

**UTT/0880/99/OP - SAFFRON WALDEN**  
***(Revised Report)***

Nursing home (60 beds) and 66 car parking spaces  
Saffron Walden Hospital Radwinter Road. GR/TL 551-385. Essex & Herts Community NHS  
Case Officer: Hilary Lock on (01799) 510486  
Expiry Date: 5 October 1999

**A copy of the report to the Sub Committee on 20 March 2000 is attached at end of Supplementary Schedule**

**PLANNING CONSIDERATIONS:** At the Development Control Sub Committee meeting on 20 March 2000, Members resolved to grant outline permission for a nursing home on this site, subject to a legal agreement requiring the Health Trust to make a financial contribution towards local highway improvements. The need for the contribution arose following a highway appraisal for the Radwinter Road area, commissioned by this Council. The result of the study was that the highway network in the area has reached capacity, and that no further development should take place without developers making some contribution towards improvements to alleviate highway problems. The contribution is based on the scale of the proposed development and the level of the traffic likely to be generated. In this case, Essex County Council have calculated the contribution to be £51,818. which would contribute to local highway infrastructure improvements.

The applicant has not signed the Section 106 agreement, as various reviews are being undertaken, and the Trust cannot commit to this level of financial outlay until its own plans for the site have been resolved. The application was first submitted to this authority in August 1999, and its determination was delayed pending a review by the Trust. Eighteen months have passed since the resolution to grant permission, and a further Trust review is scheduled. The Trust has requested that the scheme be held in abeyance for a further 12-month period, but it is not considered appropriate to delay the issue of a decision for such further period.

Essex County Council advise that, given the study approved by this Council, in the absence of any contribution to highway improvements in the area the application should be refused. (See copy letter dated 22 August attached at end of Supplementary Schedule). In September 1999, its consultation response was to raise no objection to the scheme, but this pre-dated the commissioning of the highway study, which is now a material consideration.

**CONCLUSION:** The principle of redevelopment would be acceptable, but only with consequential highway improvements to alleviate the additional traffic likely to be generated. Omission of these works would be inconsistent with similar negotiations and schemes agreed regarding other developments in this area.

**RECOMMENDATION: REFUSAL REASON**

R.17. Contrary to Policy T1: Highway objections. Proposal would lead to increased vehicular movements on heavily trafficked road, identified for improvements in Saffron Walden highway study. Proposed increase would be unacceptable without financial contribution to improve local highway network.

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**UTT/0883/01/FUL - SAFFRON WALDEN**

Erection of building to accommodate 5 units of affordable housing (amendment to UTT/0160/01/FUL)

Site at junction of Castle Cross and Usterdale Road. GR/TL 541-390. Mr K Charles Owen  
*Case Officer: Hilary Lock on (01799) 510486*

Expiry Date: 27 August

**NOTATION:** Within Development Limits/Committed Residential Site (Policy SW8)

**DESCRIPTION OF SITE AND PROPOSAL:** The site is located in a residential estate north of the town centre, east of Little Walden Road. It is a corner plot at the junction of Castle Cross and Usterdale Road, south of Goddard Way. It is a vacant parcel of grassland of approximately 300sqm., open to the footway to the west and north, and abuts 2-storey dwellings to the south and east. There is a path along the eastern boundary giving pedestrian access to rear gardens. Two parking spaces for adjacent houses are in the north eastern part of the site.

This revised application seeks to replace the approved shop with a fifth flat, giving 2 each at ground and first-floor levels and 1 in the roof space. Six parking spaces are proposed, and a reduced amenity area. The block and its relation to surrounding property are unchanged.

**RELEVANT HISTORY:** Shop with 3 flats over granted 1991. Five houses and shop with flat above granted 1994, and the houses have been built. Shop and 5 flats withdrawn in December 2000 after Officers' recommendation for refusal on overdevelopment grounds. Erection of building with 4 flats and shop granted April 2001.

