

UTT/0805/01/FUL – SAFFRON WALDEN

Change of use from shop and office to one dwelling
24 South Road. GR/TL: 541-379. Mr and Mrs P Ridgewell.
Case Officer: Hilary Lock on (01799) 510486
Expiry Date: 31 August

NOTATION: Within Development Limits/Conservation Area/Policy SW9 Area (Residential Development Opportunity Sites)

DESCRIPTION OF SITE AND PROPOSAL: This site is on the north-western corner of the junction of South Road and West Road. The ground floor is in use as a television repair shop, with ancillary accommodation above. The rear of the site is hard surfaced to provide parking for this and the attached businesses (ground floor hairdresser and first floor manicurist at No. 22). There is a small paved forecourt at the front of the site. With the exception of nos. 22 and 24, the site is within a residential area.

The proposal is to change the use of the building to a single 2-bedroom dwelling. A small parcel of land (approximately 23m²) would be available at the rear of the site. This would provide one car parking space, but as the land is part of a larger hard surfaced parking area for Nos. 22 and 24, it would not be suited for use as a private amenity area. There would be no amenity space available.

RELEVANT HISTORY: Conversion of 22 & 24 South Road to single dwelling granted 1977, and office use granted 1978. Change of use to offices and taxi business, with construction of parking area granted 1986. Provision of 4 parking spaces to replace 6 required by condition on previous planning permission granted 1995 (these spaces were to be provided on the whole of the hard surfaced area to the rear of nos. 22 and 24 South Road, and part of this application site).

TOWN COUNCIL COMMENTS: No objections

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 9 August.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would accord with the following DP and ESP policies:

- 1) **S1 (Development Limits) and SW2 (Residential Properties in Town Centre Conservation Area),**
- 2) **SW9 (Residential Development Opportunity Site),**
- 3) **T2 (Car Parking) [T8 of ESP] and**
- 4) **DC1 (Design) [ESP Policy BE7]**

1) Policy S1 allows for appropriate changes of use in Development Limits, but the site must be suitable for the intended re-use. Policy SW2 permits residential development in the Saffron Walden Conservation Area subject to site characteristics and adequate parking. In this case, nos. 22 & 24 South Road currently share a rear parking area, and the layout of the two sites does not lend itself to sub-division to create 2 distinct areas. Although one parking space could be made available for the new house (below standard), this space is already allocated for parking to serve the business uses which have operated within nos. 22 and 24. The reduction in parking provision for the business uses would significantly affect manoeuvring on the site. There is limited on street parking in the area, and it is considered that this deficiency could give rise to highway hazards close to this road junction.

2) The District Plan identifies this site as on the edge of a residential opportunity area, where housing development would be encouraged. However, the purpose of this allocation was to remove the general industrial and commercial uses around West Road, where the tight road junctions cause problems for HGV's. It sought to remove uses incompatible with the surrounding residential properties, rather than the low-key use carried out in the application premises. Any redevelopment within this allocation must still meet the other space standards set out in other policies of the Plan, and the proposal fails Policy SW9 as the site constraints prohibit residential use to accepted standards.

3) The site is considered too remote from the town centre for a significant relaxation of parking standards, and Policy T2 requires appropriate on-site parking provision. This use would remove parking allocated for the combined business uses on the site, and inadequate space would be provided to serve the existing and proposed uses.

4) Policy DC1 requires residential development to have regard to operative standards for design. Although this is not new development, a new residential unit would be created, which would have no private amenity space. The site is not in close proximity to public open space and this new 2-bedroom house would result in unsatisfactory living accommodation.

CONCLUSIONS: Although in an area where residential re-use would be preferred, the site is too small to provide parking and amenity space to serve the new dwelling, would reduce the available parking and manoeuvring space for the remaining commercial units to an unacceptable degree, and be deficient in amenity space.

RECOMMENDATION: REFUSAL REASONS

1. R.2.1. Contrary to Policies S1, SW2, SW9 and DC1: Unsuitable site for Development. Site too small to provide amenity space and car parking to current standards. Conflict with parking and manoeuvring for adjacent commercial units.
2. R.18. Contrary to Policy T2: Inadequate parking and hazardous to highway safety.

UTT/1649/00/FUL – GREAT DUNMOW

New bowling club, creation of new vehicular access and diversion of public right of way. Erection of fencing and gates.
St Edmunds Lane Great Dunmow. GR/634-221. Dunmow Bowling Club
Case Officer: Mr J Pine on (01799) 510460
Expiry Date: 16 January

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

DESCRIPTION OF SITE AND PROPOSAL: The 0.65ha (1.6 acre) site is located on the north-eastern edge of St. Edmunds Lane, to the east of Dunmow town centre. The site, part of a larger field, faces onto residential properties to the west with a dwelling to the north and south. The site, which slopes towards the south-east, is defined by a mixture of trees and hedging of various heights and has a vehicular access in the south-western corner.

