Hill Top Yard, Mill Road, Henham

APPLICANT: Mr M Maloney

AGENT: Mr P Brown

EXPIRY DATE: 8 November 2017

CASE OFFICER: Mrs M Jones

1. NOTATION

1.1 Outside development limits

2. 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 Eisenham. 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. The land which adjoins the southern and eastern boundaries is open agricultural land. The site is in an elevated position from the land to the south. There are 20 no. lamp posts on the site at a height of 5m. There is also a fenced in area at the rear of the site with chain link fencing.

2.2 Apart from the two existing mobile homes, the haulage yard contains a large industrial building, together with a building containing sanitary accommodation and restroom.

2.3 The haulage yard is completely hard surfaced, and is enclosed by palisade fencing to all boundaries. There is a conifer hedgerow between the haulage yard and the adjacent dwelling to the north, known as Hill Top.

2.4 The site is also currently being used for commercial car parking for which an enforcement notice and a stop notice has been issued on 29th September.

3. PROPOSAL

3.1 The proposal is for the retention of 10 no. lamp posts at a height of 2m. It should be noted that there are 20 existing lamp posts (unauthorised) on the site at a height of 5m. If approved 10 of the existing lamp posts would be reduced in height to the proposed height of 2m.

4. APPLICANT'S CASE

- 4.1 As you will be aware, an appeal inspector has recently refused to grant planning permission for retention of the existing lamp posts located along the boundaries of Hill Top Yard. This was due to the number and scale of the proposed lights. There are 20 street lights illuminating the existing haulage yard, which are each 5m high. Clearly, it is extremely important for the haulage yard to be illuminated during the hours of darkness, particularly when there are children living in the associated residential accommodation. With working hours falling within the hours of darkness during the winter, it is imperative for worker safety for the yard area to be adequately lit. With commercial vehicles manoeuvring within a yard where children may be playing, it is particularly important for the safety of my client's children that the yard is adequately lit.
- 4.2 The Inspector's findings are accepted, and my client proposes to reduce the scale of the existing lamp posts by lowering their height from 5m to 2m. The lamp posts are fitted with hoods which direct light downwards, and avoid sky-glow. At their reduced height, these lights will not be visible above the height of the existing boundary fence and will only illuminate the adjacent ground within the haulage yard. It is difficult to see how the number of lights can be reduced without creating areas of darkness within the site. The intensity of illumination is a matter which can be controlled by condition. It is intended that the lamp posts would be fitted with 60 Watt bulbs.
- 4.3 I trust that you will appreciate the health and safety concerns which my client has, both as a father and an employer and will support my clients' application. The adjoining garden nursery has external floodlighting which is at a higher level and greater intensity, than that proposed for Hill Top Yard.

5. RELEVANT SITE HISTORY

- 5.1 UTT/16/3393/FUL - Proposed erection of 20 no. lamp posts at a height of 2m. Refused.
- 5.2 UTT/15/0623/FUL - Proposed change of use from haulage yard to gypsy site for 5 no. pitches with toilet block. Refused and dismissed at appeal.
- 5.3 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 26th March 2015.
- 5.4 UTT/0099/11/OP - Outline planning application with all matters reserved for the erection of 11 no. dwellings was refused on the 21st April 2011.
- 5.5 UTT/0889/03/FUL - Erection of dwelling to replace existing yard was refused on the 2003.
- 5.6 UTT/0180/02/FUL - Resitting of two mobile homes and erection of replacement building for storage and repair of commercial vehicles was approved conditionally on the 26th July 2002.
- 5.7 UTT/0082/01/FUL - Change of use from haulage/plant hire yard to residential and erection of two detached dwellings and associated garaging was refused on the 20th March 2001.

- 5.8 UTT/0927/96/CL - Proposal: Application for certificate of lawfulness for haulage yard and plant hire issued on the 25th March 1997.
- 5.9 UTT/0575/93/CL - Application for Certificate of Lawfulness for the stationing of two existing mobile homes for residential was issued on the 20th July 1993.
- 5.10 UTT/0021/88 - Outline application for conversion of a redundant barn into residence and alteration of an existing access was refused on the 21st Mar 1988.
- 5.11 UTT/0633/86 - Outline application for erection of a dwelling and alteration of an existing access was refused on the 30th July 1986.
- 5.12 SWR/0669/72 - Demolition of existing house and construction of 5 detached houses and garages was refused on the 14th December 1972.
- 5.13 SWR/0024/69 - Development of land for 3 dwellings was refused on the 6th March 1969
- 5.14 SWR/0187/68 - for a dwelling was refused on the 15th August 1968.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- ULP Policy S7: The Countryside
- ULP Policy GEN2: Design
- ULP Policy GEN5 - Light Pollution
- ULP Policy GEN4: Good Neighbourliness

7. PARISH COUNCIL COMMENTS

- 7.1 The planning application is described as 'retention' but because the proposed development has not been carried out this should be factually described as 'erection of 10 lamp posts/external lights' - notwithstanding that the existing lamp posts remain on the site illegally.
- 7.2 As you know, this site has a long history of planning contraventions. The lights were erected without permission in 2014/15, an enforcement notice was served on 13.10.15 and an appeal was dismissed on 13.9.16. A subsequent application for 20 x 2m lights (16/3363) was refused permission on 7.4.17. Legal action has been taken to achieve removal and the owner has been fined. The lights have remained and continue to light up the sky. The submission (undated statement by Philip Brown Associates Ltd) is that this latest proposal will overcome previous objections by UDC and the Inspector's decision letter. It is said that the lights are required for the following reason:

Clearly, it is extremely important for the haulage yard to be illuminated during the hours of darkness, particularly when there are children living in the associated residential accommodation. With working hours falling within the hours of darkness during the winter, it is imperative for worker safety for the yard area to be adequately

lit. With commercial vehicles manoeuvring within a yard where children may be playing, it is particularly important for the safety of my client's children that the yard is adequately lit. It is also stated that 10 lights will overcome the refusal of permission for 20 lights of the same height. The reason for refusal was: The proposed development, due to the excessive number and impact of the illumination of the lights would be harmful to the character and appearance of the rural surroundings. The development fails to meet the requirements of Uttlesford Local Plan Policies S7, GEN2, GEN5 (adopted 2005) and paragraph 125 of the NPPF.

The Inspector's letter, dismissing the appeal against the Enforcement Notice, stated as follows:

To address the level of light pollution, in my assessment a completely and radically different lighting scheme to what is before me is likely to be necessary. I therefore find that the erection of 20 street lights causes significant harm to countryside interests including the appeal site and wider vicinity, due to the amount and scale of lighting infrastructure contrary to Local Plan policies S7, GEN2 and GEN5, which seeks to minimise light pollution, and national policy found in paragraph 125 of the NPPF.

7.3 The revised scheme is regarded by the EHO in her response of 8.9.17 as "*has to an extent addressed the objections*". This is not a satisfactory endorsement and the further alteration to the scheme (reduced hours, lower power rating) would not overcome the basic objections. Moreover, there must be some doubt, on the evidence of the actions of the applicant to date, that any amendments would be implemented or conditions met. The only practical way to remove the objections of UDC, the Inspector, the adjoining residents and local community (over 100 letters) is to refuse permission and escalate legal action.

The scheme for 10 lighting columns as proposed, in the same locations and with the same light fittings, albeit reduced in height, does not in any way overcome these objections. The proposed light columns would still:

- be of the same construction and light fitting, with a regimented layout and urbanising effect on the skyline
- cause significant light pollution to the area generally and the adjoining dwelling
- cause significant harm to the countryside

7.4 The Inspector could have granted permission with a condition to reduce height. He refused the appellant's request to conditionally allow the appeal, saying that any alternative would need to be a "*completely and radically different lighting scheme*". The proposals in no way fit that description.

The proposal therefore remains '*contrary to Local Plan policies S7, GEN2 and GEN5, which seeks to minimise light pollution, and national policy found in paragraph 125 of the NPPF*' quoted by the Inspector and contained in the previous reason for refusal.

Policy S7 is to protect the countryside, the appearance of lighting columns proposed would not '*protect or enhance the particular character of the part of the countryside within which it is set*', quite the reverse. Moreover, the claims made in the submission about children's safety - possibly seeking to make the case that '*there are special reasons why the development in the form proposed needs to be there*' - are unsubstantiated.

Policy GEN2 – Design. The lighting columns would:

- not be '*compatible with the scale, form, layout, appearance and materials of surrounding building*'
- not '*safeguard important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate*'

- not ‘*minimise the environmental impact on neighbouring properties by appropriate mitigating measures*’
- have a ‘*materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing*’.

Policy GEN5 – Light pollution. The lighting columns would fail the tests of:

- *The level of lighting and its period of use is the minimum necessary to achieve its purpose, and*
- *Glare and light spillage from the site is minimised.*

The development would precisely be contrary to NPPF Paragraph 125:

- *By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

7.5 The July 2017 Draft Local Plan includes the following policy (emphasis added in bold):

Policy EN19 - Light Pollution

Proposals for external lighting will be permitted where all the following criteria are met:

- *It does not have an unacceptable adverse impact on neighbouring uses or the wider landscape;*
- *The level of lighting and its period of use is the minimum necessary for security and operational purposes;*
- *Low energy lighting is used in conjunction with features such as movement sensors, daylight sensors and time controls;*
- *The alignment of lamps and provision of shielding minimises spillage, glare and glow, including into the night sky;*
- *There is no loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users; and*
- *There is no harm to local ecology, intrinsically dark landscapes and/ or heritage assets.*

The Council will seek to control the times of illumination including limiting the hours of use for external lighting of all the development.

