

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 29 APRIL 2002

APPL NO: **UTT/1654/00/FUL**
PARISH: **GREAT DUNMOW**
DEVELOPMENT: Residential development (56 units), new road access to public car park, extension to public car park, 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 & 18 March 2002
REMARKS: Deferred for negotiations re access. Oral update to be made at the meeting.
RECOMMENDATION: To be reported
Case Officer: John Grayson (01799) 510455
Expiry Date: 31 January 2001

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: To be reported
Case Officer: John Grayson (01799) 510455
Expiry Date: 20 August 2001

APPL NO: **UTT/1244/01/FUL**
PARISH: **HATFIELD BROAD OAK**
DEVELOPMENT: Erection of 18m monopole telecommunications tower with 2m 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 for Members' site visit and negotiations re siting and design.
RECOMMENDATION: To be reported
Case Officer: David Jeater 01799 510464
Expiry Date: 13 November 2001

APPL NO: **UTT/1671/01/FUL**
PARISH: **GREAT DUNMOW**
DEVELOPMENT: Proposed extension to provide 22 new bedrooms, dining room and ancillary services
APPLICANT: Runwood Homes PLC
LOCATION: Redbond Lodge Elderly Persons Home, Chequers Lane
D.C. CTTE: 4 February 2002
REMARKS: Deferred for further negotiations re location of extension
RECOMMENDATION: Approval with conditions
Case Officer: Michael Ovenden 01799 510476
Expiry Date: 5 February

APPL NO: **UTT/1707/01/OP**
PARISH: **GREAT DUNMOW**
DEVELOPMENT: Outline application for residential development
APPLICANT: Essex County Council
LOCATION: Former Highway Depot Haslers Lane
D.C. CTTE: 8 April 2002
REMARKS: Deferred at ECC Archaeology's request for field evaluation; and investigation into providing link road to Springfields
RECOMMENDATION: To be reported
Case Officer: David Jeater 01799 510464
Expiry Date: 12 February

APPL NO: **UTT/0101/02/FUL**
PARISH: **GREAT HALLINGBURY**
DEVELOPMENT: Erection of 25m high (replacement) mast, 3 antenna, 3 dishes and equipment cabinets
APPLICANT: Hutchinson 3G UK Ltd.
LOCATION: Start Hill
D.C. CTTE: 8 April
REMARKS: Deferred to await response from NRPB and to negotiate relocation on site.
RECOMMENDATION: To be reported
Case Officer: Michael Ovenden 01799 510476
Expiry Date: 26 March

APPL NO: **UTT/0237/02/FUL**
PARISH: **CLAVERING**
DEVELOPMENT: Erection of single dwelling with detached garage
APPLICANT: Mr C P Warren & Mrs I M Warren
LOCATION: Plot Adjacent to Hedgerows, Clatterbury Lane, Hill Green
D.C. CTTE: 8 April
REMARKS: Deferred for Members' site visit
RECOMMENDATION: Approval with conditions
Case Officer: Charmain Harbour 01799 510458
Expiry Date: 18 April

APPL NO: **UTT/0282/02/FUL**
PARISH: **SAFFRON WALDEN**
DEVELOPMENT: Change of use to residential unit with attached drawing office
APPLICANT: Mr M D Hole
LOCATION: The Old Control Tower, Little Walden Airfield
D.C. CTTE: 8 April
REMARKS: Deferred for further information re wildlife
RECOMMENDATION: To be reported
Case Officer: Charmain Harbour 01799 510458
Expiry Date: 17 April

UTT/0816/00/OP - TAKELEY/LITTLE CANFIELD

The development of a new residential neighbourhood, a primary school site, local centre facilities, open space, roads, footpath/cycleways, balancing ponds, landscaped areas and other ancillary or related facilities and infrastructure.

Land north of Dunmow Road. GR/TL 574-211. Countryside Properties Plc.

Case Officer:

Expiry Date: 22 September 2000

THIS REPORT WILL BE CIRCULATED UNDER SEPARATE COVER

UTT/0272/02/DFO – TAKELEY/STANSTED

Erection of hotel.

Waltham Close, Stansted Airport. GR/TL 559-239. BAA Lynton.

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 22 April

NOTATION: ADP and DLP: Within Airport Development Boundary/AIR1 Terminal support area.

DESCRIPTION OF SITE: The site has an area of 1.9 ha (4.8 acres) and lies to the north east of the terminal building, immediately adjacent to the Molehill Green roundabout. The site currently forms part of a large car park, with 6+m high lighting, which was intended to utilize the site until required for other uses. This car park continues to the north of the site. To the east is an area of landscaping on a 4m high embankment before the bus/taxi road from the terminal and the short stay car park, before the Molehill Green roundabout. To the west is the telecommunication, monorail terminal and aircraft stand/taxi area. The site is largely flat, although the service road passing under the terminal is set about 5m lower than southern end of the site which consequently presents a landscaped bank at this point. Having been laid out as a car park there is no significant vegetation on the site. During the case officer's site visit the large car park was no more than one third used.

DESCRIPTION OF PROPOSAL: The application proposes a 506 bedroom 4-star hotel, on five floors (in line with the SOS's decision letter), plus a floor below ground level, with restaurants, café/bar and health club, conference, meeting and banqueting facilities and car parking. The facilities provided in the building are to be available to guests, airport employees and visitors to the terminal and are similar to those available at Heathrow and Gatwick.

The building would have covered pedestrian access to the terminal and public transport interchange (i.e. rail and bus terminals and short term car park), an elongated U-shaped plan, with central courtyard and 215 parking spaces provided on the north and east sides, coach pick-up point at the south eastern edge and additional planting within the site. Various design elements are proposed including timber decking, use of semi-mature deciduous feature trees and a water feature (fountains). This application does not include signs which would be the subject of a future application, but there are indicative details showing one large sign per elevation.

APPLICANT'S CASE: See letter dated 14 February attached at end of report. In addition to the application forms and drawings, the applicant has submitted a twenty page explanation and justification, starting with the SoS's original decision in 1985, explaining how the proposal would integrate with the terminal building, both functionally and in design terms and covering such issues as energy use and construction hours, use of sustainable materials, reuse of soil within the airport perimeter etc. (This document may be inspected at the Dunmow Offices.)

RELEVANT HISTORY: Development proposed in main airport development permission and subsequent expansion proposals (i.e. increase up to 15 mpa and current proposal for 25 mpa).

CONSULTATIONS: ECC Transportation: No objections.

CAA: To be reported (due 18 March).

Police Architectural Liaison: To be reported (due 18 March).

Environmental Services: No objections subject to conditions.

PARISH COUNCILS COMMENTS: Takeley and Stansted: To be reported (due 3 April).

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 4 April.

PLANNING CONSIDERATIONS:

The main issues are whether:

- 1) **this type of development would be appropriate for this part of the airport site (ERSP Policy BIW7; ADP and DLP Policy AIR1),**
- 2) **the design of the building would be appropriate for this site next to the important terminal building (ADP Policy DC1 and DLP Policy GEN2) and**
- 3) **sufficient parking and access facilities are to be provided (ERSP Policy T12. ADP Policy T2 and DLP Policy GEN9).**

1) The Structure Plan states that provision has been made for all development directly related to the airport to be sited within its boundaries. This development is directly related to the airport and was envisaged in the granting of the outline permission for expansion to 15 mppa, as well as the subsequent expansion proposals. The adopted and deposit local plans identify this general area of the airport for terminal support uses and (specifically) a hotel. The proposal is therefore in accordance with both elements of the Development Plan which is proposed to be carried forward by the Deposit Plan.

2) The applicant has explained how that the design process started with the SoS's comments on the original airport expansions permission and that it has designed a modern building to respect the terminal. The building is of comparable height (the main element would be the same height as the terminal 'eaves'; the top of the atrium would be the same as the apex's of terminal roof's modules) but due to its much smaller footprint and width; the building would be approximately 140m from terminal; it also leaves a gap to the terminal to allow it to expand further. The hotel would have largely glass clad walls (a mix of clear and opaque glass, with metal mullion and transoms with a generally flat roof which are both features it would have in common with the terminal.

Lighting would conform to recent BAA standards to achieve minimal spillage. Computer montages have been provided to show the relationship between the two buildings from various points around the airport and it is your Officer's view that the proposed design is appropriate to its setting. The landscaping along the south-east and south-west boundaries would remain as it is and to the north-east and north-west, replacement planting would be carried out. Additional planting is proposed within the site, all in accordance with CAA advice on bird deterrence. If specific and additional information is required by the Landscape Officer, it will be reported at the meeting.

3) The building has good links to the public transport interchanges (air, train & bus) which would be about 140m away, would have its own car access to the Molehill Green roundabout a distinct and separate service access sharing the existing service roads to other buildings. The proposed 215 parking spaces reflects its proximity to these other means of arrival/departure and is less than the 1 space per room for conventional hotels required by the adopted and EPOA standards (i.e. 500 spaces). The applicant has stated that at other BAA airport hotels (Heathrow T4 Hilton; Gatwick Le Meriden & Hilton) the provision is 0.4 spaces per room (200 spaces in this case) and that peak demand has been taken into account in studies which can be accommodated in other car parks. It is understood that this relates to parking related to all uses at the hotel (i.e. conference etc) rather than just hotel guests. The airport has some of the best public transport facilities in the District (e.g. trains

to and from London up to every 15 minutes) and therefore reliance on such modes is genuinely realistic here. The applicant also points out that there are various public/private forums developing better transport facilities and Radisson (the operator) would fully participate in these.

CONCLUSIONS: The proposal is acceptable in principle for this site and its design is of sufficient quality to be sympathetic to the setting of the architecturally important terminal building.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.3.1. In accordance with approved drawings.
2. C.5.2. Samples of materials to be submitted and agreed.
Reason: In the interests of the appearance of the development.
3. All construction traffic shall travel to and from the site only as stated on page 19 of the "supporting information on design and environmental considerations" dated February 2002, unless previously agreed in writing with the local planning authority.
Reason: In the interests of highway safety.
4. Surface water source control measures shall be carried out in writing by the local planning authority before development commences.
Reason: To prevent the increased risk of flooding and to improve water quality.
5. A direct, lit footway shall be provided from the car park located on the southern side of the hotel to the hotel entrance before the first occupation of the hotel.
6. All footways shall be lit and accessible to all users.
Reason 5 and 6: In the interests of safety.
7. Details of all lighting to be submitted and agreed.
Reason: To reduce glare.
8. Provision of car parking.
Reason: To reduce off-site parking.
- 9-12. Landscaping requirements.
Reason: In the interests of the appearance of the development.

UTT/0110/02/OP - WIMBISH
(Revised Report)

Proposed residential development by four detached dwellings with associated parking
Taylor Brothers Site, Howlett End. GR/TL: 589-344. Green Taylor Brothers.

Case Officer: Charmain Harbour

Expiry Date: 20 March

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

DESCRIPTION OF SITE: The site is located on the south-eastern end of the hamlet of Howlett End, located on the south-western side of the main B184 Thaxted Road. It is currently in business use with a building supply and animal feedstuff supplier trading from a series of structures on the site, many equating to two-storeys in height. The land is screened on three sides by conifer hedging with deciduous trees and a privet hedge to the southern boundary. There is a bungalow adjacent to the north-western side of the site. To the north and south is open countryside and to the east is detached house, which marks the edge of the settlement.

DESCRIPTION OF PROPOSAL: This application seeks outline permission for the redevelopment of the site for four dwelling units, with details of siting of the units and the means of access to be determined at this stage. Members will recall the item was deferred at the meeting held on 18 March 2002, to seek negotiations for the submission of revised plans for a scheme with all four units fronting the road.

A revised scheme has now been submitted and reconsultation has taken place. The amended layout proposes four units fronting the main road. The applicant is seeking to retain plot 1 and has sought to have a larger plot with the rear garden wrapping around the back of the three adjacent plots. The existing access point to the north-western corner would be retained and a single drive would serve all four units running parallel to the main road. The second existing access would be blocked off. The four units would be positioned to respect the building line of the existing dwellings on either side.

Each of the units would have garaging. The illustrative scheme shows the garaging to two of the units to be in front of the new dwellings. The site is currently effectively screened on three sides by a substantial conifer hedge which could be retained be reinforced by new planting to effectively screen the new units and the garages. The proposal would consist of large detached dwellings which would accord with the character and form of development adjacent to the site.

APPLICANT'S CASE: We refer to our informal meeting last week in connection with the above. Our client has accepted your position that four houses should be sited in a line across the existing frontage, thus pulling the houses forward from the original layout. The applicant has accepted the layout on the drawing number 4 (which we discussed) provided his own 'plot' (plot 1) can retain the surplus land to the rear as agreed. The retention of this land does not affect the large gardens to the remaining three plots.

RELEVANT HISTORY: Planning permission was allowed on appeal for the redevelopment of the site for three dwellings in May 2001. Concurrently with this, a second appeal was run for redevelopment of the site for four dwellings including a unit to the rear which was dismissed. This was similar to the application as originally submitted with the exception that the access drive to the bungalow was positioned between the existing dwelling to the western side and plot 3 of the new units. The Inspector's comments in respect of the

proposed bungalow to the rear in the dismissed appeal are material in considering this current application. The Inspector concluded that

"It is to my mind unlikely that the building of the bungalow would result in any material overlooking of the existing or proposed nearby premises. The site is not claimed to be of significant environmental value and there is no suggestion that any traffic hazards or significant congestion would be created. On the other hand I am not convinced that there is significant under use of this land or that comprehensive development including a bungalow at the rear would improve the appearance of the area....it is likely the use of the drive would cause some noise and disturbance for the occupiers of both dwellings not only in their homes but in the use of their rear gardens. The building of the bungalow would to my mind have a materially detrimental effect on the existing adjoining bungalow and on the proposed dwelling on plot 3."