**TOWN COUNCIL COMMENTS:** Does not consider proposal sustainable and believe intention to install a retail unit should be retained because of the high density of housing in this area and the lack of other retail facilities within walking distance.

**REPRESENTATIONS:** None. Notification period expired 23 August.

**PLANNING CONSIDERATIONS:**

The main issues are whether

- 1) the loss of the approved retail shop would be contrary to any principles of sustainability,
- 2) the introduction of a fifth flat would have an adverse impact on visual and residential amenity: DC1 Design of Development [BE7 of ESP] & DC14 General Amenity, and
- 3) the proposal accords with T2 Parking.

1) The site is located within a residential area and there is no policy requirement for the provision of a shop on this estate. Although the retention of local shopping facilities would normally be encouraged, the authority would have no ground for objecting to replacing the shop with a further flat, especially given the proximity of the town centre.

2) The appearance of the building would be largely unchanged by this proposal, and there would be no materially greater overlooking of adjacent properties by the insertion of a new ground floor bedroom window and front living room window. The impact on residential amenity would be less than the movements and activity associated with a small shop. A modest amenity area would serve the five flats, but would not meet the standards recommended in the Essex Design Guide. As with the previous permission, it is not considered that the proposal could be successfully resisted on this basis.

3) Six parking spaces would be provided, at over 1 per flat, less than the recommended standard. Given the location of the site close to the facilities of the town centre, and the modest size of the flats, it is considered acceptable to apply the standard flexibly in this case, especially in the light of recent Government advice.

**CONCLUSION:** Although a small shop may be a desirable local facility, there is no policy requiring its retention. Its replacement with a further flat would be acceptable given the location in a residential area. The proximity to the town centre and its facilities enable flexible application of the space standards, in accordance with guidance in PPG3.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.2. Details of materials to be submitted and agreed.
4. C.7.1. Details of external ground and internal floor levels to be submitted, agreed and implemented.
5. Sound insulation scheme to be submitted, agreed and implemented.
6. Parking and access to be provided and retained.
7. C.12.1 Boundary Screening Requirements.
8. C.919.1 Avoidance of Overlooking.
9. Retention of Amenity Space.
10. Scheme of foul and surface water drainage to be submitted agreed and implemented.

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**UTT/0115/01/FUL - MANUDEN**

Erection of ground and first-floor apartments.  
Land forming part of 23 Mailers Lane. GR/TL 487-269. Mr B Hornett.  
*Case Officer: Michelle Guppy on (01799) 510477*  
Expiry Date: 14 September

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

**DESCRIPTION OF SITE AND PROPOSAL:** The site is located on the edge of the village to the north of No. 23 at the end of Mailers Lane. It is on the western side of the road and is currently part of the side garden.

The proposal is for a two-storey building attached to the existing dwelling comprising 2 one-bedroomed apartments. 2 extra parking spaces are proposed to be provided.

**PARISH COUNCIL COMMENTS:** To be reported. (due 27 August).

**REPRESENTATIONS:** Any received will be reported. Notification period expires 27 August.

**PLANNING CONSIDERATIONS:**

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

- 1) DC1 Design of Development [ESP Policy BE7],
- 2) DC14 General Amenity, and
- 3) T2 Provision of Car Parking [ESP Policy T12 Vehicle Parking].

- 1) Standards of layout and design guidance for private amenity space would not be met. The flats would have no rear private amenity space or balconies. The overall scale and density of the development would not be in keeping with the street scene or the character of the locality.
- 2) The proposed dwellings would be located to the north of 23 Mailers Lane and would be overshadowed by the existing property, resulting in a loss of residential amenity.
- 3) The land is currently used for the parking of vehicles for 23 Mailers Lane and no alternative parking is shown. Therefore the existing dwelling would not meet the Council's car parking standards.