Despite the need for “all” of these criteria to be met, I submit that none of them are.

The proposed update of Adopted Local Plan policies gives no support or justification for the approval of the latest submission.

7.6 The site does not appear to be in use as a ‘haulage yard’ but rather appears to involve some form manufacturing and storage facility. There does not seem to be any evidence of children roaming freely on the site even in daylight. Even if children are present in the single ‘mobile home’ on site, the solution is surely to provide adequate fencing to prevent them roaming across the site.

7.7 The lighting columns covered by the Enforcement Notice should have been removed by 13 December 2016, 3 months after the appeal was dismissed. The submission of planning applications and non-compliance with enforcement action and court judgements must be seen as delaying tactics which are clearly unacceptable. The lights have caused considerable harm to the locality for over 2 years. The lights continue to burn brightly every night. A refusal of planning permission could be result in further ‘revised’ submissions, and possible appeals, dragging out this already long period, which would be an abuse of process with no legal basis.

The proposals are clearly contrary to the Development Plan1, principally Policies S7 GEN2, and GEN5; clearly contrary to NPPF para 125, and clearly contrary to the

emerging policy EN19. The terms of the recent Inspector's decision to dismiss the appeal against the 2015 Enforcement Notice, thus endorsing removal of the existing columns, clearly point to the wholly unacceptable nature of the proposals. Planning permission for this new scheme should now be refused, and legal action escalated to secure removal of the structures.

8. CONSULTATIONS:

Aerodrome Safeguarding

- 8.1 The proposed development has been examined for aerodrome safeguarding; at a maximum height of 2m this proposal does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

Essex County Council Ecology

- 8.2 No objections. The site is clearly of low ecological value due to its existing use as a haulage yard and its position within an intensive agricultural landscape. While light does have the potential to adversely affect wildlife, including legally protected species and those of conservation concern, the mitigation measures proposed – low height, low intensity, hooded luminaires and time limits – if rigorously enforced, should be sufficient to avoid such effects considering the likely ecological value of the site and its surroundings. While supporting ecological information would have been helpful to this application, I consider that the likelihood of an adverse ecological impact is insufficient to delay its determination.

NATS Safeguarding

- 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.

Environmental Health

- 8.4 The proposed reduction in number of lighting columns has to an extent addressed the objections raised in my response to UTT/16/3393/FUL in terms of reducing the likelihood of glare impacting on occupiers of the residential properties adjacent to and opposite the site.
- There remains the risk of spread of light reflected from the yard surface into an area of otherwise low level of artificial lighting risking loss of amenity. The risk can be minimised by restriction to the hours of operation, combined with controls on the lamp power rating and provision of hoods as proposed.
- The lamps are stated to be for the protection of safety of children on the site, and if this is the case, an earlier switch off time than the proposed 22.00hrs should be considered, for example to normal hours of working 18.30h to 07.00rs.

9. REPRESENTATIONS

- 9.1 236 neighbouring properties have been notified and 147 representations objecting to the proposal have been received and one representation supporting the application. Expiry date: 11th September 2017.
A summary of the comments received are: (please see main file for full details)
- 9.2 The application is not an application for retention of lights. There are no lights of 2m

- height erected at the site.
- 9.3 It is blatant delaying tactic by the applicant.
- 9.4 The existing lights have caused severe harm to the rural area day and night for over 2 years.
- 9.5 The site is not being used as a haulage site.
- 9.6 The planning Inspectorate said that only a completely and radically lighting scheme may be necessary. The proposal fails to meet that test.
- 9.7 The site is being used illegally as a car park with in excess of 200 vehicles completely covering the site – there is no need for this lighting as the site is not being used as a haulage yard or residential and it is therefore not possible for children to be playing on this site.
- 9.8 This is not an application to retain lights – there are no lights of 2m height erected at the site. As the council is well aware, there are 20 lights of 5m height at the site which were erected without planning permission and which have been subsequently refused on retrospective application. Planning permission was also refused for lights of 2.5m and there is an enforcement notice to remove the lights in place plus the Planning Inspector’s comprehensive rejection of the appeal against this notice over a year ago on 13 September 2016.
- 9.9 The proposed lighting scheme is contrary to all planning policies quoted by the Inspector in dismissing the appeal and would continue to cause significant harm to this rural area. It does not constitute a “completely and radically different” lighting scheme. It is the same lights reduced in number and height. The Planning Inspector could have allowed the lights to stay, albeit at a reduced height but he did not. No attempt is made to address the Inspectorates rejection decision based on Local Plan policies S7, GEN2 and GEN5, which seek to minimise light pollution, and national policy found in paragraph 125 of the NPPF.
- 9.10 The reason for the lighting is claimed to be safety for children living on a site which is also a haulage yard. If children’s safety is the reason, why is all the lighting left on after the operational hours of any business and after the time that children are in bed? Children should not be roaming across the commercial site, a fenced area could be provided without all the harm the lights cause.
- 9.11 There is no evidence that the site is a haulage yard. Previously there seemed to be only some minor workshop and storage use but since the summer school holidays, the site is totally full with parked cars on a daily basis giving the impression that this is a car park for Stansted Airport passengers.
- 9.12 This application would appear to be yet another delaying tactic on the part of the applicant who has ignored the legal actions that UDC has taken so far to ensure compliance with the enforcement notice. Avoiding action by repeated submission of slightly different schemes seems to be attempting to make a mockery of the planning system.
- 9.13 A reduction in height and limiting the number of light posts will not overcome the harm that is and would be caused in this dark rural area.

- 9.14 The justification that the lights are needed to make the 'haulage yard' safe for children living on site is inexplicable - children should not be roaming across the commercial site, a fenced area could be provided without all the harm the lights cause.
- 9.15 The proposals are contrary to all the planning policies quoted by the Inspector when dismissing the appeal.
- 9.16 UDC has already taken legal action to ensure compliance with the enforcement notice and the site owner has been prosecuted and fined, yet the lights remain on site illegally - the submission of a new planning application is a further delaying tactic, which could be repeated for 9 lights, 8 lights etc, then if permission is again refused an appeal could be lodged so dragging matters out for up to a year - and making a mockery of the planning system - this principle of avoiding action by submitting slightly different schemes could mean that action is postponed for years.
- 9.17 Inappropriate development and seem to serve no useful purpose.
- 9.18 Reducing the height and number of the lamps will not substantially reduce the harm that is caused to the local area.
- 9.19 This process has been going on long enough and it is time the planning process is enforced.
- 9.20 Because of the illegal airport parking any children living on the site is incomprehensible.
- 9.21 The existing 5m lights remain on the site illegally.
- 9.22 Because of the lights, he now has the ability to facilitate illegal airport parking.
- 9.23 The site makes the village look like an industrial site and is causing extensive light pollution to an otherwise unlit area.
- 9.24 The current owner has lately turned this site into a parking yard so the lighting seems to be required to facilitate a purpose that is not permitted itself.
- 9.25 The lights are unsightly and a nuisance providing unwarranted light pollution an disturbance, even by reducing the height such lights are not merited for general and residential occupancy.
- 9.26 It seems given the number of cars parked there that some kind of airport car parking is going on and the only purpose I can see is to continue/make this a 24 hour operation.
- 9.27 Vernons Close about 56 houses has only 4 or 5 lights, one property cannot need 10.
- 9.28 This is a large site resembling a military compound on a prominent hilltop location visible from a long distance away, surrounded by an 8 foot metal palisade fence and with no vegetation at all. Most of the immediate surrounding land is agricultural fields. As Henham has no street lights at all the erection of 10 or 20 5 metre high or 2m high street lights is totally out of character with the surrounding area, the orange glow and the lights themselves are/will still be visible from many miles away.

- 9.29 The lighting currently illegally erected and subsequently revised proposals are very invasive and can in no way be deemed to enhance or protect the character of the countryside in any way which is contrary to policy S7 and this further proposal does not address this.
- 9.30 Ten or twenty 5m or 2m high street lights where there are no street lights is poor design, is certainly not energy efficient, it has a large environmental impact on neighbouring properties, it has materially adverse effect on the reasonable enjoyment of a residential property, there are no mitigating circumstances that can be introduced to lessen the impact on my property due to the size and position of the lights. This is therefore contrary to policy GEN2.
- 9.31 Unauthorised development already not being controlled.
- 9.32 Local opinion is being ignored.
- 9.33 It is not acceptable to be able to delay enforcement by re-submitting essentially an identical proposal to an already illegal development.
- 9.34 There has been no ecological report and the lights are disruptive to the local bat, badger and potential hedgehogs.
- 9.35 There were no proposals to offset the increase in carbon use in the original application whilst a reduction helps this does not recognise the obligation from the previous use.
- 9.36 This whole area is rural and ancient. The infrastructure is not, in my view, sufficient to support the increase in the traffic you are allowing and which is increasing the danger and destroying our tiny roads and ancient verges.
- 9.37 The applicant has already removed a considerable length of hedge – an important habitat and replaced with open metal fencing. This seems to have been forgotten.
- 9.38 The application form describes the site as a haulage yard and residential caravan site. There is no permission for the latter so misleading to describe as such.
- 9.39 It is inaccurate to say site cannot be seen from public highway. It is clearly visible by day and lit up at night, along a major length of the road leading into Henham. As such it impacts significantly on the rural setting of our village.
- 9.40 By removing the original hedge without permission, applicant has removed a windbreak to adjoining farmland and removed the significant visual barrier to the haulage yard that Henham residents once benefited from.
- 9.41 The extra cars on that part of Mill Road will undoubtedly cause more potholes and such in an already badly tarmacked area.
- 9.42 Ordinary infra-red sensor security lighting is all that is needed.
- 9.43 We need you to act for us to retrieve our village unlit each night fall by this second runway at the top of the rise, visible in all directions.
- 9.44 The applicant should secure the commercial site from the domestic site and as such no need for lights.