The proposal is for the change of use from agricultural land to a bowling club, erection of a clubhouse, detached storage building and water container, creation of two bowling greens, provision of 67 car and one coach parking space and an emergency services turning circle. The two greens would each be 1475m² in area, one of which could be an all weather artificial green. The clubhouse would measure approximately 24.6m long x 11.6m wide x

6.2m high. The precise location of a storage building and water storage container and details about their elevational appearance are matters to be reserved and this can be dealt with by condition.

In order to provide sufficient space to accommodate parking and bowling greens the public right of way and stream, which run through the site, are to be diverted. Part of the stream would be diverted approximately 2 to 3m from its present position finishing parallel to the south-eastern boundary. This is acceptable to the Environment Agency. The public right of way would be diverted to run along the new line of the bank to the stream. An application to the Council for a formal diversion of the footpath should shortly be made.

APPLICANT'S CASE: See supporting statement and letters dated 15 November 2000, 24 January & 12 June 2001 attached at end of schedule.

CONSULTATIONS: ECC Transportation: no objections but request clarification of internal footpath and vehicle arrangements.

Environment Agency: makes advisory comments.

Anglian Water: no objection subject to condition.

TOWN COUNCIL COMMENTS: Of original plans – no objections

Of revised plans – request that a suitable tree screen/hedge be planted to screen the car park in a sight line from St Edmunds Lane as the car park is on rising ground.

REPRESENTATIONS: Nine. This application has been advertised. Period expired 28 December 2000.

1. CPREssex: Object. The site is outside development limits and within an ASLV. Although there is an exception for 'appropriate outdoor recreation', this application involves a sizeable building. Together with associated lighting and driveway would represent a considerable intrusion into the landscape, possibly creating a precedent for future infill development. St Edmunds Lane is not suitable for further traffic volume, on street parking and additional traffic hazard.

2. Ramblers Assoc: Revised plan shows the footpath diversion across the parking area. Reasonable to infer that the new path is proposed to run through this area and not considered a safe route. Can this be clarified? Can applicant be asked to provide safer route?

3-9. The town itself already has an established and well used bowling club and the site must remain for recreation use. The use of the site would exacerbate existing traffic problems experienced along St Edmunds Lane. The large pitched clubhouse roof would be overly dominant and out of keeping. The proposed access is in a dangerous location and could add to congestion, particularly from the Cricket/Hockey Club members parked along the pavement. This could lead to more cars parking in Riverside itself. Concerned about the impact of any floodlighting proposed at a later date. No parking should be allowed along the lane. Considerable levelling and drainage will be required. The proposal will destroy the lovely views and peace and quiet I have always enjoyed. There has been no attempt to use natural contours of the land to try and hide the visual impact the clubhouse will have on the surrounding houses and no attempt to plant trees to aid the hiding of this new structure.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal complies with

- 1) **Policy S2 Countryside Beyond Green Belt & Airport Countryside Protection Zone [ESP Policy CS2];**
- 2) **Policy REC6 Provision of Outdoor Sport & Recreational Facilities [ESP Policy LRT3] and Policy C2 Area of Special Landscape Value [ESP Policy NR8],**
- 3) **Policy DC14 General Amenity and**

4) Policy T1 & T2 General Highway Considerations and Parking Provision [ESP Policy T3 & T12].

1) Policy S2 permits development in the countryside beyond development limits providing it relates to either agriculture, forestry, appropriate outdoor recreational uses, or appropriate changes of use of suitable existing buildings compatible with a rural area. The proposed use of the land as a bowling club would comply with Policy S2 in principle, subject to other relevant policies. The erection of the clubhouse associated with the use would also comply with the principle of this policy.

2) Policy REC6 encourages the provision of outdoor sports and recreational facilities outside development limits, providing they are of appropriate scale and design and in harmony with the rural and visual interests of the locality. Although outside Great Dunmow's development limits, the site is adjacent to it. The improvements to be provided to sporting provision in the town require to be balanced against the impact the development would have on the character of the rural area. It is considered that the necessary buildings and infrastructure required for the club would be of an appropriate scale and design for this location on the edge of the development limit in an Area of Special Landscape Value. Appropriate landscaping treatment will be required. Policies REC6 and C2 are therefore complied with.