**CONCLUSIONS:** The proposal constitutes unacceptable overdevelopment.

**RECOMMENDATION: REFUSAL REASONS**

1. R.19. Contrary to Policy DC1: Unsuitable design. Overdevelopment. Out of keeping.
2. R.24. Contrary to Policy DC14: General amenity. Overshadowing. Loss of amenity.
3. R.18. Contrary to Policy T2(a): Car parking standards not met. Highway dangers resulting from kerbside parking.

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**UTT/0754/01/FUL - NEWPORT**

Erection of dwelling and garage with vehicular access  
 Land adj The Homestead, 27 Wicken Road. GR/TL 519-340. Exors of M Barnard  
*Case Officer: Richard Smith on (01799) 510465*  
 Expiry Date: 20 August

**NOTATION:** Within Village Development Limits and Conservation Area/TPO.

**DESCRIPTION OF SITE AND PROPOSAL:** This site forms part of the side garden of the Homestead, a detached residential property, located in a residential area at the junction of Wicken Road of Barnard Close. It has a frontage width of 14.5m, depth of 30m and currently contains a double garage and number of shrubs and trees, one of which is a large Yew tree, the subject of a preservation order.

The proposal is for the demolition of the garage and erection of a 3-bedroomed 1.5 storey dwelling in its place, detached single cart lodge and formation of a vehicular access. The dwelling measuring 11m wide, 5.6m deep and 8m high would be finished in render, brick and weatherboarding under a plain clay tile roof. The cart lodge would have a natural slate roof.

**CONSULTATIONS:** Design Advice: No objections re effect on character of Conservation Area.

Landscape Advice: Object. Cart lodge and hardstanding likely to damage root system of protected Yew tree. Would require extensive lifting of crown, detracting from amenity value of tree on this prominent corner. If proposal was permitted, there would be pressure to fell/trim back tree.

**PARISH COUNCIL COMMENTS:** Oppose - constitutes conspicuous overdevelopment and would result in loss of fine mature protected yew tree.

**REPRESENTATIONS:** This application has been advertised and two representations have been received. Notification period expired 2 August.

1: Object. Protected Yew tree incorrectly positioned on plan. Observation on site will reveal the growth and spread of the tree does not enable the proposed garage with vehicular access to be positioned.

2: Object. Proposed dwelling would be overdevelopment, cause loss of privacy and increase traffic and parked vehicles in area, leading to congestion. Understand protected tree would have to be removed.

#### **PLANNING CONSIDERATIONS:**

**The main issues are whether the proposed dwelling would accord with D P Policies:**

- 1) **S1 Development Limits [ESP Policy CS2],**
- 2) **DC1 and DC14 Design and General Amenity and DC2 Conservation Areas [ESP Policy HC2],**
- 3) **DC8 Open Spaces and Trees and**
- 4) **T1 Highway Considerations and T2 Car Parking [ESP Policies T3 and T12].**

1) The principle of development on this site is acceptable under Policy S1 subject to compliance with all other relevant policies.

2) The site is located within the south eastern corner of the conservation area. The surrounding townscape is made up of a mixture of detached, semi-detached and terraced 2-storey houses finished in either brick or render. The proposed dwelling, being 1.5-storey with render, brick and weather-boarded finish, positioned in line with neighbouring properties, would be appropriate in this setting and would preserve the character of the area. Adequate separation distances and the proposed upper floor window pattern would ensure that the amenity of existing adjoining occupiers would be safeguarded. Garden and parking areas are shown on the plans, which would normally comply with Council standards. However, a protected Yew tree with a large crown is positioned centrally within the site rendering much of the proposed garden and parking area difficult to use fully. The tree, by virtue of its close proximity to the rear elevation of the proposed house and rear patio/garden, would also overshadow these to an unacceptable degree.