- 9.45 The owner of Mill Pond Nurseries is extremely concerned with regard to the significant impact that this development will undoubtedly have on his business and the environmental impacts of the development on the local area.
- 9.46 The application has been described as 'retention of lamp posts/external lights reduced to 2.0 metres and reduction in number from 20 to 10'. Given the significance of the changes, we do not consider that the word 'retention' is appropriate as very little, if anything would be retained.
- 9.47 Even on an urban industrial estate the number of lights in such a small space would be deemed unnecessary for small scale haulage uses.
- 9.48 The application contains no justification for the amount of lighting or the type of lights that is proposed. Are these flood lights, halogen, LED? – The resultant energy efficiency levels and light pollution will be considerably different from each different type of light fitting. The original application suggested that the lighting was required for security purposes however on the last application and this, it is said to be required due to children living in associated residential accommodation. This argument would seem weak as it would be far more sensible for some post and rail fencing to be erected within the site to separate the residential and commercial uses. This separation would be far more appropriate than children playing in a haulage yard. Indeed even if the significant lighting now proposed was implemented, a haulage yard would still be a very dangerous place for children to play. Drivers of large reversing vehicles operating at the site would struggle to see a small child in daylight, let alone in the dark.
- 9.49 There is insufficient information contained within the application to properly determine the impact and whether the lighting proposed is genuinely the minimum necessary to achieve its purpose, which seems highly unlikely. The application contains no details of the times of operation and how this would be controlled, and details of the fixings, plans of the light distribution and light spill/potential glare and the energy efficiency of the lighting. Neither does it explain clearly the precise purpose of the lighting.
- 9.50 No efforts have been made to minimise the impact of the lighting on the countryside, such as mature hedge planting. On the contrary, a large conifer hedge which would have shielded the lighting from the B1051 has been removed, exposing the site and the lighting which, in turn, exacerbates the impacts upon the rural area. Because the land slopes down to the south, the site sits prominently when viewed from Mill Road and the B1051, further increasing the impacts, resulting in an urbanisation of the site which is visible from a considerable distance.
- 9.51 10 street lights on the edge of a small village, outside of the development boundary, could not be described as protecting or enhancing the character of the countryside.
- 9.52 No details are provided justifying the proposal or advising of the hours of operation, so that energy is not wasted when the site is not in operation. Approving the development in its current form unconditionally could see excessive luminance levels 24/7 which must be seen as detrimental to the rural area and the natural environment. The NPPF section 10 is concerned with meeting the challenge of climate change, flooding, and coastal change. The details submitted with this planning application do not meet the challenges of climate change and would be contrary to central governments drive towards a zero carbon future.

9.53 The proposed lighting does, on many columns, allow for electrical connection (see attached photograph). It is presumed that this will allow some form of power supply to be generated from the lighting columns. Again, no details have been provided as to what these may be used for. Local residents have speculated that this may be used as an illegal gypsy and traveller site in the near future and this would certainly explain the power supply.

One application has been received in support of the application

9.54 The site has always been kept in a neat and tidy way with the exception of the lamp posts not being in keeping with the area. The reduction in height and number will be welcome.

10.00 COMMENTS ON HISTORY

The site has planning approval for the use of the land as a haulage yard and for the stationing of two mobile homes for residential purposes.

11.00 PLANNING CONSIDERATIONS

The main issues are:

11.01 The impact of the development on the open countryside setting and neighbour residential amenity (ULP Policies S7, GEN2, GEN4 and GEN5 and paragraph 125 of the NPPF)

11.02 The application site is located outside the development limits within close proximity to the village of Henham. The surrounding area is characteristically open rural land with a dwelling and a nursery to the north of the application site. 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 needs to take place there.

11.03 GEN2 of the ULP states that the design of the development should be of compatible scale, form, layout, appearance and materials of the surrounding location, it would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

11.04 Policy GEN4 of the ULP states that development will not be permitted where pollutants including light would cause material disturbance or nuisance to occupiers of surrounding properties.

11.05 GEN5 of the ULP states that development that includes a lighting scheme will not be permitted unless the level of lighting and its period of use is the minimum necessary to achieve its purpose, and glare and light spillage from the site is minimised.

11.06 Paragraph 125 of the NPPF states: "By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation".

- 11.07 The Parish Council have made reference to policy EN19 within the draft Local plan, however this policy currently has low weight.
- 11.08 The proposal relates to the reduction in height of 10 of the existing street lights from their current 5 metres in height to 2 metres. The supporting letter states that the lamp posts would be fitted with the equivalent of 60 Watt bulbs producing 700 lumens. The applicant has stated that they would be agreeable to the lighting being controlled by sensors.
- 11.09 This application follows previous refused applications and an application dismissed on appeal. It is therefore necessary to assess whether this application overcomes the previous reasons for refusal and the reasons for the appeal being dismissed.
- 11.10 The reason for refusal of UTT/16/3393/FUL was: "The proposed development, due to the excessive number and impact of the illumination of the lights, would be harmful to the character and appearance of the rural surroundings. The development fails to meet the requirements of Uttlesford Local Plan Policies S7, GEN2, GEN5 (adopted 2005) and paragraph 125 of the NPPF."
- 11.11 Within the appeal decision for application UTT/15/0623/FUL the Inspector stated "turning to the lighting infrastructure, there are existing columns in the village and adjoining nursery site. However, street lighting is limited in scale reflecting the authority's attempt to control light pollution vis its dark sky policy. In contrast 20 tubular style street columns 5 m tall have been erected at Hill Top Yard. They form a line of metal light columns with bulky light fittings and have a regimented layout. I consider that the amount and extent of the columns have an intrusive urbanising effect on the skyline, which is accentuated by the slightly elevated positioning of the site. The street lights are lit from dusk to dawn for security reasons and to see their effect I carried out an unaccompanied site visit during the night, with the agreement of the appeal parties. I observed that the lighting scheme causes significant light pollution due to the number of columns, the intensity of light and level of illumination. The lighting infrastructure draws attention to the site when seen from Mill Road. In addition, there is considerable light spill which affects the occupiers of Hill Top Cottage given the proximity of columns to first floor window. I find that the lighting scheme causes light pollution contrary to the purpose of Local Plan policy GEN4. The Appellant would accept a condition requiring the submission of a different lighting scheme. He argues that stipulations could be imposed to limit intensity of illumination and operation of the lights. I consider that requiring a lighting scheme to be submitted by a condition alone would not sufficiently overcome my concern about the nature and scale of the subject lighting infrastructure. To address the level of light pollution, in my assessment a completely and radically different lighting scheme to what is before me is likely to be necessary.
- 11.12 I therefore find that the erection of 20 street lights causes significant harm to countryside interests including the appeal site and wider vicinity, due to the amount and scale of lighting infrastructure contrary to Local Plan policies S7, GEN2 and GEN5, which seeks to minimise light pollution, and national policy found in paragraph 125 of the NPPF".

- 11.13 It is therefore necessary to judge whether the current proposal is a “completely and radically different lighting scheme” and whether the proposal now would causes significant harm to countryside interests and wider vicinity.
- 11.14 Numerous comments have also been raised in relation to the current illegal use of the site being used for airport parking and that the 5m lights should have been removed following enforcement action. Additionally concerns that the application is not for retention of lighting as the lamp posts are not 2m high.
- 11.15 The site is currently being used for commercial parking which has taken place since the application being made. The Council has now issued an enforcement notice and a stop notice regarding these unauthorised activities.
- 11.16 The ten lamp posts that relate to this application are 5m high at the current time; however these posts will be retained in their existing locations at a height of 2m. (It is therefore considered that the description of the proposal is correct)
- 11.17 This application has halved the number of the proposed lights, removing the lighting closest to the neighbouring residential property and reduced their height from 5m to 2m. The lights also would not be illuminated twenty four hours a day and the illumination levels controlled. It is considered that this proposal represents a completely and radically different lighting scheme.
- 11.18 There is no boundary screening adjacent to the southern and eastern boundaries of the site. The yard is hard surfaced to the boundary and there is palisade fencing erected along the boundary which does not shield the site. There is no opportunity to provide landscaping to minimise the impact of the development.
- 11.19 Obtrusive light is generally a consequence of poorly designed, poorly installed or insensitive lighting schemes. The three main problems associated with obtrusive light are:
- Sky glow – the brightening of the night sky seen around urban areas, caused by a scattering of artificial light by dust particles and water droplets in the sky
 Glare – the uncomfortable brightness of a light source when viewed against a darker background and
 Light trespass – light spilling beyond the boundary of the property on which a light is located.
- Specialist Environmental Health Officers comments have been received and they state: “The proposed reduction in number of lighting columns has to an extent addressed the objections raised in my response to UTT/16/3393/FUL in terms of reducing the likelihood of glare impacting on occupiers of the residential properties adjacent to and opposite the site.
 There remains the risk of spread of light reflected from the yard surface into an area of otherwise low level of artificial lighting risking loss of amenity. The risk can be minimised by restriction to the hours of operation, combined with controls on the lamp power rating and provision of hoods as proposed”.
- 11.20 The lamp posts at 2m would reduce the visual impact of the lighting, as would their design. They are fitted with hoods so that the light is directed downwards to avoid sky glow. Whilst only limited justification for the lights has been submitted, the site does have authorised residential use as well as for a haulage yard. It is therefore recognised that some lighting is required and reasonable for security and safety purposes. With the use of appropriate planning conditions to restrict the intensity

and timing of the lights it is considered that, on balance, the proposal would not be harmful to the character and appearance of the rural surroundings to such an extent to warrant refusal of the scheme. The development would broadly now meet the requirements of Uttlesford Local Plan Policies S7, GEN2, GEN5 (adopted 2005) and paragraph 125 of the NPPF.

