

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 4 FEBRUARY 2002

APPL NO: **UTT/0443/98/OP**
PARISH: **BIRCHANGER AND STANSTED MOUNTFITCHET**
DEVELOPMENT: Outline application for the erection of 400 dwellings, construction of an access to highway and provision of public open space, play area and site for school, health centre and shop
APPLICANT: Pelham Homes Ltd
LOCATION: Rochford Nurseries, Forest Hall Road
D.C. CTTE: 26 November 2001
REMARKS: Deferred for Traffic Impact Study on whole site
RECOMMENDATION: Deferral pending receipt and assessment of TIS. Joint report on both current applications to come to next meeting on 25 February.
Case Officer: Roger Harborough (01799) 510457
Expiry Date: 17 September 2001

APPL NO: **UTT/1654/00/FUL**
PARISH: **GREAT DUNMOW**
DEVELOPMENT: Residential development (58 units), new road access to public car park, extension to public car park by means of decking, pedestrianisation of existing access from High Street and erection of new public library
APPLICANT: Wilcon Homes Anglia Ltd
LOCATION: Land at Eastern Sector to rear of 37-61 High Street
D.C. CTTE: 26 November 2001
REMARKS: Deferred for negotiations re car parking, access, etc. and to publicise additional plans
RECOMMENDATION: Deferral pending receipt and consideration of further revised plans. Revised report to come to next meeting on 25 February
Case Officer: John Grayson (01799) 510455
Expiry Date: 31 January

APPL NO: **UTT/0822/01/FUL**
PARISH: **GREAT DUNMOW**
DEVELOPMENT: Erection of four dwellings with associated garaging
APPLICANT: Mr D Lowe, Mrs McKinley and Mr C Blower
LOCATION: Land to the rear of 73-75 High Street
D.C. CTTE: 5 November 2001
REMARKS: Deferred for consideration jointly with 1654/00
RECOMMENDATION: Deferral
Case Officer: John Grayson (01799) 510455
Expiry Date: 20 August 2001

APPL NO: **UTT/0178/01/CL**
PARISH: **HATFIELD HEATH**
DEVELOPMENT: Certificate of Lawfulness for B2 and B8 use (slaughter house and meat storage)
APPLICANT: Reynolds 1994 Ltd
LOCATION: Unit 13 Heath View
D.C. CTTE: 19 March 2001
REMARKS: Deferred at applicants' request
RECOMMENDATION: Refusal
Case Officer: Jacqui Harrison 01799 510420 & Michael Ovenden 01799 510476
Expiry Date: 3 April 2001

APPL NO: **UTT/0326/01/FUL**
PARISH: **HATFIELD BROAD OAK**
DEVELOPMENT: Erection of replacement dwelling involving extension to residential curtilage
APPLICANT: J Schonberg
LOCATION: Anthonys, Anthonys Lane
D.C. CTTE: 26 November 2001
REMARKS: Deferred for negotiations re size and design of new dwelling (deadline for receipt: 14 January)
RECOMMENDATION: Deferral at applicant's request
Case Officer: David Jeater (01799) 510464
Expiry Date: 25 May 2001

APPL NO: **UTT/0924/01/FUL**
PARISH: **STANSTED**
DEVELOPMENT: Change of use of land to skateboard facility and erection of associated equipment
APPLICANT: Stansted Parish Council
LOCATION: Former Railway Sidings, Lower Street
D.C. CTTE: 17 December 2001
REMARKS: Deferred for Members' site visit to assess access and users' safety on 14 January
RECOMMENDATION: Deferral pending consideration of alternative locations
Case Officer: Richard Smith 01799 510465
Expiry Date: 12 October 2001

APPL NO: **UTT/1244/01/FUL**
PARISH: **HATFIELD BROAD OAK**
DEVELOPMENT: Erection of lattice telecommunications tower with antennae attached. Installation of equipment cabinets and construction of internal access road
APPLICANT: Hutchinson 3G Ltd
LOCATION: Takeley Sewage Treatment Works
D.C. CTTE: 17 December 2001
REMARKS: Deferred at applicant's request
RECOMMENDATION: Deferral pending receipt and consideration of alternative designs
Case Officer: David Jeater 01799 510464
Expiry Date: 13 November 2001

APPL NO: **UTT/1367/01/FUL & UTT/1497/01/LB**
PARISH: **SAFFRON WALDEN**
DEVELOPMENT: Conversion of redundant agricultural barn to residential dwelling
APPLICANT: Mr J Barr
LOCATION: Cloptons, Little Walden
D.C. CTTE: 14 January 2002
REMARKS: Deferred for Members' site
RECOMMENDATION: Approval with conditions
Case Officer: Michelle Guppy 01799 510477
Expiry Date: 17 December 2001

APPL NO: **UTT/1461/01/FUL**
PARISH: **GREAT SAMPFORD**
DEVELOPMENT: Conversion of pair of barns into two dwellings
APPLICANT: J Harrison
LOCATION: Barns at Free Roberts Farm, Howe Lane
D.C. CTTE: 14 January 2002
REMARKS: Deferred for Members' site visit
RECOMMENDATION: Refusal
Case Officer: Richard Smith 01799 510465
Expiry Date: 3 January

APPL NO: **UTT/1475/01/OP**
PARISH: **LITTLE CANFIELD**
DEVELOPMENT: Outline application for one agricultural dwelling
APPLICANT: Mr E Cannon
LOCATION: Langthorns Plantery, High Cross Lane
D.C. CTTE: 14 January 2002
REMARKS: Deferred for Members' site visit
RECOMMENDATION: Refusal
Case Officer: David Jeater 01799 510464
Expiry Date: 26 December 2001

UTT/0382/01/FUL – SAFFRON WALDEN
(District Council Interest)

Erection of 72 no. dwellings comprising 20 no. 2-bed flats; 16 no. 1-bed flats; 28 no. 2-bed houses; 8 no. 3-bed houses.

Land off Thaxted Road. GR/TL 544-382. Monkbury Limited.

Case Officer: *Jeremy Pine: (01799) 510460*

Expiry date: 25 May 2001

NOTATION: ADP: Within Town Development Limits/Part of Residential Development Opportunity Site under Adopted District Plan Policy SW9/DLP: Identified for residential development under Policy SW2.

DESCRIPTION OF SITE: This 1.05ha site is located on the eastern side of Thaxted Road, to the west of the Radwinter Road cemetery. The site consists of the allotment gardens which are located behind a tree screen immediately to the west of the cemetery, and Harris Yard, which fronts Thaxted Road and which is separated from the allotments by a 4m cliff face. Paxton's Yard lies to the south (set at a higher level than Harris Yard); Jaussaumes to the north-west (on level ground with the northern part of the application site) and to the west are the long rear gardens to dwellings fronting Thaxted Road.

DESCRIPTION OF PROPOSAL: 72 dwellings would be erected, served by an access built to adoptable standards onto Thaxted Road through Harris Yard. 35 of the dwellings would be of affordable status, consisting of 28 x 1 and 2-bed flats and 7 x 2-bed houses. The rest of the housing would be open market, namely 29 x 2 and 3-bed houses and 8 x 1 and 2-bed flats. The houses would all be of two-storeys, and would be either semi-detached or terraced. There would be three blocks of flats, one of which would be three-storey, one two-and-a-half and the other two. A vehicle turning head would be provided at the northern end of the site where the new road could be extended into Jaussaumes to serve future development on the remaining part of the land identified for residential development. Future vehicle access to the cemetery would be safeguarded, as would access from Harris Yard to Paxton's Yard, which is also part of the residential allocation.

The access road into the site would be graded to deal with the change in levels between Harris Yard and the allotments, including a 1m reduction in the ground level at the top of the cliff. Accordingly, the line of terraced dwellings at the rear of Harris Yard and which follow the road alignment would be stepped. The proposals would supersede the development at Harris Yard allowed on appeal. All the houses would have private rear gardens, and the blocks of flats would have useable areas of communal open space. Car parking would be mostly communal, but with some allocated spaces for the open market housing.

BACKGROUND:

Confirmation has now been received from Go-East (following an earlier holding direction) that the Secretary of State does not intend to call in the application for determination. Members are, therefore, now free to determine the application as they see fit.

Members visited the site on 2 July, following which further information has been received on the treatment of the retained sections of chalk cliff and finished ground levels within the allotment part of the site. In addition the Council has obtained the opinion of an independent highways consultant as detailed later in this report.

APPLICANT'S CASE: See letter from Claydens dated 10 May 2001 attached at end of Schedule.

RELEVANT HISTORY: Erection of 14 dwellings on SW part of site (Harris Yard) allowed on appeal in 2000, following non-determination of application (not implemented).

CONSULTATIONS: Original Plans:

ECC Transportation: Recommends refusal: increase in traffic movements to and from a site with inadequate access to the B184: provision of access would involve land outside applicant's control: conflict with through-traffic.

Anglian Water & Environment Agency: No objections subject to details of foul and surface water drainage disposal.

Building Surveying: (re fire access) Access satisfactory subject to minor extension of turning head.

Revised Plans:

ECC Transportation: No objections subject to conditions and infrastructure payment.

Conditions relate to provision of access junction with Thaxted Road including warning signs, a footway/cycleway from Radwinter Road to the north of the site, submission and approval of detailed engineering drawings. See letter dated 9 October 2001 attached at end of Schedule regarding the traffic count carried out by Saffron Walden & District Friends of the Earth.

Mayer Brown (Independent Highways Consultant): No objections subject to conditions (see 3-page report attached at end of Schedule). Any comments on the opinion of the Council's Independent Highways Consultant will be reported.

TOWN COUNCIL COMMENTS: Original Plans: Object. See extract from letter dated 27 April 2001 attached at end of Schedule.

Further letter received on 13 August 2001 requesting that any traffic survey take into account future development at Jossaumes, the Old Gasworks, Glasswells and the current application at Blyth and Pawsey.

Revised Plans: None received. Any comments on the opinion of the Council's independent Highways Consultant will be reported.

REPRESENTATIONS: This application has been advertised as likely to affect a wide area and 10 representations have been received re **Original Plans**, including one from CPREssex dated 9 May 2001 attached at end of Schedule. Period expired 10 May 2001.

No objection in principle to any building on this land but consider the number of dwellings proposed is rather exorbitant, mainly because of the amount of cars this will create. If the Council can guarantee that there will be adequate parking within the development for all the occupants and their visitors and there will be parking restrictions along Thaxted Road, then I do not have any objection to the proposed development.

Will an extension to the cemetery not now be required in future years?

The proposed boundary walls and close boarded fences at 1.8m high would provide insufficient screening (a screen of mature trees would be necessary), because of the difference in levels, and the Lime tree on Council land at the rear of nos. 26, 28 and 30 overhangs the garage block and must be treated with care by any future developer.

No mention of the right of way we have over the front corner of the property.

The site is situated at a much higher level than neighbouring properties to the north of it. All these properties (including ours) will be overlooked by some of the new dwellings and the view from neighbouring properties and gardens will be completely dominated by the height of the new development. It seems that every spare scrap of land in Saffron Walden is being earmarked for residential development, rather than being used to improve facilities for current residents of the town, for example by providing secure parking or garages.

The plans provide for two “towers” (three-storey buildings) which are quite out of keeping. Part of the land is used as allotments which will be lost if the application is approved. Object. Disgust at the Council’s selling off the allotments and the timing. Should at least have waited until the outcome of the Fairview appeal was known. PPG3 is clearly being used by developers to force through planning applications on the grounds that the Government wants more housing built wherever there are empty plots within a settlement and it is also being used to increase densities and thereby maximise profits. Do not believe sufficient emphasis is placed on the infrastructure issues in Saffron Walden. Cannot comment on other primary schools in Saffron Walden but feel that clearly RA Butler primary cannot cope with more children. Do not have much faith in traffic flow predictions because the physical evidence in Saffron Walden is such that I feel that we cannot cope comfortably with a significant increase in traffic. With the proposed changes to the Thaxted Road traffic lights and no houses built on the Printpack site the traffic flow at this junction would be improved by 15%. With houses on the Printpack site the flow rate is improved by 5%. Applying these figures to the Smiths Yard site we would end up with the flow rate being decreased by 5%. Refer you to the Uttlesford District Plan page 140 paragraph 5.1. The opening sentence is “Traffic in Saffron Walden is a significant problem.” The last line states “The impact of traffic in the town is one of the factors to be taken into account in considering the appropriate scale of development during the Plan period.”

Policy BE1 Urban Intensification: Over development and loss of amenity will occur if houses are built on the allotments.

Policy BE5: Development will not be permitted unless it makes provision for community facilities, public services, transport provision, infrastructure etc.

Policy CS4 Sustainable new Development: Saffron Walden has an infrastructure problem. There is very limited employment in Saffron Walden therefore any new developments are going to produce people who commute to work by car. I would also refer you to the Inspector’s report on the SIA appeal in which he makes several references to out commuting. I think his most important statement, which is very relevant to this application, was:- “The principles of sustainability embrace the requirement to reduce the need to travel, particularly by private car. This is one of the CORNERSTONES OF GOVERNMENT POLICY”.

Policy H2 Housing development: “Existing settlements when expanded should be large enough to provide a range of employment, shopping, educational and other community facilities with the capacity of providing for a choice of means of transport.” One of several policies which point to a refusal of the application.

Policy H3 Location of residential development: I do not believe that the public transport available is suitable for the various destinations of workers.

Uttlesford District Plan: Policy H1 General Allocation of Housing: For the life of this plan, which is the one still in force, Saffron Walden was allocated 280 houses. This number has been well and truly exceeded.

Policy T1 New development and General Highway Considerations: The figures supplied by Peter Finlayson Associates, at the appeal hearing into the Fairview application, when applied to this development clearly show that Policy T1 applies and is additional grounds for refusal. Fire engines would find it virtually impossible to access this road during busy times.

Friends of the Earth: Object. Apart from Harris Yard this would be a greenfield site and so not in accordance with PPG3. Would conflict with Policies CS1(6) and CS4 in the County Replacement Structure Plan. Policy T1 calls for refusal where traffic hazards and

inconvenience are likely to be generated. No particular provision is made to encourage alternative modes of transport. In terms of the District Plan only 30 houses were looked for from windfall sites, we already have over 300. More housing, with all the out commuting and other problems mentioned above, is not needed. Design would conflict with Policy DC1. There does not appear to be any communal recreation area. Amenity space is lacking, car parking is too near to the walls of dwellings. There does not seem to be much in the way of landscaping. We notice that 37 of the 39 affordable homes are flats, while 29 of the 38 private dwellings are houses. This does not accord with the District Council's Policy set out in paragraph 5.4 of the Housing Strategy. No traffic impact assessment has been provided.

Revised Plans

11 representations have been received, many of which reiterate points previously made. In addition, a copy of the traffic count forwarded to Members by Friends of the Earth has been commented upon by ECC Transportation. Period expired 21 January.

1-8. The revised plans for the development show Block B, which would overlook the rear of houses in Thaxted Road, to now be 10.5m high instead of 12m. This would still be too high and unsightly. The whole scheme should be limited to housing on the original land at Harris' Yard and in the future at Goddards Yard and the disused railway land (i.e. all the frontage of Thaxted Road), leaving an area to the rear for development as a children's' play area and small park. Still no mention of the right of way we have over the front corner of the property.