3) Policy DC8 states that proposals will not normally be permitted which cause the loss of environmental features, such as preserved trees. In this case the proposal and in particular the cart lodge and hardstanding would damage the root system of the protected Yew tree and would require extensive lifting of its crown, detracting from its amenity value, on this prominent corner in the Conservation Area. Further, in the event that the proposals were to be permitted, there would be pressure to fell or trim back the tree in the future, thereby affecting its value.

4) Visibility splays and parking would be adequate.

**CONCLUSION:** The site is of insufficient size to accommodate both the protected tree and proposed dwelling and garage, without substantial removal of the tree crown and possible damage to the root system.

#### **RECOMMENDATION: REFUSAL REASONS**

1. Contrary to DP Policies S1 and DC1: Proposed parking and garden areas would be substandard as large parts could not be properly utilised unless substantial lifting of tree crown were to occur. Tree would also overshadow rear elevation and garden/patio area to an unacceptable degree resulting in substandard living accommodation.

2. Contrary to DP Policy DC8: Proposal would necessitate removal of a large part of the crown of a protected Yew Tree and damage its root system, detracting from its amenity value. Pressure to remove/trim back tree in future.

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### **UTT/0802/01/FUL - STANSTED**

Erection of two-storey dwelling and vehicular access.

Land adjacent to 35 Blythwood Gardens. GR/TL: 508-249. Mrs W Orrowe.

Case Officer: Hilary Lock on (01799) 510486

Expiry Date: 3 September.

**NOTATION:** Within Development Limits/Important Woodlands (Policy C3)/Adjacent to Conservation Area/Public ROW.

**DESCRIPTION OF SITE AND PROPOSAL:** The site is located at the northern end of Blythwood Gardens, a cul-de-sac parallel to Silver Street. A public footpath runs in front of the site, and to the side is a rear pedestrian access for dwellings in Cannons Mead to the north.

The proposal is to erect a detached house in the garden of a semi-detached house to the south. The site has a frontage of approximately 11.4m, tapering to 8m, and depth of 44m. It would have a rear garden of approximately 240 sqm, and 170sqm would remain for the existing dwelling. No garage is proposed, but two parking spaces each are proposed for the new and existing houses. The proposed house would have four bedrooms and a footprint of 61.4 sqm (660 sqft), with a height of 8m. A Tree Preservation Order protects trees towards the rear of the site on the northern boundary, and these would be unaffected by the proposal. (A drainage ditch passes through the garden below the proposed house, and consents would be required to pipe or divert it).

**RELEVANT HISTORY:** Outline and detailed permissions for house granted 1985 and 1997 (not implemented).

**CONSULTATIONS:** Community Services (Engineering): an ordinary watercourse crosses the site, and proposals for dealing with it must be submitted and approved before work takes place.

Environment Agency: Culverting will require consent.

**PARISH COUNCIL COMMENTS:** to be reported (due 13 August, and deferral requested to 30 August).

**REPRESENTATIONS:** None. Notification period expired 8 August.

### **PLANNING CONSIDERATIONS:**

The main issues are whether the proposal would meet the criteria of DP and ESP Policies:

- 1) S1 Development Limits & DC1 Design of Development,
- 2) T2 Parking [T12 of ESP],
- 3) DC14 General Amenity,
- 4) W2 Surface water disposal [NR12 of ESP] and
- 5) C3 Important Woodlands [CS2].

1) The site is in the Development Limits for Stansted, and the principle of development was established in 1985 and 1997. However, in 1997, a site width of 6.5m was proposed, and a bank adjacent to the northern boundary was excluded from the site. This area is now included in the current application. A gap of between 1 – 2m would be retained from the northern boundary, adjacent the rear access to dwellings in Cannons Mead. In 1987, the garden of 34 Blythwood Gardens opposite this site was developed (No.34A), and retains similar distances to boundaries. This scale of development has therefore been accepted in this location. The man-made bank has no amenity value, and its replacement with a retaining wall would be acceptable.