- 11.21 It is also a material planning consideration that on most dwellings artificial light is not classed as development e.g. security lights. The site has permission for two mobile homes on the site.
- 11.22 It is not considered that the proposal would represent significantly different to what could be erected without the requirement for planning permission. On most dwellings artificial light is not classed as development, for example security lights. With regards to the impact on neighbour's amenity, the neighbouring residential property has windows facing the site. The lamp posts closest to this property have been removed from this proposal. Provided the illuminance levels and timings of the lighting are controlled by an appropriate planning condition the proposal is considered to be acceptable.
- 11.23 Although not directly related, the guidance of the Institute of Lighting Engineers for illuminated advertisements, is that luminance should be limited to 600cd/m² in a Zone E2 (rural or small village location) for an area upto 10m² and 300 cd/m² in an illuminated area over 10m²

11. CONCLUSION

Due to the design, reduction in height, reduction in number and level of illumination of the lights, the previous reasons for refusal have been overcome and that on balance the development is considered to be acceptable in this rural location in accordance with ULP policies S7, GEN2, GEN5 and GEN4 and paragraph 125 of the NPPF.

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 lighting hereby permitted shall only be illuminated between the hours 07.00 and 22.00 hours. A restricted hours' time clock shall be installed and permanently retained so that the lights are automatically turned off outside these times.

REASON: In the interests of residential amenity in accordance with ULP policies GEN4 and GEN5.

- 3 Each light hereby permitted shall be fitted with lights that result in maximum illumination levels of 1000 lumens and that light shall be directed downwards and fitted with a hood.

REASON: In the interests of residential amenity in accordance with ULP policies

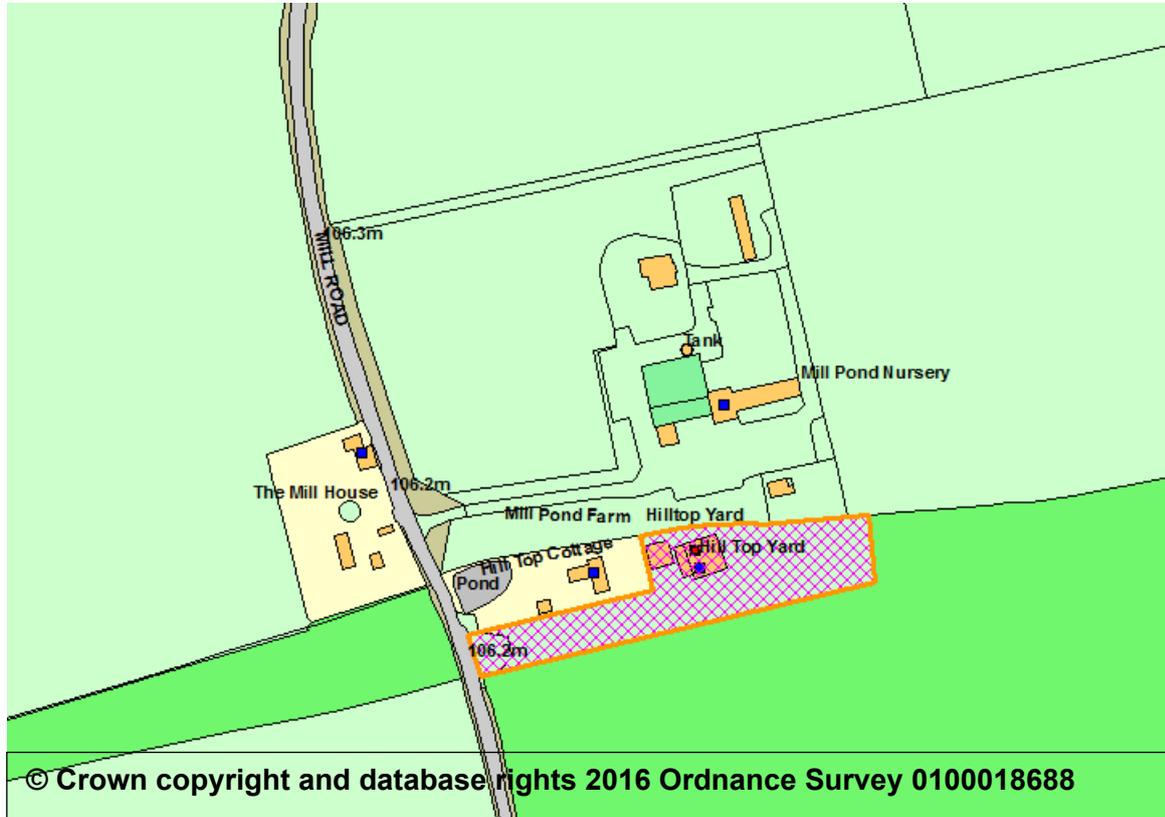
GEN4 and GEN5.

- 4 The poles above the height of 2m (of the ten lamp posts to be retained hereby permitted) shall be removed within two months of this decision.

REASON: To ensure that the posts cannot return to the unacceptable height of 5m in the interests of visual and residential amenity in accordance with ULP policies GEN4 and GEN5

Application: UTT/17/2241/FUL

Address: Hill Top Yard, Mill Road Henham



Organisation: Uttlesford District Council

Department: Planning

Date: 12 October 2017

UTT/17/2050/FUL - (STANSTED)

(Referred to the Planning Committee by Cllr Sell due to the loss of trees and introduction of back-land development)

PROPOSAL: Erection of a single dwelling and garage

LOCATION: The Thatch, Elsenham Road, Stansted

APPLICANT: Mr & Mrs Calder

AGENT: Beacon Planning Ltd

EXPIRY DATE: 26 October 2017

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 The application site relates to a detached two storey dwelling and its curtilage located to the south of Elsenham Road in the village of Stansted Mountfitchet. The dwelling includes external finishes of rendered and timber cladded walls under a plain clay tiled roof. The site is accessed by private driveway from the highway.

2.2 To the rear of the dwelling is a substantial garden area, of which the steep gradient slopes down to the south of the site and the public car park. The southwestern corner of the site falls within the development limits.

3. PROPOSAL

3.1 This application is for the proposed erection of a single dwelling and garage. The dwelling will be within the existing curtilage of The Thatch, and sited within the rear garden area. The dwelling will be two storeys with habitable accommodation within the roof space and basement. The dwelling will include external finishes of rendered and cladded walls under a plain clay tiled roof.

3.2 The access to the site will remain as existing, and a new drive will be created within the front of the site to the dwelling and garage.

4. APPLICANT'S CASE

4.1 The applicant has provided a planning statement in support of the planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way.

Also submitted is:
Biodiversity checklist
Ecological report
Arboricultural Report

5. RELEVANT SITE HISTORY

5.1 There are no planning applications linked to this application.

6. ENVIRONMENTAL IMPACT ASSESSMENT

6.1 The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

7. POLICIES

7.1 National Policies

- National Planning Policy Framework (NPPF)

7.2 Uttlesford Local Plan (2005)

- Policy S7 -The Countryside
- Policy H4- Backland Development
- Policy GEN2 - Design
- Policy ENV3- Open Spaces and Trees
- Policy GEN1 - Access
- Policy GEN8 -Vehicle Parking Standards
- Policy GEN7- Nature Conservation
- Policy ENV10- Noise Sensitive Areas

7.3 Supplementary Planning Documents

- UDC- Accessible Homes and Playspace
- UDC- Local Residential Parking Standards
- Essex Design Guide

7. PARISH COUNCIL COMMENTS

7.1 The Parish Council objects due to the following:
Back land development loss of trees and would set as a president on Elsenham Road.

8. CONSULTATIONS

ECC Ecology

8.1 No objections subject to condition

All ecological measures and/or works shall be carried out in accordance with the details contained THE Preliminary Ecological Appraisal (Denny Ecology, December 2016) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Natural England

8.2 No comments to this application.

ECC Highways

- 8.3 No objections or recommendations.

Network Rail

- 8.4 No objections- informative recommended.

BAA Aerodrome Safeguarding

- 8.5 No Objections.

NATS Safeguarding

- 8.6 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.

UDC Landscape Officer

- 8.7 The northern part of the proposed development site is subject to an "area" tree preservation order (TPO No.1/77) protecting all trees of whatever species. In the southern part of the site there are also a number of individual trees subject to a tree preservation order (TPO No.15/96).
- 8.8 In total twenty trees are proposed to be felled to facilitate the development and of these, four are subject to tree preservation order No.15/96, and these are 1no. Whitebeam, 1no. False acacia, 1no. Oak and 1no. Redwood. The redwood is dead, and the other three protected trees are not considered to be outstanding specimens. The acacia has decay present and a torn stem; the whitebeam, whilst in fair condition, has a significant lean; and the oak tree has a heavily suppressed crown. The removal of these trees would not have any significant impact on public amenity. A number of the other trees proposed to be felled are subject to the "area" order in the north of the site.
- 8.9 The other trees proposed to be felled are 2no. Sweet chestnuts, 1no. Birch, 1no. Apple, 1no. Norway maple, 1no. Indian bean tree, 4no. Pear, 3no. Cypress, 1no. Tree of Heaven, and 1no. Maple, although not all these trees fall within the "Area" order. None of these trees are considered to be outstanding specimens. Across the site and its immediate surrounds, the area is well-tread, and the loss of the trees proposed to be felled would not have any significant impact on visual amenity.
- 8.10 In the circumstances of an approval being granted, a condition should be applied requiring tree protection measures in respect of the existing trees to be retained.