CONSULTATIONS: Environment Agency: Raise no objections but have made advisory comments. (The applicant is aware of these and is in correspondence with them directly.)
ECC Transportation: Having regard to the existing use on this site it is considered that no highway objections could be raised to this proposal subject to the access to be used to serve the development being conditioned to be 5m wide and having 7.5m radius kerbs at its junction with the B184. It is also recommended that a note to applicant be added to secure prior approval for any works to the highway.

PARISH COUNCIL COMMENTS: Comments on the amended scheme to be reported verbally (due 29 April).

REPRESENTATIONS: One. Notification period expired 19 February.

CPREssex: Objected to original backland plot contrary to Policy and Inspector's decision, adverse effect on appearance of area. Comments on revised scheme to be reported verbally (due 29 April).

PLANNING CONSIDERATIONS:

The main issues are whether:

- 1) the development would adversely affect the rural amenity of the area (ERSP Policies CS2 and C5, ADP Policies S2, C2 and DLP Policies S7 and GEN8) and
- 2) there would be safe highway access to the site (ERSP Policy T12, ADP T1, DLP GEN1).

1) The principle of residential redevelopment of the site has been established on appeal for three units located parallel to the main road. The Inspector dismissed the principle of a backland unit. The applicant has now agreed to amend the application to remove the backland element and have all four units on the same building line. The main material consideration for the revised scheme is the potential impact on the character and appearance of the locality. The settlement pattern for this part of the hamlet is characterized by large detached units fronting the road with no backland development. The development is considered to accord with this pattern. The site backs directly onto farmland and the deletion of the proposed unit located at the rear of the plot is considered to overcome concerns about the potential impact on the rural landscape character and meet the policy requirements. It is proposed to remove permitted development rights for extensions and freestanding structures to the rear gardens to ensure control is maintained over development which could impact on the open countryside to the rear.

2) The proposed access is considered to be acceptable. The illustrative scheme demonstrates that adequate on site parking for each unit can be achieved.

CONCLUSION: The proposal seeks to overcome the previous reasons for refusal and the subsequent dismissal on appeal. The revised scheme which proposes all four units in a line and deletes any backland development is considered to be acceptable and addresses previous concerns and Policy issues.

RECOMMENDATION: APPROVAL WITH CONDITIONS

- 1&2. C.1.1&2. Submission of reserved matters
- 3&4. C.1.3&4. Time limit for submission of reserved matters
- 5. C.3.2. To be implemented in accordance with revised plans
- 6. C.4.1. Scheme of landscaping to be submitted and agreed
- 7. C.4.2. Implementation of landscaping
- 8. C.4.5. Retention of hedges
- 9. C.4.6. Retention and protection of trees and shrubs for the duration of development
- 10. C.5.1. Samples of materials to be submitted and agreed
- 11. C.6.2. Excluding permitted development rights of extension and outbuildings within the curtilage of a dwelling house without further permission
- 12. The access approved as part of this consent shall be laid out such that it shall have a minimum width of 5m and radius kerbs of 7.5m to the junction with the B184.
Reason: In the interests of highway safety
- 13. C.10.26. Standard highway requirements
- 14. The car parking to be provided for each unit as part of the reserved matters conditioned above, shall be laid out and surfaced or the garages constructed before the dwellings are first brought into use and shall be retained and made available for parking purposes at all times. None of the garages shall be converted into another use unless agreed in writing with the local planning authority.
Reason: To ensure adequate on site parking provision in the interests of highway safety.
- 15. Development shall not commence until a scheme of investigation and assessment to identify the extent of any on site contamination and measures to avoid risk to the environment when the site is developed has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented and completed before any of the dwellings hereby permitted are first occupied.
Reason: The site is known to include some fuel storage facilities and this is to ensure any potential contamination of the land from the past use is dealt with satisfactorily
- 16. All existing buildings shall be demolished and all existing uses ceased before any new dwelling is first occupied.
Reason: To avoid over development.

UTT/0212/02/FUL - NEWPORT
(Revised Report)

Conversion of existing offices into four residential flats.
Berwyn & Buriton House, Station Road. GR/TL 521-336. Sarbir Developments Ltd.
Case Officer: Charmain Harbour 01799 510458
Expiry Date: 8 April

NOTATION: ADP: Within Development Limits, Conservation Area and Area of Special Landscape Value. DLP: Within Settlement Boundary and Conservation Area.

DESCRIPTION OF SITE: The site is located on the northern side of Station Road close to the station building and is occupied by a pair of semi-detached red brick Victorian villas, which are currently in commercial use. To the north and east the site are the commercial units of the Maltings and the Maltings car parking area is to its rear. The right-hand unit of the pair has an open forecourt whereas the left-hand unit has retained its front railings and garden. There is a walled garden to the eastern side of the block. Vehicular access to the Maltings runs around the site. To the west the plot is adjacent to the River Cam.

DESCRIPTION OF PROPOSAL: Permission is sought to convert the building into four flats. Station Road comprises a mix of uses. To the western end the street is predominantly residential in nature but this changes to the east to having a more commercial character. The proposal would retain three parking bays to the front forecourt area and three additional bays would be reserved in the parking area to the rear. The walled garden would be retained as a communal amenity area with a new rear wall to be built to fully enclose it. There would be two flats created per floor but the two ground floor units would also include within a basement area further bedroom and ensuite facilities. The two ground floor/basement flats would be two-bedroom units with the first-floor flats would be one-bed. The windows would be to the side and front elevations with only windows to the bathrooms to the rear elevation. All the units would be accessed from one front door via a communal hall and stairway. Secondary means of access and light wells from the basement area would be formed to the side elevations. It is these areas which would be enclosed by a low brick bund wall approximately 0.3m in height but which gives a datum level of 59.25 which is above the highest recorded flood level of 58.70m. The bund would form part of the foundation to the enclosing railings to the light well and would not be visually intrusive.

APPLICANT'S CASE: As is demonstrated on our drawing, the bund wall is not obvious in its location, and also serves as a foundation for the railings guarding the light wells for the basement windows. I trust the above is clear, and that we have demonstrated compliance with the letter from the Environment Agency of 25 March 2002, withdrawing their objection to our proposals.

RELEVANT HISTORY: Change of use from domestic dwellings to retail sales and office accommodation was granted permission in 1982. An application was submitted last year for the conversion of the properties into four flats. This was withdrawn at the applicant's request following an objection being raised by the Environment Agency. The current application is a resubmission having given consideration to addressing the issue of flooding of the site. Members may recall this item was deferred at the last meeting as the scheme as originally submitted had still raised an objection from the Environment Agency. A further revision has been received showing bunding to the basement access areas and renotification has been carried out.

CONSULTATIONS: Environment Agency: Have confirmed that they are willing to withdraw their objection with the provision of the bund which should remain waterproof for the duration of the residential use.

Design Advice: The works to bring these units back into residential use are considered appropriate to the character or appearance of the Conservation Area. The front boundary wall and railings should be refurbished as part of these works and the enclosure of the side garden would help retain this garden area which includes some trees. These external works should visually enhance the street scene. The choice of bricks needs to be conditioned to match the brickworks to the existing property.

PARISH COUNCIL COMMENTS: Object: They consider there is inadequate parking for the site and any conversion needs to have dedicated and exclusive parking.

REPRESENTATIONS: This application has been advertised and no representations have been received. The renotification period expires on 26 April 2002

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) the subdivision of the property meets the Development Plan standards and an acceptable residential environment can be created (ERSP Policy H3; ADP Policy H9; DLP Policy H4) and
- 2) the proposal is unacceptable due to the risk of flooding to the site (ADP Policy W3; DLP Policy GEN3 and PPG25 Development and Flood Risk).

1) The conversion of the units into residential use would not be out of character with the area and would not harm the character and appearance of the Conservation Area. The units were originally built as houses and have retained the garden area to one side. The scheme would provide adequate on-site parking and amenity space to serve the units which can be conditioned to be reserved solely for use in association with the dwelling units. The flats would be in close proximity to the commercial units of The Maltings. These units are in a mix of light industrial and office uses. The orientation of the windows to the flats would minimize any conflict between the land uses, with only bathroom windows overlooking the rear car park area. The site is of a sufficient size that communal bicycle and refuse storage could be provided and is also well placed for use of the rail service as an alternative to using the private car.

2) The Environment Agency has now removed its objection to the proposal if a protective waterproof bund is provided around the access and a light well to the basement areas. It is proposed to secure the provision of this bund prior to the occupancy of the ground floor/ basement units and its retention in perpetuity.

CONCLUSIONS: The revised scheme is considered to overcome the previous objections on flood risk grounds. The proposal is considered to create an acceptable form of residential development with adequate on site amenity space and parking facilities.

RECOMMENDATION: APPROVAL WITH CONDITIONS

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.4.6. Retention and protection of trees and shrubs for the duration of development.
6. C.5.1. Samples of materials to be submitted and agreed
7. Neither of the two ground floor/ basement units shall be brought in to use until the

waterproof bund detailed on the approved drawings, enclosing the access light well to the basement areas has been fully implemented in accordance with the approved scheme. The bund shall be retained in perpetuity whilst the basement areas are used for residential accommodation.

Reason: To provide adequate flood protection for the basement areas having regard to the highest recorded flood levels for the locality.

8. The communal garden area shown on the plans hereby approved and pedestrian access to this shall be laid out and made available for use prior to the occupation of any of the four flats hereby permitted and shall thereafter be retained at all times for the use of the four units hereby approved.

Reason: To ensure the provision of adequate amenity space in association with the units.

9. The six car parking spaces shown on the approved plans shall at all times be retained for the communal benefit of the residents and visitors to the flats hereby permitted and none of the spaces shall at any time be otherwise disposed of or allocated or reserved for any other use other than for the benefit of the occupiers of the flats. The spaces shall be surfaced and fully laid out for use prior to the units first being occupied. Details of any measures to secure the spaces and denote their use in respect of the flats shall be submitted and approved in writing prior to the development commencing and shall be fully implemented prior to the flats being first occupied.

Reason: To secure adequate on site parking provision.

10. Details of secure and covered on site bicycle and refuse storage facilities for the communal benefit of the occupants of the four flats shall be submitted to and agreed local planning authority prior to development commencing on site. The scheme shall be fully implemented solely in accordance with the agreed details prior to the units being first occupied. The facilities shall subsequently be retained for use solely for these purposes.

Reason: To secure adequate on site cycle and bicycle storage facilities.

11. C.19.1. Avoidance of overlooking.

12. As part of the development hereby granted consent the existing front railings shall be retained and restored to the front boundary to Station Road. A detailed specification for the works shall be submitted to and agreed in writing with the local planning authority prior to the works to the boundary commencing. These details shall include details of any sections of new railings detailing the pattern of the new sections. The works to the front boundary shall be implemented solely in accordance with the agreed details and be fully implemented prior to the units being first occupied.

Reason: To secure an acceptable setting to the building given it is located within a Conservation Area.

UTT/1726/01/FUL - THAXTED

Erection of two-storey dwelling with annex and demolition of existing property. Creation of a lake.

The Stores, Cutlers Green. GR/TL 594-309. Mr & Mrs David Birbeck.

Case Officer: *Michelle Guppy 01799 510477*

Expiry Date: 15 February

NOTATION: ADP: Outside Development Limits/Within Area of Special Landscape Value Protected Lane/Special Verge/Adjacent to Listed Building.

DLP: Outside Settlement Boundaries/Protected Lane, Special Verge/Adjacent to Listed Building.

DESCRIPTION OF SITE: The site is located in open countryside on the north-western edge of the hamlet, to the northeast of the back road from Thaxted to Debden. Its frontage is approximately 85m and its depth varies from approximately 55m to 70m. The site currently has a bungalow of approximately 100sqm. floorspace in the southern corner, with an overgrown landscaped garden on the remainder.

DESCRIPTION OF PROPOSAL: The proposal is to demolish the existing bungalow and erect a 4-bedroom detached house, with a 1-bedroom annex, to northern side of the plot. The existing access at the northwestern corner of the plot on the road frontage would be used. The proposed dwelling would be a two-storey 'L' shape property with a footprint of approximately 210 sqm and a ground floor terrace.

APPLICANT'S CASE: See Supporting Statement dated 9 March 2002 attached. The Design Statement dated 18 December 2001 can be inspected at the Dunmow Offices.

RELEVANT HISTORY: New dwelling in garden refused May 2001 on Policy grounds. Two-storey replacement dwelling on approximately footprint of bungalow approved July 2001.

CONSULTATIONS: English Nature: Requested further information re Great Crested Newts. Applicant supplied a report in respect of this matter (Report 1). Concerned that the report did not cover a wide enough area of land and therefore requested the area of coverage of report to be extended. The applicant supplied a report covering a wider area (Report 2). As a result of the report English Nature thought it highly likely that Great Crested Newts were present on the site and requested a full ecological survey to be conducted. This survey is being undertaken and the results are to be reported.

Essex Wildlife Trust: To be reported (due 15 February).

Essex Amphibious & Reptile Group: To be reported (due 9 March).

Landscaping Advice: None of the trees on the site are considered worthy of a TPO.

Recommends conditions for retention of trees and landscaping.

ECC Transportation: No objections.

Environment Agency: Advice regarding foul and surface water disposal.

PARISH COUNCIL COMMENTS: No objections. It would show consideration for neighbours if the building was sited further away from the boundary.

REPRESENTATIONS: This application has been advertised and 3 representations have been received. Period expired 4 February.

1. No objection to the building, but object to the siting. It would be too close to the neighbour to the northwest. It should be more centrally located so that neither neighbour is overlooked.