2) Two parking spaces each are proposed for the existing 3-bed and proposed 4-bed houses. Although 3 parking spaces would normally be required to serve the new house, the 1997 outline application sought a four-bedroom dwelling, and was accepted with 2 spaces. It would now be unreasonable to require an additional parking space at the end of this cul-de-sac. Several large shrubs would have to be removed to accommodate the spaces.

3) The dwellings in Cannons Mead are in an elevated position above the application site, with relatively shallow rear garden depths. Approximately 14m would separate the main rear walls of those houses and the side wall of the proposed dwelling. This is less than the indicative plans approved in 1997, and the 15m recommended in the Essex Design Guide. However, given the relatively dense form of development in the vicinity, and the proximity of No.34A to dwellings in Cannons Mead, it is not considered that this can reasonably be opposed.

4) The watercourse passing through the site would need to be piped or diverted, and there have been no objections from the Council's engineer or the Environment Agency, subject to the necessary consents for such works being sought. The principle of these works has been accepted with the prior grant of permissions on the site.

5) The District Plan designates part of the site as within an Important Woodland, but although there are mature trees to the rear of the site there are none of any significance in the area of the proposed dwelling. This designation would therefore be unaffected by the proposal.

**CONCLUSIONS:** Residential development of a reduced site was granted in 1985 and 1997, and this enlarged dwelling would be in scale and siting with other properties in the vicinity.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.7.1. Details of external ground and internal floor levels to be submitted, agreed and implemented.
4. Details of retaining wall to be submitted agreed and implemented.
5. 2 parking spaces each for both new and existing dwellings to be provided and retained.
6. Details of boundary screening to be submitted and implemented.
7. C.19.1 Obscure glazing to first-floor side window.
8. C.19.1 No additional first floor northern side windows.
9. Details of works to existing watercourse to be submitted approved and implemented.
10. Trees at rear of site to be protected during construction period.
11. Superseding previous permissions.

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**UTT/0782/01/FUL - WIMBISH**

Change of use of garage from domestic (Class C3) to Distribution Use (B8).  
The Mission Hall, Howlett End. GR/TL: 582-348. Deborah Ferris-Lay.  
Case Officer: Richard Smith on (01799) 510465  
Expiry Date: 20 August.

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

**DESCRIPTION OF SITE AND PROPOSAL:** This site is located in open countryside within the triangle of land formed by the junction of Thaxted Road B.184 with the road to Wimbish Green. It comprises a 5-bedroomed dwelling and detached triple garage with space above.

This application relates to the retention of a confectionery/tea storage, packaging and distribution business in the first-floor above the garage that previously operated in 40sqm of the main house, together with part of ground floor, totalling 94sqm. The agents have confirmed that two persons are employed and that one service vehicle visits daily to pick up and deliver stock.

**APPLICANT'S CASE:** See letter dated 5 June attached at end of schedule.

**RELEVANT HISTORY:**

1. Retrospective permission to use part of dwelling for distribution use granted in Jan 1998 subject to three-year time limit and personal to the applicant - to ensure activities remain ancillary to residential occupation of house following Members' site visit.
2. Permission to enlarge garden and erect 4-bay garage/store granted in Dec 1998 subject to the garage remaining incident to enjoyment of dwelling house – to avoid over-development of site, expansion of commercial activity and to safeguard rural amenities of area and highway safety.
3. Permission to enlarge garden and erect 3-bay garage/store granted June 1999.
4. Permission for two-storey rear extension to house refused Oct 1999 on grounds of bulk, size and impact on appearance of house and area. Allowed on appeal Jan 2000.

**PARISH COUNCIL COMMENTS:** Object. Garage has never been used as such since it has always been used for business purposes. Refers to other matters at the site which do not relate to the application.