UDC Environmental Health

- 8.11 The dwelling and garden would be subject to day and night noise from the railway line to the south of the site, which could give rise to loss of amenity. Noise assessments of the source in similar locations along the track suggest that adequate mitigation can be provided at this location to meet available guideline values for outdoor amenity areas and to achieve the internal noise levels recommended in British Standard 8233:2014 Sound Insulation and noise

reduction for buildings.

8.12 There is sufficient garden area set back from the source to provide an outdoor area which is protected from the source. With regard to the dwelling, there is a proposal to achieve adequate internal noise levels through insulation of the windows.

8.13 A safeguarding condition is therefore recommended to ensure the construction and installation is suitable completed to allow compliance with Planning Policy ENV 10:

The specification for external glazing and ventilation shall provide a sound insulation value of at least 32dB Rw and Ctr. and following installation shall not be altered without prior approval.

9. REPRESENTATIONS

Neighbour consultation expiry date- 8/8/2017
Site notice and advertisement expiry date- 29/8/2017
No comments received

10. APPRAISAL

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

- A The principle of the development of this site (ULP Policies S7, H4, NPPF);
- B Design (ULP Policies GEN2 & ENV3, SPD Accessible Homes and Playspace)
- C Access to the site (ULP Policy GEN1);
- D Vehicle Parking Standards (ULP Policy GEN8 and UDC Local Residential Parking Standards);
- E Nature Conservation (ULP Policy GEN7)
- F Noise sensitive areas (ULP Policy ENV10)

A The principle of the development of this site (ULP Policy S7, NPPF)

10.1 The application site lies beyond the Development Limits on land classed as countryside where policies are generally restrictive. Policy S7 looks to protect the countryside for its own sake by limiting development to that which needs to be there or is appropriate to a rural area.

With regard to backland development, ULP Policy H4 states that development will be permitted if it follows the following criteria:

- a) There is significant under use of the land and development would make effective use of it,
- b) There would be no material overlooking or overshadowing nearby properties,
- c) Development would not have an overbearing effect on neighbouring properties,
- d) Access would not cause disturbance to nearby properties.

The following report will include these elements.

- 10.2 The National Planning Policy Framework applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 10.3 Notwithstanding the above, paragraph 55 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. While there is no published definition of 'isolated', it is considered that the PPG supports the view that housing sites should be within or adjacent to existing settlements. The effect is to prevent sporadic development in the countryside, while supporting the growth of existing settlements of almost any size due to the associated economic and social benefits. As the application site abuts the development limits of the village and is tacked on to the existing settlement, it is considered that the location accords with paragraph 55
- 10.4 The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2017 (August 2017), the Council's housing land supply is currently 3.77 - 4.2 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.
- 10.5 This means that applications for sustainable development outside development limits may need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. Moreover the proposal should be considered against the three strands of sustainable development including economic, social and environmental.
- 10.6 Economic:
- The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. The development will deliver a small economic role by the creation of a small amount of employment during the construction phase and the occupiers of the house would contribute to the local economy in the long term, as such there would be some, but limited, positive economic benefit.
- 10.7 Social:
- The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
- The site is considered to represent a sustainable location for new development; there is a reasonable walking distance to the centre of the village where there is a good level of transport, schooling, amenities and social facilities. The proposal would make a small contribution towards the delivery of the housing, and the site is a reasonably sustainable site in terms of its proximity to deliver a social role.
- 10.8 Environmental:
- The landscape performs the function of clearly defining and containing the extent of built form. The site, although it is within the rural countryside, does include an

existing dwelling and outbuilding. The dwelling will be at the rear of the site; this specific part of the site is of a steep gradient leading down to the public car park and forms a scrub land. The introduction of the proposed dwelling will result in an enhancement to the character of the site and make good use of the site.

- 10.9 The host dwelling of the Thatch and neighbouring property of Moat House are set back from the highway. The proposed dwelling will be in line with the existing pattern of development. It is therefore considered that the development of the site would not result in a detrimental impact to the intrinsically rural appearance. The overall built form and appearance of the traditionally designed dwelling will overall improve this part of rural area.
- 10.10 The proposal will be situated at the edge of the village and abuts the built up area and an existing dwelling. As such this will not diminish the sense of place and local distinctiveness of the settlement. Due to the character of the site, the proposed development will mainly be visible at the access point due to continued roadside screening, and therefore will continue a sense of undeveloped frontage. It would not be readily apparent from the road itself and would not impact upon open countryside. This is something demonstrated by the neighbouring site of Moat House.
- 10.11 As such the development will not materially alter or impact the landscape character of the area or encroach into the openness of the countryside. For the detailed and specific reasons set out above, the development proposed is considered in the context of paragraphs 7 and 55 of the Framework to be considered sustainable, and not an isolated site. The proposal accords with ULP Policies H4 and the NPPF.

B Design (ULP Policies GEN2, ENV3 & SPD Accessible Homes and Playspace)

- 10.12 With regards to the design and neighbouring amenity, the submitted details indicate that the proposed dwelling and garage will be of a large scale and traditional design, using materials that would be considered acceptable in the rural location.
- 10.13 The design of the dwelling will result in the use of habitable basement accommodation; this is due to the gradient of the slope the site is on and therefore makes efficient use of the required built form.
- 10.14 It is considered that due to the siting of the proposed dwelling and the distance between the neighbouring properties of The Thatch and Moat House, there would be no loss of light, over shadowing or loss of privacy to neighbouring properties. A landscape condition can be included to ensure scheme of landscaping and boundary treatments are appropriate in this countryside setting and to reduce the visual impact of the development.
- 10.15 The proposal will include the felling of 20 trees of which 4 are subject to tree preservation order. The Councils Landscape Officer has been consulted in regards to this matter and has made no objections subject to the imposition of a planning condition for the tree protection measures of the existing tree to be retained. Due to the protected value of the trees it is not considered the removal of the trees as shown on the submitted plan will not contribute to the loss of significant visual amenity and the proposal accords with ULP Policy ENV3.
- 10.16 The proposed dwelling would have sufficient amenity space in accordance with

Local Plan Policy GEN2 and as advised by the Essex Design Guide (adopted 2005). The proposed dwelling will not impact the amenity space of the host dwelling.

C Access to the site (ULP Policy GEN1)

- 10.17 The proposed development seeks to utilise the existing access, as shown on the submitted block plan. The Highway Authority has been consulted and has made no objections or recommendations. Therefore it is considered that there will not be any significant conflict in relation to ULP Policy GEN1 and highway safety.

D Vehicle Parking Standards (ULP Policy GEN8 and UDC Local Residential Parking Standards)

- 10.18 The submitted layout details show that there would be adequate space within the site for the parking of three vehicles off road for the proposed new dwelling. This would comply with current adopted standards and ULP Policy GEN8.

E Nature Conservation (ULP Policy GEN7)

- 10.19 Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife and biodiversity. A protected species survey has been submitted with the planning application; Essex County Council Ecologists have been consulted and have no objection subject to a condition regarding ecological measures.
- 10.20 As such it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policy GEN7 and the National Planning Policy Framework.

F Noise sensitive areas (ULP Policy ENV10)

- 10.21 ULP Policy ENV10 considered noise sensitive development, housing will not be permitted if the occupants would experience significant noise disturbance. The site is within a close proximity to the railway line at the south of the site. Uttlesford District Council Environmental Health have been consulted, no objection has been made subject to the imposition of a planning condition.

11 CONCLUSION

- 11.1 In conclusion, the proposal is a sustainable form of development that would represent an acceptable scheme in terms of countryside impact, design, layout, and amenity, access, parking arrangements and impact on protected species and biodiversity. The proposal would comply with national and relevant local plan policy and is acceptable.

RECOMMENDATION – APPROVAL WITH CONDITIONS

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 approved samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

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

JUSTIFICATION: The pre-commencement condition is required to ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

- 3 Prior to commencement of the development hereby approved, details of all hard and soft landscaping (including planting, hard surfaces and boundary treatment) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

REASON: The use of such pre commencement condition is required to ensure compatibility with the character of the area in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005), and to prevent highway safety issues relating to surface water runoff and loose materials in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 4 The dwellings hereby permitted must be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the SPD on Accessible Homes and Playspace.