2. Object. Proposed new dwelling and driveway would be against my boundary. This would be an invasion of my space and privacy and the ensuing overlooking would deprive

me of amenity. There is little or no screening on my boundary to preserve the value of my amenity. Road dips at this point and is prone to quite severe flooding. It also narrows quite markedly. The current driveway and access to the highway can be hazardous, however, the speed of the cars is considerably less here and decreasing in speed, in both directions in order to negotiate the bend. Introducing a large pond/reservoir in preference to smaller ponds may well upset the drainage of the new property and adjoining properties and increase the risk of flooding. Possibility of Great Crested Newts in the ponds. Dwelling and large pond/reservoir is over ambitious for the size of the plot. Object to removal of line of mature Beech trees and some Ash. These should be preserved.

3. Friends of the Earth: Details are not provided as to any use of solar panels or solar tiles so we assume that choosing a southern facing aspect in this situation will not make maximum use of the sun's potential in terms of energy conservation. With regard to the proposed lake it is not clear how water would be pumped into the house and stored for use in the toilets, presumably underground pipes from the lake would be required. Concerned about the effects of an artificial lake on the drainage of the surrounding land, the fact that several mature trees, beeches and ash, will have to be cut down, and the report that Great Crested Newts have been found there in the past. An artificial lake over a wide area whether lined or not could make a significant difference to the drainage of the area and the situation ought to be properly investigated. We cannot agree that the plans offer any great advantage with regard to the saving of energy or water. They would result in a loss of valuable trees and a disturbance of natural drainage and pond habitat.

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) **the principle and design of this replacement dwelling in this location would be appropriate (ADP Policy H8 and DLP Policy H6 – Replacement Dwellings),**
- 2) **the proposal would be detrimental to residential amenity (ADP Policy DC14 – General Amenity and DLP Policy GEN 4 Good Neighbourliness),**
- 3) **the effect of the proposal on the character and appearance of countryside and the Area of Special Landscape Value would be acceptable, the effect of the proposal on the setting of the neighbouring listed building would be harmful (ERSP Policies C5 – Rural Areas Not In The Green Belt and HC3 – Protection of Listed Buildings, ADP Policies C2 – Areas of Special Landscape Value, DC1 – Design of Development and DC5 - Development Affecting Listed Buildings and DLP Policies GEN2 – Design, GEN8 – Reinforcing Countryside Character and ENV2 – Development Affecting Listed Buildings) and**
- 4) **the effect of the proposal on a protected species – The Great Crested Newt (PPG 9 Nature Conservation.)**

1) The principle of a replacement dwelling has already been established by the granting of planning permission with conditions, albeit in a different location closer to the existing property. The policies require siting to be in proximity to the existing dwelling and the size/design to be appropriate to its setting. Although the relocation of the dwelling approximately 40m from the existing footprint would not be strictly in accordance with the Policy requirement that it should be 'in proximity' to the original structure, there was a similar case allowed on appeal at Lindsell in 1999. It is considered that this would be acceptable given the size of the plot.

The footprint of the proposal would be approximately double that of the existing bungalow and the scale and bulk would be larger than adjacent dwellings. The building would also be taller than surrounding two-storey properties, which are older and have lower floor to ceiling heights. However, the way the design would manage to break the new dwelling up into separate elements should make it appear less obtrusive. The design is modern, but would

not detract unduly from the character and appearance of the countryside. The annex would have a large footprint compared to the proposed main house, but provided they are tied together by condition, this would be acceptable. The proposed metal roof material would not be in keeping with the surrounding properties and would, therefore, not be acceptable. A natural material would be more appropriate to the location. The remainder of the materials would be acceptable in this location and in keeping with nearby properties.

2) Due to the distances of the proposed dwelling from other properties, the proposals should not result in any loss of residential amenity providing that a 3m planting strip is provided on the north western boundary and the wall in this location is truncated 3m short of this boundary.

3) To the east of the existing dwelling is a Grade II listed building. The proposal would result in the dwelling being removed from it. The nature of this part of the settlement is a group of loosely-knit dwellings of various ages gathered around the green and the site is on the edge of this area. Although relocating the dwelling as proposed may result in it becoming removed from this group and appearing more isolated in the countryside, it would be further away from the listed building and, therefore, improve its setting. Any future applications for a new "infill" dwelling would be strongly resisted.

4) PPG 9 Nature Conservation states *"The presence of a protected species is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in harm to the species or its habitat. Local authorities.... should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the protection of the species, particularly if a species listed in Annex IV to the Habitats Directive would be affected. The Great Crested Newt is included in Annex IV of the EC 'Habitats and Species Directive'. Approximately 200m from the application site is a County Wildlife Site (Cutlers Green G80) having 2 ponds which have a large population of breeding great crested newts. Great Crested Newts are known to travel up to 500m between habitats and there is a high likelihood of them being present on the application site. English Nature has requested that a full survey is undertaken and newts have been found – one of the largest breeding colonies in north Essex. The effect of the development on the newts will need to be assessed and it will need to be determined whether the effect is so serious that their presence warrants refusal or whether any impact can be overcome by mitigation measures which may need to be secured by way of condition or Section 106 Agreement.*

COMMENTS ON REPRESENTATIONS: Landscaping could be enhanced to ensure the adjacent property is adequately screened and that residential amenity is safeguarded. The wildlife and drainage concerns can also be conditioned.

CONCLUSION: On balance, considering former appeal decisions and provided adequate conditions are imposed, the proposal broadly complies with Development Plan policies. A Section 106 Agreement may be required ensuring that the wildlife issue is used to secure the site remains as 1 plot and the issue of the Great Crested Newt is resolved to the satisfaction of English Nature. An Agreement is required in any event to avoid an application for a dwelling on the site of the existing being made in the future. An oral update will be given at the meeting.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND A SECTION 106 AGREEMENT

1. C.2.1. Time limit for commencement of development
2. C.3.1. To be implemented in accordance with approved plans, except regarding conditions 10 & 16.

3. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
4. C.6.10. Residential annexe/ancillary to main dwelling.
5. C.6.11. One dwelling unit only.
6. C.6.5. Excluding fences and walls without further permission.
7. C.4.1. Scheme of landscaping to be submitted and agreed.
8. C.4.2. Implementation of landscaping
9. C.4.6. (a), (b) & (c) Retention and protection of trees and shrubs for the duration of development.
10. C.5.1. Samples of materials to be submitted and agreed, excluding proposed metal roof material.
11. C.23. Demolition of existing dwelling.
12. C.15.1. Superseding previous permission.
13. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
14. No development shall take place until precise details of the means of foul and surface water disposal have been submitted to and approved in writing by the local planning authority. The drainage works shall be carried out in accordance with the approved details and retained in perpetuity unless the local planning authority has agreed in writing to their removal or alteration.
Reason: To ensure that the development does not cause flooding or pollution.
15. C.20.2. Protection of wildlife species.
16. The 2m section of wall nearest the north western boundary of the site marked 'A' on the approved plans attached shall be omitted and a 3m wide strip of hedges/trees shall be planted along the entire of the northern boundary of the site and shall not be lopped topped or felled without the prior written approval of the local planning authority.
Reason: To screen the site from the neighbouring property to the north, to protect the amenity of the occupiers of the site to the north because of the proximity of the application building to northern boundary.

HEADS OF AGREEMENT:

1. Mitigation measures re Great Crested Newts.
2. Not to apply for a new dwelling on the site of the existing.

UTT/0133/02/OP – GREAT DUNMOW

Outline application for one dwelling
Greenacre, St Edmunds Lane. GR/TL: 634-220. Miss V A Lipman.
Case Officer: David Jeater 01799 510464
Expiry Date: 10 April

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

DESCRIPTION OF SITE: This site is located on the eastern edge of the town opposite the Cricket Ground. It comprises 900sq.m forming part of the garden of a two-storey detached house "Greenacre", close to the junction of St Edmund's Lane and Braintree Road. Immediately to the south is a bungalow, "The Haven", and to the east the garden of another house, "Dormers". South of "The Haven" are four other cottages, three of them in a terrace.

DESCRIPTION OF PROPOSAL: The application is in outline for a single dwelling house, with all detailed matters reserved for later approval.

TOWN COUNCIL COMMENTS: Objects - over development and loss of open aspect.

REPRESENTATIONS: One received. Notification period expired 16 March.
CPREssex: Proposal is outside development limits where new housing is not normally permitted. The site is not a small gap and does not fall within a small housing group and would therefore not qualify as infill. Development in this location would have an adverse effect on the surrounding open area, and close the view between the two adjoining properties.

PLANNING CONSIDERATIONS:

The main issues are whether:

- 1) the proposal qualifies for infilling (ADP Policy H6) and
- 2) a house on this site would result in a material reduction to local amenity in this Area of Special Landscape Value (ADP Policy C2).

1) The infill policy says that individual dwellings will '*normally be permitted*' in small gaps within small housing groups provided there is no adverse effect on the character of the countryside. In this case the site is already in garden use and has domestic gardens on three sides and public highway on the fourth. The gap between the house at "Greenacres" and "The Haven" is 29m wide; within 50m of the site boundaries are six houses, plus the large barn ancillary to the residential use of Dormers. This is a small group and the plot is a small gap within it.

2) The land rises to the east of the site and a house of average size positioned so that it would not overlook "The Haven", and would in its turn not be overlooked by "Greenacres", would not materially affect the character of the countryside at this point.

CONCLUSION: The site concerned is a small gap in a small group of houses just outside Development Limits, and one dwelling would not involve the extension of residential uses into open countryside. There are no special circumstances in this particular case which would suggest that the authority should not follow its normal infill policy.

RECOMMENDATIONS: APPROVAL WITH CONDITIONS

- 1&2. C.1.1&2. Submission of reserved matters
- 3&4 C.1.3&4. Time Limit for submission of reserved matters.
- 5. C.5.2. Details of materials to be submitted and agreed.

UTT/0160/02/FUL – GREAT DUNMOW

Erection of one dwelling.

Adj. Beaumont House, Beaumont Hill. GR/TL: 625-227. Mrs J Hadfield

Case Officer: *David Jeater 01799 510464*

Expiry Date: 29 March

NOTATION: ADP: Outside Development Limits/Within Area of Special Landscape Value and Conservation Area

DLP: Outside Settlement Boundaries. Within Conservation Area.

DESCRIPTION OF SITE: Beaumont House is a two-storeyed house facing Beaumont Hill [B 184] on the northern edge of the town. The site forms an area of land 0.09ha (0.22 acres) in extent, part of its garden. The plot is L-shaped, with hedges or large trees along three of its boundaries.

DESCRIPTION OF PROPOSAL: The revised details show a 1.5-storeyed, four-bedroomed house of 'traditional' appearance [brick plinth, rendered above and clay plain tiles], and detached double garage. Access would be via a driveway alongside Beaumont House, with a new crossover onto Beaumont Hill.

APPLICANT'S CASE: Referring to the appeal case involving a new dwelling on this site which was dismissed in 2001, draws attention to various points made in the Inspector's decision letter, including that in principle, development of the site would not harm the character and appearance of the surrounding area. The revised proposal modifies the design of the house to reduce its overall bulk, and alters its siting so that it eliminates any possible overlooking of the new house to the south and safeguards the tree.

RELEVANT HISTORY: Outline application for house refused 1994. Application for a detached house with integral garage, rather larger than now proposed, refused in 2001 because the site was outside Development Limits [and did not amount to infill], breached the backland development Policy [H10], involved the loss of a gap of open land which contributed to the amenity of the Conservation Area Policy DC8], would overlook the garden of the house to the south, and would have an overbearing effect on Beaumont House itself, and on its amenity. In determining the appeal, the Inspector said that she did not accept that the proposal breached the infill criteria in the District Plan policy, she agreed that the proposal would not adversely affect the open space to the west of the site, would not adversely affect the Conservation Area, and that there were no highway reasons justifying refusal. However, she dismissed the appeal on the grounds that the height, bulk and siting of the proposed house would have an unacceptable effect on the living conditions of the occupiers of the newly constructed replacement dwelling to the south.

TOWN COUNCIL COMMENTS: Object. Creation of additional access on dangerous bend. Detract from listed Clock House. Better to have a cottage of more traditional design.

REPRESENTATIONS: This application has been advertised and three representations have been received. Period expired 7 March.

1. CPREssex: This new proposal would not overcome the reasons for the Inspector dismissing the appeal in 2001, regarding the impact of the structure, and would adversely affect a Preserved Tree.
2. Dunmow Society: The proposal would be over development of the site, and the new access onto Beaumont Hill would be a potential hazard.

3. New access to Beaumont Hill being dangerous, would adversely affect the setting of The Clock House and the Conservation Area, would overlook the garden of that house, and would adversely affect the rural nature of the area, including its wildlife.

PLANNING CONSIDERATIONS:

In the light of the Inspector’s comments, the main issues are whether

- 1) **the proposed house would harm the amenity of the house to the south (ADP Policy DC14 and DLP Policy GEN4) and**
- 2) **the new proposal would involve other adverse effects which did not arise with the appeal case last year.**

1) The proposal which was dismissed was for a larger L-shaped house of some 195 sq m of floorspace [excluding its integral garage] and a ridge height of 8.1m, positioned at its closest 1.5m from the southern boundary, with a ‘frontage’ of some 14m to that boundary: It included two dormers overlooking the garden to the south.

The revised proposal now brought forward is for a house, rectangular in plan and ‘end on’ to the southern boundary, some 2.5m from it, with a southern flank elevation of 7.5 m width without any windows looking south. The house would have 160 sq m of floorspace, a ridge height of 7.5m, and would be positioned so that it would have a rather greater area of usable garden than the earlier application.

2) The proposal does not introduce any new adverse effects which would be materially different in scale from those considered in the appeal case.

COMMENTS ON REPRESENTATIONS: The design is acceptable and the house would be some 20m from the new dwelling to the south, 29m from Beaumont House itself, 12m from the preserved ash tree in the garden of that house, and 50m and behind trees from the Grade I listed Clock House. The access proposed would be acceptable to the highway authority.

CONCLUSION: The Council’s 2001 decision on this site refused the application mainly on grounds of ‘principle’. On appeal, the Inspector did not support those grounds, either individually or cumulatively. This revised proposal, if approved subject to appropriate conditions, would overcome the Inspector’s reasons for dismissing the appeal.

