

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 2 JULY 2001

APPL NO: **UTT/0954/00/FUL**
PARISH: **STANSTED**
DEVELOPMENT: Erection of 21 dwellings and ancillary works
APPLICANT: Fairclough Homes Ltd.
LOCATION: St Teresa's Church, Silver Street
D.C. SUB: 15 January
REMARKS: Deferred to continue negotiations/discussions with applicant
RECOMMENDATION: **Refusal** (if not withdrawn by 2 July)
Case Officer: *Jeremy Pine on (01799) 510460*
Expiry Date: 4 September

APPL NO: **UTT/0036/01/CL**
PARISH: **FELSTED**
DEVELOPMENT: Application for Certificate of Lawful Use of land for vehicle parking together with associated activities and the use of buildings for storage or other purposes ancillary to the use of vehicle parking
APPLICANT: Mr L J Ely
LOCATION: Trycot, Bartholomews Green
D.C. SUB: 21 May
REMARKS: Deferred for Officers to consider a proffered Section 106 Agreement controlling hours of use
RECOMMENDATION: **To be reported**
Case Officers: *Jacqui Harrison (01799) 510420 and Michael Ovenden on (01799 510476)*
Expiry Date: 8 March

APPL NO: **UTT/0326/01/FUL**
PARISH: **HATFIELD BROAD OAK**
DEVELOPMENT: Erection of replacement dwelling
APPLICANT: J Schonberg
LOCATION: Anthonys, Anthonys Lane
D.C. SUB: 11 June
REMARKS: Deferred for Members' site visit
RECOMMENDATION: **Refusal**
Case Officer: *David Jeater on (01799) 510460*
Expiry Date: 25 May

UTT/1802/00/FUL – GREAT DUNMOW

Erection of two-storey extension and detached office accommodation.
42 High Street. GR/TL: 627-218. Mr and Mrs Frecknall.
Case Officer: Michael Ovenden on 01799 510476
Expiry Date: 19 March

NOTATION: Within Development Limit & Conservation Area / Part within Town Centre (Policy GD2)

DESCRIPTION OF SITE AND PROPOSAL: The site is located to the rear of development fronting the western side of the High Street, near to the war memorial, and backs on to Standrums, a modern residential estate. The site is currently a pleasant garden unrelated to any dwelling, which lies approximately two metres above the level of the car park fronting the High Street.

The proposal follows the general form of the office development indicated in a series of outline permissions, but it is now proposed to excavate the site by up to 1.3m in order to lower the proposed building. The land to the north of the site is approximately 1.5m higher than the proposed level of this site. On the site would be an office building with two floors and two feature dormer windows on the northern elevation. It is also proposed to erect a two-storey office extension to the adjacent office building, also set into the ground. Car parking for the extension and the new building is also proposed.

APPLICANTS' CASE: The scheme has been extensively negotiated both pre and post submission.

RELEVANT HISTORY: Outline permission for the erection of office granted 1988 and renewed 1991, 1994, 1997. Application for a further renewal was withdrawn in 2000 on advice of officers (outline applications no longer acceptable within a Conservation Area).

CONSULTATIONS: ECCTransportation: No objections, subject to widening of access to 5m.
ECC Archaeology: No further archaeological recommendations are made.
Design Advice: Originally recommended alterations, which have been incorporated. No further comments on revised plans subject to approval of materials.

TOWN COUNCIL COMMENTS:

Original and Revised Plans: No objections providing the potential effect on the Conservation Area is noted with particular reference to the height of the proposed development.

REPRESENTATIONS This application has been advertised and three representations have been received. Period expired 16 March.

The Dunmow Society: Object. Primary concern is with the nature of the proposals, which they feel to be excessive, particularly bearing in mind the restricted site and the fact that all of the proposed work is to be carried out at the rear of the site in close proximity to adjoining residential properties. It was noted that spaces nos. 1, 2 and 2 would not be accessible if those in front of them were already occupied and likewise spaces nos. 16 and 17 are practically inaccessible. Lastly, the Society is concerned at the loss of open space, admittedly private.

2. Object. Will block the light from our ground floor and first floor offices.
3. Concerned that reasonable light should remain available to my property and there should be minimum of overlooking. Office development could seem possibly appropriate provided the western building was confined to a single-storey structure. Structure too near rear boundary and house. Should the proposal be approved it is trusted that this will be subject to upper floor windows being provided with obscure glazing in those cases where there is overlooking of other properties. The ground excavation seems quite extensive and raises cause for some concern relative to the effect on surrounding properties.

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) **there have been any material changes in planning circumstances since the series of outline permissions was last approved (1997),**
- 2) **the proposal would be acceptable in the conservation area (DP Policy DC2) [ESP Policy HC2],**
- 3) **the proposal would safeguard the amenity of residents (DP Policy DC14),**
- 4) **there would be sufficient car parking (DP Policy T2) [ESP Policy T12] and**
- 5) **the proposal takes account of the site's location within an archaeologically sensitive area (DP Policy DC10).**

- (1) The principle of office development on the site has been established since 1988. Those permissions included indicative drawings, which showed a building of the same general form, footprint and location as now proposed, but at existing ground level. Whilst those permissions were only in outline and the indicative drawings had no formal status, this revised details proposal is a better scheme, resulting in a less prominent building due to being set into the ground. There have been no other material changes in circumstances since the granting of the previous permissions.
- (2) The proposed building features narrow gable spans, traditional materials (clay roof tiles, brick plinth, weatherboarding and render). The proposal would be visible at various points within the Conservation Area, but not unduly so. The proposed extension to the existing building would also be cut into the site.
- (3) Due to the design, layout and surroundings, the proposal is unlikely to cause material harm to the amenity of adjacent occupiers. There appears to be limited potential overlooking from the new building, but this could be conditioned out.
- (4) The proposed new office building would provide 290 sq.m of floorspace. The adopted District Plan standards require 11 car parking spaces, which the application shows to be provided. More recent Government advice advocates the efficient use of land within settlements and urges authorities to be flexible with regard to car parking requirements.
- (5) The site lies within an archaeologically sensitive area where full investigative works are normally required prior to a planning decision. The applicant has liaised with ECC and carried out the required investigations. Nothing of merit was found and ECC have confirmed that they have no further archaeological requirements.