3) The proposed clubhouse would be approximately 28-35m from the nearest dwellings (to the southeast and west). There would be sufficient distances between structures so that there should be no adverse affect on residential amenity. Concerns have been raised about the loss of view across the countryside. However, this is not a material planning consideration. Although primarily an outdoor activity, by its very nature, bowling is a quiet sport unlikely to generate any significant amounts of noise to disturb residents. Concern over potential floodlighting in the future can be addressed through conditions. Noise arising from the use of the building for social events can also be controlled by the imposition of a condition.

4) Objectors raised concerns over the potential traffic implications of the proposal and the use of the existing vehicular access, which is in proximity to the cricket club opposite. St Edmunds Lane is a link between Church End and Braintree Road and already experiences significant traffic movement.

Whilst it is acknowledged that current Government Advice outlines a more relaxed approach in adhering to established parking standards, District Plan Policy T2 encourages the provision of adequate on site car parking, in accordance with operative parking criteria. The applicant has submitted revised plans showing additional land to the rear, which has been acquired to accommodate 67 car parking spaces, one coach space and an emergency services turning circle which can alternate as a second coach space. This is considered to be acceptable.

Any on street parking carried out by cricket/hockey club members is outside the applicant's control. However, the applicant is willing to allow cricket/hockey club members to use the car park on a '*grace and favour*' basis, thus attempting to mitigate any inconvenience of on street parking presently occurring. ECC has raised no objection to the proposal which complies with Policies T1 and T2.

CONCLUSIONS: The proposal would provide improved recreational facilities to the residents of Great Dunmow, which should not adversely affect residential amenity, create any traffic hazards or the visual and environmental characteristics of the surrounding Area of Special Landscape Value. The proposal complies with Policies S2, C2, REC6, DC14, T1 & T2.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1 Time limit for the commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.2. Details of materials to be submitted and agreed.
6. C.7.1. Slab Levels.
7. C.10.7. Provision of pedestrian visibility splay.
8. C.10.26. Access surfacing.
9. C.11.7. Provision and retention of car parking spaces.
10. No form of exterior floodlighting shall be installed or erected without the prior written consent of the local planning authority.
11. Details of repositioned Public Right Of Way linked to the existing sections before development commences.
12. Drainage requirements.
13. Details of location and elevational appearance of the storage building and water storage container.
13. No amplified music in the club building unless details of noise insulation measures are agreed.

1) UTT/0705/01/FUL & 2) UTT/0706/01/LB - GREAT SAMPFORD

1. Conversion of farm buildings into four residential units and one annex to farmhouse
 2. Conversion works of farm buildings into four residential units and one annex to farmhouse. Associated external and internal alterations.
- Parsonage Farm Parsonage Lane Great Sampford. GR/TL 652-363. J H Radbourne
Case Officer: Mr R Smith on (01799) 510465
Expiry Date: 16 July

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

DESCRIPTION OF SITE AND PROPOSAL: Parsonage Farm is located at the end of Parsonage Lane, in open countryside, approximately 1km north east of Great Sampford. The application site comprises the main group of 7 agricultural buildings and farmyard belonging to the farm and a grain store to the north extends to 0.63ha. All of these buildings, excepting the grain store, are considered curtilage-listed buildings with the main farmhouse, which is itself grade 2 listed. Their method of construction is either timber, brick and/or flint. To the south lies the farmhouse and its associated outbuildings and pond, and to the north, west, and east, agricultural farmland. Access is via an existing vehicular access to the south of the application site, which is shared with the farmhouse.

The proposal is for the demolition of the grain store and the conversion of the remaining buildings into four dwellings and an annexe with under cover parking. The dwellings would be one, two, three and five-bedroom units.

APPLICANT'S CASE: See agent's letters dated 21 June and 12 July 2001 attached at end of schedule. A supporting planning statement is available for inspection at the Great Dunmow Offices.

CONSULTATIONS: Design Advice: These buildings form an attractive example of an historic farmstead, which through its architectural, historic and traditional form enhances the character and appearance of the countryside. Important that a new use securing their future is found. Although no structural survey has been submitted, buildings appear sturdy and fulfil criteria in Policy C6. Scheme has been negotiated and no objections are raised, subject to conditions.

ECC Transportation: No objections. Damage to surface of Parsonage Lane as referred to in representation received will be addressed as and when necessary by ECC Transportation.

Environment Agency: Advisory comments provided.

Building Surveying: Original plans did not comply with Building Regulations with regards to fire service access and means of escape. The agent's letter of 21 June addresses these points.