Suggest that this land is retained for allotments as there is a strong call for such use in the town.

9. Letter from Friends of the Earth: We decided to carry out our own up to date traffic count on 22 June from 8am to 7pm using the same system as in previous survey, counting vehicles passing through the Radwinter Road/Thaxted Road/East Street junction. There is no doubt that traffic has significantly increased. The only completed development to account for this are the 60 dwellings in the old Radwinter Road Hospital. We shall be analysing these figures further but wanted you to have the first set of results straight away. We observed a number of near misses from traffic going from East Street into Radwinter Road meeting the turning from Radwinter Road into Chaters Hill. We also observed very many pedestrians especially at school times crossing diagonally during the pedestrian traffic light phase. The proposed MOVA controls for the lights could have fatal results, although this danger was dismissed by the appellant at the public inquiry.

10. See letter dated 8 January 2002 from the Essex RIGS Group, attached at end of Schedule.

11. CPREssex: The current application would, in its present form, involve the permanent destruction of access to the geology of the site. It is therefore vital for a full study of the site to be undertaken prior to the application going to Committee in order to allow for:

a) proper consideration of any special designation and protection or conservation measures that should be incorporated into the scheme; and b) any conditions that should be attached to any grant of planning permission in respect of the chalk face.

PLANNING CONSIDERATIONS:

The principle of the residential use of this land has been established for a number of years under Adopted District Plan Policy SW9 as part of a Residential Development Opportunity Site, and is now being rolled forward in Deposit Local Plan Policy SW2. The main issues are whether:

- 1) the principle of the development continues to be appropriate under ERSP Policies CS4 (Sustainable New Development), H2 (Housing Development - The Sequential Approach) and H3 (Location of Residential Development),
- 2) the residential density, mix, layout and design would be appropriate under ERSP Policies BE1 (Urban Intensification), H4 (Development Form of New Residential Developments), ADP Policies S1 (Development Limits), DC1 (Design of Development), DC14 (General Amenity), DLP Policies S1 (Settlement Boundaries for the main Urban Areas), GEN2 (Design), GEN 4 (Good Neighbourliness), H9 (Housing Mix), the Essex Design Guide and PPG3 (Housing), and
- 3) material highway dangers would result contrary to ERSP Policy T3 (Promoting Accessibility), ADP Policy T1 (New Development and General Highway Considerations) and DLP Policy GEN1 (Access).

1) It is considered that these proposals would be a sustainable and appropriate use of the land, reflecting its allocation for a number of years in the Adopted District Plan as an Opportunity Site. In terms of walking distance to the town centre, the site entrance at Harris Yard is approximately 330m nearer than the residential site at Printpack, which the appeal Inspector found last year to be within the threshold distances for walking and cycling in PPG13. If the future connection through to Jaussaumes were made under ADP Policy SW9, walking distances would be even shorter. The Printpack Inspector was also satisfied that that site was readily accessible to an appreciable range of facilities to future residents on foot, by bicycle or by public transport. The same comments are applicable to the current site. Members will recall that residential re-development of the SIA site was refused and dismissed at appeal. It is not considered that that decision can bear direct comparison with the current site for two reasons, firstly because that proposal involved the loss of employment land and, secondly, whilst also within the Town Development Limit (but more remote), it was not residentially allocated.

2) The density of these proposals would be 69 dwellings/ha, compared to 61.5 dwellings/ha for Printpack, in line with Government advice in PPG3 encouraging higher densities. However, in allowing the Printpack appeal, the Inspector said in his decision letter that:

“..density alone is not a meaningful indicator of built form or visual impact. In my opinion it is important to look beyond the simple numerical expression of density, and consider any form of development proposed which, in this case, would consist of smaller dwellings, with the majority having just 2 bedrooms”.

In respect of these current proposals, all but 8 of the dwellings would be of 2 bedrooms or less. The proposals have been the subject of extensive negotiations with officers, involving the Council both as the local planning authority and allotments landowner. As a result, there would be 48% provision of affordable housing (24% on Printpack), with all existing allotment leaseholders being offered alternative vacant allotments.

To alleviate concerns that officers originally had regarding over-development and overbearing impact, revised plans have been submitted reducing the number of dwellings from 77 to 72 and amending the layout to incorporate only two and two-and-a-half storey

buildings along the western boundary with existing dwellings in Thaxted Road and on the rising land within Harris Yard. The single three-storey block would be located adjacent to the boundary with the cemetery, but some 35m back from the northern boundary of the site (approximately 95m back from Radwinter Road). It is not considered that in that position the three-storey block should be unduly prominent in the streetscape, especially as it's base would be constructed 1m below existing ground level.

The design and layout of the buildings would be satisfactory, broadly following the principles set out in the Essex Design Guide. No material overlooking should occur, "back to back" distances from the existing dwellings fronting Thaxted Road to the new dwellings at the top of the cliff being in excess of 60m (the Design Guide recommends 35m+ where flats are involved). Adequate amounts of private open space would be provided, both as individual gardens for the houses and as communal sitting out areas for the flats. The Common is also within a reasonable walking distance.

The Essex RIGS Group has expressed concern at the future of the chalk cliff at the rear of Harris Yard. A section would need to be removed to form a rising access through to the allotments, which has always been envisaged. Apart from the top 1m of the remaining section, the rest would be retained in situ, but would be covered up by the regrading of the land to the rear to form the rear gardens to the terraced block (units 6-10) by using the excess spoil. In view of the change in levels between Harris Yard and the allotments, there is no obvious alternative to covering the cliff. There is currently no public access close to this section of cliff, which is less prominent and less extensive than that retained at Limefields to the north of the town. On balance, it is considered that no reasonable objections can be raised given the longstanding commitment to comprehensive residential development on this site.

3) ECC Transportation objected to the original proposals because it was not convinced that adequate visibility could be provided. Following a speed survey undertaken by the applicant's highway consultant, ECC Transportation and the Council's independent consultant (who undertook a separate speed survey) have now confirmed that the available visibility splays of 70 x 4.5 x 70m to the north and south are adequate, subject to being achievable by use of a Grampian condition. This would be required as part of the land to the south that is needed to form the splay is in third party ownership (Paxton's). The objection has therefore been overcome, although the independent consultant does state that the narrowing of Thaxted Road to 5.5m could further benefit visibility.

Car parking provision would be proportionate to that at Printpack, namely 2 spaces for each open market house, 1.25 spaces for each open market flat and 1 space for each affordable dwelling. On the basis that the site is closer to the town centre than Printpack and the scheme is predominantly for smaller units, this level of provision is considered to be satisfactory in accordance with advice in PPG3. Provision can also be made via a Grampian condition for a footway/cycle connection to Radwinter Road from the north of the site, but the Council's independent consultant does not consider that there is scope to provide a dedicated cycleway along Thaxted Road. Subject to an appropriate condition, access gradients within the site should be acceptable.

The site is one of those included in the WS Atkins report, which Members will recall recommended that developers make a proportionate contribution to the cost of junction and link improvement works in the locality, which could be secured by way of a S106 Agreement. A pro rata amount of £31,286 has been agreed between the applicant and the Highway Authority.

COMMENTS ON REPRESENTATIONS:

Residents have commented that more dwellings on windfall sites within the town have been constructed during the Adopted District Plan period than was estimated. That is true, but is not in itself a reason to refuse planning permission on an allocated site. Allocations of land in the Adopted District Plan, which take into account demands made on infrastructure such as schools, were made on the assumption that all sites would come forward for development in the Plan period. It is reasonable to be pessimistic about the contribution made by windfall sites when allocating land to meet housing requirements, to do otherwise could lead to a shortfall in land supply if the windfall sites are not realised, making it more difficult to resist “ad-hoc” growth. All the other comments have been mentioned above.

CONCLUSION: It is considered that these revised proposals would be in accordance with the provisions of the Development Plan and Government advice.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND SECTION 106 AGREEMENT (re: contribution to off-site highway works).

1. C.2.1. Time limit for commencement of development.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.6.4. Excluding extensions without further permission.
6. C.7.1. Slab levels to be submitted and agreed.
7. C.12.4. Boundary screening requirements.
8. Prior to the commencement of any development, a scheme for the provision and implementation of surface and foul water drainage shall be submitted to and agreed in writing by the local planning authority. The scheme as agreed in writing shall be constructed and completed in accordance with the approved plans prior to the first occupation of any dwelling on the site.
Reason: To ensure a satisfactory method of surface and foul water drainage.
9. The development hereby permitted shall not commence until a scheme for the provision and retention in perpetuity of affordable housing in respect of the 35 dwellings indicated on drawing P-1883-01 Rev C has been submitted to and approved in writing by the local planning authority. The scheme as submitted shall include detailed arrangements for implementation and shall be carried out as approved.
Reason: To ensure that local housing need is met in accordance with Circular 6/98.
10. No deliveries of materials shall be made to the site and no work shall be carried out on site for the duration of the development before 0730 or after 1800 on weekdays, or before 0800 or after 1300 on Saturdays, unless otherwise agreed in writing by the local planning authority. There shall be no deliveries or working on Sundays or Bank or public holidays.
Reason: To protect the amenity of adjoining residents.
11. No development shall commence until the site access and visibility splays indicated on drawing R1128/1 have been completed in accordance with the details shown on that drawing. Thereafter, the visibility splays shall be retained in perpetuity free of any obstruction above carriageway level.
Reason: In the interests of highway safety.
12. The carriageway, turning areas and footways of the estate road shown on drawing P-1883-01 Rev C shall be laid out and constructed up to and including at least base level prior to the erection of any dwelling on the site. Until such time as the final surfacing is completed, the base level of the footways and any shared pedestrian/vehicle accesses shall be provided and maintained in good repair in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions

within or bordering the footways or shared accesses. All final surfacing shall be undertaken within twelve months from the first occupation of the last dwelling to be occupied.

Reason: In the interests of highway safety and to ensure adequate access for construction vehicles.

13. No development shall commence until detailed engineering drawings of the estate road have been submitted for safety audit, and approved. The drawings as submitted shall include details of the grading of the estate road from the allotment land to the junction with Thaxted Road.

Reason: In the interests of highway safety.

14. Prior to the first residential occupation of any dwelling, the car parking spaces or garages shown to serve it on drawing P-1883-01 Rev C shall be completed and made available. Thereafter, all the parking spaces and garages shall be retained in perpetuity for the parking of domestic vehicles.

Reason: In the interests of highway safety.

15. Prior to the first residential occupation of the development, a scheme of street lighting within the site shall be submitted to and agreed in writing by the local planning authority and implemented. Thereafter, the lighting shall be maintained in good repair.

Reason: In the interests of highway safety.

16. No development shall take place until details of a footway link to Radwinter Road, as indicated on the indicative plan UDC1 attached to this decision notice, have been submitted to and approved in writing by the local planning authority. The footway shall subsequently be constructed in accordance with the approved details prior to the first residential occupation of the site and thereafter retained in perpetuity.

Reason: In the interests of pedestrian convenience.

1) UTT/1483/01/FUL AND 2) UTT/1484/01/LB – SAFFRON WALDEN

1) Conversion of farm buildings into four dwellings with associated parking and gardens. Demolition of three modern agricultural sheds.

2) Conversion of farm buildings into four dwellings with associated alterations and boundary walls.

Rowley Hill Farm, Little Walden. GR/TL: 538-407. Mr and Mrs G Mileson.

Case Officer: Richard Smith 01799 510465

Expiry Date: 9 January

NOTATION: ADP: Grade 2 Listed Building: Curtilage listed buildings/Outside Development Limits, Within Area of Special Landscape Value. DLP: Curtilage listed buildings, Outside Development Limits

DESCRIPTION OF SITE: This site is located in open countryside 1km (0.5 mile) south of Little Walden. This application relates to a complex of brick and timber barns and modern agricultural sheds located on the Rowley Hill farmstead, 1km south of Little Walden. It is accessed via a single-track road leading west from Little Walden Road, which serves one other dwelling, situated at the junction with the main road.

DESCRIPTION OF PROPOSALS: The proposals are for the conversion of the brick and timber barns into four dwellings with garaging, together with the demolition of the modern agricultural buildings. The area to be cleared of the modern buildings would be used as parking and turning area. Two of the dwellings would be 5 bedroom units and two, 2 bedroom units.

APPLICANT'S CASE: The farm group at Rowley Hill Farm, containing three listed agricultural buildings, needs an alternative use to ensure its protection and survival. Residential use is a practical and feasible alternative that will, through sensitive conversion and the removal of unsympathetic modern agricultural sheds, benefit the setting of the listed barns and farmhouse, and the design of the conversion retains the historic and architectural character of the farmstead.

CONSULTATIONS: Design Advice: The farmstead is of considerable architectural and historical importance. The proposals represent a sensitive conversion that is likely to give the buildings a new lease of life with least damaging impact on their character, meeting the criteria of Policy C6.

Environment Agency: Provides advisory comments.

Building Surveying: No adverse comment. Minor window changes would be necessary to meet building regulation approval.

ECC Archaeological Advice: Recommends monitoring of groundworks and recording of buildings.

TOWN COUNCIL COMMENTS: No objections.

REPRESENTATIONS: This application has been advertised as likely to affect the setting of listed buildings and one representation has been received. Period expired 19 December 2001. Querying the works to the access and hedge protection.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would be acceptable in relation to:

1. its impact on the countryside (ERSP Policy CS2 - Protecting the Natural and Built Environment, C5 - Rural Areas Not in the Green Belt, ADP Policy S2 - Countryside beyond the Green Belt and the Countryside Protection Zone and DLP Policy S7 - The Countryside),
2. the environmental, historic and architectural quality of the buildings (ERSP Policy RE2 - Re-use of Rural Buildings, ADP Policy C6 - Conversion of rural buildings to residential and DLP Policy H5 – Conversion of rural buildings to residential use),
3. its effect on the historic buildings and their setting (ERSP Policy HC3 - Protection of Listed Buildings, ADP Policy DC5 - Development affecting Listed Buildings and DLP Policy ENV2 - Development affecting Listed Buildings), and
4. traffic matters (ERSP Policy T3 - Promoting Accessibility, ADP Policy T1 - New Development and General Highway Considerations and DLP Policy GEN1 – Access).

1) ERSP Policy CS2 seeks to maintain and protect the natural and built environment by ensuring that proposals sustain and enhance the rural environment, conserve the countryside character and protect it for its own sake. ERSP Policy C5 states that "*this will be achieved by the restriction of new uses to those appropriate to a rural area*" and through the sympathetic design of development proposals. ADP Policy S2 states that permission will not normally be given for development unless it relates to agriculture, forestry or an appropriate outdoor recreational activity. Policy S7 of the new DLP states that permission will only be given for development that needs take place in the countryside, or is appropriate to a rural area. The proposal does not relate to any of the activities as referred to above and would not normally be appropriate to a rural area, unless exceptionally permitted under other Policies.