RECOMMENDATIONS: 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.6.3. Excluding permitted development extensions and free standing outbuildings.
- 4. C.19.1.Avoidance of overlooking.
- 5. The hedges and trees on the southern and eastern boundaries of the site shall be retained unless the local planning authority gives its written consent to their removal or variation. Should any tree or part of the hedge die, be removed or become seriously damaged or diseased, it shall be replaced during the following planting season by a tree or hedge planted in accordance with a specification previously agreed in writing by the local planning authority.
Reason: To reduce the visual impact of the development hereby permitted.
- 6. C.5.2. Details of materials to be submitted and approved.

UTT/0309/02/OP – ELSENHAM

Erection of dwelling.

The Cottage, Fullers End. GR/TL: 536-256. T A Robinson.

Case Officer: David Jeater 01799 510464

Expiry Date: 19 April

NOTATION: ADP: Outside Development Limits/Within Area of Special Landscape Value and Stansted Airport Countryside Protection Zone (CPZ).
DLP: Outside Settlement Boundaries/Within CPZ.

DESCRIPTION OF SITE: The site lies between Elsenham and Burton End, Tye Green, just north of the Airport. It has a frontage of 20m and forms part of the garden of “The Cottage”, a two-storey thatched but unlisted house. Fuller’s End is a hamlet of some ten cottages [of which five are listed] about 500m south of Elsenham. At the western end of the site is a small orchard of old apple trees and on its southern boundary is a public footpath. The property immediately south of the footpath is listed and thatched, ‘Fresh Fields’, partly screened by vegetation from the application site.

DESCRIPTION OF PROPOSAL: This is an Outline application for one dwelling house with all details reserved for later approval.

RELEVANT HISTORY: Erection of one or two dwellings refused 1989 on grounds of consolidation adversely affecting open character of rural area.

PARISH COUNCIL COMMENTS: Infilling, outside the village envelope.

REPRESENTATIONS: This application has been advertised and three representations have been received. Period expired 28 March.

1. CPREssex: The site is outside the development limits of Elsenham, in the Countryside Protection Zone around Stansted Airport and an Area of Special Landscape Value. New residential development would be contrary to the policies.
2. The group of cottages extending down the lane towards the railway line are all approximately 16/17th century construction with thatched roofs. Although there are buildings or more modern construction in the vicinity, they form a cohesive whole and give a charming, historic character to the hamlet, which would be destroyed by the insertion of a modern structure. A new structure would also disturb the historic spacing of the properties.
3. The site is located in a lane of eight 17th century cottages, probably unique in the area. Infill of modern property would be criminal and could open the ‘floodgates’ for numerous new properties.

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) **the proposed house would breach the policy which applies to the Stansted Airport Countryside Protection Zone (ADP Policy S4 and DLP Policy S8),**
- 2) **the proposal would be acceptable Infill (ADP Policy H6 and DLP Policy H2) and**
- 3) **the new dwelling would adversely affect the setting of the nearby listed building (ADP Policy DC5 and DLP Policy ENV2).**

- 1) The principal aim of the Countryside Protection Zone is to protect the area from airport-related commercial uses, which could ‘spill out’ onto open land in the adjacent countryside and to prevent coalescence between the airport and other development which

would adversely affect its open characteristics. Whilst the dwelling would not promote 'coalescence', to the extent that it would reduce the gap of some 28m between the ancillary buildings in two adjoining properties, it would diminish the open characteristics of the Zone.

2) The infill policy says that individual dwellings will normally be permitted in small gaps in small housing groups in the countryside providing there is no adverse effect on the character of the settlement. The proposal satisfies the criteria insofar as they relate to 'individual dwellings', 'small gaps', 'small housing groups'. The remaining question is whether the gap between the 'Fresh Fields' and 'The Cottage' is such an important feature of this group of houses that its loss would significantly alter its overall character. The Officers' view is that the group from "White Cottage" in the north to "Apple Tree House" in the south-east comprises properties of various ages with outbuildings of different dates. This gap is not the only one in the group and its development would consolidate its loosely-knit character which should be retained.

3) The proposal before the Council is simply in outline, with, among other things, matters of siting, design, landscaping, and external appearance reserved for later decision, and involves a site with 22m frontage to the public highway. There is no reason to believe that an appropriately designed house cannot be accommodated on the site in a manner which would respect its surroundings and would not adversely affect the setting of the listed house and its outbuilding to the south.

CONCLUSION: The proposal would breach the Countryside Protection Zone; and it would not be acceptable infilling. Furthermore, it would create a precedent for other plots to be built on, thereby cumulatively consolidating this attractive hamlet.

RECOMMENDATIONS: REFUSAL REASONS

1. Contrary to Policy S4: Unsuitable development in Countryside Protection Zone. Adversely affect open characteristics of Zone.
2. Contrary to Policy H6: Unsuitable site for infill development. Consolidation of loosely-knit hamlet detrimental to rural character. Precedent for further development.

UTT/0405/02/OP – STANSTED

Outline application for erection of a dwelling.
Land adjoining 4 High Lane. GR/TL: 514-258. Essex Police Authority.
Case Officer: Michelle Guppy 01799 510477
Expiry Date: 13 May

NOTATION: ADP: Within Development Limits. DLP: Within Settlement Boundaries.

DESCRIPTION OF SITE: The site is located to the northern most edge of the main urban area of built development on the western side of High Lane. The site has a row of 4 Police Houses to the south, modern housing to the west, open fields across the road to the east and a site currently being developed as a new Catholic Church to the north, beyond which is open countryside. The site measures approx. 10m x 40m.

DESCRIPTION OF PROPOSAL: The application is an outline application for the erection of one dwelling with means of access to be determined at this stage but all other matters to be reserved.

CONSULTATIONS: ECC Transportation: To be reported (due 25 April).
Environment Agency: Advice regarding culverting works and foul and surface water disposal.

PARISH COUNCIL COMMENTS: No comment.

REPRESENTATIONS: Two. Notification period expired 9 April.

1. Object. Overlooking and loss of view. Will result in noise and visual pollution. Loss of amenity. Condition C.4.1. sub-para. D) of planning consent UTT/1003/00/FUL (Catholic Church) stipulated that all existing boundary hedges and trees to be retained. The applicant states the intention to lop, top or fell the hedge. This condition must not be violated as this would destroy the habitat of many species of wildlife and rob me of screening from traffic noise on High Lane and noise from the overflow car park for the Church.

2. I have studied a drawing relating to the new Catholic Church which is adjacent to the site in question and to my property i.e. drawing no. BA 1113/006A. This drawing shows a foul water pipe running across my property and on to the building plot some distance from the northern boundary. On the assumption that this will restrict the width of any dwelling it is likely that any building would extend lengthways and exacerbate the problem of overlooking. Being overlooked is of real concern and worry to me.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would be:

- 1) appropriate in this location for residential development (ERSP Policy BE1, ADP Policy S1, DLP Policy S3) and**
- 2) detrimental to highway safety (ADP Policy T1, DLP Policy GEN1)**

1) The site previously formed part of the garden to No. 4 High Lane and lies within the Development Limits of the village where appropriate development is acceptable in principle. A single dwelling would be acceptable in this location, provided that it would be set inline with 1-4 High Lane, with 100sqm of private garden space and 2 car parking spaces. It would be approx 16 from the rear (western) boundary of the site which is in line with the advice given in the Essex Design Guide.

2) The applicant proposes to use the existing access and the increase in traffic should not be detrimental to highway safety or residential amenity.

COMMENTS ON REPRESENTATIONS: A view over someone else's land is not a valid planning consideration. The application as submitted states there is no intention to lop top or fell any trees or hedges along the boundary. (A copy of the letter has been passed to the file for the Catholic Church.) No details have been submitted with the application, therefore, it is not possible to assess the impact of any overlooking that may result.

CONCLUSIONS: The proposal is in accordance with policy.

RECOMMENDATION: APPROVAL WITH CONDITIONS

- 1&2. C.1.1.&2. Submission of reserved matters
- 3&4 C.1.3.&4. Time limit for submission of reserved matters.
- 5. C.4.1. Scheme of landscaping to be submitted and agreed
- 6. C.4.2. Implementation of landscaping
- 7 C.5.2. Details of materials to be submitted and agreed
- 8 C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
- 9. No development shall take place until full details of the means of disposal of foul and surface water have been submitted to and approved in writing by the local planning authority. Thereafter the approved means of disposal shall be implemented in full and shall not be altered or removed without the prior written consent of the local planning authority.
Reason: No drainage details have been submitted. To ensure that there is no flooding or pollution of the water environment.
- 10. The reserved matters to be submitted pursuant to condition C.1.1. above shall relate to a maximum of two dwellings.
Reason: To prevent over development of the site. In the interests of residential amenity.
- 11 C.11.1. Standard vehicle parking facilities.
- 12. C.12.3. Boundary screening requirements.

UTT/0465/02/OP - STANSTED

Outline application for two-storey dwelling to form additional terraced unit.
Land adjacent to 12 Mount Drive. GR/TL: 513-243. Jonathan Smith.
Case Officer: Michelle Guppy 01799 510477
Expiry Date: 16 May

NOTATION: Within Development Limits and Settlement Boundaries.

DESCRIPTION OF SITE: The site is located on the corner of Mount Drive and Stoney Common, to the south of the village centre. It forms part of the garden to No. 12 Mount Drive, one of a terrace of three dwellings. It is approximately 33.5m deep; the eastern (rear) boundary measures 1.5m and the western boundary measures 11m, forming an almost triangular plot.

DESCRIPTION OF PROPOSAL: This revised outline proposal is for a two-storey end of terrace dwelling, with siting and access to be agreed at this stage. Design, landscaping and external appearance are to be reserved matters. It is proposed that the dwelling would face south onto Stoney Common and have a rear garden of 100sqm, and two parking spaces, leaving the existing with one parking space accessed via the rear from the private road heading north from Stoney Common.

RELEVANT HISTORY: Erection of two-storey dwelling refused 27 November 2001, because of inadequate manoeuvring space, likely to result in the spaces not being used. Therefore, the cars associated with the dwelling would be parked on the highway where any additional on-street parking would be detrimental to highway safety.

PARISH COUNCIL COMMENTS: Notification period expired 20 April.

REPRESENTATIONS: One. Notification period expired 11 April.

1. Support (from owner of site). Feel the proposed plans comply with all planning requirements and that the design is consistent with surrounding dwellings. As the owners of 12 Mount Drive, we have absolutely no objection to our property becoming mid-terrace.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would be:

- 1) **appropriate in this location (ADP Policy S1 & DLP Policy S3),**
- 2) **acceptable in design terms and effect on residential amenity (ERSP Policy BE7, ADP Policies DC1 & DC14, DLP Policies GEN 1 & GEN4) and**
- 3) **provide adequate off-street parking facilities (ERSP Policy T12, ADP Policy T2, DLP Policy GEN9).**

1) The site is located within Development Limits, where there is a presumption in favour of development. It is considered that the proposal would not be unreasonably detrimental to important environmental or visual characteristics of the locality.

2) At present the south-facing elevation to Mount Drive is a nondescript flank wall. Provided any development is well designed and faces both south and east, it could positively contribute to the street scene. The footprint of the proposal would be 'prominent' and in order to safeguard the environmental character of the area any proposal would need to be designed to be in-keeping with the row of terraces it is attached to. However, this is a small plot in a high-density area, where a new dwelling would appear intrusive and over-dominant

in the street scene. It would deprive the current and future occupants of No.12 Mount Drive of most of their garden and reduce their ability to use their garage and parking space safely and conveniently. Overall, the proposal amounts to over-development.

3) The proposal includes two parking spaces which would comply with the parking requirement in the District Plan and would meet or exceed the parking requirement in the Essex Planning Officers Association Vehicle Parking Standards (August 2001) which have been adopted by ECC as Supplementary Planning Guidance to the recently adopted Replacement Structure Plan. In the interests of highway safety, these parking spaces should have at least 6m of space in front of them to enable cars to manoeuvre in and out safely. However, the rear access road to the parking spaces is only approximately 2.6m wide. Following the refusal in November 2001 for a similar proposal, the applicant has submitted an indicative layout which proposes that the parking spaces are moved further into the site and the access is widened. The widening of the access for the proposed dwelling results in the access left for the existing dwelling being narrower. Even if the new proposal were to allow adequate manoeuvring space for the proposed dwelling, it would leave the existing dwelling with inadequate parking space. In order for the existing dwelling to then have adequate parking space it would leave the property with inadequate amenity space.

It is considered that, in order for the vehicles to have the required amount of manoeuvring space and for adequate parking to be provided, such an extent of garden would be required that the proposal would not be able to meet the requirement for amenity space. This would apply to both the new dwelling and the existing. A lack of usable parking spaces for the proposed dwelling and/or the existing dwelling would result in vehicles parking on the highway to the detriment of highway safety.

CONCLUSION: The proposal would not meet the amenity and parking requirements of the District Plan and amounts to over development.

RECOMMENDATION: REFUSAL REASON

The proposed development would be unacceptable because it fails to make appropriate provision for car parking in that the existing dwelling would be left with inadequate parking space. This is likely to result in vehicles associated with the existing dwelling parking on the highway. The level of on-street parking and the quality of the roads in the immediate and nearby vicinity of the site are such that any additional on-street parking would be detrimental to highway safety, contrary to ADP Policy T2 Part (A) & DLP Policy GEN9.

UTT/0407/02/OP – HIGH EASTER

Outline application for single-storey dwelling
Land at GR 646-160. Mr A Benians & Ms M Thorne.
Case Officer: Katherine Benjafield 01799 510494
Expiry Date: 7 May

NOTATION: ADP and DLP: Outside Development Limits and Settlement Boundaries.