PARISH COUNCIL COMMENTS: As it is a substantial development with implications of density and access, Councillors suggest a site meeting before a planning decision is formulated.

REPRESENTATIONS: These applications have been advertised and one representation has been received. Period expires 29 June.

Whilst fully supportive of the scheme, have concerns over the use of the lane by regular traffic generated by four additional dwellings compared to the seasonal traffic from the existing farm use. Road already susceptible to flooding and erosion. If approved, asks for conditions requiring maintenance of water pipe along lane, consultation with ECC Highways to upgrade lane surface, and 30mph speed restriction.

PLANNING CONSIDERATIONS:

The main issues are whether

1. the criteria contained in DP Policy C6 (Conversion of Rural Buildings to Residential Use) [ESP Policy RE2] have been satisfied,
2. the traffic generated by the proposal would be acceptable in highway safety terms, in accordance with DP Policy T1 (New Development and General Highway Considerations) [ESP Policy T3] and
3. the proposal accords with residential layout guidance as required in DP Policy DC1.

1. Policy C6 allows the conversion for residential purposes of rural buildings of environmental merit subject to the following criteria being met:

a) The buildings have to be in a sound structural condition, which through their historic, traditional or vernacular form enhance the character and appearance of the rural area. The agent states that they are of sound structural condition and form an attractive historic farmstead which make a positive contribution to the landscape. This view is shared by Officers who consider the buildings to be worthy of retention through their conversion into dwelling units, which would enhance the character and appearance of the rural area.

b) The works of adaptation should respect and conserve the characteristics of the building and substantial reconstructions or extension will not be permitted. The works proposed, involve new fenestration detailing, internal remodelling and repair. They would have minimal effect on the structure on the buildings and should respect and conserve their characteristics.

It is considered the proposal complies with Policy C6.

2. Access would be via Parsonage Lane, a tarmac-surfaced single-track road approximately 1km in length which, in addition to the farm, serves a small number of dwellings. Concern has been expressed regarding the condition of the lane and effect of the additional traffic generated by four proposed dwellings. The agents confirm that whilst there may be an increase in the daily use of the lane by cars and other small vehicles, this would be less damaging to the lane than if it were to continue to be used by heavy goods traffic associated with the agricultural use. Further, the agents state that if an alternative use is not found for the buildings, under new ownership their use may intensify and with it, associated traffic. Officers share similar concerns about the suitability of the lane serving an additional four new dwellings and the implications for highway safety, given its length and restricted width. In order to improve accessibility to the site, the agents have therefore agreed to submit details of passing places utilising, where possible, existing field accesses. The other concerns raised about drainage and speed limits are not planning matters. Subject to the provision of passing places it is considered that Policy T1 is satisfied.

3) Adequate parking facilities would be provided to meet the future needs of the residents in accordance with parking standards. Whilst no details of garden boundaries have been submitted, ample space exists to meet standards and this will be covered by the condition.

CONCLUSIONS: The buildings are of sufficient merit to warrant conversion in accordance with Policy.

RECOMMENDATIONS:

UTT/0705/01/FUL - APPROVAL WITH CONDITIONS

1. C.2.1. Standard Time Limit.
2. C.3.1. In accordance with approved plans.
3. C.4.1. Scheme of landscaping to be agreed.
4. C.4.2. Implementation of landscaping.
5. C.4.5. Retention of hedges.
6. Boundary treatment on periphery of site. No new fences in courtyard.
7. Construction specification for passing places to be agreed and implemented.
8. C.6.2. Excluding all permitted development rights.
9. C.11.7. Parking facilities.
10. Building 7 to be used as an annex only.

UTT/0706/01/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Standard Time Limit.
2. C.3.1. In accordance with approved plans.
- 3 - 8. Design requirements

UTT/0020/01/FUL – DEBDEN
(Supplementary Report)

Conversion of barn to single dwelling. Construction of new vehicular access.
Barn at Broctons Farm, Rookend Lane, Debden. GR/TL: 558-327. W Bunting
Case Officer: Mr R Smith on (01799) 510465
Expiry Date: 5 March

NOTATION: Within Area of Special Landscape Value and curtilage of Listed.
Building/Outside Development Limits.

DESCRIPTION OF SITE AND PROPOSAL: The site is located in open countryside to the south of Debden, approximately 300m from Smiths Green. It forms part of the Broctons Farm complex and comprises a timber-framed barn, single-storey brick and weather boarded range and modern agricultural building.