2. One exception to the above, however, is development which would accord with ERSP Policy RE2, ADP Policy C6 and DLP Policy C6 allowing for the residential conversion

of suitable rural buildings, subject to various criteria being met. Policy RE2 requires the subject building to be of sound construction capable of conversion without major reconstruction, the conversion to respect the character of the countryside and the building to be in a location deemed not to be isolated or well away from existing settlements. Policy C6 requires the building to be worthy of retention by virtue of its style, design, architectural or historic interest and that the conversion should respect the countryside character. Conservation design advice confirms that the buildings within the farmstead are of historical importance, having sufficient environmental merit to meet the above criteria. The site, forming part of an existing farmstead only 1km south of Little Walden, is not considered to be an isolated location in terms of ERSP Policy RE2.

3) The Development Plan Policies relating to historic buildings seek to safeguard their character and setting against inappropriate development. As already mentioned above, the views of the Conservation Officer are that the farmstead is of considerable architectural and historic importance and the survival to the present day of all its historic farm buildings makes it unusual. The proposed conversion scheme is considered to be commendable as it utilises all existing openings, with little need for additional windows, existing features and sufficient levels of void would be retained to maintain open volume. As such the scheme is considered to be acceptable in historic building terms and to safeguard their setting.

4) Access would be via a 350m un-surfaced single-track road that currently serves the applicant's dwelling and one other at the junction with the main road. The proposals make provision for the laying of gravel along its entire length, with a bound surface within 10m of the junction. Subject to these works being carried out, with a passing place being formed, it is considered that the traffic generated by four proposed dwellings over and above current levels would not be so detrimental to highway safety as to justify refusal.

CONCLUSION: The proposals would accord with Development Plan Policies.

RECOMMENDATIONS:

1) UTT/1483/01/FUL - 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 submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.6.2. Excluding all rights of Permitted Development within curtilage of dwellinghouses.
6. C.16.1. Archaeological monitoring of groundworks and recording of buildings.
7. C.11.7. Parking facilities
8. C.10.26 Standard highway requirements
9. Submission of construction details of passing place to be approved and implemented before occupation of dwellings.

Reason: In the interest of highway safety.

2) UTT/1484/01/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development
2. C.3.1. To be implemented in accordance with approved plans
- 3-6. Design requirements

**1) UTT/1435/01/FUL, 2) UTT/1436/01/FUL, 3) UTT/1437/01/LB; 4) UTT/1438/01/FUL and
5) UTT/1438/01/LB – HATFIELD BROAD OAK**
(Joint Report)

1) Conversion of stables to a dwelling.
2,3,4&5) Conversion of barn to a dwelling (alternative schemes).
1) Stables at Forest Farm. 2,3,4&5) Barn at Forest Farm. GR/TL: 532-179 and 533-179.
Mr R Garton
Case Officer: *Michael Ovenden 01799 510476*
Expiry Date: 1) 28 December, 2,3,4,&5) 20 December 2001

NOTATION: ADP and DLP: Outside Development Limit. The stables are not Listed and the barn is a Listed Grade II.

DESCRIPTION OF SITE: The site is 2km (1.2 miles) by road to the north-west of Broad Oak. The location is essentially rural and relatively remote from the nearest defined settlement boundary. Currently on the site is a listed farmhouse, an L-shaped listed barn and a non-listed stable building. The barn and stable are currently used as accommodation for horses. There are some more modern agricultural buildings which are not subject of these applications.

DESCRIPTION OF PROPOSALS: It is proposed to convert both the stables and the barn to dwellings with adjacent paddock land becoming garden.

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

RELEVANT HISTORY: Permission for residential conversion of barn granted in 1988 (since expired). Residential conversion of stable building refused 2000 for reasons of substantial rebuilding required.

CONSULTATIONS: Design Advice: 1) Refusal: Stables not worthy of retention. 2) Refusal: Poor design scheme. 3) Approval subject to conditions.

PARISH COUNCIL COMMENTS: None received (due 3 December 2001).

REPRESENTATIONS: These applications have been advertised and 2 representations have been received. Period expired 22 November 2001.

1. Oppose. Outside the village development limits. Presumption against new residences. Detrimental to the setting and character of Forest Farmhouse. Backland development. Buildings have already been allowed to be used for stabling. In line with Council's Policy C4.
2. Object. Valuable rural character of the landscape should be preserved. Over-development.

PLANNING CONSIDERATIONS:

The main issues are whether the conversion of

- 1) the stable building would be appropriate and comply with ERSP Policy RE2, ADP Policy C6 and DLP Policy H5 and
- 2) the listed barn would be appropriate and comply with ERSP Policy HC3, ADP Policy DC5 and DLP Policy ENV2.

1) All policy documents indicate various tests for proposals requiring the scheme to relate to substantial buildings capable of conversion; to protect the countryside; not to prejudice town vitality and state a preference for business use. Policy RE2 also states that:

“the residential conversion of listed farm buildings and the re-use of other rural buildings on isolated sites within the countryside located well away from existing settlements, will not be permitted”.

The applicant has stated that the stables are not remote, as they are within driving distance of Hatfield Broad Oak, Bishops Stortford and Takeley. These buildings are not isolated as there is a range of dwellings, agricultural and former agricultural buildings in the locality. The buildings are 2km (1.2 miles) away from Feathers Hill/Cage End Hatfield Broad Oak, which is the closest settlement of any significance. It is a question of judgement whether this distance is ‘well away from’ that settlement, but that given recent decisions it is considered at officer level that the site is not remote enough to justify a refusal on principle.

The applicant has submitted no information to demonstrate that he has investigated business re-use and therefore the proposal does not comply with the preference in both policy documents for such purposes. However, the main issues remain the quality of the building and the proposed conversion. This stable building is an unremarkable and unsightly, having had various botched repairs done to it over the years and does not merit retention. As a secondary issue, despite the structural report, Conservation Advice casts doubt on the quality of what would be left of the building following conversion. This was a similar conclusion to that reached when refusing the last application just over a year ago. The applicant has taken the view that the structural condition of the building was the only issue in the previous refusal. This was not the case. The decision notice and the committee report make it clear that the proposal did not comply with the exceptions embodied in the policy – the report stated that the building was ‘unremarkable’ i.e. not worthy of retention. The applicant considers the building to be a curtilage building but has not submitted a listed building application. Whether a building is a curtilage building is not necessarily an overriding consideration when considering a proposal, as there are often curtilage buildings of no merit, which do not justify retention.

2) These alternative proposals to convert the barns seeks to renew a permission granted in 1988. The principle of conversion remains appropriate, but Conservation Officer advice is that since then standards of design have moved on. The first alternative scheme would be instrumental in the avoidable destruction of the fabric of this listed building and is therefore recommended for refusal on design grounds. The alternative scheme represents an acceptable design subject to conditions.

CONCLUSION: The only proposal that is acceptable is the better of the two schemes for conversion of the listed building.

RECOMMENDATIONS

1) UTT/1435/01/FUL - REFUSAL REASONS

R.3. Contrary to ERSP Policy RE2, ADP Policy C6 and DLP Policy H5. Unacceptable creation of dwelling outside development limit.

The proposal relates to the creation of an additional unit unrelated to the exceptions in the policy.

R.13. Unacceptable reuse of rural building.

The proposal is unacceptable because it is not worthy of retention, it would require some rebuilding and its conversion would not enhance the character and appearance of the rural area.

2) UTT/1436/01/FUL & 3) UTT/1437/01/LB – REFUSAL REASONS

1. R.13. Contrary to ERSP Policy HC3, ADP Policy DC5 and DLP Policy ENV2. Unacceptable reuse of rural buildings.
The proposal fails to comply with the above policy as it would fail to respect or conserve the characteristics of the building.
2. R.21A Unsuitable design regarding a listed building.
The proposal fails to respect the special characteristics of the listed building.

3) UTT/1437/01/LB – REFUSAL REASON

1. R.21A Unsuitable design regarding a listed building.
The proposal fails to respect the special characteristics of the listed building.

4) UTT/1438/01/FUL – APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
2. C.3.1. In accordance with approved drawings.
3. C.6.2. Withdrawal of permitted development rights.

5) UTT/1439/01/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Standard time limit.
2. C.3.1. In accordance with approved drawings & reason (a).
- 3-10: Design details.

UTT/1578/01/OP – NEWPORT

Erection of agriculturally tied dwelling.
Whiteditch Farm. GR/TL: 511-349. A A Hudson.
Case Officer: Charmain Harbour 01799 510458
Expiry Date: 7 February

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

DESCRIPTION OF SITE: The site is located between the settlements of Wendens Ambo and Newport. The farm consists of 280ha (700 acres) of arable land. This is bound to the west by the M11, to the north by Rookery Lane in Wendens Ambo, to the east by London Road B1383 and it encircles Newport to the south and extends as far as North Hall Road Widdington. The farmhouse of Whitehall Farm no longer exists, having been demolished in the 1970's, but was located close to the proposed farmhouse site in the complex of current agricultural buildings relating to the farmland.

DESCRIPTION OF PROPOSAL: The proposal is to erect a new farmhouse in close proximity to the barns. This is a remote location accessed via a 1.1km (1.5 mile) farm track which has its principal access point from Rookery Lane and a secondary from Newport via Whiteditch Lane. Outline permission is sought with details of the siting, means of access and landscaping provided for consideration. The site is on a ridge of land, which falls down towards the east and the London Road. The M11 is in a cutting to the west and is not visible from the site. The house and garage would be located adjacent to some older wooden barns

on the site and would be screened to the north by an existing copse of trees. A new hedge is proposed to the north and western boundaries of the farmhouse curtilage.

The new dwelling would provide accommodation for Mr & Mrs Hill who farm the land, their two sons, one of whom is a partner in the business and Mrs Hill's mother. They are seeking a location adjacent to the farm buildings primarily for security reasons, to provide care of the farm property and machinery at close hand as outlined in more detail in their supporting statement. There is no livestock on the holding.

APPLICANT'S CASE: Please see supporting statement and letter dated 10 January 2002 attached at end of Schedule.

RELEVANT HISTORY: There is no planning history relating specifically to the site of the farmhouse but the application must be considered in the wider context of the history of the farm as a whole. The land originally formed a larger holding, which included land on the other side of the M11, which was farmed from Bulse Farm in Wendens Ambo (now known as Bulse Grange). The farm was sold in 1990 to the Joslins. An agricultural restriction existed on the main farmhouse, which dated from 1972. In 1994 planning permission was granted to remove this agricultural restriction and this was transferred via the provisions of a Legal Agreement onto a property known as The Studio. In 1997 the farmland was sold in three lots with the original farmhouse retaining only a small acreage of land and the farm buildings. The farmland has been sold a further twice the latter sale bringing it into Mr & Mrs Hill's ownership. The Studio is now known as Wendens Grange and this is rented out by the current owners of Bulse Grange.

Members will recall a report was discussed at the Committee meeting held on 17 December 2001 seeking a deed of discharge from the agricultural tie in the legal Agreement. This was agreed, as evidence was submitted demonstrating the dwelling was surplus to requirements. The barns adjacent to the Grange are not used in connection with Whiteditch Farm. The applicant has confirmed that the accommodation existing at Wenden Grange would not have met their requirements and in particular they are seeking to be located adjacent to the agricultural buildings.

CONSULTATIONS: Environment Agency: Advisory comments with regard to drainage which would be via a private treatment plant.
Building Surveying: Requirements of B5 Access and Facilities for the Fire Service need to be addressed.

PARISH COUNCIL COMMENTS: To be reported (due 21 January).

REPRESENTATIONS: None. Notification period expired 21 January.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal complies with the following matters relating to:

- 1) **Development in the countryside - ERSP Policies CS2 & C5, and**
- 2) **Agricultural workers' dwellings – PPG7 and ADP Policies S2 & C8, and DLP Policies S7 & Policy H11.**

1) The site is located in a remote location well outside the Development Limits of both Newport and Wendens Ambo, in an area of an entirely rural character. The only existing buildings are four farm barns. The Policy requirements are that there should be strict control on all new building in such locations. The presumption is against allowing a new dwelling

unless it was essentially needed for agricultural purposes. The applicant has put forward a case for the dwelling on the basis of it being required as a farmhouse ancillary to the surrounding 700 acres farmed by them. The existing and emerging Policies set out two tests:

- a) that there is an essential need which can be demonstrated to have a house in this location related to the farming requirements and
- b) the size of the dwelling would relate to the needs of the agricultural enterprise.

a) The farm is not currently a livestock enterprise, so there are no requirements relating to the care and welfare of animals. The case put forward is that the location of the barns without a residential property in close proximity has led to a number of crime incidents and the applicant is seeking to be located close to the barns where the farm machinery and equipment can be monitored. The applicant is considering diversifying into an equestrian enterprise, however more information would be required on this to establish if this would fall into the definition of an agricultural use.

The key issue is whether it is essential for the farm to be serviced by having a farmhouse in this location. The sale of land and previous accommodation associated with this holding has left a situation whereby the land now has no accommodation specifically tied to it. However, without livestock the weight which can be given to the need for a new dwelling in the countryside is reduced.

b) The dwelling would provide accommodation for the three family members currently employed on the farm all of who work full time in the business. The provision of one farmhouse to service all the land identified as forming Whiteditch Farm is considered to be reasonable. The size of the dwelling would be considered in more detail at the reserved matters stage.

2) The guidance contained in PPG 7 (Annex I) states that new permanent dwellings should only be allowed to support existing agricultural activities on well established agricultural units provided that the following criteria are met:

- a) There is a functional need,
- b) the need relates to full time workers,
- c) the unit and the agricultural activity have been established for at least three years,
- d) the need could not be met by another existing dwelling or other existing accommodation in the area and
- e) the proposal meets all other planning considerations including siting and means of access.

a) The functional test can include protection of livestock from theft or injury, but reference is not made to the protection of farm machinery and harvested crops from theft. However, there is clearly a great deal of capital investment in such items and the applicant has cited evidence of recent crimes on both their property and nearby farms.

b) There would be two full-time workers.

c) The applicant has submitted details of the business which was established in 1976 when they held 290 acres. The acquisition of Whiteditch Farm took place in 2000, which more than doubled the size of the farm from original land held, is a material factor.

d) Consideration should be given to the fact a farmhouse was located here in the last twenty years, but has since been demolished so the planning benefits of this have been abandoned.

e) The proposal has to be considered on its merits with regard to the siting, access and landscape screening proposed. The dwelling would not be on the highest part of the ridge and the siting has been selected to use the existing copse and range of barns as screening. Access is via a metalled single-track private road.

CONCLUSIONS: On balance, it is considered that the case to justify an isolated dwelling in the countryside for specific agricultural purposes would meet the Development Plan Policies and tests set out in PPG7. Any new dwelling should be tied to the identified farmland, to seek to prevent the sale of all or part of this land independent to the farm, to retain its function as an agricultural dwelling and avoid the circumvention of this linkage. It is proposed that this be secured by condition to create such a link between the identified farmland and the dwelling. In this instance the case put forward is that the dwelling is needed in this location due to the specific layout of the farm. Rather than just seeking to tie the occupancy to someone working in agriculture it is sought to tie the building to being the farmhouse relating to the agricultural land of this unit. This follows the guidance in PPG7 (Annex I Para 119).

RECOMMENDATION: 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.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. C.11.7 Standard vehicle parking facilities.
8. C.5.2. Details of materials to be submitted and agreed.
9. C.6.2. Excluding all rights of permitted development within curtilage of dwellinghouse without further permission.
10. C.18.1.Agricultural occupancy restriction (on this holding).