DESCRIPTION OF SITE: The site is located in open countryside approximately 0.8km (0.5 mile) northeast of High Easter and covers an area of approximately 682sq.m (0.275 acres). The site has no obvious previous use and is overgrown. There are a number of trees on the site, but these are located mainly on the boundaries. A public footpath runs along the southern boundary and there is a pond to the east and another to the north outside the site.

DESCRIPTION OF PROPOSAL: This is an outline application for one single-storey dwelling. The application states that siting and means of access are to be determined in detail and are not reserved matters, although there has not been enough information provided with the application in order to do this.

PARISH COUNCIL COMMENTS: To be reported (due 12 April).

REPRESENTATIONS: This application has been advertised and any representations received will be reported. Period expired 11 April.

PLANNING CONSIDERATIONS:

The main issue is whether the proposal complies with Policies concerning development outside Development Limits (ERSP Policy C5, ADP Policy S2 and DLP Policy S7).

The proposal is for a single-storey dwelling located in open countryside where Policy S2 of the Adopted District Plan states that development outside Development Limits will not normally be granted permission unless the proposals relate to agriculture, forestry or appropriate outdoor recreational uses. There has been no evidence that this proposal relates to any of these uses and it would constitute a new building in the open countryside. ERSP Policy C5 also requires development in the countryside to support agriculture, forestry or other rural uses which this proposal does not do.

CONCLUSION: The proposal would involve a new dwelling in the open countryside, contrary to ERSP Policy C5, ADP Policy S2 and DLP Policy S7, which would be intrusive in this rural area detrimental to its open character.

RECOMMENDATION: REFUSAL REASON

The proposed development would be unacceptable because it would involve the construction of a new building outside Development Limits for purposes other than those listed in the Policy and would have an adverse effect on the open characteristics of the countryside, contrary to ERSP Policy C5, ADP Policy S2 and DLP Policy S7.

UTT/0181/02/FUL - TAKELEY

Erection of one pair of semi-detached houses
North Road, Rear of 7 Parsonage Road. GR/TL: 561-216. Mr and Mrs Thomas.
Case Officer: Katherine Benjafield 01799 510494
Expiry Date: 12 April

NOTATION: ADP and DLP: Within Development Limits and Settlement Boundaries.

DESCRIPTION OF SITE: The site covers an area of 219m² and is located within the rear garden of No.7 Parsonage Road, its current use is domestic garden for No. 7 Parsonage Road.

DESCRIPTION OF PROPOSAL: The proposal is for a pair of semi-detached houses to be erected in the rear garden of 7 Parsonage Road. The houses would have a ridge height of 7m and a total width of 14.2m. The footprint of the two houses would be approximately 77.4m².

APPLICANT'S CASE: The applicants are attempting to provide their children with affordable housing in the locality having failed to find such properties within the area. Both children currently live at home with their parents at No. 7 Parsonage Road and hope to continue living in the area if this application is successful.

RELEVANT HISTORY: Extension conditionally approved in 1984 and two-storey side extension approved in 1991.

PARISH COUNCIL COMMENTS: Object – the plot would be overdeveloped.

REPRESENTATIONS: Two letters of objections received. Notification period expired 1 April. Main points are that the proposal would:

1. Result in loss of light to No. 8 Parsonage Road.
2. Invade privacy and create a claustrophobic atmosphere at No. 8 Parsonage Road.
3. Add to the current parking difficulties on North Road.
4. Be very close to No. 1 North Road and
5. Set a precedent for other residents of North Road to apply for similar proposals.

PLANNING CONSIDERATIONS:

The main issue is whether a pair of dwellings can be erected on the site and remain in accordance with Adopted District Plan Policy DC1 (DLP Policy GEN2).

Policy DC1 states that the design of development proposals should respect the scale, proportions, appearance and materials of buildings in the locality. Residential development should also have regard to operative published standards of layout and design guidance. It is considered that the proposed development would result in an over development of the site with the new dwellings having only approximately 70m² amenity space available to them each. The proposed development would also leave only 119m² of amenity space at No.7 Parsonage Close. A characteristic of the area is terraced houses which have front gardens and relatively large gardens to the rear.

This proposed development would result in the dwellings on the site having significantly reduced gardens which would not be in keeping with the neighbouring properties. Any amenity space to the front of the dwellings would be taken up meeting the recommended parking standards, which the proposal just manages to achieve. The proposed dwellings

would have less than 1m of space between the houses and the east and west boundaries and there would only be approximately 2m between the eastern dwelling and No.1 North Road. Overlooking and overshadowing would occur to the detriment of neighbouring residents.

CONCLUSION: The proposal would create a development which is cramped with a lack of adequate amenity space, contrary to Policy DC1 of the Adopted District Plan.

RECOMMENDATION: REFUSAL REASON

Contrary to ADP Policy DC1: Over development. The erection of two dwellings would result in over development of the site, leaving insufficient amenity space to serve the needs of future occupants. Overlooking, overshadowing and overbearing impact.

UTT/0348/02/OP – DEBDEN

Two-storey dwelling to replace existing cottages
1-2 Brick House Cottages, Off Water Lane. GR/TL: 544-338. Mr A Tetlow.
Case Officer: Charmain Harbour 01799 510458
Expiry Date: 29 April

NOTATION: ADP: Outside Development Limits/Within Area of Special Landscape Value/Adjacent to SSSI.
DLP: Outside Settlement Boundaries, adjacent to SSSI.

DESCRIPTION OF SITE: The site is located in open countryside north of the village, to northern side of Water Lane approximately 500m from the crossroads to Saffron Walden and Newport. The site is accessed via a private road, which serves the existing two cottages on the site and Brick House Farm, and occupied by a pair of semi-detached cottages on rising land. They are brick built to the ground-floor with a rendered finish to the first-floor, with large single-storey side extensions. There is no on-site parking and vehicles have to park on the access road leading to the units. The houses have their front elevations screened by a conifer hedge and are of no significant architectural merit. The farm complex to the north consists of a series of Listed Buildings, with the main farmhouse being Grade II *, but the application site is over 90m from the nearest one.

DESCRIPTION OF PROPOSAL: The proposal is for the demolition of the two existing dwellings and the erection of one detached dwelling in their place. It is in outline and only the means of access is now sought for approval. By way of illustration a site plan denotes the location of the new dwelling in a similar location to the cottages. Access would be via the existing private road. Illustrative elevations have been included showing a two storey unit which could be up to 5 bedrooms in size. On site car parking could be achieved. The existing cottages have a combined floor area of approximately 185m². The new house as illustrated has a floor area of c 270 m². It is proposed that a maximum floor area be placed on any consent granted.

APPLICANT'S CASE: The total floor area of the existing cottages (both floors) is approximately 185 sq.m. Assuming that planning permission could be sought for extensions to both properties, I believe this would increase the total floor area to approximately 235 sq.m. In addition to this, there are approximately 50 sq.m of existing outbuildings. The proposed property shown on the preliminary drawings equates to approximately 270 sq.m and shows a five bedroom two-storey house. As you will be aware, this site is on a sloping location and obviously it may be possible to make use of the different levels in the final design of the new dwelling. This, of course, will not be finalised as it is a reserved matter on this application. Drawing no: 27201.02 shows our preliminary thoughts on the type of house that may be proposed for the site.

CONSULTATIONS: English Nature: No objections, the development is not considered to be likely to have a detrimental effect on the SSSI.

PARISH COUNCIL COMMENTS: To be reported (due 3 April).

REPRESENTATIONS: None. Notification period expired 25 March.

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) **the erection of one replacement dwelling would adversely impact on the rural character of the location outside development limits (ERSP CS2, ADP H8, S2, DLP: H6, GEN8) and**
- 2) **the proposed means of access for the unit would be acceptable (ERSP T3, ADP T1, DLP GEN1).**

1) The proposal to replace two dwelling units with one detached unit accords with the replacement dwellings policy. The siting of the unit is still to be agreed, but the illustrative scheme shows it could be accommodated in approximately the same position as the existing structures and shows the two-storey cottages being replaced by a two-storey dwelling. The main issue is the amount of floor space created. The conversion of the existing two units into one dwelling would not require planning consent, so it is considered to be reasonable to consider the combined floor areas of the cottages. The applicants' argument of adding two lots of Permitted Development volumes to the existing floor area is not accepted. The policy background allows for a modest increase in size of replacement units which it is considered would be reflected in the proposed limit of 200m², rather than the applicants' suggested 270 sq.m. It is also proposed that Permitted Development rights be removed to control the size and form of any development on the site given its location in the open countryside. It is proposed to secure a landscaping scheme for the development to ensure adequate screen planting.

2) The existing access serves two dwellings and the proposal will reduce this to one. The site is large enough to accommodate on-site parking and turning and it is proposed to condition this as part of the approved reserved matters.

CONCLUSION: The principle of one replacement dwelling in place of the two existing units is considered to meet the policy requirements and would not adversely affect the amenities of the area or the setting of the Listed Buildings, subject to conditions on all the reserved matters and a limitation on the size of dwelling proposed.

RECOMMENDATION: APPROVAL WITH CONDITIONS

- 1&2. C.1.1&2. Submission of reserved matters.
- 3&4. C.1.3&4. Time limit for submission of reserved matters
5. The replacement dwelling hereby granted consent shall not exceed a floor area of 200m² notwithstanding any floor layouts or details shown on the illustrative drawings submitted to support the application.
Reason: This represents a modest increase in floor area over and above the total floor area of the existing cottages, any further increase in scale of the property could have a dominant and intrusive impact on the rural setting of the location.
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission
7. C.4.1. Scheme of landscaping to be submitted and agreed
8. C.4.2. Implementation of landscaping
9. C.5.1. Samples of materials to be submitted and agreed
10. C.23. Demolition of existing dwellings
11. C.10.9. Standard highway requirements

UTT/0440/02/DFO – HADSTOCK

Erection of dwelling.

Land adjoining Woodhall, Bartlow Road. GR/TL: 562-449. Beaugrove Ltd.

Case Officer: Charmain Harbour 01799 510458

Expiry Date: 13 May

NOTATION: ADP: Within Development Limits, adjacent to Listed Building, within an Area of Special Landscape Value, adjacent to a Conservation Area.

DLP: Within Development Limits, adjacent to Listed Building, adjacent to a Conservation Area.

DESCRIPTION OF SITE: The site is located on the eastern edge of the village on the northern side of Bartlow Road. The site currently forms the western portion of the garden to the detached dwelling of "Woodhall", which has windows facing to the south-west. The site is located on rising land with a steep bank and hedge abutting the road. To the south-west the site abuts the residential plot of 'Prospects', a two-storey detached dwelling in a backland location with vehicular access from Moules Lane such that its front elevation faces north-west and the rear garden is adjacent to Bartlow Road to the south-east. The north-western boundary abuts the curtilage of 'Roselands' a detached bungalow. The north-western boundary is defined by a line of trees and a hedge.

DESCRIPTION OF PROPOSAL: This detailed application seeks approval for the reserved matters relating to the erection of one dwelling on the site. The access approved under the original outline permission is via the existing driveway to "Woodhall" this would remain and a new drive with a spur positioned to retain the existing features on the site. This application seeks to revise the siting of the unit from that approved on the original consent, by setting it back and locating it on a similar building line to 'Prospects' to the south-west. The house would have an H-shaped plan, whereby the central area would be galleried with the principal rooms on both floors being located within the two side wings. The house would have five bedrooms and the design would be of a modern timber-framed which echoes many of the historic buildings in the area, with a steep clay tiled roof, jettied gables to the front (southern) elevation and the use of brick and render for the external walls. It is proposed that a double garage and garden store be located to the north-eastern corner of the site.

APPLICANT'S CASE: As you will see we have, as discussed, taken account of the change of levels and reduced the height of the North East section to minimise any impact on the existing adjoining property and also deleted 'mock' timber framing from the proposal. Careful thought has been given to the position of the house on the plot, having regard for the rear Northern aspect. It has been sited in a position to maximise the Southern garden aspect and in doing so creates a better relationship in terms of building location and land use with the immediate property to the South West, i.e. garden areas are adjacent.

RELEVANT HISTORY: Outline permission was granted for two dwellings on the site in 1998 one of which was a replacement for "Woodhall". Outline permission was granted in October 2001 for one dwelling with garaging in the garden to "Woodhall". The only agreed matter was the means of access and the illustrated position of the house forward of the rear elevation to 'Prospects' with an attached double garage.

PARISH COUNCIL COMMENTS: To be reported (due 18 April)

REPRESENTATIONS: This application has been advertised and one representation has been received. Period expires 26 April.

The occupier of “Roselands”, the bungalow to the north-west of the site raises the following concerns:

- the proposal would cause severe overlooking to their property, particularly as they have permission for an extension, not yet built, which would further reduce the separation distance between the units.
- the plot is large enough for the unit to be positioned further south.

PLANNING CONSIDERATIONS:

The main issue is whether the proposal would be acceptable having regard to its impact of the proposal on the surrounding properties by virtue of its siting and visual appearance (ERSP CS2, ADP DC14 & DC1, DLP: GEN4 & GEN4).

The principle of redevelopment of the site has been agreed and the means of access proposed accords with the approved Outline scheme. However, the siting differs from that illustrated on the previous consent, which was located 28m from the north-western (rear) boundary. The current siting would reduce that to 15m. As the land is gradually rising and the existing bungalow “Roselands” can be extended closer to the shared boundary, it is considered that this should be increased to 20m in order to give an adequate privacy distance between the properties. The boundary has an existing hedge and tree screen which is to be retained. The garage block in its location close to the northern boundary would be set away from the boundary by at least 2m which would ensure the hedging can be retained. In re-locating the dwelling it would be more in line with the adjacent property to the south-west, thereby causing less impact than if it were set further forward of the southern elevation of this property as on the outline consent.