- 5 Prior to the commencement of the development hereby approved details of loading/unloading, storage of materials and manoeuvring of vehicles within the curtilage of the site, 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: This pre-commencement condition is required to ensure there is a sufficient scheme for the appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of

highway safety, in accordance with ULP Policy GEN1

- 6 All ecological measures and/or works shall be carried out in accordance with the details contained in THE Preliminary Ecological Appraisal (Denny Ecology, December 2016) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

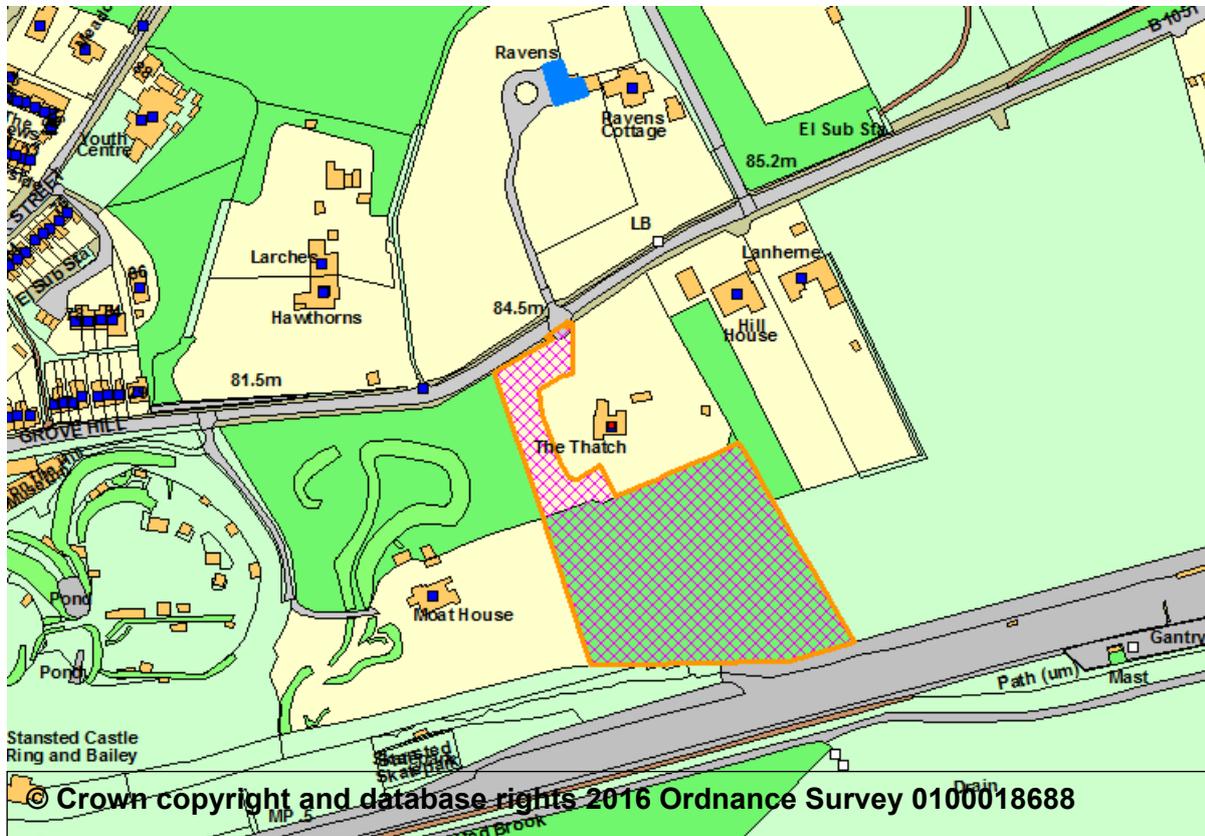
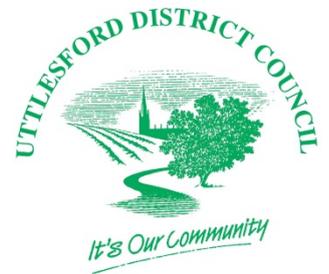
REASON: In the interests of conserving biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework

- 7 Prior to the commencement of the development, details of the external glazing and ventilation shall be submitted and approved in writing by the local planning authority. These details shall not be changed without written permission from the Local Planning Authority.

REASON: The use of the pre-commencement condition is required due to the siting of the development it would be within close proximity to a noise sensitive area and therefore recommended the development shall have an insulation value of at least 32dB Rw and Ctr and in accordance with ULP Policy ENV10.

Application: UTT/17/2050/FUL

Address: The Thatch Elsenham Road Stansted



Organisation: Uttlesford District Council

Department: Planning

Date: 12 October 2017

UTT/17/2179/HHF - (LINDSELL)

(Council Application - Deferred for Site Visit)

PROPOSAL: Single storey rear extension
LOCATION: 3 Whitegates, Holders Green Road, Lindsell
APPLICANT: Mr Paul Young
AGENT: Mr Andrew Hurrell (Council employee)
EXPIRY DATE: 19 September 2017
CASE OFFICER: Lindsay Trevillian

1. NOTATION

1.1 Outside development limits.

2. DESCRIPTION OF SITE

2.1 The application site as highlighted in red on the submitted location plan is located on the eastern side of Holders Green Road approximately 500 metres north of Daisyley Road within the small Hamlet of Lindsell. The site itself is relatively level, long and narrow in shape and comprises of approximately 523sqm.

2.2 Located towards the front of the site is a double storey semi-detached dwelling house that is externally finished from white painted render. The provisions for three off street parking spaces are located on the driveway towards the front of the dwelling house. Existing timber paling fencing located on the side and rear boundaries provide screening for a large private garden area towards the rear of the site.

2.3 The application site is located within a small enclave of residential buildings in which there is a mixture of built forms and styles within the surrounding locality although in saying this, house numbers 1 to 6 Whitegates are generally consistent in terms of their siting, size and scale. Arable land immediately abuts the rear boundary of the site with large open fields used for agriculture located further beyond.

3. PROPOSAL

3.1 Planning permission is sought for the construction of a single storey rear extension to the existing dwelling house. The extension would project 10.4m from the original rear façade and have a width of 7.3m. It would have an eaves height of 2.6m and consist of a dual pitch roof with a maximum height of 3.9m. External finishing materials are to match those of the existing building.

3.2 The extension would be constructed along the northern side boundary shared with number 4 Whitegates and 1.1m off the southern side boundary shared with number 2 Whitegates.

3.3 The extension would provide additional living accommodation for 2 further bedrooms and a bathroom.

4. APPLICANT'S CASE

4.1 Apart from the submitted application form and relevant plans, no further information was submitted by the applicant's agent in support of the proposal.

5. RELEVANT SITE HISTORY

5.1 There is no relevant recorded planning history for the application site.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- S7 – The Countryside
- GEN2 – Design
- H8 – Residential extensions

6.3 Supplementary Planning Documents:

- Home Extensions (November 2005)

7. PARISH COUNCIL COMMENTS

7.1 Supports - Lindsell Parish Meeting's Planning Committee fully supports this application. We know how much the family have been through and how much they want to return to Lindsell and giving your permission for the extensions to their house would enable them to come back.

8. CONSULTATIONS

8.1 There was no statutory requirement to consult either internal or external consultees.

9. REPRESENTATIONS

9.1 The application was publicised by sending 4 letters to adjoining occupiers. Representations received objecting to proposal;

- a. Overshadowing of property
- b. Impact on Council sewer
- c. Proposal out of scale with existing dwelling

10. APPRAISAL

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

A Whether the proposed development is appropriate in relation to its design and appearance (local policies S7, H8 and GEN2, and the NPPF)

B Whether the amenities of adjoining property occupiers would be harmed (local policy GEN2 and the NPPF).

A Whether the proposed development is appropriate in relation to its design and appearance (local policies S7, H8 and GEN2, and the NPPF)

- 10.1 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 where a Policy S7 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.
- 10.2 Although outside the defined developments, it is considered that the principle of further development such as householder extensions would not cause significant harm to the character and intrinsic beauty of the countryside.
- 10.3 It is considered that the proposed development would collectively and simultaneously meet what is defined within the National Planning Policy Framework of what constitutes as sustainable development. The principle of the proposal is thereby considered appropriate.
- 10.4 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.
- 10.5 In addition local policy H8 of the Local Plan as well as the Supplementary Planning Document (SPD) -Home Extensions states that extensions will be permitted if their scale, design and external materials respect those of the original building, Policy GEN2 requires that amongst other criteria development is compatible with the scale, form, layout, appearance and materials of surroundings buildings.
- 10.6 Rear extension such as the proposed should be proportioned to the scale of the existing dwelling house. There are various ways of measuring and assessing proportionality, but the test is primarily an objective one based on size. There is no firm advice in national guidance or the Local Plan as to what amount or percentage uplift in terms of volume or floor space would qualify as being a disproportionate or an excessive form of development that is at odds to the existing building. Consequently, those judgments are left to the decision maker.
- 10.7 As a means of guidance it should be noted that the total floor area of the existing dwelling house across both levels amounts to approximately 76 square metres. The floor area of the proposed extension amounts to approximately 78 square metres. The proposal alone would double the floor area and triple the existing building footprint of the original building.
- 10.8 Although the extension would not result in harm upon the appearance of the street scene, it is considered however it would be at odds and result in detrimental harm to the character and appearance of the original building. In particular, due to the developments inappropriate size and scale and specifically its depth projecting more than 10m, it would result in excessive massing and bulk that would not appear sympathetic or in proportion with the original dwelling house. The proposal is thereby contrary to policies GEN2 and H8 of the Uttlesford District Local Plan as Adopted (2005) and the NPPF.

B Whether the amenities of adjoining property occupiers would be harmed (local policy GEN2 and the NPPF).

- 10.9 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.
- 10.11 The proposed development is single storey that only incorporates window openings on the extensions rear elevation and southern flank elevation. As such there would be no direct overlooking into adjoining properties habitable rooms and private open space areas.
- 10.12 The proposed development is to extend over 10 metres from the original rear façade along the side boundary shared with number 4 Whitegates. The proposal due to the development excessive size and scale, particular its inappropriate depth and its close position to the adjoining property, would result in a visually intrusive and overbearing impact and as such would be detrimental to the amenities of the adjoining property occupiers contrary to Policy GEN2 of the Uttlesford District Local Plan as Adopted 2005 and the National Planning Policy Framework.