UTT/1612/01/FUL - WIMBISH
(Referred at Officers' Discretion)

Change of use from agricultural to recreational grazing land and erection of stable block including feed and tack areas.

Land opposite Villa Clemilla, Wimbish Green. GR/TL: 606-353.

Case Officer: Hilary Lock 01799 510486

Expiry Date: 25 January

NOTATION: ADP and DLP: Countryside Outside Development Limits

DESCRIPTION OF SITE: The site is located in open countryside on the eastern edge of the scattered hamlet of Wimbish Green. It comprises a 1.5ha (3.72 acres) field at the south-eastern corner of the junction of Top Road and Donkey Road. It has been fenced to create two paddocks and a gallop area around the perimeter. Vehicular access onto Top Road is in the eastern corner. The site is adjacent to farmland and sporadic housing.

DESCRIPTION OF PROPOSAL: The proposal is to change the use of the land from agriculture to paddocks and construct stable buildings. The stables would form an 'L' shaped block in the south western corner of the site, 5m from the Donkey Road frontage and 5.5m from the southern boundary. The block would have a footprint of 34.5m x 7.35m and 13m x 6.5m and height of 8.05m. It would be of oak frame construction, with handmade brick plinth and internal walls, lime plaster panels and the roof would be of handmade plain

clay tiles. It would provide five stables, a feed room, tack room, hay store, grooming and foaling area. There would be openings to the front and rear of the stables. Native planting to boundaries has been ongoing since 1999. The applicant advises that the stables would be for the keeping of and breeding from their four Lipizzaner horses. Supervision would be from Moor End stables at Great Sampford during the week, and by the applicant (based in Bishops Stortford) at weekends.

APPLICANT'S CASE: A detailed supporting statement has been submitted by the applicant (which is available at the Dunmow Offices). In summary, the design and materials are based on Thaxted Guildhall, and seek to provide an attractive building in keeping with the best local architecture. Building dimensions are based on equestrian guidelines, and the particular requirements of Lipizzaner horses. The position of the stables was chosen for security reasons and to avoid a power cable. Extensive planting has been undertaken to attract wildlife and provide screen. The site is mostly screened from residents. The surrounding countryside is flat and not open to distant views, with extensive screening. Grazing and stabling already exists in the vicinity, and the proposal is compatible with adjoining land uses. Information is provided on the history of the Lipizzaner. The proposal would contribute to local employment during construction and long-term maintenance and husbandry. See additional information provided in the applicant's letter dated 11 January attached at end of Schedule.

CONSULTATIONS: Environmental Services: No adverse comments. Grazing area seems adequate and would not be overcrowded. Horses do not need constant supervision for general care. Recommend conditions to ensure no burning of waste on site, and to control lighting.

Policy Advice: No policy objection in principle to erecting stables in countryside location, but this is a large scheme. The well-being of the horses needs to be considered against the impact on the surrounding area. Concern that value of horses and intention to breed will lead to pressure for dwelling on site in future, which would be contrary to policy. Building too large and design over elaborate and complicated.

PARISH COUNCIL COMMENTS: Unanimous opposition. Land is Grade 2 agricultural land. Outside Development Limits. Proposed plan is not creditable. The development is totally inappropriate for the area and size of land to be built on. Building size is more consistent for commercial use than recreational and sufficient grazing will not remain if the proposed building is erected. Positioning suggests alternative access could be applied for at later date. Concerned that application states that horses will require constant supervision, suggesting that living accommodation may be applied for. Contrary to Policy GEN2 (Flood Protection) - as drainage in area is substandard and houses have flooded. Extra development would add to problem as land is heavy clay and very flat. Contrary to Policy GEN5 (Light Pollution) - proposed security lights and camera would spoil rural location. Concerned at noise, smell and light pollution. 13 residents attended meeting and strongly opposed proposal.

REPRESENTATIONS: This application has been advertised as likely to affect a wide area and 14 representations have been received. Period expired 3 January

Objections: Land is Grade 2 agricultural greenfield site and owner must have known change of use would not normally be granted by Council. No justification to deviate from policy, and would set a precedent for similar harmful developments. If permission granted, will dwelling be needed to supervise animals? Important equestrian development would generate extra traffic from horse boxes, feed and waste lorries, and congest local lanes and cause hazards to children, walkers and cyclists. Affect free movement of farm traffic. Increased noise. Outside Development Limits. Excessive size, proportions and grandeur of building. Materials more appropriate to dwelling or commercial building. Design is totally alien to area and has

no features in common with local Wimbish buildings, but poor pastiche of medieval building. Visual intrusion and inadequate screening. Will increase flooding as existing ditch system not adequate to cope with existing farmland. Health hazard from effluent in ditches. Light and air pollution. Must consider future implications. Contrary to PPG7 and Council's own policies. Applicant intends to build dwelling on site, and case could be made if permission granted for stables. Could convert part of stables to dwelling. Grazing land insufficient for size of building, and any grazing off site or importation of feed will add to traffic. House and stables for sale at Villa Clemilla. Inadequate infrastructure. Lipizzaners not as valuable as claimed by applicant. Loss of amenity from noise, activity and disturbance. Incompatible with low-key area. Proposed siting would cause more loss of amenity and access problems than if sited on Top Road frontage. Agriculture would provide more employment than the proposed use. Misinformation given about needs of Lipizzaners.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would:

- 1) be an acceptable form of development in the countryside, given the size, scale and design and purpose of the proposed building (Annex F 'Development Involving Horses' to Planning PPG7, ERSP Policies CS2, C5, & NR8; ADP Policies S2, C1, C4, & DC1; and DLP Policies S7, GEN2, GEN8, E3, ENV4),**
- 2) have an adverse impact on residential amenity (ADP Policy DC14; DLP Policy GEN4) and**
- 3) have any traffic implications (ERSP T1; ADP Policy T1; DLP Policy GEN1).**

1) The principle of equestrian uses in the countryside is accepted, and low-key stabling for domestic horses is commonplace throughout the District. Although Grade 2 agricultural land, this is now separate from any holding, and its size and location make it appropriate in principle for a change of use of this nature. However, there is a general presumption against new buildings in the countryside, and where exceptionally permitted they should be of a scale and design such that the rural setting is not adversely affected. In this case, the proposed building would be large (338sqm) on what is currently an extremely open site (the planting would take some years to be an effective screen). The design is considered over-elaborate for a rural equestrian building, and wholly out of keeping with its setting. It is based on an important building in Thaxted, but these features are alien to this more open rural part of the District.

The applicant advises that the proposal is for his own recreational purpose, but the supporting information indicates that long term plans are for the site to be an important centre for the breeding, training and display of Lipizzaner horses. Equestrian centres are most suited to rural areas, but a greenfield site devoid of existing buildings is not considered appropriate for the setting up of such a use. Although this application must be determined on its own merits, the long term plans of the applicant raise concerns that residential occupation on site would be necessary in the future given the value of the horses and the intention to breed. In the light of this it would be unwise for the local authority to grant permission for such a large and permanent development as now proposed in the knowledge that a dwelling on the site would be contrary to the Council's policies.

2) There is sporadic housing within the vicinity of the site, but the Council's Environmental Services Officers are satisfied that the siting and recreational use would not give rise to loss of amenity to residents.

3) The site currently has a substandard access in the opposite corner of the site to the proposed building. Use by the applicant to maintain his own 4/5 horses would not generate significant traffic movements, but there is concern that this access and the local highway

network would be adversely affected should this site become the centre of excellence which the applicant hopes to achieve. In addition, the existing access point is not logical relative to the proposed siting of the building, but a separate access from Donkey Road would not be desirable for highway safety and amenity reasons.

CONCLUSION: Although there can be no objection in principle to the use of the land for the stabling of domestic horses, the proposed building is considered excessive in size and its design would be visually intrusive and inappropriate in this rural location. The applicant's stated long-term hopes for the site suggest that this would develop to levels beyond recreational stabling, and raise concerns about the suitability of this site for equestrian use of this nature. If permission were granted for the proposed stables, it would be difficult to resist applications for a dwelling, additional horse facilities, and improved access, all of which would adversely affect the rural character and appearance of the site and its setting.

RECOMMENDATION: REFUSAL REASON

Contrary to ERSP Policies CS2, C5, and T3, ADP Policies S2, C4, T1, DC1 and DC14 and DLP Policies S7, E3, GEN1, GEN2, GEN4 & GEN8. The proposed stable building is considered unacceptable in this rural location by virtue of its excessive size, over-elaborate design and detailing, and would be totally out of keeping with its setting. The form and size of the building and the applicants supporting information suggest that the long term plans for the site are beyond recreational use. Use of this site for commercial equestrian activity would be wholly unsuitable in terms of residential amenity, pressure on the limited local highway network, and the rural character and appearance of the area. Although considered unacceptable on its own merits for recreational purposes, if permitted the proposal would make it difficult for the local authority to resist a future request for a dwelling, additional horse facilities and improved access on site, all of which would have an adverse impact on the rural character and appearance of the area.

UTT/1622/01/FUL – LINDSELL

Change of use of agricultural building to B1 (Business) Use
Unit 5 Brickhouse Farm. GR/TL: 637-289. Scott Canton.
Case Officer: Michael Ovenden 01799 510476
Expiry Date: 11 February

NOTATION: ADP and DLP: Outside Development Limit

DESCRIPTION OF SITE: The site is located at Holders Green, to the north of the main part of the village. The site fronts a public highway, which also serves a few dwellings. The building appears to be structurally sound and measures approximately 30m by 9m, (270 sqm) is 3m to eaves and 5.5m to the central ridgeline. To the north and west is a dwelling and its garden and to the south is a small low walled yard measuring 6.3m by the length of the building which is within the site, then an adjacent field before a small group of former agricultural buildings already in commercial use.

DESCRIPTION OF PROPOSAL: The proposal is to use the building for B8 (storage or distribution) for the applicant's furniture business and provide a small ancillary office all within the building.

APPLICANT'S CASE: See letter dated 27 November 2001 attached at end of schedule.

PARISH COUNCIL COMMENTS: To be reported (due 21 January).

REPRESENTATIONS: Any received will be reported. Notification period expired 30 January.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would:

- 1) **be an appropriate reuse of a rural building - ERSP Policy RE2, ADP Policy C5 and DLP Policy E4 and**
- 2) **have sufficient car parking on site - ERSP Policy T12 and ADP Policy T2.**

1) This building is located outside any Settlement Boundary and therefore can be considered to be rural. Both Policy RE2 and national policy have a preference for commercial reuse of such buildings over residential conversion. RE2 has three main requirements and C5 has similar requirements.

a) *The buildings should be capable of conversion.* The building appears to be in good condition and structurally capable of conversion.

b) *The reuse would not adversely affect the amenity of the countryside including through the introduction of significant additional activity and traffic.* The proposed storage use appears to be relatively low key. The public have access passed the site via the adjacent public highway. All storage and working can be conditioned to stay within the building. The reuse of buildings brings with it a need for parking and some amount of comings and goings. The applicant envisages three container deliveries between February to July and a total of 4 vehicles going to the site each day. Activities are proposed to occur within the hours 0900 to 1730 Monday to Friday only.

c) *The scale of activity does not prejudice town or village vitality.* These activities are not of the scale that would prejudice the vitality of other settlements.

2) The adopted parking standards require three spaces and 1 for every 280m² (4 spaces). The recently revised EPOA parking standards would require 2 spaces for B8 purposes (1 space per 150 m²), plus parking and turning facilities of service and delivery vehicles. Each could be accommodated within the yard although there would be some conflict between parking and delivery vehicles when the infrequent deliveries occur. Whilst the classification of activities into use classes has implications for the uses themselves, it does not indicate anything about the size of number of vehicles calling at the site. However, the applicant has referred to 'container deliveries' indicating that large lorries would travel to the site at least occasionally. Given the three deliveries mentioned in the application, this is considered to be acceptable.

CONCLUSION: The proposed reuse is considered to be acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
2. C.3.1. To be implemented In accordance with approved plans.
3. C.8.1. No outdoor working.
4. C.9.1. No outdoor storage.
5. This building shall not be used other than for either agricultural activities or such non-agricultural activities carried out by Scott Canton as hereby permitted for use of the building for the storage of furniture.
Reason: A general B8 storage use may attract a level of traffic movements and vehicles of a size which would be inappropriate for this rural location.C.6.8. Excluding Permitted Development Rights for extensions.
6. C.6.8. Excluding Permitted Development Rights for extensions.

UTT/1671/01/FUL – GREAT DUNMOW

Proposed extension to provide 22 new bedrooms, dining room and ancillary services Redbond Lodge Elderly Persons Home, Chequers Lane. GR/TL: 625-218. Runwood Homes PLC.

Case Officer: Michael Ovenden 01799 510476

Expiry Date: 5 February

NOTATION: ADP and DLP: Within Development Limits

DESCRIPTION OF SITE: The site is located off Chequers Lane in the western part of the town, immediately to the east of the High Stile school. Currently on site is an established elderly persons' home with 32 bedrooms in both two-storey and single-storey elements. This eastern part of the site is currently laid to grass with a few trees and gently falls away to the east corner where it abuts residential properties in Standrums.

DESCRIPTION OF PROPOSAL: This proposal is to erect an L-shaped single-storey extension with 22 additional bedrooms, 2 bathrooms, a day room and a conservatory. Various internal alterations to the existing building are also proposed, but these do not amount to development requiring planning permission. The resultant building would have 55 bed spaces. The proposed extension would be L-shaped, with each leg being 10m wide, except the last 7m, which would be 6m wide. The majority of this length would be under a shallow hipped pitched roof exceeding 5m in height. The site narrows towards its northern end. There is a strip of footpath approximately 2m running down the eastern side marked on one side by chain link fencing and on the other by close-board fence. The applicant shows this strip to be within the site, although neighbours dispute this. The extension is proposed to be sited 7m from this disputed strip at the south end, down to 2m at its closest point.

TOWN COUNCIL COMMENTS: None (Due 14 January).

REPRESENTATIONS: Two. Notification period expired 31 January.

1. Object: Reduction of natural light during the daytime. Light pollution during hours of darkness. Noise. Intrusion of privacy, both for ourselves and the proposed new residents of Redbond Lodge. Extra traffic along Chequers Lane from the additional residents, visitors, staff and service vehicles.
2. See letter dated 14 January attached at end of schedule.

PLANNING CONSIDERATIONS:

The main issues are

- 1) **the impact on the amenity of neighbours in accordance with ADP Policy DC14 and**
- 2) **whether the proposal would provide adequate parking spaces (in accordance with ERSP Policy T12 and ADP Policy T2).**

1) This proposal would be overbearing on the reasonable use of 3 of the neighbouring properties and their modest gardens. This eastern elevation would have windows to six bedrooms, a day room and a conservatory. Given higher ground and that the proposed floor level is shown to be 200 mm above ground, this would be likely to give rise to unacceptable overlooking from the bedrooms, dayroom and conservatory.

2) According to planning records there is permission for 36 bed spaces in a mixture of single and double rooms, although only 32 are shown on the drawings. The adopted and revised EPOA parking standards require 1 space per 3 units of accommodation and two per unit of staff accommodation. This would require 10 spaces for the current activities and the proposed 55 units would require 18 spaces. Fourteen spaces are shown on the site plan, which is short of the required number although enough land is available within the site to provide four more spaces. The on-site parking facilities are insufficient on some days when visitors park in Chequers Lane. The proposal would use land that is currently available for residents to use for sitting outside, although there is an enclosed garden in the centre of the block. This would be eroded by the erection of the extension and the provision of additional car parking.