CONCLUSIONS: The revised proposed details of the new building and extension comply with the requirements of the Development Plan.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
2. C.3.1. Development in accordance with approved plans.
3. Level of site to be reduced
4. Access onto High Street increased to 5m wide.
5. C.5.1 Samples of materials to be agreed.
6. Avoidance of overlooking.
7. Car parking facilities to be provided.

1) UTT/0454/01/FUL & UTT/0455/01/LB, 2) UTT/0567/01/FUL – GREAT DUNMOW
(Joint Report)

1. Change of use from A1 shop to A3 café bar and alterations to building.
 2. Change of use from class A1 shop to A2 office.
- Ground Floor, 39 & 41 High Street. GR/TL: 628-218. IHCCG Properties Ltd.
Case Officer: Michael Ovenden on (01799) 510476
Expiry Date: 21 June

NOTATION: Within Town Limits, Conservation Area and Principal Shopping Frontage/Grade II Listed Building.

DESCRIPTION OF SITE AND PROPOSAL: The site is a vacant shop in the High Street opposite New Street. It is part of the former Eastern Electricity showrooms, which is currently vacant.

The proposals are to split the premises into 2 uses: café and financial/professional services.

APPLICANT'S CASE: See letters dated 6 March and 20 April 2001 attached at end of schedule. Whilst not central to the planning merits of the case, the second applicant has made reference to his company being a recently re-established firm with local connections. He also points out that the High Street has a mixture of retail and non-retail uses, the balance of which would not be fundamentally altered by these proposals.

RELEVANT HISTORY: Shopping and office uses including precinct to rear approved in 1987 subject to Section 106 Agreement which was never finalised and application later withdrawn. Extensions and improvements approved 2000.

CONSULTATIONS: Environmental Services: No adverse comments, subject to clarification of extraction system re 0454/01/.

TOWN COUNCIL COMMENTS: 1). Support. 2) No comment.

REPRESENTATIONS: 1) None received. 2) One. Notification period expired 8 June. Urge adherence to the shopping frontage policy in order to protect the town centre. (Queries why the premises have remained vacant).

PLANNING CONSIDERATIONS:

The main issue is whether the change of use of this former shop to a non-retail uses complies with District Plan Policy GD3 and if not whether there are material considerations which outweigh a policy objection.

The premises lies within the Principal Shopping Frontage which, in common with a similar policy relating to Saffron Walden, attempts to retain the integrity of the main shopping area of the town by preventing fragmentation which would make it a less viable and attractive shopping street. As the site lies within this frontage and would involve the change of use of a retail unit, it would be contrary to this policy. (Members will be aware that this policy is proposed to be withdrawn in the Review Plan to be put on Public Deposit in October 2001).

However, the shop has remained vacant for sometime and therefore the proposals would not displace a current retail use. There are other empty retail premises in the town centre (eg. the former Conways shop) and it is important to help their re-use, particularly as the listed building needs to be occupied to keep it in good condition.

Other businesses are open at various times which have been established historically rather than through conditions. Although the proposed hours of use are generally in line with others, a cursory survey of open times indicated that town centre restaurants (not public houses where sale of food is ancillary) are usually not open beyond 11.30 pm. A 1996 approval for a High Street property restricted opening to no later than 23.30 to limit impact on neighbouring residential amenity. Whilst there may be fewer residential properties in proximity it would be consistent to impose this condition to the present application.

Furthermore, as with other premises within the town centre, the site is incapable of accommodating any customer parking re the café use. However, the District Council's car park is close by and should provide more than enough parking for the proposal's clientele. The proposal should not generate any more traffic which the existing road system is not already capable of handling.

CONCLUSIONS: But for the old shopping frontage policy, the proposed use would be clearly acceptable as an appropriate use for a site in the town centre. In all the circumstance of the above, it is considered that change of use would help to stimulate commercial investment in this empty town centre listed building.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. UTT/0454/01/FUL

1. C.2.1. Standard time limit.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.8.18. Control of odour and the effluvia.
4. Scheme for surface water drainage to be submitted and approved.
5. C.13.7. Hours of use. Not before 11.00 nor after 2330 hours Mondays-Saturdays.
Not before 11.00 nor after 22.30 Sundays.

UTT/0455/01/LB

1. C.2.2. Standard time limit.
2. C.3.1. To be implemented in accordance with approved plans.

2. UTT/0567/01/FUL

1. C.2.1. Standard time limit.
2. C.3.1. Development in accordance with approved drawings.

UTT/0696/01/FUL – SAFFRON WALDEN

Change of use and conversion from shop and offices to create three dwellings. Erection of detached house. Alterations to existing and construction of 2.15m high boundary wall. Alterations to vehicular accesses.

The Chapel, Castle Hill. GR/TL: 539-387. Andrew Burton.

Case Officer: Hilary Lock on (01799) 510486

Expiry Date: 16 July

NOTATION: Within Development Limits & Conservation Area/Castle Street frontage is Residential Street (Policy SW1)

DESCRIPTION OF SITE AND PROPOSAL: The site is to the north-east of the town centre and consists of a corner plot at the Castle Hill/Castle Street crossroads. The Castle ruins are to the south, with The Common beyond. It is occupied by a butchers' shop with offices and parking area. Each road frontage has vehicular access.

It is proposed to convert the existing 2-storey building into three 2-bedroom houses, with alterations to doors and windows. In addition, a detached 2 bedroom house (70 sqm. floor area, and 6.5m high) is proposed. It would be sited on the back edge of footpaths, and 1m from the dwelling to the west. It would have a private garden area of approximately 38sqm. A 1.8m high wall would be built within the site to provide screening, and an existing low wall would be replaced with a 2.15m high brick and flint wall on the Castle Hill frontage. The vehicular access would be reduced in width to domestic standard, and the Castle Street access would be closed. One parking space would be provided per dwelling. There would be no usable private amenity space.