The proposal is for the demolition of the modern building, conversion of the remaining barn and range to a single dwelling with garden land and formation of a vehicular access. A copy of the original report to the Sub-Committee is attached at the end of schedule. Members will recall deferring the application, following their visit to the site, for a second opinion from the County Historic Building Advisor to seek a further view as to the suitability of the building for residential conversion under Policy C6. If this was to be a view supporting the application, further changes to reduce the level of fenestration and formation of garaging space within another barn were to be negotiated. This advice has now been received and is contained in the letter dated 29 May 2001, attached at the end of schedule.

APPLICANT'S CASE: See statement and further letters dated 7 and 12 June and 12 July 2001 attached at end of schedule.

RELEVANT HISTORY: Conversion of cart shed at front of site to form 3 units of holiday accommodation granted in 1989 – not implemented. Conversion of barns to two dwellings and garages, demolition of modern extensions/buildings refused in 1996 on grounds of failing to meet the conversion criteria in Policy C6 and adverse impact on setting of listed building.

CONSULTATIONS: Original Design Advice: (Council's own Conservation Officer). Recommends refusal. The proposals are contrary to District Plan Policies C6, DC5 and S2. The barn is not listed as having any special architectural interest. Any historic or group interest it has is derived from being part of the curtilage of the listed farmhouse. This would be severed and lost however following conversion and separation. Design of conversion both internally and externally would be inappropriate, resulting in the loss of traditional agricultural character of the buildings. The conversion would, by virtue of its design, fenestration treatment and residential trappings and activity, detract from the setting of the adjacent listed farmhouse, deflecting attention away from the listed building.
Subsequent Design Advice: (County specialist) Recommends refusal as the works of adaptation would not respect or conserve the characteristics of the building, which itself is considered to have environmental merit. Scheme not negotiable.
Building Surveying: Fire service access unacceptable due to narrow access road. Agent has confirmed that access could be widened.
Community Services: Any alteration of the piped crossing at the new access will require consent.
Environment Agency: Provides advisory comments.

PARISH COUNCIL COMMENTS: None received.

REPRESENTATIONS: One. Notification period expired 22 February 2001.

CPREssex: Object. Proposals contrary to Policies S2, C2, C6 and DC5 (a).

An additional large dwelling on the site would be inappropriate in an otherwise relatively isolated and rural setting. The barn is of no historic or environmental merit and the design would not be in keeping with the traditional form of this agricultural building. Unacceptable effect on setting of Listed Building. A scheme for conversion to 2 dwellings was refused in 1996 on grounds that the barn did not meet conversion criteria.

PLANNING CONSIDERATIONS:

In addition to the main issues reported to Members on 9 April 2001 there is now the need to consider the second opinion from the Design Advisor sought by Members at that meeting.

The second design opinion advises that whilst the buildings at present have sufficient environmental merit to meet the criteria set out in the explanatory text (Paras 5.19 and 5.20) accompanying Policy C6, they are not considered suitable for residential conversion because of their large scale and the level of works of adaptation required, which in turn would fail to respect and conserve the characteristics of the buildings or their historic surroundings. As such it is felt that the scheme cannot be negotiated, as the proposals, even with the further changes, are so far from being acceptable. The agent considers this to be unreasonable, his response being set out in full in the letters reported.

As requested by the agent, and notwithstanding the second opinion, the Council's Conservation Officer entered into further negotiations in an attempt to agree on a scheme, which could accord, with policy. The negotiations proved unsuccessful and acceptable revisions have not been forthcoming. As such the application, in the view of officers, remains unacceptable and, as reported in April, contrary to Policies S2, C6 and DC5(a) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDATION: REFUSAL REASONS

1. R.13. Contrary to Policy C6: Unsuitable conversion of rural building to residential use. Building not of sufficient quality to justify retention and conversion. Design would not enhance the character of the rural area.
2. R.21C. Contrary to Planning (Listed Buildings and Conservation Areas) Act 1990. PPG15 and Policy DC5(a). Inappropriate design and activity affecting setting of listed building.
3. R.3. Contrary to Policy S2. Unacceptable development, which would detract form character of the countryside.

UTT/0764/01/FUL – BERDEN

Erection of dwelling.

Land adjoining Martins Green. GR/TL: 467-298. Mrs J Lowe.

Case Officer: *Richard Smith on (01799) 510465*

Expiry Date: 7 August

NOTATION: Grade 2 listed building/Outside Development Limits/Within Area of Special Landscape Value/TPO trees to front of site.