CONCLUSION: The proposal would unacceptably affect the reasonable occupation of adjacent residential properties and lead to the need to provide additional car parking facilities. A revised scheme to extend at the western side of the complex may be considered more favourably.

RECOMMENDATION: REFUSAL REASONS

1. R24. Contrary to Policy DC14 – General Amenity
The proposal would be unacceptable because it would result in the erection of a large extension close to the common boundary with adjacent residential properties thereby unacceptably affecting the reasonable enjoyment of these properties by being overbearing and cause overlooking due to the provision of windows to day and bedrooms and the erection of a conservatory.
2. R.18. Contrary to Policy T2(A) – Car parking standards not met.
The proposal would be unacceptable because it would result in the need to provide 4 additional car parking spaces which are not shown to be provided.

UTT/1531/01/FUL - TAKELEY

Redevelopment to provide four buildings for office use with associated internal roads, vehicle parking and landscaping.
Old House Farm: GR/TL: 558-221. Rosper Estates Ltd.
Case Officer: David Jeater 01799 510464
Expiry Date: 17 January 2002

NOTATION: ADP & DLP: Outside Development Limits/Within Stansted Airport Countryside Protection Zone & Area of Special Landscape Value/Listed Building

DESCRIPTION OF SITE: The site is an area of 1.93 ha (4.9 acres) on the western side of Parsonage Road, roughly midway between Takeley and the airport perimeter. It is occupied by a Grade II listed, early nineteenth century farmhouse of brick and slate, which is currently vacant, and some nine undistinguished, mainly twentieth century, farm buildings. These outbuildings have a total floorspace of some 2,550 sq m, most with established or permitted light industrial and storage uses. In recent months some of these premises have fallen vacant. The site is mainly surrounded by open fields, most of which were under crops last year. The line of the new A.120 runs to the south of the site, in a shallow cutting with Parsonage Road flying over.

DESCRIPTION OF PROPOSAL: The proposal involves the clearance of almost all the old farm buildings, and on land thus vacated and on open land to the west, the erection of four office buildings, each of two-storeys. These will be about 9.5m in height, with asymmetrical pitched metal clad roofs and timber clad and glazed elevations. These buildings would have a total floorspace of 2,480 sq m. The submitted plans show some sixty-four car parking spaces, and storage for 56 cycles. Planting proposals have also been submitted. The proposal involves a new access onto Parsonage Road, but this would be diverted some 12m to the north and west to achieve an overbridge above the A120.

APPLICANT'S CASE: See Design Statement attached at end of schedule.

RELEVANT HISTORY: Eleven applications were made between 1992 and 2000 relating to changes of use of the farm outbuildings to commercial, industrial and storage, mostly granted.

CONSULTATIONS: Design Advice: The house at Old House Farm is an early nineteenth century building which was once probably surrounded by contemporary farm buildings in the style of a model farm; these historic outbuildings no longer exist. The more modern structures now proposed would not be unusual in the countryside but are nevertheless unsightly and would not enhance the setting of the listed farmhouse. They would also have a significantly adverse effect on the rural landscape. However, the design of the new units would be unsatisfactory, because of their size, uniformity and industrial appearance. They would be likely to have an overpowering effect on the farmhouse and would not appear to be ancillary to it. Alternatively, a selection of single and two-storey weatherboarded buildings with clay plain tiled roofs would enhance the setting of the building and the quality of the immediate landscape.

Policy Advice: Although the proposed development would have the benefit of removing the dilapidated buildings and providing enhanced landscaping, it lies within the Airport Countryside Protection Zone, where new buildings which promote coalescence and affect the open characteristics of the Zone will not be permitted. The proposed buildings would extend the developed part of the site to the south and west of the current complex, contrary to Policy S4. The structure plan and national guidance seek to direct development toward urban areas. The proposal would be, in effect, a high density development on a rural road, and this location would not be appropriate for such a use. The site is currently a mix of farm buildings, which are of little environmental merit, but these are commonplace in the countryside, and are not, therefore, particularly intrusive. The proposal involves four office blocks of modern design which would introduce urban characteristics into a rural location.

Essex Police: The positioning of the main buildings would not allow for the surveillance of open spaces or car parking to the rear. The provision of perimeter fencing could be addressed if the present natural planting was not dense enough to prevent easy access.

PARISH COUNCIL COMMENTS: Objects to proposal because [a] it would be in breach of Policy S4 in the District Plan and would lead to coalescence with the airport; [b] it would not be in scale with the remaining house, and would adversely affect its setting and [c] it would not involve the re-use of the existing rural buildings as allowed for in Policy C5 in the District Plan, but their removal and redevelopment.

REPRESENTATIONS: These applications have been advertised as of wider concern, involving a departure from the Development Plan and likely to affect setting of a Listed Building. No representations have been received. Period expired 20 December 2001.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal

- 1) would breach policy relating to the airport protection zone (ERSP Policy CS1, ADP Policy S4 and DLP Policy S8) and**
- 2) would adversely affect the setting of the listed farmhouse (ADP Policies DC1 & 5).**

1) Policy S4 states that within the Protection Zone new buildings and uses which promote coalescence between the airport and the surrounding countryside or which adversely affect its open characteristics will not be permitted. The deposit plan has a similar policy. The preamble to this policy in the adopted plan refers specifically to the change of use farm outbuildings in this Zone and explains the case against new development expanding beyond the confines of the existing buildings. This approach is consistent with Structure Plan Policy CS1 and point 5 in Policy CS3, that new economic development should, wherever possible, be concentrated within urban areas, or grouped together where this is acceptable.

This site is a prominent one, although it is partly screened by trees on its northern and southern sides. It stands in open countryside, looking across the low valley of the Pincey Brook towards the airport. This openness will be reduced to a certain extent by the construction of the A120 to the south. Close to the application site, however, the road will be in a cutting about 4m deep, and Parsonage Road will be on an embankment about 4m high. The application site is well managed, with maintained grounds and adequate car parking areas properly laid out. However, the appearance of the existing ex-farm outbuildings is unsatisfactory on this prominent site, but this circumstance is common throughout the District. Only two of the existing buildings are of a height similar to those proposed. Additionally the extent of built development would extend some 15-30m further west than the existing. On the specific matter of the Airport Protection Zone, it is concluded, therefore, that the proposed modern buildings, by reason of their additional height, appearance and extent would promote coalescence between the airport and would adversely affect the open characteristics of the Zone.

2) As with many other farms, the listed farmhouse in this case is seen from the road against a backdrop of undistinguished outbuildings, now in low-key commercial uses. The closest of these, single-storeyed, is some 12m distant. The proposal would enable the farmhouse to be seen more as a freestanding building, with the nearest of the proposed structures at a distance of 50m. To that extent the proposal could be said to improve the setting of the Listed Building. However, the new buildings would be higher than the house, of a uniform appearance repeated from block to block, with a pronounced horizontal emphasis to their facades. They would be surrounded during the daytime by parked cars. Although the planting scheme proposed would in due time screen some of the buildings from the house, it is unlikely that this would counteract the cumulatively dominant effect of the scheme. It is concluded, therefore, that the proposal would not be in keeping with the scale, character and surroundings of the Listed Building.

CONCLUSION: The decision on this proposal involves reaching a balanced judgment between its pros and cons. As occurs elsewhere in the District, the uses and appearance of existing buildings are visually unfortunate and provide a poor setting for the listed farmhouse. However, it is considered that no great weight should be attached to remedying this. The scheme submitted involves a significant breach of structure and local plan policies on the location of new employment, and would have the effect of increasing the prominence of development on this site in its countryside setting. An alternative scheme has been suggested. The encouragement for employment in rural areas expressed in the

Development Plan should extend only to the conversion of existing buildings, not their replacement, especially so close to Stansted Airport. The proposed buildings would also dominate the Listed Building.

RECOMMENDATION: REFUSAL REASONS

1. Contrary to Policy S4 in the Adopted District Plan.
The proposal would be unacceptable because it would involve the erection of new buildings, extending onto open land, unrelated to agriculture or forestry, on a prominent site which would adversely affect the open character of the Countryside Protection Zone around Stansted Airport, and would lead towards the coalescence between the airport and surrounding settlements contrary to Policy S4 in the Uttlesford District Plan.
2. Contrary to Policy CS1 in the Essex and Southend-on-Sea Replacement Structure Plan.
The proposal would be unacceptable because it would involve the siting of a sizeable new economic development outside the built up area.
3. Contrary to Policies DC1 and DC5 in the Adopted District Plan.
The proposal would be unacceptable because it would involve the erection of new buildings and associated vehicle parking areas which by reason of their size, uniformity and appearance would adversely affect the setting of the listed farmhouse on the site

UTT/1550/01/FUL - TAKELEY

Erection of two-storey building to provide offices and new business centre
Parsonage Road. GR/TL: 561-217. Weston Homes PLC.
Case Officer: David Jeater 01799 510464
Expiry Date: 10 January

NOTATION: ADP and DLP: Within Development Limits

DESCRIPTION OF SITE: The site covers some 0.65ha (1.7 acres) on the eastern side of Parsonage Road, near the northern edge of the village. It is currently occupied by vacant light industrial buildings, formerly occupied by Neotronics and more recently by Zellweger Analytics. To the north is another site of similar size also occupied by a two-storey office building. The site backs on to open fields, to the south is housing beyond a narrow public footpath and there are houses on the opposite side of Parsonage Road.

DESCRIPTION OF PROPOSAL: The proposal is for a glass-fronted office building of modern design with a total of 3,900 sq m of floorspace on two floors. 92 car parking spaces would be accessed via the current entry point onto Parsonage Road.

APPLICANT'S CASE: The proposal is for a purpose designed office headquarters for Weston Homes PLC, currently based in Bishops Stortford, and for accommodation for a new business centre to be managed by Weston Homes. We are committed to provide a bus pick-up service which will run a regular circulatory route between Takeley, Airport Terminal and individual requests. This can be required by a Section 106 Agreement.

RELEVANT HISTORY: The existing factory on this site was allowed on appeal in 1977 and extensions permitted in 1980, 1984 and 1993, including additional car parking. Planning permission was granted in 1987 for the redevelopment of the site for office purposes, but this was not implemented. An application for residential development was refused in April 2001,

on grounds of loss of employment land. Outline planning permission was granted in October 2001 for a two-storey building with 2,600 sq m of floorspace for business purposes [Class B1].

CONSULTATIONS: Environmental Services: Conditions could be imposed to deal with possible noise affecting housing nearby from the proposed plant rooms on the site, and from traffic entering and leaving the site.

ECC Transportation: Insufficient information is provided within the application to demonstrate to the satisfaction of this authority that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway capacity or safety.

PARISH COUNCIL COMMENTS: No objections: condition should be imposed limiting hours to 0800-1900 hr on Monday to Friday.

REPRESENTATIONS: This application has been advertised as likely to affect a wide area and no representations have been received. Period expired 28 December 2001.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would be acceptable, having regard to the following Development Plan Policies:

- 1) **Location of Future Employment (ERSP Policy BIW3, ADP Policy E1 and DLP Policies E1 and 2),**
- 2) **Design of Development (ADP Policy DC1 and DLP Policy GEN2),**
- 3) **Traffic and Car Parking (ADP Policies T1 & 2 and DLP Policies GEN1 & 9) and**
- 4) **General Amenity (ADP Policy DC14 and DLP Policy GEN4).**

1) Policy E1 seeks to concentrate new industrial and employment uses in the larger towns and at Stansted Airport. Additionally however, it permits uses of an appropriate scale and type in other settlements, provided there is no conflict with other policies, such as amenity. Policy E2 seeks to retain employment areas of 0.5ha in key rural settlements, including Takeley. Policy BIW3 states that local plans should give priority to re-using for employment previously developed employment land in urban areas. The proposal is consistent with these policies.

2) Policy S1 accepts development proposals that are not detrimental to any important environmental or visual characteristic of the locality, and Policy DC1 requires that proposals should respect the scale, proportions and appearance of buildings in the locality. There are similar policies in the Deposit Plan. The proposal is for an office building of a modern design which would enhance the character of the locality. The scheme proposed is of two-storeys, with a ridge height at 12m, not dissimilar to the office building to the north.

3) The Council's current standards require a minimum of one car parking space per 30 sq m of floorspace, giving a requirement of 130 parking spaces. In the deposit plan, one space per 35 sq m of floorspace is required, totalling 112 spaces. The submitted plans show 92 spaces, ie. 20 short of the revised requirement. In the interests of sustainability, it is recommended that a Travel to Work Plan be part of a Section 106 Agreement to secure a level of journeys which minimised use of the car (as at Chesterford Park at the last meeting).

4) Although rather taller than the general height of housing nearby, the nearest house would be some 18m distant from the proposed building, beyond boundary hedges, and some 35m from the ridge of the new building. Housing on the opposite side of Parsonage Road would be at a similar distance as Skyway House, the adjoining office building. Though

distinctive, the building would not be unduly dominant in relation to the adjacent housing. Conditions safeguarding residents from disturbance should be attached.

CONCLUSION: This is a good scheme worthy of support.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND SECTION 106 AGREEMENT

Subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 in relation to the provision of a Travel to Work Plan to provide transport for employees.

1. C.2.1. Time limit of commencement of development
2. C.3.1. To be implemented in accordance with approved plans
3. C.4.1. Scheme of landscaping to be submitted and agreed
4. C.4.2. Implementation of landscaping
5. C.8.6. Insulation of plan room buildings
6. C.8.12. Boundary noise levels
7. C.8.4. No deliveries except during hours: 0730-19.00 Mon-Fri
0800-18.00 Sat. Not at all on Sundays or Bank and Public Holidays
8. C.8.15. Restriction of hours of operation: (as per condition 7)
9. C.9.1. No outdoor storage
10. C.11.1. Car parking facilities to be provided

UTT/1575/01/FUL - STANSTED

Change of use from office to dwelling
Stansted Mountfitchet Station House, Station Road. GR.TL: 514-248. West Anglia Gt Northern (WAGN) Ltd.
Case Officer: Michelle Guppy 01799 510477
Expiry Date: 28 January

NOTATION: ADP: Within Development Limits, Conservation Area and Town Centre. DLP: Within Development Limits and Conservation Area

DESCRIPTION OF SITE: The site is located in the centre of the village at the end of Station Road, adjoining the platform and station buildings at Stansted Mountfitchet Railway Station. There is a mixture of commercial and residential uses in the area, including hot food outlets, an office and a car dealership.

DESCRIPTION OF PROPOSAL: The proposal is to convert the 'Station House' to a residential use. It is currently vacant offices. The property was originally built as a dwelling for employees of the railway. The development involves no works to the exterior of the building. The application site includes an area to the west of the building which is currently laid out for car parking for approximately 2 cars.

CONSULTATIONS: Environmental Services: Concerns over proximity to railway line in relation to noise.

PARISH COUNCIL COMMENTS: Welcome this change of use.