The existing house has a garage adjacent to the site, so that the separation distance of the habitable units would be 12m. There is one first-floor window to the side elevation of the new house which is to an ensuite and is proposed to be conditioned to be obscure glazed. The main outlook to Woodhall is to the west and the revised location respects the outlook of this unit. The two units would be at right-angles and have a separation of over 22m. There is one bedroom window to the new unit facing east, but the relationship to “Woodhall” is considered to be acceptable. The garden is well screened to the south side by hedging and trees, which can be retained by locating the unit 8m back into the site from the outline position. The overall impact on the street scene to Bartlow Road and the Listed Building on the southern side of this road is considered to be minimal. The style of the development and the material is not considered to be out of keeping with the locality.

COMMENTS ON REPRESENTATIONS: The concerns with regard to the siting have been addressed, and, there are sound reasons for locating the unit in the revised position 20m from the rear boundary, to avoid adversely affecting the two adjacent units. The distances achieved are still acceptable and are not considered to cause significant loss of amenity to the property.

CONCLUSION: The scheme provides details of the visual appearance and landscaping of the site and is considered to respect the amenities of the surrounding units and is considered to be in keeping with the locality, subject to resiting.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development
2. C.3.1. To be implemented in accordance with revised plan showing resiting at least 20m from rear boundary.
3. C.4.1. Scheme of landscaping to be submitted and agreed
4. C.4.2. Implementation of landscaping

5. C.4.5. Retention of hedges
6. C.4.6. Retention and protection of trees and shrubs for the duration of development
7. C.5.1. Samples of materials to be submitted and agreed
8. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission
9. C.11.7. Standard vehicle parking facilities
10. C.16.1. Watching archaeological brief.
11. Prior to development commencing on the site details of the drainage of the site shall be submitted to and agreed in writing with the local planning authority. The details shall include sewage disposal and the foul and surface water drainage. The scheme shall be implemented solely in accordance with the agreed details.
Reason: To secure adequate drainage facilities to comply with the requirements of the Environment Agency.

UTT/0320/02/FUL - HATFIELD HEATH

Demolition of existing property and erection of 16 x 3 and 4 bedroom dwellings.
Bentleys, Matching Road. GR/TL 526-146. Berkeley Homes (Eastern) Ltd.

Case Officer: Michael Ovenden 01799 510476

Expiry Date: 22 April

NOTATION: ADP and DLP: Within Development Limit and Settlement Boundary/Adjacent to Metropolitan Green Belt TPO 12/94 on edge of site.

DESCRIPTION OF SITE: The site is located along the road to Matching between the Heath and the cluster of development at Ardley End. The site itself is 128m wide and 45m deep and lies between 1.5-1.8m above the highway, set back behind a wide greensward. Towards the northern end is a large two-storey house dating from the early C20th, a grass tennis court to its rear, with the rest of the site laid to garden. The southern part has good perimeter planting and there are some mature fruit trees. The grassland to the rear owned by the applicant is not part of the application and is outside the settlement boundary. The site is very prominent, being open to view from three sides and from longer views from the Heath.

DESCRIPTION OF PROPOSAL: This detailed proposal seeks to remove the existing single dwelling and all out-buildings and erect of 16 dwellings – two detached and 14 in three terraced blocks. The existing access would serve one of the dwellings; the remainder would be served by a new access 35m to the south of the existing.

APPLICANT'S CASE: An agent of behalf of the applicant has submitted information and justification for the proposal together with a copy of a letter from the SoS concerning a site where he refused permission for a sizeable development at Caterham. See supporting statement attached at end of report.

CONSULTATIONS: ECC Transportation: To be reported (due 14 March).

Landscaping: To be reported (due 12 March).

Environment Agency: No comments.

PARISH COUNCIL COMMENTS: See letter dated 25 March attached at end of report.

REPRESENTATIONS: This application has been advertised and 5 representations have been received. Period expired 21 March.

This type of high-density development on the "courtyard" principle is completely out of place. Inappropriate with rest of properties in same road, which are all individual properties with large gardens. High density with virtually no gardens in comparison to the area. Do not appear to be suited for a village the road and corner where the cars would be coming out is a death trap. Demolition of 'Bentleys' would be a disaster being in view of the Village Green and cricket pitch. The design of some of the houses is out of keeping. The roofs being much too high, more suitable to town houses. Over development.

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) the proposal would protect the character of the area and be of satisfactory design and meet adopted amenity and parking standards (ADP Policy DC1 and DLP Policy GEN2).
- 2) the proposal would result in the efficient use of land in accordance with PPG3,

- 3) **the proposal would threaten the long term survival of the protected or other important trees (ADP Policy DC8 and DLP Policy ENV3) and**
- 4) **the proposal gives rise to highway dangers (ADP Policy T1 and DLP Policy GEN1).**

1) The land lies within the development limit (i.e. outside the MGB) where appropriate development can be granted subject to details. To the north are larger properties, some of which have been extended but still retain a sense of space around them. To the south are pre-war, semi-detached former Council houses, with more modern dwellings opposite them. The site forms part of the transition from the Heath to the more densely developed cluster of Ardley End that is partly separate from the rest of the village. It allows views from and to the open Green Belt land beyond, reinforcing the rural character of this part of the village. It is inevitable that redevelopment would affect this relationship to some degree, although the magnitude of the change would depend on the number and size of dwellings as well as their layout. Although there are differences between the type and design of dwellings in the local area, without exception they have a linear form and do not have the backland form proposed in this application.

The four frontage dwellings would be set forward which would be out of character and make them very prominent. The layout of the proposed scheme would be completely alien to the grain of adjacent properties. The majority of the proposed dwellings would be in long terraces – up to 34m wide, 17m frontage, 10m tall. Such large buildings would be uncharacteristic of existing development and would change the rural nature of the site and wider area. A street scene has been submitted but because it is a scaled drawing the true perspective and relative spaces between buildings would be less than shown on the drawing. Consequently the development would have less of a sense of space between and around buildings than the street scene suggests.

The proposal provides an adequate number of car parking spaces in a mix of open parking and garages. Much of it would be prominent and some spaces would be a distance away from the dwellings to which they relate. Some of the car parking would be hard up against the rear boundary leaving inadequate space for screen landscaping. Some of the garden areas would be very small, particularly in the case of unit 16 which would be almost unusable. Furthermore, in order to provide minimal privacy to the gardens of units 10,11,16 & 15, there would be pressure to erect fencing along garden boundaries. Consequently, it is considered that the proposal would design in various problems that occupiers might wish to address by unsightly features like fencing.

2) PPG3 advises that there should be an efficient use of land, for example density should be at 30+ per hectare. This proposal would be at a density close to that figure. It is not considered that density a development can be of overriding importance to the detriment of all other planning issues, indeed the PPG refers to the need for good design and recognition of site context and an appeal Inspector's recently advised that it does not override all other issues of good planning. It is considered that one tenet of good planning is to reflect the broad style and positioning of adjacent development, particularly that to the south with which is what the site is seen in context. This has not happened with this proposal. The letter from the SoS submitted by the applicant relates to a much larger site within the Green Belt where he placed great emphasis of the contents of PPG3. From the information made available by the agent it appears that the two sites are not comparable. In the view of your officers this particular scheme is wholly inappropriate for this site on the edge of the MGB.

3) Most of the trees along the perimeter of the site would be retained, although some vegetation would be removed to form the second (main) access into the site. On its own this

would not be a reason for refusal. (Further advice will be given following the receipt of the Landscape Officer's views.)

4) Two accesses are proposed. Unit 11 would make exclusive use of the existing one, which is the better of the two, the other 13 would be served by a new access. The visibility available from the proposed and existing accesses fails to meet the requirements of PPG13 Transport. However, these requirements have been omitted from the current version of the PPG, consequently the judgment on safety will depend on the comments of ECC Transportation. The current PPG does express a preference for sites to use a common access.

COMMENTS ON REPRESENTATIONS: The existing building is pleasant but there is no policy basis for insisting on its retention. The views concerning the inappropriate nature of the development are broadly shared (as stated above).

CONCLUSION: The proposal is inappropriate and therefore unacceptable.

RECOMMENDATION: REFUSAL REASONS

Contrary to ADP Policies DC1, DC8 and T1 and DLP Policies GEN1, GEN2 and ENV3. The proposal is unacceptable because it fails to protect the character of the area; would result in a highly prominent development that would dominate this rural part of the village on the edge of the Green Belt. Furthermore the proposal would result in the erection of long dominant terraced blocks which are uncharacteristic of the area, create a backland form of development with dwellings with inadequately small gardens, lacking basic privacy and prominent open parking some distance from the dwellings to which they relate.

UTT/0336/02/DFO - BERDEN

Erection of two-storey dwelling and double garage.

Land adjoining Berden Farmhouse, The Street. GR/TL: 468-295. Rusper Properties Limited.

Case Officer: Hilary Lock 01799 510486

Expiry Date: 2 May

NOTATION: ADP: Within Development Limits and Area of Special Landscape Value.
DLP: Within Settlement Boundaries.

DESCRIPTION OF SITE: This 0.1 ha (0.3 acre) site is the side garden of a detached house to the south east of the main village, east of The Street. The site is on the edge of the village, and backs onto open fields to the south and east. Dwellings are to the west on the opposite side of the road, and to the north, beyond a track. The existing house has vehicular access off The Street. The site has a number of trees including several Preserved trees on the boundary. There is mature planting along the roadside boundary.

DESCRIPTION OF PROPOSAL: This application follows the grant of outline permission for a dwelling in November 2001. Conditions attached required the dwelling to have a smaller footprint than that indicated at outline stage (151.5 sqm.), and to be located further south, not projecting forward of the northern elevation of the main dwelling, Berden Farmhouse. It was also required to be sited a minimum of 3m from the roadside hedge.

This detailed proposal is for a five-bedroom house with a footprint of 137 sqm, plus detached garage of 27 sqm. With the exception of the garage, the house would not project forward of the main house. The garage would be in front, in line with the garage block to the main house. The house would be sited 3m from the edge of the roadside hedge. It would be rendered with a slate roof, and 7.1m high. First-floor side windows could be obscure glazed by condition. Access would be via the existing point, and 3 trees (a maple, leylandii and ornamental tree) would be removed to create the internal driveway.

RELEVANT HISTORY: Dwelling with garage in garden north of main house refused 1989, as site was outside development limits, was not considered infill plot, and detrimental to amenity; allowed on appeal in 1990 (expired) and garages subsequently built on plot. Extension to main house approved 1998 (not yet implemented). Outline permission for dwelling on this part of garden granted November 2001.

PARISH COUNCIL COMMENTS: None received (due 8 April).

REPRESENTATIONS: None. Notification period expired 28 March.

PLANNING CONSIDERATIONS:

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

- 1) design in this rural village location (ADP Policy DC1 & DLP Policy GEN2),
- 2) residential amenity (ADP Policy DC14 & DLP Policy GEN4) and
- 3) preserved trees (ERSP Policy NR9, ADP Policy DC8 & DLP Policy ENV3).

1) The Street is a mix of house types and designs, and there is no primary dwelling type. To the west, there are converted barns, and a modern 'Design Guide' type house to the north. Beyond are older, more traditional properties, and modern estate houses beyond. There is no property of similar design to the application scheme, but it would be of similar proportions to the adjacent house. Given the mixed street scene, and the well-screened site,

it is not considered that the scale and design of the proposal would be out of keeping in this rural location.

2) There would be no significant overlooking or loss of privacy from the proposed dwelling, and there is ample screening to minimise the impact on the dwellings to the north and west. Obscure glazing could be provided to the few side facing windows, to be secured by condition.

3) At the time of considering the outline proposal, Landscape Advice was that the loss of the few specimens to accommodate a dwelling would have little visual impact, and those to be lost are not worthy of retention. There are preserved trees on site, but the proposed siting would not threaten their retention.

CONCLUSIONS: The proposed dwelling would be acceptable in this location, and should have no adverse impact on the rural setting, the amenity of adjacent dwellings, or the mature screening on site.

RECOMMENDATION: APPROVAL SUBJECT TO COMPLIANCE WITH THE CONDITIONS ATTACHED TO THE OUTLINE PLANNING PERMISSION, AND THE FOLLOWING CONDITIONS:

1. C.19.1. Avoidance of overlooking.
2. C.5.2. Details of materials to be submitted and agreed

1) UTT/1165/01/FUL AND 2) UTT/0298/02/LB - LITTLEBURY

1 & 2. Change of use of existing barns and workshop to class B1 Offices. Associated alterations including partial reconstruction, infilling, fenestration changes and internal remodelling.

Audley End Estate Yard, Audley End. GR/TL: 521-383. The Rt. Hon. The Lord Braybrooke.

Case Officer Jeremy Pine 01799 510460

Expiry Date: 18 October 2001

NOTATION: Both ADP and DLP: Listed curtilage buildings to Audley End House/Within Conservation Area/Outside Development Limits (Settlement Boundaries).

DESCRIPTION OF SITE: The estate is located to the west of the town and this 0.393 ha (1 acre) site forms part of the Estate Yard, 350m to the front and north of the main House, close to the B1383. It comprises a range of single-storey workshops that extend along the northern boundary of the site and a large barn, adjacent to the eastern boundary and hardstanding area. Both buildings are of brick construction under either slate or clay tile roofs.

DESCRIPTION OF PROPOSAL: Planning permission and listed building consent are sought for the change of use of the workshops and barn (total 724 sqm) into Class B1 offices. Associated alterations include partial reconstruction of a rear extension to the barn, infilling of a cart lodge, fenestration changes and internal remodelling. The hardstanding would, as is currently the case, serve as a parking and turning area. The existing Lodge house at the southern end of the main barn would be retained.

APPLICANT'S CASE: Proposals revised following the earlier withdrawn application and a subsequent site meeting involving Council officers, English Heritage and the Inspector of Ancient Monuments.

Traffic Impact Study submitted which concludes that traffic levels may realistically be expected to be reduced when compared to the generation potential of the existing uses, and that upgrading of the existing access would not be necessary or desirable.