APPLICANT'S CASE: Business to relocate as part of planned expansion, as current premises too small and inappropriate in nature. See supporting statement attached at end of schedule.

RELEVANT HISTORY: Change of use from builders' office to retail and first floor residential granted 1992.

CONSULTATIONS: Design Advice: Improvement to unattractive empty space on corner of historic streets. No objection subject to conditions.

ECC Archaeology: As site backs onto Scheduled Ancient Monument (Castle), recommend full archaeological excavation and evaluation condition.

TOWN COUNCIL COMMENTS: object to the change of use in this location; the lack of amenity space in 3 of the 4 houses; and the loss of a retail unit in the centre of town.

REPRESENTATIONS: This application has been advertised and any representations received will be reported verbally. Period expires 2 July

PLANNING CONSIDERATIONS:

The main issues are whether the proposal accords with DP policies:

- 1) **S1 (Development Limits), SW1 (Residential Streets in the Conservation Area), SW3 (Town Centre) & SW4 (Principal Shopping Frontages),**
- 2) **DC2 (Design in Conservation Areas) [HC2 of ESP],**
- 3) **DC14 (General Amenity), and**
- 4) **T1 (Highway Considerations) & T2 (Car Parking) [T3 & T12 of ESP].**

1) The site is within Development Limits, where residential schemes would normally be acceptable. Policy SW1 opposes uses other than residential on the Castle Street frontage, and the new dwelling would comply. There is a general presumption in favour of shops and commercial uses in the town centre (Policy SW3), but this policy also encourages residential occupation of vacant premises in the town centre. Although the premises are in retail use, the site is not in a defined principal shopping frontage (SW4), and there is no policy objection to either the conversion or new dwelling. (Members will be aware that Policies SW1 and 4 are proposed to be withdrawn in the Review Plan to be put on Public Deposit in October 2001). The development would provide small residential units in a sustainable location.

2) The site is within a Conservation Area, and there is no objection to the sympathetic alterations to the main building. The new dwelling would be of traditional design and materials (render and clay tile roof), and would be in keeping with the character of the area.

3) The site is within a tightly knit urban setting, and dwellings to the east in Castle Court have windows on the site boundary. It is not considered that the conversion should have any significant impact on privacy, and general nuisance should be reduced by the loss of delivery and customer vehicles. The new house would have small dining room and bathroom windows facing Castle Court and rear-facing bedroom window with a large first floor windows and lounge. However, in this urban setting it is not considered that the adverse impact caused by any overlooking would be sufficient to warrant refusal. The dwellings on the opposite side of Castle Street should not be materially affected. The proposal does not provide sufficient amenity space to meet the Council's standards, but given the proximity to The Common and other public spaces in the town, it would not be reasonable to resist the proposal on this issue.

4) The proposal is located at a busy road junction, and the replacement of a commercial use and two accesses by 4 small dwellings with a single access is considered an improvement in terms of highway activity and safety. Sufficient turning space would be provided to enable vehicles to emerge in forward gear. Although frontage walls of 2.15m high are proposed, it is considered that these should be reduced either side of the access to provide adequate pedestrian visibility. One parking space per dwelling is proposed, and although this is below the Council's existing standard, this figure is considered sufficient given the town centre setting, the dwelling sizes, the relation to public transport, DETR advice in PPG 3 and the visual improvement to the Conservation Area.

CONCLUSIONS: Although the proposal would not meet the Council's normal parking and amenity space standards, it would satisfy the requirements for development in an urban town centre and Conservation Area, and would be a sustainable form of development providing small units. The Town Council's comments are appreciated, but there are no Policy objections which could be substantiated on appeal.

RECOMMENDATION: APPROVAL WITH CONDITIONS – (Subject to expiry of advertisement period on 2 July)

1. C.2.1. Time limit
2. C.3.3. To be implemented in accordance with original and revised plans
3. C.5.2. Details of materials to be submitted and agreed
4. Design requirements
5. C.6.2. Removal of all permitted development rights
6. C.10.25 & C.17.1 Revisions to wall to provide and retain visibility splays
7. C.11.7 Provision and retention of parking spaces
8. C.16.2. Full archaeological excavation and evaluation
9. C.19.1. No further windows in west elevations of new and converted dwellings.
10. New dwelling not to be constructed, and no part of building to be converted, until cessation of all commercial use on site.

UTT/0373/01/FUL – GREAT CANFIELD

Change of use from storage to agricultural and vehicle maintenance/workshop area
Ashfield Polo and Equestrian Centre. GR/TL: 587-188. Mr A Mathies
Case Officer: Tony Ewbanks on (01799) 510494
Expiry Date: 8 May

NOTATION: Outside Development Limits/Protected Lane.

DESCRIPTION OF SITE AND PROPOSAL: The site is located in open countryside south of Takeley. It is surrounded by residential properties to the north, paddocks and practice areas to the south, east and west with agricultural fields and open countryside beyond.

This application, for the change of use of an agricultural barn from storage to a maintenance/workshop area for Ashfield's Polo Centre vehicles (both agricultural and personal) and vehicles owned by an independent operator, relates to one of the large barns located within the centre of the site. Surrounding barns are of similar height. The proposed change of use of the building would require adding infill walls and inserting a roller shutter door to the covered bay on the eastern side of the barn. A second door would be inserted into the existing northern elevation. The western open bay would remain and be used for equestrian purposes. The submitted plans indicate that vehicular access would be taken from the southern entrance road, past the dwellings to the rear of the site.

APPLICANT'S CASE: See letter of 4 April 2001 and supporting statement attached at end of schedule.