REPRESENTATIONS: None. Notification period expired 27 December 2001.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would be acceptable in terms of:

- 1) the appropriateness of its location for residential development. (ERSP Policy H2 and ADP Policy S1),
- 2) the residential amenity of future occupiers with regard to the railway line and location, and effect on existing residential amenity (ERSP Policy BE6, ADP Policies DC14 & N2 and DLP Policies GEN4 & ENV10) and
- 3) amenity area and parking spaces (ERSP Policy T12, ADP Policy T2 and DLP Policy GEN9).

1) The building’s original and intended use was residential and the property would have been occupied by the Station Master. The proposed reversion to residential would be an appropriate reuse of an existing building within an urban area, which provides limited shopping outlets, some public transport in the form of buses and a rail line to London, and community facilities.

2) The proposal should not be detrimental to the amenity of existing residential development. The occupiers of the property should not be unreasonably overlooked by surrounding properties and should have adequate light. They might suffer some loss of amenity by reason of noise and vibrations from the railway line due to the close proximity of the dwelling to the line. However, it is likely that such a property would be occupied by employees of the railway or a railway enthusiast who would rate such proximity to the railway line as a benefit. There are other residential properties in the vicinity which are occupied, therefore the level of activity in this location is not unacceptable.

3) The proposal provides 2 car parking spaces/small amenity area. Use of the property for residential instead of offices should not result in the generation of additional traffic to the detriment of highway safety or cause a shortfall in parking provision.

CONCLUSION: On balance as the proposal is for reinstatement of the use for which the building was originally intended and used, it is acceptable.

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.11.1. Car parking/amenity open space to be provided

UTT/1583/01/FUL – HIGH EASTER

Erection of dwelling house
Land between “The Cottage” and Foxwood, Pleshey Road. GR/TL: 625-148.
Mr K Robinson
Case Officer: David Jeater 01799 510464
Expiry Date: 21 January

NOTATION: ADP & DLP: Within Development Limits / Adjacent to Listed Building.

DESCRIPTION OF SITE: The site is located at the eastern end of the village on the southern side of Pleshey Road. It used to form part of the curtilage to “Michael Cottage”

(also known as "The Cottage"), a thatched listed building situated on the back of footpath to the west. The plot has a frontage of 15m and a depth averaging 38m.

DESCRIPTION OF PROPOSAL: This revised proposal is to erect a 1.5 storey 3-bedroomed dwelling 6.7m high, which appears from the applicant's street scene to be roughly the same height as "Michael Cottage". The new dwelling would be set down slightly to match the listed building. There would now be an integral garage, instead of a separate one. The dwelling would be constructed of rendered walls above a brick plinth, with painted boarding under a tiled roof. The front of the site would be made up to footpath level to match the modern dwelling to the east. There would be adequate parking, turning and amenity areas.

APPLICANT'S CASE: See agent's letter dated 16 November 2001 attached at end of schedule.

RELEVANT HISTORY: Dwelling refused in 1984 and 1989 – appeal dismissed in 1990 for reasons of adverse effect on setting of and outlook from adjacent listed building, loss of gap in road frontage and much of front hedge, resulting in increase of continuity of ribbon development seriously detracting from rural nature of surroundings. Change of use of land at rear from agricultural to garden approved subsequently. Two-storey 3-bedroomed dwelling and garage refused in 1999 and appeal dismissed for reasons of undermining the rural appearance of the locality and harming the setting of the listed building.

CONSULTATIONS: Design Advice: Object – new dwelling would adversely affect setting of adjacent listed building.

Environment Agency: no objections subject to conditions.

Drainage Advice: to be reported (due 2 January).

PARISH COUNCIL COMMENTS: Unanimously opposed. General concern that the 'building footprint' is too large for the site in question and it would clearly dwarf the adjacent listed building known as 'The Cottage'. There is also the question of the ridge height of 'The Cottage' being drawn far higher than is actually seen. The size of the proposed development as well as the height would only enhance the situation given the hard surface finishes proposed with the roof tiles against the thatch of 'The Cottage'. Very concerned that the building line has been pushed back far beyond that of all nearby properties, which would have a detrimental effect on that part of the village design. Serious concerns that this site is known to flood, the proposed development would not answer the problem and may only aggravate the situation. Worried that the removal of certain mature trees close to the boundary of 'Foxwood' could cause subsidence problems to the side elevation of the property at a later date.

REPRESENTATIONS: This application has been advertised as likely to affect the setting of a listed building and 2 representations have been received. Period expired 27 December 2001.

1. Objections in the strongest possible terms. The proposed new dwelling has now been moved back, and up, from its original location. This new position would mean that "Michael Cottage" will be boxed in on either side by two modern two-storey dwellings. On the proposed development side the cottage would be overlooked directly into three main living areas and a bedroom. This would seriously undermine the character of the building and detract from the historic privacy enjoyed by the owners of this property.
2. The proposed building would be on a higher level than the old cottage and as there is quite enough water around the cottage at present there would be a real risk of flooding from any additional water running off on to the land around the cottage from the concrete raft of the proposed development so close by. Thus the cottage would be placed in peril from flooding as it was never designed to have an adjacent building on this particular piece of land.

PLANNING CONSIDERATIONS:

The main issues are whether the two reasons for dismissing the appeal in 2000 have been overcome, ie:

- 1) the dense form of development would destroy the site’s rural appearance (ADP Policy DC1 & DLP Policy GEN2) and
- 2) the height, bulk and scale would dominate the listed building and adversely affect its setting (ERSP Policy HC3, ADP Policy DC5 & DLP Policy ENV2).

1) The Inspector considered that the previous proposal would have been inappropriate because only narrow gaps of 0.5m would remain between the garage and the house and of 1.5m between the garage and the boundary with “Michael Cottage”. The revised plans show a linked garage, so there would now be no gap between the dwelling and the garage. The gap between the linked garage and the boundary with “Michael Cottage” would now be increased to 2.6m. The net effect, therefore, would be to exchange two gaps totalling 2m with one gap of 2.6m. This is not considered to be sufficient to warrant a different decision.

2) The height, bulk and scale of the dwelling have been reduced and would not now dominate the listed building as much as before. Although the garage would be roughly the same distance from the frontage, because it would now be attached the currently proposed dwelling would approach 3m closer to the listed building. It would, therefore, still have an impact on the listed building, especially because of its greater area of roof facing the road by virtue of its physical link with the dwelling. This would still harm the setting of the adjacent listed building, which is a very small scale structure.

COMMENTS ON REPRESENTATIONS: Officers agree with these. The issue about flooding will be addressed when the Drainage Engineer replies.

CONCLUSION: The changes are not sufficient to overcome the previous reasons for dismissal of the appeal.

RECOMMENDATION: REFUSAL REASONS

- 1. Contrary to ADP Policy DC1 and DLP Policy GEN2.
The proposed dwelling would not leave an adequate gap between it and the boundary of “Michael Cottage”. It would appear cramped on this plot and give the appearance of a dense form of development when seen from the street, effectively destroying the site’s existing rural appearance.
- 2. Contrary to ERSP Policy H3, ADP Policy DC5 & DLP Policy ENV2.
The proposed dwelling would have a detrimental effect on the setting of the adjacent listed building by virtue of its proximity to the common boundary and the bulk of the garage roof.

UTT/1655/01/FUL - THAXTED

Erect replacement house. Change of use of agricultural land to domestic garden. Relocation of vehicular access.

Folly Mill Cottage, Folly Mill Lane, Monk Street. GR/TL: 606-287. Mr D Wiggins.

Case Officer: Hilary Lock 01799 510486

Expiry Date: 1 February

NOTATION: ADP: Outside Development Limits/Area of Special Landscape Value/Protected Lane/Adjacent listed buildings/Public Footpath; DLP: Countryside and Outside Development Limits/Protected Lane/Adjacent Listed Buildings/Public Footpath.

DESCRIPTION OF SITE: The site is on the southern side of Folly Mill Lane, west of Monk Street, some 3km (2 miles) south of Thaxted. It is occupied by a house and various outbuildings, and is one of a group of 3 detached houses, the others being listed. It is in a rural location surrounded by fields to the west and south.

DESCRIPTION OF PROPOSAL: This revised proposal is to demolish the existing house and outbuildings, and erect a replacement house. Accommodation would include a cellar. The dwelling would be of oak timber frame construction with a thatched roof, and rendered/exposed frame exterior. It would have a height of 7.4m (plus 1m chimneys), but would be cut into the ground by approximately 800mm to reduce the impact. The footprints of the house and outbuildings to be demolished are 37sqm and 95sqm (132sqm), and for the new property 122 sqm. Vehicular access would be relocated east of the existing to improve visibility, and adequate on-site parking and turning space would be provided. The site would incorporate additional garden land from Folly Mill House, and approximately 0.36ha (0.89 acres) of the adjacent field. Public Footpath no. 54 crosses the site and it is the applicants' intention to apply to divert this to the edge of the site if permission is granted.

APPLICANT'S CASE: main differences from previously withdrawn scheme are that the scale of the proposed house has been reduced, the design finish has been revised, the garage block has been omitted and the site has substantially increased in that area.

RELEVANT HISTORY: Application for replacement house and garages withdrawn November 2001 following a Members' site visit.

CONSULTATIONS: Design Advice: Comments unchanged from previous scheme. Recommend refusal as this replacement dwelling would irretrievably alter the established context of the adjacent listed buildings and be damaging to their setting and the character of the countryside.

ECC Rights of Way: no objection as development would not obstruct the footpath. May be objection to any proposed diversion.

Ramblers Association: Advise applicant that path may be affected.

PARISH COUNCIL COMMENTS: No objections but observe that design appears overdone, pseudo-mediaeval, inappropriate and over-elaborate. Hope UDC notes these comments as they are made with the intention of preserving the integrity of the local architecture.

REPRESENTATIONS: This application has been advertised and no representation has been received. Period expired 10 January.

PLANNING CONSIDERATIONS:

The main issues are

- 1) whether the impact of the proposed dwelling would adversely affect the setting of listed buildings in the vicinity (ERSP Policy HC3, ADP Policy DC5, DLP Policy ENV2), or the countryside setting (ERSP Policy NR1, ADP Policy C2 and DLP Policies GEN8 & ENV5),**
- 2) whether the replacement dwelling would be appropriate (ADP Policy H8 and DLP Policy H6) and**
- 3) whether Public Footpath no.54 would be adversely affected.**

1) Members may recall visiting this site in August 2001 for a similar replacement dwelling application, subsequently withdrawn. At that time, the view of the Council's Conservation Officer was that the proposal was too large, the design contrived and that it would adversely impact upon the setting of the adjacent listed buildings, and this view is maintained. The nearest listed building is Little Folly, opposite, which is well screened by road-side planting. Folly Mill itself is well away to the east. Whilst the views of the Conservation Officers are understood, on balance, it is considered that the revised scheme would overcome these concerns to a large degree, given the distance from the listed dwellings, the reduced scale and simpler design of the dwelling. It would now result in an acceptable form of development, complimentary to its rural setting.

The proposal now incorporates a large area of agricultural land, but the principle has been established by the grant of permission in 2000 for a similar garden extension to Little Folly opposite. It is considered that planning conditions can be imposed which would adequately control use of the land and protect the landscape, in accordance with Policy ENV5.

2) Policy H8 requires replacement dwellings to be in scale with neighbouring properties and in proximity to the original structure. The proposed would be a large property, but not out of scale with Folly Mill to the east. It is considered that the increased size of the property would not impair the characteristics of the surrounding countryside, as the topography and trees limit views into the site. Setting the dwelling into the ground as proposed would further reduce its impact. It would not be on the precise siting of the demolished house, but this resiting would improve the street scene, and the very limited original curtilage would prohibit replacement with any larger property. Deposit Policy H6 requires a replacement dwelling to protect or enhance its setting. The existing dwelling on site makes no positive contribution to its setting the proposal would be an improvement in design terms.

3) A Public Footpath runs along the field boundary adjacent to the existing curtilage of Folly Mill Cottage. The siting of the proposed dwelling would not physically obstruct the line of the footpath, but the proposed change of use would mean that the footpath would pass through the applicant's extended garden in close proximity to the replacement house. As a separate matter, the applicants intend to apply to divert the footpath approximately 80m west of its current point on Folly Mill Lane, to the edge of the proposed garden. The County Council advise there may be objection to a diversion of this distance on safety grounds, as users of the footpath network would have to use the road for a longer distance to reach the next footpath. As the current line of the path would not be affected by the development, this is not considered to affect this application, but is instead a matter for the applicant to resolve later under separate legislation.

CONCLUSION: Regard has been given to the Conservation Officer's advice, but on balance the revised scheme is considered to overcome previous concerns. This revised proposal would now comply with the relevant policies.

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.5.1. Samples of materials to be submitted and agreed
4. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission
5. The immediate domestic garden curtilage shall extend only to a line marked ZZZ on the attached plan hereby approved. The land beyond shall only be used for purposes appropriate to a rural area, eg. paddock, planting of trees, which the planning authority shall approve in writing before implementation.
Reason: To safeguard the open character of the countryside.
6. C.6.5. Excluding fences and walls without further permission
7. C.7.1. Details of external ground and internal floor levels to be submitted and agreed
8. C.23. Demolition of existing dwelling
9. C.4.1. Scheme of landscaping to be submitted and agreed – to include provision of a native species hedgerow to replace driveway to be closed
10. C.4.2. Implementation of landscaping
11. No development shall take place on site until the vehicular access hereby permitted has been constructed in accordance with details first submitted to and approved by the local planning authority.
12. Upon construction of the vehicular access hereby permitted, the existing access marked 'XXX' on drawing no. 121.2D shall be permanently closed, and all vehicular access and egress to and from the site shall be obtained via the crossover marked 'YYY' on the same drawing. No development shall take place until details of the means of closure of the access have been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.
13. The dwelling hereby permitted shall not be occupied until the vehicle parking and turning area shown on drawing no. 121.2D has been hard surfaced and made available for that purpose. Such space shall not thereafter be used for any purpose other than the parking and turning of vehicles.
Reason for 11-13: In the interests of highway safety
14. No development shall be commenced until full details of a scheme for foul drainage to serve the development has been submitted to and approved in writing by the local planning authority. Such drainage works shall be carried out and thereafter retained in accordance with the approved details unless the local planning authority consents in writing to their removal or alteration.
Reason: In the interests of public health.

UTT/1675/01/FUL - FELSTED

Erection of one replacement dwelling and garage.
Copperfield, Cock Green, Felsted. GR/TL: 694 – 197. Dr Kamara and Dr Rao.
Case Officer: Katherine Benjafield 01799 510494.
Expiry Date: 5 February

NOTATION: ADP and DLP: Outside Development Limits

DESCRIPTION OF SITE: The site measures approximately 130m by 38m with an area of 0.5ha (1.25 acres) and is located within the scattered hamlet of Cock Green, 3km southeast of Felsted.

DESCRIPTION OF PROPOSAL: The proposal is for a two and a half storey 4-bedroomed replacement dwelling and attached triple garage with studio over. The existing property is a 1960's detached one and two-storey house with a detached double garage. The footprint of the existing property including the garage measures approximately 185m², while the replacement dwelling would have a footprint of approximately 295m². It would be constructed of yellow brick and clay tiles. The design would be pseudo-Georgian.