DESCRIPTION OF SITE AND PROPOSAL: This site is located to the north of the village, adjacent to the junction of Stocking Pelham Road and Bonneting Lane. It forms part of the garden of Martins Green, a C16th grade 2 listed building and is rectangular in shape, measuring 26m wide and 70m deep. The ground rises steeply towards the northern (rear) boundary by 5/6m. Boundary treatment consists of established tree and hedgerow planting. To the north lies the remainder of the applicant's plot and open countryside beyond, to the east the applicant's own dwelling, to the west on the other side of Bonneting Lane, two pairs of semi-detached properties known as 'Parkers' and to the south, a small parcel of open land and the village beyond.

Permission is sought for the erection of a five-bedroomed two-storey dwelling and creation of an associated vehicular access onto Bonneting Lane. The dwelling would have a maximum depth of 10m, width of 14m and ridge height of 8.5m. External finish materials would be brick with timber windows, under a slate roof.

APPLICANT'S CASE: See applicant's letters 22 May and 12 July 2001, and additional supporting information, attached at end of schedule.

CONSULTATIONS: Design Advice: Object. Proposal would detract from setting of Listed Building.
Landscape Advice: No objections.

PARISH COUNCIL COMMENTS: The balance of the Council felt that with reference to Policy H6 – Infilling, development should be allowed but that this should properly reflect the character of Martins Green and the surrounding properties. It was felt that the application currently being made did not adequately achieve this and should be resubmitted with a design more sensitive to the location and the character of the surrounding buildings, especially the adjoining property on the site. There was also concern expressed by two members of Council that the currently proposed access into Bonneting Lane was dangerous and the alternative access at the front of the property should be used. However, the remaining members preferred the proposed access point as it preserved the rural nature of the property frontage.

REPRESENTATIONS: This application has been advertised and three representations have been received; 1 objecting, 1 supporting and 1 from Cllr Loughlin requesting a Members' site visit.

1. CPRE Essex: Appreciates personal reasons but comments that site is outside development limits where residential development is not normally allowed. Also refers to paragraph 5.3 of Berden Inset which states that infill development would be particularly inappropriate in this part of Berden '...where historic properties provide an attractive spacious character to the village approach roads.'

2: Property will not interfere with me, even as it will be opposite me.

PLANNING CONSIDERATIONS:

The main issues are whether

1. **Exceptional circumstances exist to justify a departure from DP Policy S2 [ESP Policy S10],**
2. **the proposed plot constitutes an infill plot as envisaged by DP Policy H6 and**
3. **the proposal accords with DP Policy DC5 [ESP Policy C2] and would not detract from the setting of the adjacent listed building.**

1. The site is located outside the development limit of Berden where the normal development restraint policy applies. The proposal for a new dwelling would not comply with

this policy. Further, the personal circumstances of the applicant have been assessed, but are not considered to be sufficient to warrant a departure.

2. The grain of development on the north side of Stocking Pelham Road, where the site is located, is characterised by mostly historic properties that provide an attractive spacious character to the village approach road. This character is regarded as an important feature worthy of safeguarding and is referred to in paragraph 5.3 of the Berden Village Inset in the District Plan which states that infill development would be particularly inappropriate in this area. This open character is distinctly different however to the closely-knit buildings on the southern side of the road around which the development limit is tightly drawn.

The application site is not considered to be an infill plot in this corner location having an extensive garden. The agents state that the proposed dwelling, due to its location set back from the road behind a hedge, and appearance, would not detract from character or appearance of the countryside. Officers do not agree, however, and consider that the dwelling would have an adverse effect by consolidating sporadic development and enclosing an attractive open green space. The impact of the proposal would also be worsened with the inevitable removal of a large section of hedgerow along the western boundary of the site in order to provide a visibility splay. The proposed removal of an 8m section would not be sufficient for these purposes. The proposal would conflict with both Policies H6 and S2 therefore.

3. The agents state that the proposed dwelling, due to its position and appearance, would not compete with the Listed Building or detract from its setting. Again Officers do not agree and consider that the proposed building would be a large prominent modern structure, albeit constructed of traditional materials. This, together with its associated plot would result in a proposal that would subdivide the curtilage of the Listed Building, detracting from its setting, contrary to the aims of Policy DC5.

CONCLUSIONS: Officers are of the view that the consolidation resulting from the development would be detrimental to the rural character and appearance of the countryside and the setting of the Listed Building. The site is not a genuine infill plot and no exceptional circumstances have been put forward to justify a departure from policy.