11. REVISED SCHEME

- 11.1 Following the previous Planning Committee meeting when the applicant's personal circumstances were made known to the Council, officers met with the applicants to reassess the proposals and to try and find a suitable alternative scheme. Firstly, a meeting was held at the property to assess the relationship with the adjoining properties and to have a better understanding of the layout of the property. Following this, a further meeting was held which included the Uttlesford District Council Casework, and the two Occupational Therapists, the applicants, and planning officer.
- 11.2 During the meeting the previous schemes and options were discussed and more details regarding the needs of the applicant set out. Alternatives were explored including a smaller extension and incorporating the first floor into the proposals. However, given the complexity of needs in this instance it became apparent that there are very limited options.
- 11.3 A revised scheme has now been put forward which still retains the size and scale of the extension, but moves it away from the boundary with 4 Whitegates. This reduces the impact the proposals would have on the neighbouring property. The relationship with 2 Whitegates is not as sensitive given the layout of the adjacent property and the location of the outhouse.
- 11.4 The revised scheme now overcomes the adverse impacts on the property at 4 Whitegates and the scheme complies with the 45 degree rule. Therefore, the previous second reason for refusal now falls away. However, what the scheme does not address is the first reason for refusal. The proposal is still an inappropriate size and scale in comparison to the original dwelling. Given the personal circumstances of the applicant and the requirement for level access to bedrooms, wet room as well as living accommodation, officers consider that it may be appropriate for Members to recommend approval of the scheme, subject to the standard time limit condition.

12. CONCLUSION

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

- A The proposal would result in detrimental harm to the character and appearance of the original dwelling due to its inappropriate size and scale that result in more than doubling the size of the original building.
- B The proposed development would result in an overbearing and be visually intrusive that would result in an unneighbourly development thereby causing significant harm to the amenities of the adjoining property known as No. 4 Whitegates.

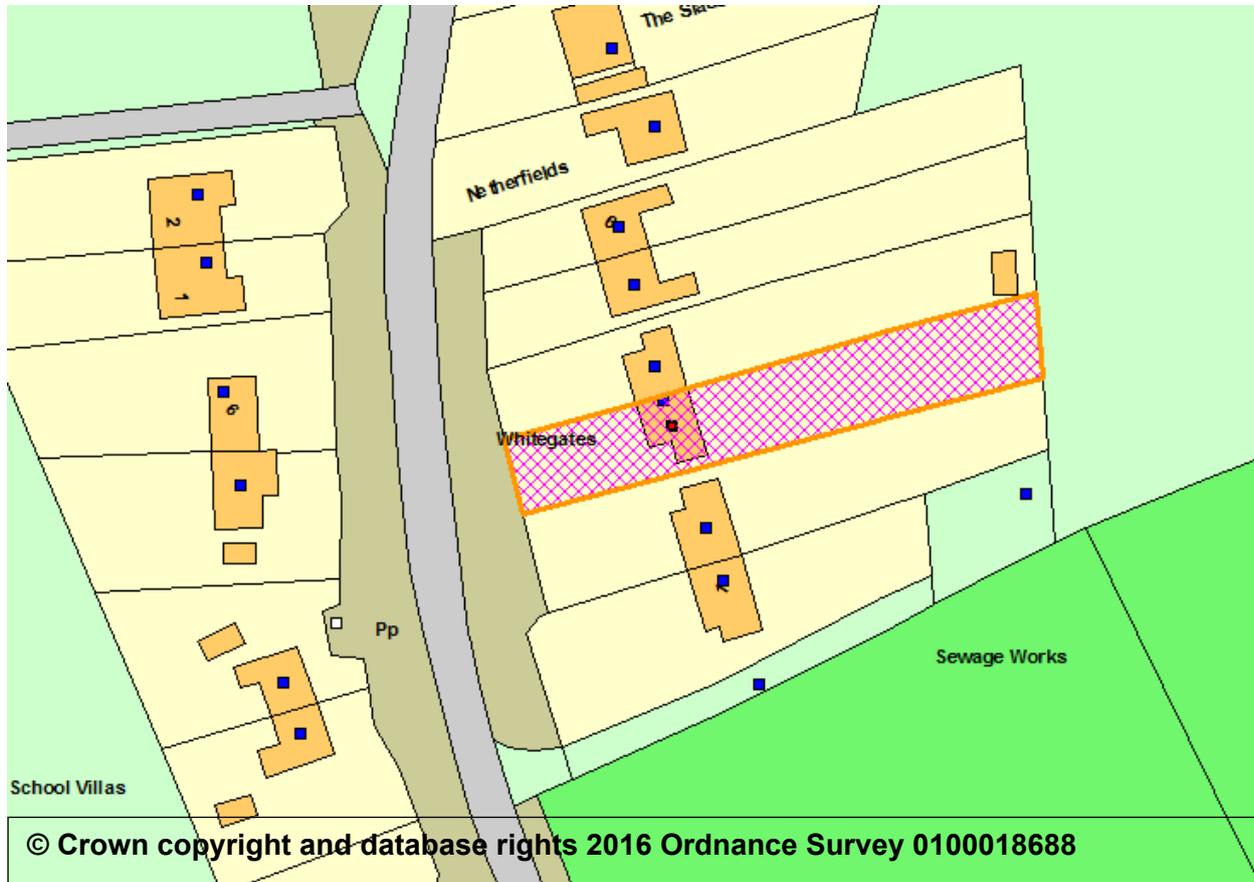
RECOMMENDATION – REFUSE

Reasons:

1. The proposed single storey rear extension as a result of its inappropriate size and scale would amount to a development that would appear excessive in terms of its bulk and massing and thereby be detrimental to the character and appearance of the original dwelling house contrary to local policies GEN2 and H8 of the Uttlesford District Local Plan as Adopted (2005) and the National Planning Policy Framework.
2. The proposed extension would by reason of its inappropriate size, scale and close proximity to the adjoining property known as No. 4 Whitegates, Holders Green Road, Lindsell, would result in an intrusive and unneighbourly development which would cause an overbearing and harmful impact to the amenities of the adjoining property occupiers contrary to policy GEN2 of the Adopted Local Plan and the National Planning Policy Framework.

Application: UTT/17/2179/HHF

Address: 3 Whitegates, Holders Green Road, Lindsell



Organisation: Uttlesford District Council

Department: Planning

Date: 12 October 2017

This page is intentionally left blank

UTT/17/2167/FUL - (GREAT CHESTERFORD)

(Deferred at the Planning Committee meeting of 27 September for a site visit;
Applicant is a District Councillor)

PROPOSAL: Proposed amendment to Plot 1 of dwelling approved under UTT/16/3394/FUL. Amendments to Garage, removal of 2 No. windows and insertion of sliding doors to Second Floor

LOCATION: The Delles, Carmen Street, Great Chesterford CB10 1NR

APPLICANT: Mr & Mrs Redfern

AGENT: 2P Studio

EXPIRY DATE: 2 October 2017

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside; Conservation Area.

2. DESCRIPTION OF SITE

2.1 The site is located at the corner of Carmen Street and Jackson's Lane, Great Chesterford. It comprises a portion of the garden serving The Delles.

3. PROPOSAL

3.1 The application is for planning permission to erect a detached house and garage. The proposal represents an alternative design for Plot 1 of the two-dwelling development approved by planning permission UTT/16/3394/FUL in February 2017. The main differences are to the design of the garage, the fenestration of the house and an increase of its height by 50 cm (approx.).

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANT'S CASE

5.1 The application includes the following documents:

- Heritage / Design and Access Statement
- Phase 1 Habitat Survey & Protected Species Survey
- Biodiversity Validation Checklist
- Tree Survey

6. RELEVANT SITE HISTORY

- 6.1 As referenced above, planning permission was granted in February 2017 for the erection of two houses in the garden of The Delles (UTT/16/3394/FUL).

7. POLICIES

- 7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.3 Relevant development plan policies and material considerations are listed below.

Uttlesford Local Plan (2005)

- 7.4
- S7 – The Countryside
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN6 – Infrastructure Provision to Support Development
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - ENV1 – Design of Development within Conservation Areas
 - ENV2 – Development affecting Listed Buildings
 - ENV3 – Open Spaces and Trees
 - ENV4 – Ancient Monuments and Sites of Archaeological Importance
 - H1 – Housing Development
 - H9 – Affordable Housing

Supplementary Planning Documents/Guidance

- 7.5
- SPD – Accessible Homes and Playspace (2005)
 - Developer Contributions Guidance Document (Feb 2016)
 - The Essex Design Guide (2005)
 - Parking Standards: Design and Good Practice (2009)
 - Uttlesford Local Residential Parking Standards (2013)
 - Great Chesterford Conservation Area Appraisal and Management Proposals (2007)

National Policies

- 7.6
- National Planning Policy Framework (NPPF) (2012)

- Paragraphs 14, 17, 32-39, 47-49, 55, 58, 100-104, 111, 118 & 128-135
- Planning Practice Guidance (PPG)
- Conserving and enhancing the historic environment
- Design
- Flood risk and coastal change
- Housing: optional technical standards
- Rural housing
- Planning obligations

Other Material Considerations

- 7.7 Great Chesterford Conservation Area Appraisal and Management Proposals (2007)
- Great Chesterford Historic Settlement Character Assessment (2007)
- Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
- Housing Trajectory 1 April 2017 (August 2017)

8. PARISH COUNCIL COMMENTS

- 8.1 Objection. Extract:

“There has been a progressive increase of size since the initial application. The original cartshed has become a garage, the flat roof has become pitched and the first floor will be very visible from Jackson's Lane. We object to the increase in height, inappropriate choice of materials and the increased visibility from the adjoining road and surrounding houses.”