RELEVANT HISTORY: One new dwelling dwelling within the garden of Copperfield adjacent to the existing property retaining the existing dwelling, refused and appeal dismissed in 1985 and 2001 on policy and amenity grounds.

CONSULTATIONS: Environment Agency: Makes advisory comments concerning the proposed new foul drainage system.

PARISH COUNCIL COMMENTS: Object – both the size and design would be out of character with neighbouring properties.

REPRESENTATIONS: None. Notification period expired 19 December 2001.

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) the replacement dwelling would be in accordance with ADP Policy H8 and DLP Policy H6 and
- 2) its design and scale would be acceptable under ADP Policy DC1 and DLP Policy GEN2.

1) Part a) of Policy H8 states that replacement dwelling proposals will normally be approved provided that they are in scale with neighbouring properties and the siting is in proximity to the original structure. The proposal would be located in the same position within the site as the existing dwelling, but would face southeast (front) rather than south. The character of the properties in Cock Green, which surround the site, is that of either one and a half, or two-storey modest sized houses and cottages. When the proposal is compared with these existing properties, it is evident that it would not be in keeping in terms of scale. The proposed two and a half storey dwelling would have a ridge height of 9.3m, while the existing dwelling is only of 7.5m. The bulk, size and scale of the proposal would create an imposing brick dwelling that would be out of keeping with the rural low-key character of Cock Green.

Part b) of Policy H8 also states that outside Development Limits replacement dwellings that would impair the rural character of the countryside will not be permitted. Although the proposal would be located to the front of the site, to the side and rear there is open countryside. The proposed replacement dwelling would be clearly visible from a distance and it is considered that this would impair the rural character of the countryside.

2) To comply with Policy DC1, it is necessary for development to respect the scale, proportions, appearance and materials of buildings in the locality as well as the environmental characteristics of the setting. The proposal for a two and a half storey brick dwelling of "Georgian" style in this location would be out of keeping with the other properties in Cock Green, as there are no others which have a similar style, size and bulk as the proposed dwelling. The characteristic of the area is that of modest dwellings of one and a half or two storeys.

CONCLUSION: The proposed development would not be in keeping with the scale, proportions, appearance, materials and rural character of the area.

RECOMMENDATION: REFUSAL REASONS

1. R.8. Contrary to Policy H8: Unsuitable replacement dwelling.
The proposal fails to comply with the above policy as it would result in a large dwelling which would not respect the scale of neighbouring properties and would impair the rural characteristics of the countryside by virtue of its size and appearance.
2. R.19. Contrary to Policy DC1: Unsuitable design.
The proposed development would be unacceptable because it would not respect the scale, proportions, appearance and materials of buildings in the locality or the environmental characteristics of the setting as a result of the size and design of the proposal.

UTT/1600/01/OP - UGLEY

Erection of one dwelling with associated garage
Land adjacent Chestnut Cottage, Cambridge Road. GR/TL: 513-280. Mr R W Coumbe
Case Officer: Charmain Harbour 01799 510458
Expiry Date: 8 February

NOTATION: ADP and DLP: Outside Development Limits/Adjacent to a Listed Building.

DESCRIPTION OF SITE: The site is located in the open countryside on the eastern side of Cambridge Road, just south of the junction with Vicarage Lane, a small cul de sac serving a small cluster of residential units. It currently forms part of the curtilage of Chestnut Cottage a Grade II Listed Building and has a road frontage measuring approximately 30m with a depth of between 30 to 45m. To the north and east the site abuts the rear gardens of a pair of cottages fronting Vicarage Lane and the retained garden for Chestnut Cottage. To the south is a large plot occupied by the dwelling Oakdene which has a vehicular access close to the south-western corner of the application site.

DESCRIPTION OF PROPOSAL: The application seeks outline permission for the erection of a single dwelling and garage on the site. All matters are to be reserved, except the means of access to the site and it is proposed to use the existing access.

APPLICANT'S CASE: See Agent's supporting statement dated November 2001 attached at end of schedule.

RELEVANT HISTORY: Permission granted in 1999 for new access and turning.

CONSULTATIONS: Design Advice: The guidance of Planning Policy Note 15 (Para 2.14) is that the design of new buildings intended to stand alongside historic buildings needs very careful consideration. Given that no details have been submitted to support the application it is impossible to judge the potential impact of this proposal at this stage. Under the provisions of the General Permitted Development Order 1995 the local planning authority can request further details, in this instance this has not been undertaken given there are fundamental Policy objections to the principle of the development. Therefore, it is considered that there is insufficient information provided to evaluate the potential impact of the proposal on the setting of the adjacent Listed Building.
Environment Agency: Advisory comments.

PARISH COUNCIL COMMENTS: To be reported (due 21 January).

REPRESENTATIONS: This application has been advertised as likely to affect the setting of a listed building and no representations have been received. Period expired 1 February.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would be acceptable in relation to the following:

- 1) **Protecting the Natural and Built Environment, Countryside beyond the Greenbelt & the Countryside Protection Zone, and The Countryside - ERSP Policy CS2, ADP Policy S2 and DLP Policy S7,**
- 2) **New Development and Highway Considerations, Promoting Accessibility and Access - ERSP Policy T3, ADP Policy T1 and DLP Policy GEN1, and**
- 3) **Protection of Listed Buildings and Development affecting Listed Buildings - ERSP Policy HC3, ADP Policy DC5 and DLP Policy ENV2.**

1) The adopted Structure Plan Policy seeks to maintain and protect the natural and built environment by ensuring that proposals sustain and enhance the rural environment, conserve the countryside character and protect it for its own sake. ADP Policy S2 states that permission will not normally be given for development unless it relates to agriculture, forestry or an appropriate outdoor recreational activity. The proposed dwelling would not accord with this requirement. Policy S7 of the new DLP states that permission will only be given for development that needs take place in the countryside, or is appropriate to a rural area. The countryside in this location has no special designation. The prevailing character is a rural one. It is not considered the site constitutes a gap as the group of dwellings to the north are focused on Vicarage Lane, with a few sporadic dwellings located south of this. It is considered that a dwelling in this location would be harmful to the open rural nature of the locality and would erode the contribution of the site in forming an undeveloped setting to the existing houses. The dwelling would have a significant and harmful effect on the appearance of the area. The Council has successfully defended on appeal in the last two years two similar sites proposals on nearby sites at Smiths Cottages, and Whytemantles House, Cambridge Road, Ugley.

2) The site fronts onto the B1383, which at this point is subject to a 50 mph speed limit. The existing cottage has a parking area large enough for two vehicles to the north, but visibility is restricted and there is insufficient room for vehicles to turn and leave in a forward gear. In order to improve access to the cottage, the current access was approved. This maximised visibility by removing some trees from the sight lines and enabled on-site turning to be achieved. However, the sight lines are still below the standard of 160m for a 50mph, limit but improved the existing access arrangements for the cottage and therefore on balance an approval was granted. The current proposal would worsen the situation because the poor existing access would be retained to serve the existing dwelling and the new access would be used to serve the proposed dwelling. It is considered this gives potential to create further hazards onto this road and as such would be at odds with the traffic policies cited above.

3) The Structure and Local Plan Policies seek to safeguard the character and setting of historic buildings against inappropriate development. The details provided with the application give no indication of the siting, visual appearance or massing of the building with which to assess the relationship with the adjacent Listed Building or the impact within the street scene. Whilst acknowledging the site has a substantial hedge to the road frontage, it is considered that a new building in this location would still be visible and intrusive. The current setting of the listed building has no structures to the south for over 100 m. This proposed development would impinge on the open character of the site, changing it to a more suburbanised form. More information would be required to fully assess the proposals.

CONCLUSION: The proposal would have an adverse effect on the rural character of the area and be detrimental to road safety. Insufficient information has been provided to assess the impact on the setting of the adjacent Listed Building.

RECOMMENDATION: REFUSAL REASONS

1. Contrary to the provisions of Policy CS2 of the Essex Replacement Structure Plan (2001), Policy S2 of the Adopted Development Plan (1995) and Policy S7 of the Deposit Local Plan (2001).
The site is located within countryside beyond Development Limits as defined in the Adopted District Plan. These policies seek to conserve the countryside by restricting developments to those appropriate to a rural area. The case for the proposal is not considered to meet the requirements of these Policies nor outweigh them. The proposal is considered to be unacceptable as it would lead to the spread of built form into the countryside by adding to and consolidating the existing sporadic nature of the development in the vicinity, to the detriment of the open rural character of the countryside.
2. Contrary to Policy T3 of the Essex Replacement Structure Plan, Policy T1 of the Adopted Development Plan (1995) and Policy GEN1 of the Deposit Local Plan (2001). The site is located on the B 1383 and the proposal is considered to be unacceptable because it would lead to additional vehicular movements onto an access on this stretch of the road. The existing property of Chestnut Cottage has poor visibility and no on-site turning for the parking area to the north of the cottage. The creation of the new access to the south was approved in order to improve the access arrangement to the existing cottage, the benefits of which would be removed by this application. The proposal would introduce further vehicles slowing and turning to manoeuvre into or out of the site which would conflict and interfere with the free flow of traffic to the detriment of highway safety.
3. Contrary to Policies HC3 of the Essex Replacement Structure Plan (2001), Policy DC5 of the Adopted Development Plan (1995) and Policy ENV2 of the Deposit Local Plan (2001), which seek to protect the setting of historic buildings from unsympathetic change.
The proposal lies within the curtilage of the adjacent Listed Building of Chestnut Cottage and as such the design of any new building which would affect the setting of this property needs careful consideration. The details submitted to support this application are considered to be insufficient to fully consider the proposal in terms of scale, height, massing, alignment and the use of suitable materials.

UTT/1679/01/FUL – CLAVERING

Retention of change of use of land to public open space.
Orchard adjacent to "Hedgerows". GR/TL: 477-322. Mr S Cooke on behalf of Clavering Parish Council
Case Officer: Charmain Harbour 01799 510458
Expiry Date: 7 February

NOTATION: ADP: Outside Development Limits/Within Area of Special Landscape Value/Lower part section of site falls within Conservation Area. DLP: Outside Development Limits/ Lower part section of site falls within Conservation Area.

DESCRIPTION OF SITE: The site is located on the western side of Clatterbury Lane, between the main village at Hill Green. It previously formed part of the land associated with

“Hedgerows” a Victorian cottage located to the north. The plot is known as Dick Ball Meadow and a gate and pedestrian access gate have been erected to the south east corner with a name plaque to this effect. To the road elevation the site is enclosed by a bank and hedge. Pedestrian and vehicular access is only available from the south western corner. There are three properties overlooking the site to the east on the opposite side of the road and the dwelling of “Hedgerows” to the north east.

DESCRIPTION OF PROPOSAL: As part of the legacies of the former owners of this property, the land was given to the village of Clavering to be retained as Public Open Space. This application seeks to regularise this arrangement in terms of gaining consent as the authorised use for the site. The land is to be retained as a small nature reserve and a board listing the species seen on the site has already been erected. No structures are proposed.

CONSULTATIONS: Design Advice: The proposed retention of this land as an area of open space would complement the setting of the adjacent Conservation Area.

REPRESENTATIONS: None. Notification period expired 25 January 2002.

PLANNING CONSIDERATIONS:

The main issue is whether the proposal complies with Development in the Countryside - ERSP Policies CS5 and C5, Policy S2 of the ADP and Policy S7 of the DLP.

The change of use of this land to public open space is considered to accord with the countryside policies, in that the area would be retained for an outdoor recreational use in the form of a managed nature conservation area. This is considered to be an appropriate land use which would retain it in an undeveloped form, protecting the hedges and trees. The area would remain an undeveloped gap between the two identified Development Limits of Clavering and Hill Green. It is also considered to enhance the setting of the adjacent Conservation Area. The proposals are not considered to adversely affect the amenities of the surrounding residential properties, as the recreational use of the land would be very low key, especially since no on-site car parking is proposed.

CONCLUSION: The proposal is considered to accord with the Development Plan Policies and would enhance the visual appearance of the village by retaining its rural character.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. The land shall be used only for public open space in the form of a nature area used for quiet informal recreation and for no other purpose whatsoever, including any other purpose in the Schedule to the Town and Country Planning (Use Classes) Amendment Order 1991 (or in any equivalent provision in any statutory instrument revoking or re-enacting that order).
2. C.4.4. Retention of hedges and trees
3. C.6.5. Excluding fences and walls without further permission

UTT/1434/01/FUL – GREAT CANFIELD

Retention of boundary wall and lamp standard
Woodnutt, Bacon End. GR/TL: 602-195. Mr and Mrs Kent.
Case Officer: David Jeater 01799 510464
Expiry Date: 20 December

NOTATION: ADP and DLP: Outside Development Limits

DESCRIPTION OF SITE: This site of about 0.3ha is located at Bacon End and contains a recently completed house. It is some 1.5km (1 mile) north of High Roding village and forms part of a small scattered settlement of about ten houses of various sizes. This recent replacement dwelling has neighbours north and south with open countryside opposite.

DESCRIPTION OF PROPOSAL: This application relates to a red brick wall set back from the carriageway by some 3m, in two sections, one 21m in length, the other about 18m in length. For much of its length it is little over 1m in height (ie permitted development), but curves up to about 1.8m at the ends and adjoining the central gateposts. There are central gateposts at their highest 1.9m embellished by balls and a black painted "Victorian" lamppost about 4m high just inside the gate. The front boundary of the adjoining property to the north has a fence above a low wall about 1.3 – 1.6m in height. At its boundary it matches in height the wall now sought. This house, Thriftwood, has a lamppost in similar style, which has clearly been long established. The house to the south has a wattle fence and hedge up to 2m in height. This matches the height of the 'curved up' wall at its southern end.

APPLICANT'S CASE: Proposal is to regularise development already carried out. This has been subject of a discussion with a planning officer who accepted that the height of the wall generally and its raised ends where they abut fences of adjoining property were reasonable. Photographs of walls and gates, in similar circumstances in locality are submitted. The applicants have agreed to remove the balls topping the gateposts and replace them with a low profile capping and will provide a natural timber five-barred gate between the posts. These measures, plus the hedge, will materially reduce the 'urban' aspect of these works.

RELEVANT HISTORY: Planning permission granted for replacement dwelling in 1999 subject to landscaping requirements in order to protect and enhance the existing visual character of this attractive rural area (none submitted). This dwelling is now built and occupied. Complaint made about wall built and lamppost erected without permission in July 2001.

PARISH COUNCIL COMMENTS: Object for the following reasons:

- a) wall is too high at its end and is well forward of the original boundary, whereas site plan shows that front boundary line should follow that set by adjoining properties and
- b) the materials used, bricks, are set out of sympathy with nearby properties, and with its rural position, and do not improve the immediate neighbourhood.

REPRESENTATIONS: Two.

1. Object. The effect of the wall and the security light are urban in appearance. There are no brick walls fronting other properties in Bacon End. The lamppost is not a security provision, but is brightly lit from dusk until 11.30 pm and too readily visible from houses nearby.
2. Letter signed by five individuals from five houses nearby, including both immediate neighbours: No objection to the wall and lamppost.

PLANNING CONSIDERATIONS:

The main issue is whether the wall is sufficiently inappropriate to justify refusal and enforcement action and whether the points agreed by the applicant with planning officers, could ameliorate its appearance sufficiently so that it could be held to respect its countryside setting (as required in ADP Policy DC1 and DLP Policy GEN2).