RECOMMENDATION: REFUSAL REASONS

1. R.3. Contrary to Policy S2. Unacceptable development, which would detract from character of countryside. Consolidation of sporadic development. Enclosure of open green space. Detrimental to rural character. No exceptional circumstances.
2. R.13. Contrary to Policy H6: Unsuitable site for infill development. Not an infill plot. Consolidation of sporadic development, detrimental to rural character.
3. R.21A. Contrary to Policy DC5. Unacceptable development, which would subdivide curtilage and detract from the setting of the Listed Building by virtue of its size, appearance and location.

UTT/0953/00/FUL – HATFIELD HEATH

Change of Use of units 5,8 and 11 to A1, A2 and/or B2 uses with shared parking and access Land and buildings comprising units 5, 8 and 11 at Heath View. GR/TL: 520-149. Reynolds 1994 Ltd.

Case Officer: Michael Ovenden on (01799) 510476

Expiry Date: 4 September

NOTATION: Within Metropolitan Green Belt

DESCRIPTION OF SITE AND PROPOSAL: The Units are located near the western edge of the Heath along Pond Lane to the rear of Reynolds House.

The original application related to four Units, numbered 5, 8, 9 and 11, and included use for A1 (Shops), A2 (Financial Services) and B2 (General Industrial Purposes). The application was subsequently revised to omit Unit 9 and to change the use to B1 (Business) and/or B8 (Storage) from B2.

The application now relates to Units 5, 8 and 11 and proposes A1, A2 and B1 and/or B8 uses.

APPLICANT'S CASE: The application is now confined to 3 Units and is submitted on the basis that there will be no onerous conditions as to hours of use. Previous shop Units have been granted permission without such conditions and the officers at the recent meeting helpfully confirmed their willingness to accept variations in hours where appropriate for the particular occupiers (*Officers' note: this referred only to Unit 5 occupied by a glazing business*). My clients are particularly sensitive about this issue. The last thing they want is to have restrictions on hours that could be used against them (or their tenants). The application is submitted on the basis that this point is understood, and that, if necessary, further dialogue will take place on this issue before the matter is reported to committee.

RELEVANT HISTORY:

Unit 5: Restricted, personal and temporary permission for cutting/storage and sale of glass for glazing (expired in 1992). Hours of use indicated to be 07.00 – 1900 Mon-Sat. Use currently continues unlawfully. This Unit was declared as having a floorspace of 40 sq.m at the time of the 1991 application.

Unit 8: Two applications for a Certificate of Lawful Use for cooking and preparation of meat (One refused and one withdrawn 1999). No lawful use – appeared vacant at time of officer's visit on 29 September 2000.

Unit 11: Unlawfully occupied as a private hire vehicle centre.

CONSULTATIONS: ECC Transportation: No objections.

Environmental Services: B2 use likely to cause nuisance to adjacent residents by way of noise, vibration, dust and odour depending on the type of use proposed. If planning permission is to be granted, it is important to control noise emissions, traffic movements, loading/unloading etc.

Independent Planning Consultant: See report from Edward Gittins & Associates (attached at end of supplementary schedule).

PARISH COUNCIL COMMENTS: Original proposal: No objections to the change of use to A1 or A2. Strongly object to B2 on grounds of smell, noise and disturbance alone. A relatively narrow road that has no footpaths services the site. Concerned about the lack of parking space. Taking into account an area for access and egress, the parking is barely sufficient for Reynolds House and Units 1,2,3 and 6. It is totally inadequate to service in addition Units 5,8,9 and 11. Unless some other arrangements can be provided for parking, consider it inadvisable to agree even to uses A1 and A2 for the Units concerned.

Revised proposal: No objections to Units 5,8 and 11 to A1 or A2 uses. Relatively narrow road, no footpath. Village green managed for conservation of wildlife. Lack of parking space. Parking is barely sufficient for Reynolds House and Units 1,2,3 and 6. Totally inadequate to service in addition Units 5,8 and 11.

REPRESENTATIONS: Original Proposal: This application has been advertised and 4 representations have been received. Period expired 20.10.00.

1. CPREssex: Object. Outside Development Limits in the Metropolitan Green Belt. Adjacent to an ASLV. Consolidate and intensify non-agricultural activities. Prejudicial to the attractive, open setting and rural nature of the village green. Car parking arrangements would detract further from the setting of the green. Intensified use on this site would therefore lead to traffic hazards.

2-4. Harm to the residential amenities of nearby residents and to the rural character of the area. In conflict with the provisions of the development plan and with national planning policy. Unit 9 has unlawfully been used for the preparation of cooked foods. Over a number of years heath land has been eroded by the widening of the access to the house which has unlawfully been converted to 3 flats. The Parish Council has agreed and will be taking action to restore heath land which has been eroded and work will commence in the near future. No adequate facilities are available for cars within the courtyard. Food Units have been refused previously. Still using existing Unit for cooking unlawfully. Would bring increased traffic and parking in an already congested area with consequences for Pond Lane. Would create noise, transport and possible pollution by allowing further requests for future development of other Units in area and on land. Further erosion of Green Belt.