Summary: The internal area, measuring approximately 230m² in area, is to be used by the Ashfield's Polo Centre owners for personal vehicles and vehicles used in the maintenance and

upkeep of the fields and practice areas (general agricultural machinery) as well as an independent operator who wishes to consolidate his existing business. A very small amount of vehicles would visit the site strictly by appointment only and would not exceed 4 vehicles at any one time. The majority would only be domestic sized motorcars, as the agricultural vehicles would generally be on site. Whilst viewed in context with the overall traffic movements of the site as a whole, this minor amount would have no real impact. The proposed hours of opening would be 0800 – 1700 Mondays to Fridays and 0900 – 1200 Saturdays.

RELEVANT HISTORY: No specific history to this building, but various permissions for kennelling, stables, B1 Light Industrial use, B2 General Industrial Use, change of use to commercial equestrian centre approved between 1991 – 2000.

PARISH COUNCIL COMMENTS: Concerned about the likelihood of increased noise with nuisance caused to nearby residents. Increased traffic with poor access. Possibility of unsocial hours [of opening] such as weekends and evenings.

REPRESENTATIONS: None received. Notification period expired 16 April.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal complies with;

- 1) **DP Policy C5: Countryside Beyond Development Limits [ESP Policy RE2]**
- 2) **DP Policy T1: Highway Considerations [ESP Policy T3] and**
- 3) **DP Policy DC14: General Amenity.**

1) Policy C5 states that the re-use of rural buildings for non-residential purposes will be acceptable subject to certain criteria compatible with a rural area. The Policy (Re-use of Rural Buildings) outlines that appropriate re-use of soundly constructed rural buildings will normally be permitted. Consequently, as the building needs little work to convert to this use proposed, its appropriateness should be assessed on its impact on the surrounding countryside.

The agent has indicated that the building would be used by the existing owners to store and work on vehicles already on site and by an independent commercial mechanic who would work predominately on a limited number of domestic vehicles (no more than 4 on site at any one time) as well as occasionally on those agricultural vehicles already on site. The use of the building by the Ashfields Polo Centre for purposes ancillary to the site's main equestrian activity is an acceptable use within the countryside.

However, further consideration must be given to the independent activity proposed. The use of the building for the maintenance and repair of vehicles is classed as B2 (General Industrial) under the Use Classes Order 1987. In accordance with current Government Guidance, District Plan Policy C4 (The Countryside & Rural Economy) seeks to promote development which diversifies the rural economy whilst conserving planning interests. As the Council has permitted various changes of use to B1 and B2 (amongst others) on other agricultural buildings within the site, it would difficult to argue that the principle of industrial activity within this site would be unacceptable.

The applicant's statement outlines that the size of space available within the building (230m²) should not be taken as an indication of the capability of the independent operator. The statement implies that this would be a one man operation who, not being capable of working on more than

four vehicles simultaneously, would not have any more than that on site at any one time. Furthermore the statement implies the building's owners would not wish a large business operating from the structure. Conditions could ensure that the activity is restricted to a level which can be considered inconsequential in terms of impact on the surrounding environment. However, it should be noted that this level of activity would represent the maximum limit acceptable before a materially adverse impact on the countryside, residential amenity or traffic levels is likely to occur.

2) Access would be gained from the main drive to south. The agent has indicated that the traffic associated with the independent operator '*should not be any significant increase in traffic in comparison to the existing polo/equestrian centre*'. With conditions ensuring that no more than 4 cars are worked on at any time, traffic movements should not create any significant traffic or pedestrian hazards.

3) The Parish Council's comments are noted with regard to the potential impact on the neighbours' residential amenity. However, there is a large barn, approximately 9-10m high, located between the proposal and nearest house, which completely blocks any view. It is unlikely that the maintenance work which is to be carried out inside, would detrimentally affect residential amenity. Conditioning opening hours and ensuring no outside work could further help reduce the potential impact.

CONCLUSION: The proposal complies with Essex Structure and District Plan Policies.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for the commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.8.3. No outdoor working.
4. C.8.4. No deliveries except during hours specified: 0800-1700 Mons-Fris & 0900-1200 Saturdays.
5. C.9.1. No outdoor storage.
6. C.13.7. Hours of use: 0800-1700 Mons-Fris & 0900-1200 Saturdays.
7. All vehicles being repaired or worked upon to be stored within the building.
8. No panel beating.
9. No more than four vehicles shall be stored within building at any time.

UTT/0562/01/FUL – ASHDON

Conversion of agricultural building to class B1 units (business). Associated alterations and car parking.

Hill Farm, Radwinter Road. GR/TL: 588-416. Mr P Bidwell.

Case Officer: Charmain Harbour

Expiry Date: 18 June

NOTATION: Outside Development Limits

DESCRIPTION OF SITE AND PROPOSAL: Hill Farm is located at the southern end of Ashdon village on the western side of the road.

The proposal relates to the conversion of an existing barn which backs directly onto the Radwinter Road. It is proposed to change the building into two units for use as B1 Business purposes. A total of 210 sqm. of floor space would be created. The building is currently used for *ad hoc* storage, with the main agricultural functions taking place using more modern buildings close by. Twelve parking spaces would be created, eight being next to the building and the remaining four on the opposite side of the access drive which will remain as the access to the farm. The drive also serves the other uses on the site which include a pre-school nursery, the farmhouse, and a motor vehicle garage. The proposal does not affect parking for the existing uses. The elevations of the barn would be altered so that the street elevation would have windows at ground floor level. The north elevation would have replacement windows, and the southern and western elevations solid walls replacing the existing openings. The existing roofing sheet would be replaced with lightweight profile sheet steel with the appearance of clay tiles. The new walls would have a weather boarded finish to harmonise with the existing building.

APPLICANT'S CASE: The building is redundant for agricultural use and an alternative use of the structure is sought.

CONSULTATIONS: Environment Agency: No objections subject to appropriate conditions.
ECCTransportation: No objections.

PARISH COUNCIL COMMENTS: No objections.