RELEVANT HISTORY: Application for planning permission for change of use of existing barns and workshops to Class B1 offices and associated alterations withdrawn in 2001.

CONSULTATIONS: Original Plans:

ECC Archaeology: Condition required preventing development from taking place until an approved programme of archaeological work and recording has been implemented.

Design Advice: The introduction of an intermediate floor, removal of a large percentage of the original brick wall and the insertion of numerous rooflights would damage the characteristics of the barn and its historic value.

English Heritage: The conversion of the barns to use as offices cannot be accomplished without damage to the buildings' historic and architectural character, as well as to the historic character of the estate and stable yards. It is not clear whether further amendments could overcome this difficulty.

Environment Agency: No objections as almost 3m above the highest known flood level.

Revised Plans:

Design Advice: Following site meeting, no objections to revised plans subject to appropriate conditions.

English Heritage: Proposals now significantly amended. No objections subject to conditions.

PARISH COUNCIL COMMENTS: Original Plans: No objections, but have some concerns about the dangerous access onto the main road.

Revised Plans: None (due 13 March).

REPRESENTATIONS: These applications have been advertised and no representations have been received. Revised notification period expired 14 March.

PLANNING CONSIDERATIONS:

The main issues are whether:

- 1) the proposed use of the buildings would be appropriate in a rural location (ERSP Policy RE2, ADP Policy C5 and DLP Policy E4),
- 2) the works of alteration would respect the conservation area and listed building curtilage settings (ERSP Policies HC2-4, ADP Policies DC2 & 5 and DLP Policies ENV1 & 2) and
- 3) highway dangers would result (ERSP Policies T3 & 12, ADP Policies T1 & 2, DLP Policies GEN1 & 9).

1 & 2) These outbuildings, which are substantial in their construction, have historically been used for purposes ancillary to the running of the Estate and lie within a mainly enclosed courtyard. The courtyard effect would be retained with all activity and parking contained within, limiting the impact of the use on the surrounding countryside. No new buildings would be involved. Extensive negotiations have resulted, *inter alia*, in the omission of the new floor in the main barn and the associated rooflights in the tallest section of the rear roofslope. The works to infill the open-fronted barn would be minor in the context of the proposals as a whole, the new front being located behind the existing timber posts. Where appropriate, existing features such as timber doors would be retained. The proposed office use should not have a detrimental effect on the retained Lodge, subject to suitable conditions.

3) The Traffic Impact Assessment that has been submitted concludes from on-site observation that the site typically generates 126 two-way movements each weekday, of which 22% involve commercial and service vehicles. The Assessment indicates that the proposed use could generate 58 two-way movements based on a study by the Rural Development Commission in the mid 1990s into the traffic generation of converted farm and rural buildings. The TRICS database gives a higher theoretical upper limit figure (142), but that figure is based on office developments up to 175,000 sqm and the likely generation from these proposals should be much less. In any case even if the higher upper limit was achieved, an increase of only 16 two-way movements per day should not be material, especially with the reduction in the number of commercial and service vehicle movements.

COMMENTS ON REPRESENTATIONS: The comments of the Parish Council have been considered, but there is adequate visibility from the existing access, which widens outside the gates to form a suitable off-road holding area to enable 2 vehicles to pass.

CONCLUSION: The proposals accord with the policies of the Development Plan.

RECOMMENDATIONS:

1) UTT/1165/01/FUL – APPROVAL WITH CONDITIONS

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. The use hereby permitted shall be restricted solely to offices and shall not be used

- for any other purpose within Class B1(c) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior written permission of the local planning authority.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the buildings to which this permission relates shall not be used for the purposes of storage or distribution without the prior written permission of the local planning authority.
 5. The use hereby permitted shall not operate outside the hours of 0800 – 1800 Monday – Friday or 0900 – 1300 on Saturday. The use hereby permitted shall not operate at all on Sunday or Bank/public holidays.
Reason for 3-5: To protect the amenity of the countryside and the occupants of The Lodge.
 6. C.6.14. Restriction on rebuilding
 7. Other than where indicated on drawing 2099/SD1A, all the existing trees and bushes within the site edged red shall be retained. No development shall commence until those trees and bushes which are to be retained have been protected by suitable fences, details of which shall previously have been submitted to and agreed in writing by the local planning authority. The agreed fences shall be retained in place for the duration of the carrying out of the development hereby permitted, and within the area of the fences no materials or equipment shall be stored, no fires lit and no changes in ground level shall be made. Any retained trees or bushes which are destroyed, removed or become seriously damaged or diseased either during the carrying out of the development or within a period of 5 years afterwards shall be replaced during the next planting season with specimens details of which shall previously have been agreed in writing with the local planning authority.
Reason: To preserve the rural appearance of the locality.
 8. The use hereby permitted shall not commence until the hard surfacing, parking and access areas indicated on drawing 2099/SD4 have been fully completed in accordance with the details shown on that drawing. Thereafter, the parking and access areas shall be retained in perpetuity for use by the occupiers of the offices and bona fide visitors.
Reason: In the interests of highway safety.
 9. No development shall commence until details of the new private sewage treatment plant have been submitted to and approved in writing by the local planning authority. The treatment plant as approved shall be installed and shall be operational before the use hereby permitted commences.
Reason: To prevent pollution.
 10. No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which shall previously have been submitted by the applicant, and approved by the local planning authority.
Reason: Evidence exists that the Estate yard dates from the Victorian period and incorporates the remains of an earlier medieval barn.
 11. The existing area of paving/setts adjacent to the mortar house (building 1 on drawing 2099/SD4) shall be retained.
 12. All electrical and telephone services to the development hereby permitted shall be run underground.
 13. All service intakes to the development, apart from gas, and all soil and waste pipework shall be run internally and shall not be visible on the exterior.
 14. No meter cupboards or satellite dishes shall be fixed to the exterior of the building unless details of their positions and designs have previously been submitted to and agreed in writing by the local planning authority. The meter cupboards and satellite

dishes shall subsequently be installed as per the agreed details and shall not be altered in any manner without prior agreement in writing with the local planning authority.

Reason for 11-14: To protect the rural character and setting of these buildings.

2) UTT/0298/02/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development
2. C.3.3. To be implemented in accordance with original and revised plans
3. Where indicated on drawings 2099/SD6C and 7D, the existing timber doors shall be reinstated.
4. Details of all new windows and doors, which shall be of a painted timber finish, shall be submitted to and agreed in writing by the local planning authority prior to their installation. The installation shall subsequently be in accordance with the approved details, and the windows and doors shall not subsequently be changed without the written consent of the local planning authority. All new windows and doors in masonry walls shall be inset at least 100mm and shall be fitted with sub-cills.
5. All rainwater goods shall be painted black.
6. All slate and tile roof coverings shall be retained intact unless otherwise agreed in writing by the local planning authority.
7. Details of all new facing and roofing materials shall be submitted to and agreed in writing by the local planning authority prior to their use. Only the agreed materials shall subsequently be used, and they shall not subsequently be changed without the written consent of the local planning authority.
8. All new weatherboarding shall be featheredged in profile and with a satin finish, the colour of which shall have been agreed in writing with the local planning authority.

Reason for 3-8: To ensure that the proposed works will be sympathetic to the rural character of these buildings.

1) UTT/0114/02/FUL & 2) UTT/0115/02/LB - DEBDEN

1) Conversion of cart sheds into two dwellings and conversion of stables into garages and stores.

2) Works to cart shed/stables as part of change of use.
Brocktons Farm, Rook End Lane. GR/TL: 558-326. Will Bunting.

Case Officer: Hilary Lock 01799 510486

Expiry Date: 20 March

NOTATION: ADP: Outside Development Limits/Area of Special Landscape Value
DLP: Outside Settlement Boundaries. Both Within curtilage Listed Buildings.

DESCRIPTION OF SITE: Brocton's Farm is located on the northern side of Rook End Lane, to the west of Smiths Green, on the outskirts of Debden to the north. The farmhouse is listed and there are a number of surrounding farm buildings. To the south west of the house are an open fronted timber cart shed and a boarded stable block with concrete enclosure. These are in a prominent location as the site is open onto the road. Open fields are beyond, and a group of buildings with permission for conversion to two dwellings lie to the rear.

DESCRIPTION OF PROPOSAL: Permission is sought to convert the cart shed into 2no. two bedroom dwellings, and the stables into garages and stores. The cart shed is 6.2m x 20.25m in area and is open fronted. The proposal, therefore, includes the provision of a whole new front elevation behind the existing posts. Eight new openings would be created in the existing walls. The stables would be converted to two single garages and two storerooms. New openings would be created for the garage doors, and a doorway and window to one of the stores. The concrete block enclosure would be demolished. There would be two vehicular accesses: the existing, which serves the farmhouse and other buildings, would also lead to the front of the dwellings, and a second to the west would serve the garages.

APPLICANT'S CASE: Application concerns creation of two small dwellings from this small historically important building, which is sound and worthy of conversion to dwellings as proven by earlier consent for conversion to 3 holiday homes. No external design changes to appearance necessary to achieve this change. Interesting stables will easily convert to garages and stores via access to be upgraded as part of other conversion schemes. Principle of changing from holiday homes to dwellings has recent precedents in District. Small dwellings in demand in village. See Supporting Case attached at end of report.

RELEVANT HISTORY: Change of use from cart shed to holiday cottages granted 1989. (Conversion of barn to rear to 2 dwellings granted December 2001.)

CONSULTATIONS: Design Advice: the buildings would not conform with aims of Policy C6 and advice in PPG7, as substantial level of new build would be required to implement residential conversion scheme. Quality of existing fabric is poor. Cart lodge would need a whole new front built, and considerable level of strengthening.

PARISH COUNCIL COMMENTS: None received (due 4 March)

REPRESENTATIONS: These applications have been advertised and no representations have been received. Period expired 21 February.

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) **the cart shed is suitable for conversion (ERSP Policy RE2, ADP Policy C6, DLP Policy H5),**
- 2) **would be acceptable in relation to the setting of the main listed building (ERSP Policy HC3, ADP Policy DC5a, and DLP Policy ENV2) and**
- 3) **the previous grant of planning permission for conversion to holiday accommodation, or the other case cited, set a precedent for this conversion.**

1) Design advice is that the fabric of the cart shed is of poor quality, and conversion would require the introduction of a considerable level of strengthening and the construction of a whole new front to the building. The introduction of a front elevation would fundamentally alter the character of the building. The quality of the structure and the extensive new works mean that conversion of the building would not meet the criteria of local policy or national guidance.

2) The conversion of the buildings is not considered essential in terms of preserving the setting of the listed farmhouse.

3) The conversion of the cart shed to 3 holiday homes was granted in 1989, prior to the adoption of the current District Plan and Planning Policy Guidance Note 7. In terms of conversion to permanent dwellings, the approved scheme would not meet up to date requirements, due to the poor quality of the existing building and the extent of alterations involved to achieve conversion. Current policy allows for less stringent criteria for conversion to holiday accommodation, as a means of achieving needed tourist accommodation. The agent advises that the 1989 permission is extant, but the Council has no record of any commencement on site. That consent is not therefore considered to be relevant to the consideration of this application.

The case cited at Bury Farm is not comparable. It involved the conversion of a solidly built brick and tile stable structure, and alterations to convert it were not extensive. The stables formed a courtyard with important listed barns. Design Advice was that they had an important function as evidence of the development of the historic farmstead. Although the fabric of the stables was considered unremarkable, they had an important role by enclosing the redundant working yard, and as such fulfilled the requirements of Policy C6.

CONCLUSION: The cart shed is inadequate in terms of quality and the extent of alterations required to achieve conversion to comply with the policy requirements for residential conversion. There are no other material considerations of sufficient weight to warrant overriding established policy.

RECOMMENDATION: REFUSAL REASON

The proposed development would be unacceptable because the building is not considered to be of sufficient quality in terms of structure or historic interest to merit conversion. The proposals would involve significant alteration, including the provision of a new front wall, and this enclosure of the building would significantly alter the character and appearance of the cart shed. It would serve to create an additional dwelling in the countryside without justification, and contrary to established policies. For the above reasons the proposal is considered contrary to ERSP Policy RE2, ADP Policy C6 and DLP Policy H5.

UTT/0247/02/FUL – MARGARET RODING

Conversion of part of former piggery buildings to Class B1 use – offices
Marks Hall Farm. GR/TL: 597-110. Mr and Mrs M Ritchie.

Case Officer: David Jeater 01799 510464

Expiry Date: 25 April

NOTATION: Metropolitan Green Belt.

DESCRIPTION OF SITE: The site is located in open countryside at the southern end of the District. It is about 600m south-west of Margaret Roding and about 300m from the main group of buildings at Marks Hall Farm. The building is of blockwork with a metal roof and is largely derelict with holes in the roof: the eaves have been raised without planning permission and apertures inserted into walls as though for doors and windows. It is partly screened from the adjoining highway by an earth bank and by overgrown hedgerows.

DESCRIPTION OF PROPOSAL: This revised application involves part, about one-sixth, of a former piggery building of 1280 sq m of floorspace to be used as offices with provision of ten car-parking spaces on adjoining land.

APPLICANTS' CASE: Lengthy case submitted. Main points made:

[a] the proposal conforms with national policy on Green Belts in that [i] the building is already there and the use will not have a material effect on the openness of the Green Belt; [ii] no outside storage would occur, nor are extensions proposed; [iii] the buildings are of permanent and substantial construction, and part of the building has already been converted to a farm office; [iv] it can be rendered and painted to be in keeping with its surroundings.

[b] the proposal is consistent with structure plan policies which seek diversification of the rural economy in that [i] it involves the re-use of a permanent and substantial building without major reconstruction [ii] its small scale will not introduce an activity which will adversely change the character of the area and [iii] it will not introduce activity on such a scale as to prejudice the economic vitality of nearby towns and villages.