**REPRESENTATIONS:** Two representations have been received. Notification period expired 2 August 2001.

- 1: CPREssex: Object. See letter attached at end of schedule.
- 2: Object. Would permission have been granted to build this massive garage if the applicant had declared it to be a business premises in the first place, as that is what it has patently been all along? Concerned that an extra driveway for the articulated lorries connected to the business or a car parking area or even additional buildings will be next.

**PLANNING CONSIDERATIONS:**

The main issues are whether the proposed use would accord with DP Policies:

1. **S2 Countryside Outside Development Limits [ESP Policy CS2],**
2. **C4 Countryside and the Rural Economy and C5 Conversion of rural buildings [ESP Policies HC2 and RE3] and DC14 General Amenity and**
3. **T1 Highway Considerations and T2 Car Parking [ESP Policies T3 and T12].**



1) The site is located outside development limits where permission will not normally be given for proposals unless they relate to agriculture, forestry etc., or appropriate changes of use of suitable existing buildings compatible with a rural area. In this case the proposal is for the use of an existing building which is traditional in design and compatible with its rural surroundings by virtue of its low-key use.

2) Policy C4 seeks to promote enterprise and development which diversifies and enhances the rural economy whilst conserving planning interests in the countryside. It goes on to state that changes of use of land and buildings in character with their surroundings and according to other relevant policies of the plan will normally be favourably considered. This building, by virtue of its design and materials, is in character with its surroundings and should remain as such, due to the low-key nature of the business (which occurs within the building itself).

In order to restrict the commercial use in this rural area, it is considered that only 1 of the 3 garage bays should be used for storage in connection with the business. The other 2 should be retained for domestic car parking.

With regards to the representations received, it is unlikely that permission would have initially been granted for the erection of the garage for business purposes given the policy presumption against new buildings in the countryside. However, whilst clearly of concern to local residents and officers alike, the building is now in place and the Council is required to consider this application, like any other, on its merits. In this instance the main issue is impact on the surrounding area. The floorspace would increase from 50 to 94 sqm., but given the low-key nature of the use and minimal vehicular movements involved, there would not appear to be any significant impact on the character of the area. A limited conditional consent tying the use to the dwelling would enable the council to reassess the operation and its effect on the area should intensification occur. Concerns have also been aired about the likelihood of a further garage building being erected on the site. Again this could be addressed with a condition removing permitted development rights for outbuildings. No amenity objections are raised due to the separation distance between the garage and neighbouring properties.

3) Visibility splays would be adequate and accessibility to the site would be satisfactory given its close proximity to the junction of the B183, a main traffic route. Parking standards require 3/4 spaces to serve the business use and 3 for the house. Only 5 exist on site at present, but if 2 of the garage spaces are so used, this would increase to 7.

**CONCLUSION:** At present, notwithstanding the objections received, the business use is not sufficiently harmful to the character or neighbour amenities to justify refusal. Policies C4 and 5 make provision for such proposals, subject to conditions which would reduce the impact of the proposal.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Standard time limit.
2. C.3.1. Use as applied for: to be implemented in accordance with approved plans.
3. To be exercised only by persons resident at The Mission Hall.
4. 3 year temporary permission.
5. Parking for 5 external spaces and turning area to be submitted, agreed and implemented within 1 month of use commencing.
6. Retention of 2 garage spaces at ground floor level in garage for domestic use in association with the Mission Hall.
7. Removal of Permitted Development rights in respect of other uses, extensions or outbuildings.

8. Hours of operation: 9am – 5pm. Mondays to Fridays  
: 9am - 1pm. Saturdays  
: not at all on Sundays, or Bank and Public Holidays.

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**UTT/0843/01/FUL - THAXTED**

Change of use to offices, research and development workshops, meeting area and supporting accommodation. Extension to existing barn.

Claypits Farm, Bardfield Road. GR/TL 615-307. Molecular Products Limited.

Case Officer: Richard Smith on (01799) 510465

Expiry Date: 31 August

**NOTATION:** Outside Development Limit/Within Area of Special Landscape Value/Adjacent Conservation Area and Listed Building (Claypits Farmhouse) to west.