9. CONSULTATIONS

London Stansted Airport

- 9.1 No objections.

Highway Authority (Essex County Council)

- 9.2 No objections.

Ecological Consultant (Place Services)

- 9.3 No objections.

10. REPRESENTATIONS

- 10.1 Neighbours were notified of the application by letter and notices were displayed near the site and in the local press. No representations have been received.

11. APPRAISAL

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

- A Location of housing (S7, H1, 55 & PPG)
- B Character, appearance and heritage (S7, GEN2, ENV1, ENV2, ENV3, 17, 58, 128-134 & PPG)
- C Transport (GEN1, GEN8 & 32-39)

- D Accessibility (GEN2, 58 & PPG)
- E Amenity (GEN2 & 17)
- F Flooding (GEN3, 100-104, PPG & SFRA)
- G Infrastructure (GEN6)
- H Biodiversity (GEN7, 118 & PPG)
- I Archaeology (ENV4, 128-135 & PPG)
- J Affordable housing (H9 & PPG)
- K Housing land supply (47-49)
- L Previously developed land (111)

A Location of housing (S7, H1, 55 & PPG)

- 11.1 The principle of residential development on the site has already been established by planning permission UTT/16/3394/FUL.

B Character, appearance and heritage (S7, GEN2, ENV1, ENV2, ENV3, 17, 58, 128-134 & PPG)

- 11.2 The site is located within the Great Chesterford conservation area and there are a number of Grade II listed buildings to the south and west. Compared with the approved scheme, the most significant change is to the design of the garage. The lightweight, flat-roofed car port has been replaced with a similarly contemporary but more substantial pitch-roofed garage with a room in the roof space. While the visual impact would be greater, it is considered that the building would remain proportionate to the main house and compatible in terms of its design. It is concluded that the amended scheme would, like the original, make a positive contribution to the character and appearance of the conservation area. The proposal would accord with the above policies insofar as they relate to character, appearance and heritage.
- 11.3 In drawing the above conclusions regarding listed buildings and conservation areas, regard has been had to the Council's statutory duties under S66(1) and S72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

C Transport (GEN1, GEN8 & 32-39)

- 11.4 Compared with the approved development, there would be no significant effect on sustainable transport, road safety or vehicle parking. Furthermore, the highway authority raises no objections. It is therefore concluded that the amended scheme would accord with the above policies.

D Accessibility (GEN2, 58 & PPG)

- 11.5 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

E Amenity (GEN2 & 17)

- 11.6 Compared with the approved development, there would be no significant effect on the amenity of existing or future residents. It is therefore concluded

that the amended scheme would accord with the above policies insofar as they relate to amenity.

F Flooding (GEN3, 100-104, PPG & SFRA)

- 11.7 Compared with the approved development, there would be no significant effect on flood risk. It is therefore concluded that the amended scheme would accord with the above policies.

G Infrastructure (GEN6)

- 11.8 Compared with the approved development, there would be no significant effect on off-site infrastructure. It is therefore concluded that the amended scheme would accord with Policy GEN6.

H Biodiversity (GEN7, 118 & PPG)

- 11.9 Taking into account the comments of the Council's ecological consultant, it is considered unlikely that the proposal would have any significant adverse effects on any protected species or valuable habitats. It is therefore concluded that the proposal accords with the above policies.

I Archaeology (ENV4, 128-135 & PPG)

- 11.10 Archaeological investigation on the site has been completed to the satisfaction of the local planning authority, in connection with the existing planning permission. It is considered that the proposed amendment does not necessitate further archaeological work. Therefore, the amended scheme accords with the above policies insofar as they relate to archaeology.

J Affordable housing (H9 & PPG)

- 11.11 As explained in detail in various appeal decisions, including UTT/15/3599/FUL, the Developer Contributions Guidance Document must not be given weight when considering affordable housing requirements. Therefore, the basis for seeking affordable housing provision is Policy H9 and its preamble, which indicate that the proposal need not make a contribution towards affordable housing provision.

K Housing land supply (47-49)

- 11.12 Paragraphs 47-49 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2017 (August 2017), the Council's housing land supply is currently 3.77 – 4.2 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.

L Previously developed land (111)

- 11.13 Paragraph 111 of the NPPF encourages the re-use of previously developed land, a classification which applies to the application site. Therefore, weight should be given to the positive effect of the development in this regard.

12. CONCLUSION

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

- A Taking into account the development plan, the NPPF and all other material considerations, it is concluded that the amended scheme should be approved. It is therefore recommended that planning permission be granted.

RECOMMENDATION – APPROVAL WITH CONDITIONS

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. All hard and soft landscape works must be carried out in accordance with the details of landscaping approved under application UTT/17/1916/DOC.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works must 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 compatibility with the character of the area, including by ensuring the existing boundary wall is not undermined by new planting, in accordance with Policy S7, Policy GEN2, Policy ENV1 and Policy ENV3 of the Uttlesford Local Plan (adopted 2005).

3. The development must be carried out in accordance with the details of tree protection measures approved under application UTT/17/1916/DOC.

REASON: To ensure compatibility with the character of the area and to preserve wildlife habitats, in accordance with Policy S7, Policy GEN2, Policy ENV1, Policy ENV3 and Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

4. The development must be carried out in accordance with the details of site sections approved under application UTT/17/1916/DOC.

REASON: To ensure compatibility with the character of the area and to prevent overbearing impacts on neighbouring buildings, in accordance with Policy S7, Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

5. The development must be carried out in accordance with the details of external finishes approved under application UTT/17/1916/DOC.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7, Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.
6. The development must be carried out in accordance with the details of windows and doors approved under application UTT/17/1916/DOC.

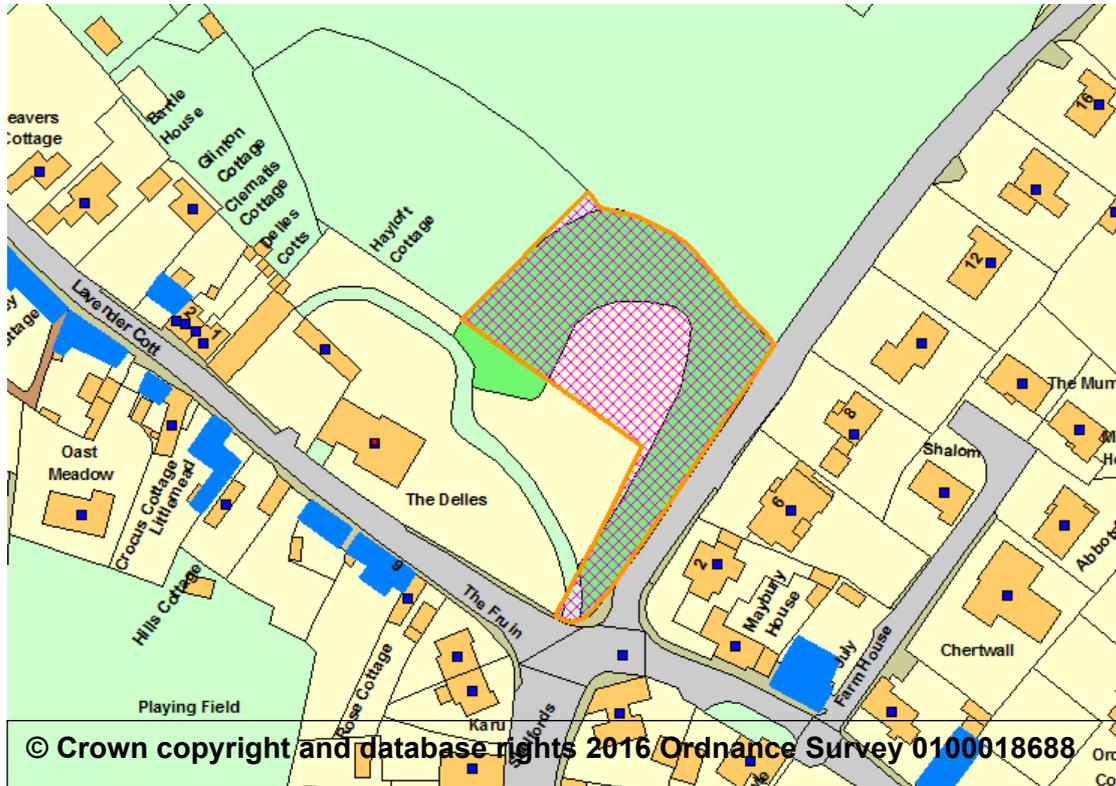
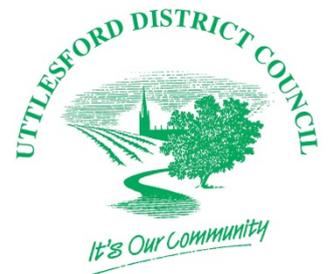
REASON: To ensure compatibility with the character of the area, in accordance with Policy S7, Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.
7. The render finish to the dwelling hereby permitted must be smooth.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7, Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.
8. The dwelling hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

Application: UTT/17/2167/FUL

Address: The Delles Carmen Street Great Chesterford



Organisation:	Uttlesford District Council
Department:	Planning
Date:	12 October 2017

This page is intentionally left blank