REPRESENTATIONS: None received. Original notification period expired 22 May and re-notification 16 June.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal complies with DP Policies:

- 1) **Policy C5: Re-use of rural buildings [ESP Policy C3],**
- 2) **Policy DC1: Design of development [ESP Policy BE7]**
- 3) **Policy DC14: (General Amenity) and**
- 4) **Policy T1: Highway considerations [ESP Policy T4]**

1) The building is not listed as being of Architectural or Historic interest and is not in a Conservation Area. The physical alterations to the building are not considered to adversely affect the character of this rural building. The use proposed is one which should be compatible within a residential location. The proposal would introduce a further planning unit on the site, however, given the floor areas involved, this use should not adversely affect the locality.

2&3) The physical alterations to the building are not considered to adversely affect the character of this rural building. Revisions to the street elevation have been sought to reduce the number of windows to help retain the character of the building and protect the residential amenities of the area.

4) ECC Transportation raises no objections. There is adequate space for parking.

CONCLUSION: The proposal accords with the relevant DP Policies.

RECOMMENDATION (S): APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
2. C.3.2 To be implemented In accordance with revised plans.
3. C.5.3 Matching materials.
4. C.11.1 Provision of car parking.
5. Retaining wall/boundary treatment requirement.
6. Details of foul and surface water requirements.
7. B1 use only.
8. No change to B8 storage without further permission.
9. No extensions.

UTT/0612/01/FUL – HIGH EASTER

Conversion of part of building to form 2 units of B & B accommodation
Maidens Farm. GR/TL: 634-164. M C Matthews.
Case Officer: Michael Ovenden on (01799) 510476
Expiry Date: 25 June

NOTATION: Outside Development Limit

DESCRIPTION OF SITE AND PROPOSAL: The site is located 5kn (2 miles) south of Barnston approximately 2km (1mile) northeast of High Easter. The building is one of a number of agricultural/ancillary buildings on the farm and is close to the house. Whilst the building is not listed, it is soundly constructed and the proposed conversion would retain much of its character.

The proposal relates to the conversion of one former stable block fronting the road to become two small short-stay holiday lets.

APPLICANT'S CASE: An existing structure of sound construction and of appealing visual character has become redundant over the last few years. It is considered that the structure is suitable for conversion to two bed and breakfast units. Little alteration is required all as indicated. The original building character would be maintained. It is considered that a good market exists locally for provision of such a service. The use could be easily operated and forms a suitable diversification for a redundant structure. There would be little impact on the locality. Ample parking can be provided off the existing dwelling drive access area. A new sewage treatment unit will be introduced to cater for the new use, combined with serving the existing dwelling.

PARISH COUNCIL COMMENTS: To be reported (due 4 June)

REPRESENTATIONS: None. Notification period expired 5 June.

PLANNING CONSIDERATIONS:

The main issue is whether the proposal complies with DP Policy REC3.

The proposal would provide appropriate tourist accommodation and would not adversely affect the rural interests of the countryside. It would be unlikely to give rise to material highway problems because the local roads are adequate for the minimal levels of extra traffic and sufficient space exists within the site for parking.

CONCLUSIONS: The proposal complies with Policy REC3.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1 Standard time limit.
2. C.3.1 Development in accordance with approved drawings.
3. C.13.6. Occupation only as holiday lets.

UTT/0328/01/FUL - TILTY

Change of redundant farm building to church organ workshop (B1 use)
Marsh's, Duton Hill. GR/TL: 601-276. Mr M R Young.
Case Officer: Michael Ovenden on 01799 510476
Expiry Date: 4 May

NOTATION: Outside Development Limit / Rural Area of Special Landscape Value

DESCRIPTION OF SITE AND PROPOSAL: The site is located in open countryside to the north of Duton Hill and east of the road between Little Easton & Stanbrook.

The proposal relates to the use of part of one of a pair of former agricultural buildings by a small company involved in the building of new and the renovation of historic pipe organs. Only minor alterations would be required to the building, which appears to be structurally sound. The works would be limited to filling in one end of the building and providing internal partitions. An adjacent paved area would be used for the parking and turning of vehicles.

APPLICANT'S CASE: See supporting statement attached at end of Schedule.

PARISH COUNCIL COMMENTS: None received (due 16 April).

REPRESENTATIONS: None received. Notification period expired 27 April.

PLANNING CONSIDERATIONS:

The main issue is whether the proposed development complies with the requirements of Policy C5.

The Policy requires buildings to be structurally sound, proposed changes of use to respect the rural amenities of the area and there to be satisfactory accessibility and space around for associated activities. The building complies with these requirements. The use would be relatively small scale and should not be detrimental to the amenities of the area.

CONCLUSIONS: The proposal complies with Policy C5 and is considered to be acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
2. C.3.1. Development in accordance with approved plans.
3. C.6.8. No extensions to commercial premises.
4. C.6.14. Restriction on rebuilding.
5. C.8.3. No outdoor working.
6. C.8.15. Restriction of hours of operation.
7. C.9.1. No outdoor storage.
8. C.9.3. No change from light industrial to storage.

UTT/0563/01/FUL - NEWPORT
(Officer's Interest)

Change of use of land to lorry parking area
Ringers Farm House, Debden Road. GR/TL: 532-336. Eismann International Ltd.
Case Officer: Charmain Harbour on (01799) 510458
Expiry Date: 6 July

NOTATION: Outside Development Limits and Within an Area of Special Landscape Value.

DESCRIPTION OF SITE AND PROPOSAL: The site is located in open countryside on the eastern side of Debden Road some 1.5km (1 mile) east of the village. It comprises a collection of buildings around a yard used for the storage, repair and restoration of vehicles, which is low key in nature. The application relates to the modern barn building on the site which is adjacent to the road. Access to the complex is via a gravelled access on the bend of the road. It is located opposite an access to a large agricultural building with concrete yard area and a dwelling.

The proposal is to park two refrigerated vehicles on the site for Eismann Foods. The trucks would not normally make more than one trip a day and no servicing would take place on the site. The drivers would collect their vehicles, leaving their cars on the site, drive to main depot to load delivery goods, deliver these then return to the site.