The wall is clearly out of keeping in this rural hamlet. It is of a style which would be more appropriate on a low-density estate such as Woodlands Park, Great Dunmow. It is suburban in appearance and should be replaced by fencing and planting. The amelioration measures proposed by the applicant would not be sufficient to make it acceptable.

COMMENTS ON REPRESENTATIONS: It is accepted that the wall and lamppost as unmodified, are unduly suburban in appearance.

CONCLUSION: The appearance of this wall is a matter of judgment. In Officers' view it cannot be modified sufficiently, its appearance softened by vegetation, or weathered to bring its condition to a state where it could reasonably be retained in this rural area. It is considered expedient to recommend enforcement action to remove the wall and replace it with appropriate planting/fencing.

RECOMMENDATION: REFUSAL REASON AND ENFORCEMENT ACTION

Contrary to Policy DC1: The appearance of the wall is unduly suburban in design and fails to respect the rural characteristics of its setting.

UTT/1466/01/FUL - FELSTED

Retention of part and erection of remainder of front boundary wall
Springbank House, Mill Road. GR/TL: 673-201. Mr I Hunt
Case Officer: Katherine Benjafield 01799 510494
Expiry Date: 14 January

NOTATION: ADP and DLP: Within Development Limits

DESCRIPTION OF SITE: The site is located at the southern edge of the village. The plot has a dwelling on either side.

DESCRIPTION OF PROPOSAL: The wall has been partially erected setback about 2.4m from the highway. The application is for the retention of an 11.7m length of the wall that has already been constructed and the erection of the remaining 2.3m that has not. It is proposed that a gap of 4.22m allowing for access would separate the two sections of wall. The wall has maximum and minimum heights of 1.36m and 0.9m and a width of 0.22m. The existing section of wall is situated 2.43m back from the road and it is proposed to have the new section in line with this. It would be constructed of brick to match the new dwelling and have 4 bows between 5 pillars. It would be a total of 14m long.

APPLICANTS CASE: Prepared to ensure that soft planting is placed in front of the wall to the local authority's specification if permission is granted.

RELEVANT HISTORY: One dwelling and garage allowed on appeal in 1999 and details approved in 2000. Conditions 4.1 and 4.2 imposed on the allowed outline permission stated that a landscaping scheme must be submitted to and approved in writing by the local

planning authority prior to the occupation of the new dwelling. These conditions have not been complied with, in that there has not been a landscaping scheme submitted. Landscaping of the site was required in order to reduce the visual impact of the development. The section of the wall that has already been erected would prevent implementation of any appropriate landscaping scheme to the front of the property.

PARISH COUNCIL COMMENTS: No comment.

REPRESENTATIONS: One received. Notification period expired 9 January. Wall is out of keeping with the street and is not part of the approved landscaping scheme relevant to the construction of the house. Would have no objection if there were an effective landscaping scheme to hide the wall.

PLANNING CONSIDERATIONS:

The main issue is whether the wall would be in keeping with the rural character of the area – ADP Policy DC1 and DLP Policy GEN2.

Policy DC1 states that the design of development proposals should respect the appearance and materials of buildings in the locality and the environmental characteristics of the setting. These proposals would not comply with the policy as the wall provides a hard edge to the site, rather than a soft landscaped frontage as intended by the Inspector and provided for in approved drawings. The neighbouring properties do not have such hard suburban-style edges in the form of walls and the proposal is, therefore, out of keeping with the environmental characteristics of the area. Enforcement action is recommended to seek removal of the wall and allow for the implementation of effective planting scheme with fencing.

RECOMMENDATION: REFUSAL REASON AND ENFORCEMENT ACTION

R.19. Contrary to Policies DC1 and GEN2: Unsuitable design. The proposed development would be unacceptable because it involves the retention and erection of a wall preventing implementation of a landscaping scheme. This would not respect the appearance and materials of buildings in the locality and would be out of keeping with the environmental characteristics of the setting of the development.

UTT/1749/01/FUL – SAFFRON WALDEN
(Member's Application)

Relief of a) condition C.6.1. on planning consent UTT/1099/99/FUL to enable use as wine & tapas bar and takeaway trading and b) condition C.13.7. to extend the trading hours to 8am to 2am any day of the week (except Bank and Public Holidays).

9 Market Hill. GR/TL: 538-385. Cllr. R B Tyler (T/A Brookes).

Case Officer: Hilary Lock 01799 510486

Expiry Date: 22 February

NOTATION: ADP and DLP: Grade II Listed Building / Within Town Centre and Conservation Area.

DESCRIPTION OF SITE: This application relates to an existing restaurant located within the town centre, midway between Church Street to the north and Market Place to the south. The restaurant is located on the western side of Market Hill, which comprises a mix of commercial premises, including A3 uses.

DESCRIPTION OF PROPOSAL: This application seeks to vary two conditions, firstly to allow use of the existing, approved restaurant as a takeaway and as a wine/tapas bar (clarifying that not all customers would dine) and, secondly, to extend the hours of opening by two hours in the morning and three hours at night. The application is not seeking opening on Bank or Public Holidays.

APPLICANT'S CASE: See applicant's letter dated 24 December 2001 attached at end of schedule.

RELEVANT HISTORY: Permission granted (and subsequently implemented) for change of use from retail to restaurant in 1999, subject to conditions including restaurant use only (consumption of food and drink on the premises) and no opening outside 10.00am – 11.00pm, or on Bank or Public Holidays.

CONSULTATIONS: Environmental Services: To be reported (due 24 January).

TOWN COUNCIL COMMENTS: To be reported (due 12 noon 4 February).

REPRESENTATIONS: These applications have been advertised as likely to affect the character or appearance of a Conservation Area and Setting of a Listed Building. Any representations received will be reported. Period expires 30 January.

PLANNING CONSIDERATIONS:

The main issue is whether either or both of the requested variations to conditions would result in nuisance and/or loss of amenity to residents in the vicinity contrary to ADP Policy DC14 (General Amenity) or DLP Policy GEN4 (Good Neighbourliness).

In the Adopted District Plan, the site lies beyond the principal shopping frontages and is within an area where there is a general presumption in favour of uses including food and drink outlets (Policy SW3). In the Deposit Local Plan, Policy SW1 protects commercial uses (including restaurants, public houses and hot food takeaways) from residential conversion unless there is proven evidence of lack of need.

a) It is not considered that there is any justifiable planning reason to continue with the existing restriction on the use of the premises as a restaurant. Use as a wine & tapas bar with takeaway facilities should not, of itself, create a level of disturbance out of character with a town centre. The premises were previously used for takeaway sales of pizzas. For this reason, no objection is raised to the deletion of Condition C.6.1, as it is not considered that an alternatively worded condition would serve any practical purpose given the range of uses within the A3 Food and Drink Use Class that would be permitted.

b) With regard to opening hours, a parallel can be drawn with premises at 81B High Street, Great Dunmow, where a restaurant use was permitted subject to closing at 2300 Monday-Thursday, 2330 Friday & Saturday with no opening during Sundays or Bank Holidays. Support for these hours as a protector of residential amenity was stated at appeal when the Inspector noted that, whilst the premises were within the business area, there were few, if any, commercial enterprises beyond that which would attract patrons during Sunday evening.

Although the site is located within the town centre, it is relatively close to dwellings in Church Street and others in the northern part of the eastern side of Market Hill, and it was in recognition of this that the original restricting conditions were imposed. Whilst there is a mix of residential and commercial uses in the vicinity, there are, however, a public house and a

restaurant on the eastern side of Market Hill, which could create some disturbance late in the evening as neither has any restrictions on opening hours.

In respect of this current case, it is considered that some restriction on opening hours is still necessary in the interests of residential amenity, although the location is more weighed towards commercial than residential compared to the case in Great Dunmow. Accordingly, it is recommended that Condition C.13.7 be relaxed to allow the same evening opening hours as approved in 1999 regarding the takeaway at 8 & 10 George Street, which are 2400 Sunday – Thursday and 0100 on Friday and Saturday. There are no objections to opening at 0800 in the morning.

CONCLUSION: Subject to the revised condition on opening hours, this use would accord with the relevant ADP and DLP policies.

RECOMMENDATION: APPROVAL WITH CONDITION

1. Members of the public shall not be on the premises and the restaurant & wine/tapas bar hereby permitted shall not be open before 0800 or after 2400 on Sunday – Thursday or 0100 Friday/Saturday, and Saturday/Sunday, nor at any time on Bank or Public Holidays. Furthermore, the takeaway use hereby permitted shall not be operated outside the opening hours authorised by this permission.

UTT/1728/01/CC – WIDDINGTON
(Consultation on County Matter)

Change of use of part of sand pit for temporary recycling centre, skip hire and aggregate sales

Part Widdington Pit, Hollow Road. GR/TL: 528-310. Essex County Council.

Case Officer: *Michelle Guppy 01799 510477*

Expiry Date: 18 January

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

DESCRIPTION OF SITE: The site is located within Widdington Pit, which is located in the open countryside. The pit is to the south of Hollow Road/Crabtree Hill approximately half way between the railway line and the village of Widdington.

DESCRIPTION OF PROPOSAL: The proposal is to use part of the pit for recycling centre, skip hire and aggregate sales for a period of 2 years. The application indicates use of existing portakabins and workshop for offices, repair of vehicles etc. It is proposed to use the existing means of access with no alterations. The vehicle movements per day are estimated to be an average of 30 and a max of 50 7.5 tonne vehicles and an average of 10 and a max of 20 vehicles under 3.5 tonnes. Hours of operation for vehicle movements are proposed to be 0700 – 1900 Monday – Saturday. Hours of working proposed are 0700 – 1830 Mondays to Fridays and 0700 – 1300 on Saturdays with no working on Sundays or Bank Holidays.

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

PARISH COUNCIL COMMENTS: No objection as a temporary measure. Following is a list of matters they would like clarified or where conditions might apply:

1. concern about future use of crushers in relation to noise and dust. Can we be assured there would be no crusher on the site in future?

2. Concern that height of building may be clearly visible from cottages in Hollow Road.
3. Could bunding be higher on east side to reduce noise levels?
4. Any damage caused by heavy vehicle through the village would be made good.
5. Clarification on maximum No. of vehicles per day.
6. Re. Sale of topsoil – concern about more private vehicles accessing the site.
7. Security lighting – permanently on or triggered by intruders?
8. Request that road swept on daily basis as had been the practice of the previous owners.

REPRESENTATIONS: One. Notification period expired 21 January.

1. Very concerned. Work which has been applied for started before Christmas. When using bridleway, it is more difficult to cross site on a horse. The large concrete wall is frightening horses especially when strange noises come from behind it. Increased traffic would make bridleway more difficult to use safely. Concern about heavy lorries accessing the site through the village, where the roads are not suited. The lorries would pass the village green where children play. The noise, pollution and fast driving of the lorries would destroy the peace and safety in the village.

PLANNING CONSIDERATIONS:

The main issues are whether:

- 1) the location is appropriate in principle (ADP Policy S2 and DLP Policy S7),
- 2) the proposal would be detrimental to highway safety and whether the road network could cope with the proposed level of traffic generation (ERSP Policies T3, T13, MIN6 & WM3, ADP Policy T1 and DLP Policy GEN1) and
- 3) the proposal would be detrimental to residential amenity (ADP Policy DC14 and DLP Policy GEN4).

1) The site is outside development limits, where new developments would not normally be allowed unless they are for agriculture or forestry or appropriate outdoor recreational uses. However, it is proposed to locate the proposal within an existing working pit, therefore in principle the land use should not be additionally detrimental to the character and appearance of the countryside, especially for a temporary period.

2) Access to the site, from the east through the village, would not be appropriate due to the quality of the roads and the nature of the vehicles and their uses. The other option is to access the site from the west, but the road in this direction is also a single-track rural lane and therefore not suited to heavy vehicles. It is considered that neither road is capable of accommodating the numbers of heavy vehicles estimated to be generated by the development. Such intensive use by the types of vehicle in question would be likely to result in a detrimental effect on the quality of the road, verges and on highway safety.

3) The proposed location is within an existing working pit, therefore the increase in activity likely to result from the change of use proposed should not cause any unreasonable additional detriment to residential amenity. Should County be minded to approve application, a range of conditions would be required to ensure current levels of residential amenity are maintained.

COMMENTS ON REPRESENTATIONS: Applicant states the bridle way will not be affected. This aspect is a matter for ECC as the highways, waste and footpaths authority.

CONCLUSION: Although outside development limits, in principle the land use may be acceptable due to the location of the proposal within a working pit. However, there are reservations about the ability of the immediately surrounding road network to cope with the

level and type of traffic which the applicants estimate would be generated by the development.

RECOMMENDATION: OBJECT due to inadequacy of road network to cope with traffic generated.

However, if County are minded to approve the application the Council would like the following conditions attached to any grant of consent:

1. Access to the site to be from the west only. No lorries to access the site through the village.
2. Hours of operation.
3. Restrictions on lighting.
4. Limiting use to a 2 year period.
5. Limiting vehicular movements per day.
6. Ensuring road is kept clean.
7. Regulation of machinery used / noise generated.

UTT/1518/01/CL – LITTLE HALLINGBURY

Application for Certificate of Lawfulness of Use concerning outbuilding at 'Tudor Barn' ancillary to existing main dwelling
'Tudor Barn' Sawbridgeworth Road. GR/TL: 494-159. Mr and Mrs J Maynard.
Case Officer: Michael Ovenden 01799 510476
Expiry Date: 5 February

NOTATION: ERSP: Within Green Belt. ADP/DLP: Outside Development Limits / Within Green Belt

RELEVANT HISTORY: Permission for residential barn conversion 1979 & 1982

APPLICANT'S CASE: Statutory declarations have been submitted

PARISH COUNCIL COMMENTS: None (due 14 January)

REPRESENTATIONS: None. Notification period expired 10 January.

CONSIDERATION OF EVIDENCE: This application relates to a small barn style outbuilding that was erected within the curtilage of this dwelling (a previously converted barn) without the permission that would have been necessary (due to its height). The applicant claims that the building has been used for ancillary domestic activities. The only issue therefore is the length of time that has elapsed since the building was erected. The applicant is required to demonstrate on the balance of probability that the building was erected more than four years ago. The site has been visited and the building has evidently existed for a number of years although it is not possible to determine precisely how long from a visual inspection. The applicant (his agent on his behalf) claims on the application form that the building was erected in 1988 and in a statutory declaration states that the barn was moved from an adjacent site (not specified) to where it stands today in 1987/88; two others state that it has been in its present position since 1988; various letters, some of which are by people who have also submitted Statutory Declarations provide similar information.

CONCLUSION: Given that there is only one issue to determine – whether the building was erected at least 4 years ago - and that all information indicates that the building has existed for at least that length of time, it is recommended that the certificate be granted.

RECOMMENDATION: ISSUE CERTIFICATE OF LAWFULNESS

FIRST SCHEDULE

The building was erected more than four years ago and used for purposes incidental to the enjoyment of the dwellinghouse as such.

SECOND SCHEDULE

The building to which the application relates is shown on drawing dwg.1, drawing dwg.2, drawing 3 and the four photographs which formed part of the application.