**DESCRIPTION OF SITE AND PROPOSAL:** This site is located on the southern side of Bardfield Road on raised ground, near the fire station and almost opposite the junction with Magdalan Green. It forms part of a complex of former agricultural buildings now used for commercial purposes.

The proposal relates to the change of use and partial demolition of an existing builder's store and the erection of a two-storey and single-storey extension to provide offices, research and development workshops, etc. for the local company, Molecular Products, who occupy premises in Mill End. The additional floorspace being provided on the site would amount to 187 sq.m. The levels of the site would be modified to accommodate the 13 car-parking spaces proposed along with retaining walls.

**APPLICANT'S CASE:** See supporting case dated 11 June 2001 attached at end of supplementary schedule

**RELEVANT HISTORY:** Change of use of existing barn and farmyard to form builder's and undertaker's complex with extension to form store, Chapel of Rest and garaging approved 1988. Change of use of builder's yard and undertaker's business to B1 light industrial/office use approved 1998.

**CONSULTATIONS:** Design Advice: Concerned about design. Proposal would not preserve the setting of the listed building and is likely to harm appearance of area.

ECC Transportation: No objections.

Architectural Liaison Police: No objections but suggests the building be subject to "Secured by design" specification regarding security of site and building.

**PARISH COUNCIL COMMENTS:** No objections.

**REPRESENTATIONS:** Any received will be reported. Notification period expires 29 August.

**PLANNING CONSIDERATIONS:**

The main issues are whether the proposal would

1. have an adverse impact on the character of the surrounding area contrary to DP Policies C5 – Conversion of rural buildings, S2 – Development outside limits and DC1 – Design [ESP Policies C3, S10 and BE7],

- 2. **be detrimental to highway safety and the amenity of adjacent residential properties contrary to DP Policies T1 [ESP Policy T4] and DC14 and**
- 3. **preserve the architectural merits of this curtilage listed building and its setting as required by DP Policy DC5(a) [ESP Policy HC3].**

1) The principle of changing the use of this builder's yard to B1 light industrial purposes was established in 1998. The main difference in this proposal relates to the demolition of part of the building and its replacement and extension forming an additional 187 sq.m. of floorspace. As a large part of the building would be demolished and rebuilt on a substantially larger footprint, the proposal would be contrary to both Policies C5 and S2. At present it is screened from the highway by a substantial hedge which is outside the applicant's control. Should this be removed, however, the development would be readily visible from the highway. The personal circumstances of the applicant and the implications for local employment have been taken into account and in this instance carry some weight. (An alternative design approach along more traditional lines of a 'barn conversion' was put to the applicants during pre-submission discussions, but has not been adopted by the applicant).

2) The car parking spaces provided would be adequate to meet Council standards. The area around the building for servicing and turning would be reduced as a result of the enlarged footprint. However, the agents have shown that the existing building footprint offers no more clear space on the site for turning vehicles than this proposal. The access is considered acceptable as confirmed by ECC Transportation.

3) The barn is located within the historic curtilage of the listed Claypits Farmhouse, on the edge of the Conservation Area. The design concept behind the scheme as described in the supporting case has been considered. However, in this case it is considered that the proposed large extension, use of modern materials and untraditional roof form would be out of keeping with the historic character of the listed farmhouse and its outbuildings.

**CONCLUSION:** Whilst the applicant's circumstances can be accorded weight in this instance, Officers consider the harm to the setting of the listed buildings and potential effect on the visual amenity to the area to be overriding factors

**RECOMMENDATION: REFUSAL REASONS**

- 1. R.21.A. Contrary to Policy DC5(A). Proposal would detract from the setting of the listed farmhouse and curtilage buildings.
- 2. R.19 Contrary to Policy DC1. Potential adverse effect on character and appearance of area and approach to conservation area in the event of tree screen being removed.

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