APPLICANT'S CASE: See supporting statement attached at end of schedule.

RELEVANT HISTORY: The barn was once used for covered storage in connection with a fencing and landscaping contractors. This was granted consent in 1978, and the files indicate that this was implemented. In 1982 permission was refused for retention of use of the site as a vehicle maintenance and repair workshop, as being contrary to the Policy. The most recent application was for use of the older barn as a dwelling which was refused in 1999 following a Members' site visit and was dismissed on appeal as not being of sufficient quality. As part of that proposal, the current application structure would have been removed. The Inspector noted :

" Other used, latterly in connection with motor repair, have from time to time occupied the yard and the other buildings, it appears mostly without permission. At present, all seem to be unused, though I understand there is a possibility that a group of military vehicle enthusiasts may

reoccupy the roadside building.....The lawful planning use of the land is unclear... it is possible that the land and buildings might lawfully be used for some commercial use in the future.”

PARISH COUNCIL COMMENTS: None received (due 18 June).

REPRESENTATIONS: Two letters received, one of objection. Notification period expired 8 June.

1. Their property has been included in the area outlined in blue on the location plan which is incorrect. Amendment of this has been sought.
2. Objects to a non-agricultural use out side of the development limits which they consider will bring heavy lorry traffic along a narrow unclassified road and out at the junction of the B1383 into Newport, which is unsuitable for such use.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal complies with DP Policies: -

- 1) **Policy S2: Countryside beyond the Greenbelt and SACP,**
- 2) **Policy C5: Re-use of rural buildings, and**
- 3) **Policy T1: Highway considerations [ESP Policy T4]**

1&2) Policy S2 states that permission will not normally be given for proposals outside development limits unless they relate to agriculture, forestry, appropriate outdoor recreational uses or uses compatible with a rural area. The use proposed is in connection with a frozen food delivery business, involving the parking of vehicles on part of the site. It was accepted in the appeal that the site was no longer used for agricultural purposes and the last authorised use was for a fencing contractor’s business. The proposed use would be low key, compatible with the previous use of the site. The two vehicles are small delivery vans which would be parked within the barn and would not be visible from outside of the site. There should be no material harm to the rural character of this area, especially as it has been agreed to make any permission personal to the applicant.

3) The appeal refers to the restricted visibility to the south of the access as it stands. This is a potential hazard and the appeal proposal sought to create a new access point to improve this. The proposal is to use this existing access. Vehicle movements, at 4 lorry movements a day, would be very low and the type of vehicle involved would be significantly smaller than many standard farm vehicles. However, the access is on a bend and using it has safety implications. The current access is covered in loose stones and to improve the safety it is proposed to secure a hard surface for a minimum length of 10m into the site. The road is not classified and given the level of movements and size of vehicles involved, the proposal is not considered to lead to any material highway safety problems.

CONCLUSIONS: The use is not considered to impair the important characteristics of the surrounding countryside and would be in accordance with the relevant policies.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1 Standard time limit
2. C.3.2. In accordance with revised plans
3. Personal to Eismann International Ltd.

4. Parking of two vehicles up to 6000kg in size within barn. No large vehicles.
5. Hard surface access way for first 10m.
6. No repairs to vehicles shall be carried out on site,
7. Hours of Use: movements not before 0900 or after 21.00 hours Mondays-Fridays; 0900-1200 Saturdays and not at all on Sundays or Bank and Public Holidays.

1) UTT/0631/01/FUL & 2) UTT/0632/01/LB – GREAT SAMPFORD

1. Conversion of barn to residential use with associated new access and parking.
 2. Internal and external alterations as part of conversion of barn to residential use.
- The White House, Moor End. GR/TL: 640-359. Mr and Mrs W Smith.
Case Officer: Charmain Harbour on (01799) 510458
 Expiry Date: 27 June

NOTATION: Outside Development Limits/Within Area of Special Landscape Value & Curtilage of Listed Building.

DESCRIPTION OF SITE AND PROPOSAL: The site is located on the northern edge of the hamlet of Moor End, just north of the village. The application relates to a barn located to the rear of The White House a Grade II Listed Building. The barn complex forms an L shape around a courtyard. The northern wing was last used as a three stall stable block with the main barn linked to the western side.

It is proposed to convert the barn to a separate dwelling. The barn has two modern extensions in the form of a conservatory and a flat roofed extension to the western side, which it is proposed be demolished. A separate garden area would be formed as part of the curtilage to the new dwelling to the west, the end boundary located adjacent to the existing tennis court on the site retained in the curtilage of The White House. The existing access to the courtyard in front of the barn would be retained for car parking for the new unit. The existing swimming pool to the south of the barn would be in-filled and this area would form parking for The White House with a new access onto Howe Lane. The principal elevation to the courtyard will have as few windows as possible. The area where the double barn doors exist would be fully glazed to form a recessed entrance area. It is proposed to ensure the doors are retained in an opened out format against the walls of the barn.

The stable block is in less good repair and the weather-boarding here has been much patched over the years. This is proposed to be reboarded with one entrance door formed where timber evidence indicates there was an opening which has been in-filled. To the southern elevation replacement windows are proposed where there is an existing aperture. The principal windows would be to the north and western elevations, which are not viewed from either road. The western elevation is where the extensions would be removed and a single-storey lean to extension added as a replacement. The internal layout would create the main subdivisions in the stable block with the larger spaces of the lounge/breakfast room/kitchen in the main barn, thereby retaining the open space. The works would use black weatherboarding and second-hand clay tiles to match the existing materials.

APPLICANT'S CASE: The scheme is an amended one to that previously approved, with three changes:

- The infilling of the pool to create parking for the existing house
- Removal of two sheds to enable more landscaping
- Better parking /turning facilities for both units

RELEVANT HISTORY: Planning Permission and Listed Building Consent granted in 1992 for conversion of barn to residential use. (expired)

CONSULTATIONS: Design Advice: no objections.

Building Surveying: the bedroom windows need to be revised to comply with the Building Regulations.