Revised Proposal: Two representations have been received. Period expired 8 November.

1. Pond Lane is very narrow. Intensified use on this site would be contrary to District Plan Policy T1. Outside Development Limits in Metropolitan Green Belt adjacent to ASLV. Intensify non-agricultural activities to the extent that it would be contrary to District plan policies. Restoration of heath due to commence when weather conditions permit will reduce the area available for car parking. Demonstrable harm to the residential amenities due to noise and activity.

2. Previous comments still apply. Addition of a further refrigerated Unit. Hope application is turned down. Problems of parking will still remain.

PLANNING CONSIDERATIONS:

The main issues are whether the proposals would protect the rural character of the area and the amenity of local residents in accordance with DP Policies:

- 1) **S3 (Green Belt) [RSP Policy C2] C5 (Re-use of rural buildings) [RSP Policy RE2]**
- 2) **DC14 (General Amenity), and**
- 3) **T2 (Car Parking) [RSP Policy T12]**

1. Policy S3 states that changes of use of suitable redundant buildings for non-agricultural or forestry purposes will be considered under Policy C5. Policy C5 requires buildings to be soundly constructed, and new uses to be compliant with other policies and respectful of rural amenity. Sites should have satisfactory accessibility and adequate space for associated activities, which must not impair important characteristics of the surrounding countryside.

In respect of Policy C5, the units are former redundant buildings that are considered to be soundly constructed. Re-use for A1, A2 or B1 would be appropriate and is encouraged in PPG7 subject to reasonable conditions to overcome legitimate planning objections which would otherwise outweigh the advantages of re-use. The units form part of a courtyard where activities are focussed inwards, and no extensions are proposed. In these circumstances it is not considered that re-use for A1, A2 or B1 should have a material effect upon the character of the Metropolitan Green Belt.

2. Policy DC14 requires proposals to protect the amenity of residential or other sensitive property.

One of the adjacent Units (Unit 4) was subject to an appeal in 1998 for use for the preparation and cooking of food (with the proposed commencement of a takeaway). The Inspector concluded, in dismissing the appeal that the site was in a relatively quiet backwater, particularly at night. He noted that there were a number of dwellings nearby including three Units at Reynolds House in close proximity, and concluded that the activities would be demonstrably harmful to the residential amenities of the area. He also considered that there were no conditions that could limit the noise or number of vehicles attracted to the site.

Unlike the proposals dismissed on appeal, it is considered that, subject to the controls recommended by the Council's independent consultant, the proposed uses should not have a material effect on residential amenity. The applicant has stated that he does not want a condition restricting the hours of use but is willing to restrict activities to between 0700 and 2400 hours seven days a week. Whilst other lawful uses within the complex do not have hours of operation restrictions, the restriction offered by the applicant would provide no significant relief during hours when local residents could reasonably expect to have their amenity protected as referred to by the Inspector. However the local planning authority may impose more restrictive conditions if appropriate, particularly if to do so would enable the grant of planning permission. In this case, the imposition of a more restricted hours of operation condition should guard against any increase in detrimental effects on residential amenity in the evening over and above those caused by the existing uses.

3. Policy T2 of the District Plan requires appropriate provision for on site car parking.

The plan marked "A" attached at the end of the supplementary schedule shows the amount of parking (estimated at about 19 spaces) that is presently available on land within the applicants control hatched in black. Officers consider that, subject to this area being retained for communal parking and the omission of B8 uses which can generate a requirement for larger vehicles on site, the proposals would not conflict with Policy T2.

CONCLUSIONS: Member's attention is drawn to the Report prepared by Edward Gittins & Associates which concludes that the issues are finely balanced but a proactive approach should be favoured if possible in view of the planning history of the site and Government advice on the rural economy. Officers consider that this conclusion is reasonable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard Time Limit.
2. C.3.1. To be implemented in accordance with approved plans.
3. Excluding B8 Use.
4. Excluding PD Rights for change of use from B1 to B8.
5. No physical amalgamation of Units.
6. Separate occupation of Units.
7. Retention of Car Parking Area for Communal Use
8. Normal Hours of Working 7.00 am to 6.00 pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays. No working on Sundays or Bank/public holidays.
9. Use of Unit 5 outside Normal Hours of Working for the purpose of Emergency Glazing only