PARISH COUNCIL COMMENTS: None received (due 11 June).

REPRESENTATIONS: These applications have been advertised and no representations have been received. Period expired 7 June.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal complies with DP Policies:

- 1) **C6: The conversion of rural buildings to residential use [ESP Policy C3],**
- 2) **DC5: Development affecting Listed Buildings [ESP Policy C2]**
- 3) **DC6: New uses for Listed Buildings [ESP Policy C3] and**
- 4) **T2: Car Parking [ESP Policy T12].**

1) The principle of converting these structures into residential use has been established with the consent granted in 1992. It is not considered there has been any significant change in planning circumstances since the granting of these consents. The works would retain the principle buildings of historic importance and retains the character of these. No substantial extensions are proposed and the windows have been sensitively located.

2) The special characteristics of the buildings would be retained. The stable block wing would be enhanced as part of the works from its current mismatch of timbers and alterations. The new use should not intrude on the setting of the listed main house and a logical subdivision of the curtilage is proposed.

3) The external and internal works would make use of the differing sizes and qualities of the two elements of the complex, the internal barn space and its timber framing.

4) Adequate on-site parking and amenity space would be provided for both the new and existing units. The conversion scheme will not adversely affect the amenities of any of the nearby residential units.

CONCLUSIONS: The proposal accords with the Development Plan policies and preserves and enhances the historic buildings on the site.

RECOMMENDATIONS: 1) APPROVAL WITH CONDITIONS & 2) LISTED BUILDING CONSENT WITH CONDITIONS

1) UTT/0631/01/FUL

1. C.2.1 Standard time limit
2. C.3.1 To be implemented in accordance with approved plans
3. C.17.1 Design amendments.
4. Standard Vehicle parking facilities
5. C.6.2 Removal of ALL PD rights in curtilage.
6. C.5.2 Details of materials to be submitted and agreed
7. C.4.1 Scheme of landscaping to be submitted and agreed.
8. C.4.2 Implementation of landscaping.
9. C.4.5 Retention of hedges.
10. Details of foul and surface water disposal to be agreed.

2) UTT/0632/01/LB

1. C.2.2 Time limit for commencement
2. C.3.1 Implemented in accordance with the approved plans
3. C.17.2 Detailed amendments to be incorporated into design.
- 4-14. Detailed design requirements.

UTT/0493/01/FUL – ELMDON

Erection of dwelling and detached double garage
Meadows, Duddenhoe End. GR/TL: 460-360. P J H Rowe.
Case Officer: Richard Smith on (01799) 510465
Expiry Date: 31 May

NOTATION: Within Development Limits, Area of Special Landscape Value and Curtilage of Listed Building.

DESCRIPTION OF SITE AND PROPOSAL: The site is on the northern side of the hamlet of Duddenhoe End. It forms the eastern end of the garden of Meadows, which is a Grade II listed thatched cottage. To the east there is a modern two-storey dwelling, Willow Cottage and to the northeast a modern two-storey dwelling, Willow Barn. The site has a frontage of 29m, including a drive which would be shared with the other two properties, and a depth of 25-33m.

The proposed dwelling would be sited within 2.5m of the roadside boundary, which has a 4m tall deciduous hedge. It would be L-shaped with a main 2-storey section 5m wide, 13.4m deep and 6.4m to the ridge. There would be a single-storey lean-to section on the western side of the two-storey part of the dwelling, 36m from Meadows to the west, with the rear boundary 23.5m from Meadows. The two-storey part of the new dwelling would be 17m from the front main wall of Willow Cottage, which faces west towards the site. First-floor outlook from the new building would be to the road, the rear towards Willow Barn and east towards Willow Cottage. The proposed materials would be timber boarding for the walls and slate for the roof. The proposal

also includes a 2 bay open fronted garage with a small store. Foul drainage would be to a cess pit.

APPLICANT'S CASE: See letter dated 28 March 2001 attached at end of schedule.

RELEVANT HISTORY: Part of site where 2 dwellings refused and dismissed on appeal 1974 (when the site was outside Development Limits). One dwelling on part of garden to Meadows approved 1993 and details approved 1996 (now Willow Cottage). Erection of dwelling and detached double garage refused August 2000 and dismissed on appeal March this year on technical grounds only relating to accuracy of plans (See copy of Inspector's decision letter attached at end of schedule).

CONSULTATIONS:

Design Advice: Previous objections relating to impact of proposals on setting of listed building not accepted by Inspector's report on appeal.

Building Surveying: Plans accurate as checked on site. Access for fire brigade satisfactory.

Environment Agency: Advisory comments only.

Anglian Water: No objections

PARISH COUNCIL COMMENTS: The same application was refused last year and the subsequent appeal dismissed earlier this year. Cannot see there is anything in this repeat application to change that decision and the Appeal Inspector's comments still apply.

REPRESENTATIONS: This application has been advertised and 5 representations have been received. Period expired 22 May 2001.

1. Proposed that one driveway should now serve three properties on this the narrowest part of the road. Since the erection of Willow Tree Cottage, large vehicles (including septic tank emptying service) have problems negotiating the entrance serving Meadows/Willow Tree Cottage. On the other side of the road, water mains have been damaged, pieces gorged out of the telegraph pole and telephone wires severed. The frontages and ditches have been so badly damaged that it is no longer possible to keep them tidy. In the interests of safety any further access should be situated at the western part of the road where it is much wider and visibility excellent.

2. Over the past few years new houses have received permission in the village, which have created traffic and other serious environmental pressures on the limited infrastructure. This creeping development is wholly inappropriate and clearly not within the scope and spirit of the local plan. Road access to the village is by narrow country lanes and completely unsuitable for heavy traffic. Same reasons for refusal apply.

3. My bungalow is on the south side of the road and is several feet below the road level, so again I would just like to be assured that waste water etc. would not be able to find its way down to my property.

4. Properties wedged in at all angles with unsatisfactory drainage systems in an area which has an extremely high water table. Carefully concealed pipes are being used to run water into drainage ditches in an effort to lose excess water without proper systems, and without permission, resulting in foul water flooding along verges and into roads. We have to live with possible health risks. Trees uprooted, hedges cut down, increased pollution from more and more cars, service lorries – oil, sewage, etc. and the increasing loss of natural habitat in an area rich in wildlife.

5. There are no differences between the original plans and those resubmitted recently. Reasons which led to the original rejection decision still apply. Result in an unacceptably

cramped form of development and impair the visual characteristics of locality. This building would have a high profile that would be noticeable for many months of the year when foliage is reduced. Proposed dwelling is not in keeping with surroundings in terms of scale or character. Inspectorate recognised that development has been approved at the northern side of the main road running through the village, this should support moves to restrict any further development in this part of village. Loss of privacy Impact on setting of Listed Building.

PLANNING CONSIDERATIONS:

The main issues are whether the previous reasons of refusal could be sustained at appeal in light of the Inspector's decision letter which addresses each of the Council's reasons for refusal.

- 1) The character of the area – DP Policy S1.**
- 2) Setting of the listed building – DP Policy DC5(a) and ESP Policy HC2 and**
- 3) Amenity of neighbouring properties – DP Policy DC14.**

1. Officers and Members previously considered that an additional dwelling in this location would be detrimental to the rural appearance of the village and would result in a cramped form of development contrary to Policy S1. However, the Inspector's decision letter states that, *"the proposed development would accord with Local Policy S1 and would not harm the character of the rural area"*. In light of these comments it is considered that it would be difficult to sustain a refusal.

2. Officers previously stated that the proposed dwelling would be damaging to the setting of the listed building contrary to Policy DC5. However, the Inspector stated that *"Its (Meadows) present garden area, which includes the appeal site, is a pleasant informal open space but is not one which, in my judgement, specifically functions as an integral part of the listed building"*. He

went on to state that *"at the site inspection it was revealed that there was a significant discrepancy in the block plan and, if the separation of the proposed dwelling from Willow Cottage and the access driveway was to be maintained, then there would be a sizeable reduction in the distance between the listed building and the appeal property. Clearly the drawing will need to be amended and the impact of the listed building assessed once detailed and accurate drawings are to hand"*

The plans have now been checked and are accurate. The Inspector's judgement was that the site is one which does not function as an integral part of the listed building, indicating that the proposal would not have an adverse effect on its setting. On this basis, and notwithstanding the previous objection of the Council and those repeated by local residents, it is considered that a further refusal on these grounds could not be justified or sustained at appeal.

3. Officers previously considered that there would be a loss of privacy to the occupants of Willow Cottage from the proposed first floor bedrooms. The Inspector stated that *"there would be no overlooking of the private amenity space at the rear of Willow Cottage"* and *"I do not consider that any overlooking from this bedroom (2) window would be so significant as to justify rejection of this appeal"*. Again, the Inspector has already commented on this aspect, to which there is no objection.

The representations received also cite objections on the grounds that the proposals involve access onto one of narrowest parts of the road in the Village, damage to the highway from

construction vehicles, inadequate drainage and other inappropriate developments in the village. These issues were considered, both by the Council and the Inspector, in the previous application not to be justifiable reasons for refusal. Circumstances have not changed since then to warrant a different decision.

CONCLUSION: In the light of the Inspector's comments that address all the previous concerns raised by Officers and residents, there are no justifiable grounds for refusal now that the accuracy of the plans has been verified.

RECOMMENDATION (S): APPROVAL WITH CONDITIONS

1. C.2.1. Standard Time Limit .
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be approved.
4. C.4.2. Implementation of landscaping.
- 5-7. Design requirements.
8. C.17.1. Revised Plan required
9. Drainage requirements.

UTT/ 0548/ 01/OP - GREAT DUNMOW

Outline application for erection of 3 dwellings (all matters reserved)
Land south of Nos. 60 and 67 Springfields. GR/TL: 626-215. Execs. of Mrs D Harris
Case Officer: David Jeater on 01799 510464
Expiry Date: 14 June

NOTATION: Within Development Limits/Residential Land

DESCRIPTION OF SITE AND PROPOSAL: This is a vacant site of 1,400 sq m at the end of a cul-de-sac to the southwest of the town centre. A public footpath runs along the southern boundary within the site, and a second public footpath links this footpath with Springfields, the public highway to the north of the site. To the south is vacant land of about 0.5ha (1.25 acres) also allocated in the District Plan for housing.

This outline application proposes the erection of 3 dwellings with all details reserved for later approval.

APPLICANT'S CASE: The application proposes three houses, one detached and two linked served off the existing road at Springfields. The site is allocated for housing on the adopted District Plan and the disposition of houses would allow for access to designated housing land immediately to the south.

RELEVANT HISTORY: Outline application for housing involving this site approved in 1976 (expired).

CONSULTATIONS: ECC Archaeology: The Heritage Conservation Record shows that the site falls within an area of archaeological importance, particularly for Roman deposits. A condition requiring a programme of archaeological investigation should be attached to any consent.

TOWN COUNCIL COMMENTS: Supports the proposal

REPRESENTATIONS: None. Notification period expired 17 May.

PLANNING CONSIDERATIONS:

The main issue is whether the proposal satisfies DP Policy DC1 – General Design.

This vacant site is allocated for residential development in the District Plan and has existing housing on three sides. The principle is therefore not an issue. The indicative layout submitted by the applicants shows one house on the eastern side of the road and two on the west, and confirms that the development can be carried out avoiding the two public footpaths on the land whilst also allowing for access through to the allocated housing land to the south.

CONCLUSIONS: This proposal is acceptable.

RECOMMENDATION (S): APPROVAL WITH CONDITIONS

- 1&2. C.1.1&2 Submission of reserved matters
- 3. C.1.3. Time limit for submission of reserved matters.
- 4. C.1.4. Time limit for commencement of development.
- 5. C.16.2. Full archaeological excavation and evaluation.