RELEVANT HISTORY: Piggery built under permission given in 1981, but now unused for several years. Planning permission for change of use of whole building to offices refused in July 2000: application for similar change of use of 600 sq m refused in December 2000: application for change of use of 190 sq m, [similar to this] refused in September 2001. This last application is under appeal, but has yet to be determined. All refused on grounds of being contrary to ADP Policy C5 because substantial re-construction would be required.

PARISH COUNCIL COMMENTS: Expresses concern over volume of traffic generated and access to site.

REPRESENTATIONS: None. Notification period expired 21 March.

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) the proposed use and the work required to accommodate it would be consistent with the policy relating to the re-use of farm buildings (ERSP Policy RE2, ADP Policy C5 and DLP Policy E4),
- 2) the parking and servicing needs of the proposed use can be appropriately accommodated within the site (ADP Policy T2 and DLP Policy GEN9 and,
- 3) there would be material effects on the local economy (DLP Policy E3).

1) District Plan Policy C5 requires the building to be converted to be of substantial construction. This building fails that test. It is a distinctly utilitarian building of cheap blockwork/corrugated metal construction intended for housing animals. It has already deteriorated quite considerably in its twenty year life, and in order to bring it into use will have to be substantially rebuilt –indeed it has already been rebuilt by raising parts of the roof by 800mm without consent. In earlier applications the applicant’s own structural engineers acknowledged that the building was unsound.

2) The application proposes ten parking spaces with access via an existing entrance off the adjoining highway and the prospective tenant would employ six staff. The parking and servicing could be readily accommodated within the site: because of its small scale, and position behind a bank along the highway boundary of the site, this would have little effect on local amenity.

3) The six jobs involved would have little impact on the local economy. It is understood that the prospective tenant is an insurance business already at Marks Hall.

CONCLUSION: The proposal involves the change of use of an insubstantial piggery building in poor condition in the Green Belt. The points raised in support of this latest application do not justify the authority taking a different approach to the proposal to change the use of this building

RECOMMENDATION: REFUSAL REASON

The proposed development would not be acceptable because it would involve substantial conversion works to a building standing in open countryside and in the Metropolitan Green Belt and not of sound construction, to the detriment of the open rural character of this Green Belt area, contrary to Policy C5 of the adopted District Plan and Policy RE2 in the approved Structure Plan.

UTT/0355/02/FUL - CLAVERING

Change of use of barn to form 4 short term holiday letting units.
Brocking Farm. GR/TL: 453-329. Mr T Gingell.
Case Officer Hilary Lock 01799 510486
Expiry Date: 1 May

NOTATION: ADP: Outside Development Limits/Area of Special Landscape Value/
Protected Lane.
DLP: Outside Settlement Boundary/Protected Lane.

DESCRIPTION OF SITE: The site is in open countryside on the northern side of the road leading from Clavering to Langley Lower Green, at Further Ford End. It is part of a farmstead comprising a dwelling, several modern agricultural buildings and a range of timber buildings, surrounded by fields.

DESCRIPTION OF PROPOSAL: The proposal is to convert the timber buildings to four holiday units. The main unit is central in the yard, with two single-storey ranges creating a courtyard in front, up to the road. None of the buildings are in a good state of repair and the two front parts are mainly open fronted, having been used as animal pens. The proposals involve converting the main barn and a side section into two units (1 & 3 bedrooms), and this would include inserting a new first floor. The front ranges would become 2 units (1 & 3 bedrooms), and a central courtyard would serve the development. Six parking spaces are proposed adjacent to the buildings, and vehicular access would be via the existing farm access to the west. It is proposed to demolish a modern farm building at the rear, enabling the creation of garden areas to serve two units. A number of new openings are proposed, but significant new build is proposed to the front sections to enable their conversion. Corrugated tin and asbestos roofs would be replaced with tiles and the buildings clad with weatherboarding.

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

CONSULTATIONS: Design Advice: this is a late nineteenth century timber barn with additions. It has a spindly frame with many re-used timbers, and a new corrugated roof. The building has no environmental or historic merit. Conversion would require substantial rebuilding and renewal. The complex is not attractive and does not enhance the character of the countryside, and would not therefore fulfil the criteria of Policy C6.

PARISH COUNCIL COMMENTS: No objections. Request hedging/screening be planted around proposed car park area.

REPRESENTATIONS: None. Notification period expired 28 March.

PLANNING CONSIDERATIONS:

The main issue is whether the buildings are suitable for conversion to tourist accommodation (ERSP Policy LR10, ADP Policy REC3, and DLP Policy LC6 & E4; and ERSP Policy RE2, ADP Policies C5 & C6 and DLP Policies E4 & H5).

Criteria for conversion of buildings to holiday accommodation is generally less stringent than for permanent residential occupation, as it is often the only means for achieving tourist facilities. However, given the rural location, Policy REC3 requires regard to be had to Policies C5 and C6. As such, conversion should relate to buildings in sound structural condition, and substantial building reconstruction should not be required. The construction of new buildings in the countryside would not be acceptable.

The site is in a rural location, adjacent to an unlisted house. The buildings are not convertible without extensive works of repair and new construction, including the provision of whole new walls to the front wings. Design Advice is that the buildings have no historic or environmental merit, and their quality is not such that they are worthy of retention. They do not enhance their countryside setting, and conversion would be contrary to Policy C6 and guidance in PPG7. The proposed conversion would, therefore, have an adverse impact on the appearance of this rural area, and would consolidate existing sporadic building in the vicinity. The benefits to tourism would not be sufficient to warrant conversion in this instance.

CONCLUSION: The buildings have no historic or environmental merit, and are not worthy of retention. Extensive alterations would be required to convert the building, contrary to established countryside policies.

RECOMMENDATION: REFUSAL REASON

The proposed development would be unacceptable because the building range is not considered to be of sufficient quality in terms of structure or historic interest to merit conversion. The proposals would involve significant alteration and rebuilding, including the provision of new front walls to the single storey front sections. The conversion would not enhance the character and appearance of the rural area. For the above reasons the proposal is considered contrary to ERSP Policy RE2, ADP Policy C6 and DLP Policy H5; and ERSP Policy LR10, ADP Policy REC3 and DLP Policies LC6 & E4.

UTT/0326/02/FUL – LANGLEY

Conversion of redundant barn to two-storey dwelling and garage.
Land adjacent to Grange Cottages, Duddenhoe End Road, Langley Upper Green.
GR/TL: 447-352. H L D McLaren
Case Officer: Michelle Guppy 01799 510458
Expiry Date: 29 April

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

DESCRIPTION OF SITE: The site is located immediately north-west of Upper Green, to the rear of the properties which face onto the green which form a loosely-knit collection. The site comprises a vacant agricultural plot and a large modern farm building constructed of steel frame clad with profile sheeting measuring 21 x 17m.

DESCRIPTION OF PROPOSAL: The conversion works would involve the replacement of the exterior cladding with brickwork, and the replacement of the roof with slate. Openings would be in the form of timber sashes. It is intended to use the existing access to the property and for the property to have an integral double garage.

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

RELEVANT HISTORY: Erection of dwelling - refused and dismissed at appeal in 2000 for adding to sporadic development and detrimental to the open rural character and appearance of the countryside, as well as precedent, despite the removal of the farm building.

PARISH COUNCIL COMMENTS: Oppose. Whilst the barn is considered to be an unsightly building, which most people would prefer not to be there, it was felt it was too huge to be converted into a private dwelling and would be out of keeping with the surroundings. It is also outside the permitted development envelope.

REPRESENTATIONS: This application has been advertised and 7 representations have been received. Period expired 4 April.

1-6. Object. Both the size and height implied by converting the existing barn are quite inappropriate in scale to the surroundings. Falls outside village boundary and therefore if permission were granted, a precedent would have been set for applications for further development of land around the village. Would perpetuate the eyesore that currently exists and produce a building that is out of proportion in size and structure to surrounding homes. Proposed type of conversion looks large and would be out of keeping with other residences. Query nature of redundancy of the barn. Barn has not served an agricultural purpose in the past 11 years. Issue of access, site is adjacent to main route into village from Saffron Walden. There is a dangerously blind view of traffic coming out of the village. The junction of other road to the north with that road is already hazardous. It is ludicrous to consider another frequent usage access point immediately round the bend. Loss of privacy. Concerned that there should be no encouragement to a second belt of development behind those properties actually fronting the village green. The essential character of the village would be lost.

7. CPREssex. Object. Barn is a modern functional agricultural building. It therefore falls as far short as is conceivable of the criteria set out in Policy C6. Proposal would be tantamount to the erection of a large, new dwelling outside development limits and in an area of special landscape value. It would be completely out of keeping both in size and style from surrounding dwellings and would consequently be harmful to the character and appearance of the countryside.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would

- 1) be appropriate in this location (ERSP Policy RE2, ADP Policies S2 and C6 and DLP Policies S7 and H5),**
- 2) have an effect on residential amenity (ADP Policy DC14 & DLP Policy GEN4) and**
- 3) be of an acceptable design and access (ADP Policy DC1, C2 & T1 & DLP Policy GEN1 & GEN2).**

1) The proposal is located outside Development Limits where there is a presumption against development unless it is for agriculture, forestry or appropriate outdoor recreational uses. The proposal does not comply with any of the above exceptions and the applicant has made no case to suggest that it does. Policy C6 of ADP permits the conversion of rural buildings to residential use in certain circumstances. The proposal only meets one of the criteria of this policy, that being that the barn is considered to be in sound structural condition. However it is not considered to enhance the character and appearance of the rural area through its historic, traditional or vernacular form. The barn is of modern construction and materials, of a standard type found in most rural areas.

Therefore, it is not considered to be traditional or historic and the materials and form are not of the vernacular. Re-cladding of the entire barn and only retaining its metal frame would constitute substantial building reconstruction and existing openings and materials would be lost. Once complete, the proposal would give no clue to its past use as an agricultural building by not retaining its character. Consequently, the characteristics of the building would not be respected and conserved. The proposal would also not meet the essential criteria set out in the Structure Plan and the DLP.

2) The majority of the first floor southwest facing windows would be obscure glazed. This may be acceptable for the bathrooms, and bedroom 2 as it would be lit by two other windows, Bedroom 4 would need to be obscure glazed to a higher level than just the lower part of the sash and this would result in it being lit by only an obscure glazed window which is unlikely to prove acceptable. Unless these windows were all to be obscure glazed in perpetuity, the proposal would result in overlooking of the properties to the southwest by reason of their height and proximity compared with the neighbouring properties. The height and scale and bulk of the existing barn already has an overbearing effect on the neighbouring properties and this would be exacerbated by the proposed conversion. At present it is an outbuilding, but to become a dwelling with all the activity, façade and associated domestic paraphernalia would increase the dominance of the building.

3) The existing building is not of architectural merit, but it is in the form of an agricultural building, which is a use traditional to the countryside. A 5-bedroomed mock-Georgian house with no traditional vernacular design or form would not be in keeping with this rural location and the Area of Special Landscape Value. The applicant proposes to use an existing access, which is close to a bend, but the volume of additional traffic likely to be generated by such a proposal should not result in a highway hazard.

COMMENTS ON REPRESENTATIONS: The merits of how the barn came to be built in that location some years ago is not a deciding factor in the determination of this application.

CONCLUSION: The proposal is contrary to policy.

RECOMMENDATION: REFUSAL REASONS

1. The site is located within countryside beyond development limits as defined in the adopted District Plan. The proposed development is not covered by the exceptions contained in Policy S2 and would be unacceptable because it would lead to the spread of built form into the countryside, 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, contrary to Policies RE2, S2, C6, S7 and H5, DC14, GEN4, DC1, C2, T1, GEN1 and GEN2.
2. The proposed development would be unacceptable because it would necessitate the substantial rebuilding of the structure and it would necessitate significant alterations to its original character. The building is not worthy of retention by virtue of its style, design, architectural or historic interest, or its setting within the landscape or as part of a farmyard group and the proposed conversion does not safeguard the essential form, structure, character and important traditional features of the building. The proposal would result in a dwelling which would have the appearance of a new building/a substantial new structure and the unacceptable domestication of the building thereby detracting from the rural character of the countryside, contrary to ADP Policy C6.

UTT/0142/02/FUL – HATFIELD BROAD OAK

Conversion and change of use of barns and associated buildings to form 2 new dwellings with associated garaging, annex for Pierce Williams and new cart shed

Pierce Williams. GR/TL: 550-153. Mrs A M E Gee.

Case Officer: David Jeater 01799 510464

Expiry Date: 26 March

NOTATION: ADP and DLP: Outside Development Limits or Settlement Boundaries/Listed Building.

DESCRIPTION OF SITE: This site of about 0.45ha (1.2 acres) is located 1km (0.75 mile) south of Hatfield Broad Oak, and a similar distance north of the main Chelmsford-Bishop's Stortford Road [A1020].

DESCRIPTION OF PROPOSAL: The proposal is to convert a group of traditional barns to form two dwellings, one of which is a Grade II listed building dating from the seventeenth century, plus an annexe to the existing dwelling. The proposal is similar to a scheme permitted in 1991 (expired 1996) although it does vary in terms of detailed design, means of access, location of garaging, and it is now proposed to remove an existing Dutch Barn. The application site also excludes an area to the north previously proposed as garden land.

APPLICANT'S CASE: See letter received 29 January 2002, attached.

RELEVANT HISTORY: Residential conversion of the two barns permitted in 1991, but not implemented and hence expired in 1996. Application identical to that now submitted refused in November 2002 on the grounds that it breached the new policy in the approved Structure Plan that the residential conversion of listed [or 'near listed'] farm buildings on 'isolated' sites would not be permitted. The parallel application for Listed Building consent made last year was granted.

CONSULTATIONS: Environment Agency: Private sewage treatment facility required.
Design Advice: No objections subject to conditions.

PARISH COUNCIL COMMENTS: None (due 11 March).

REPRESENTATIONS: These applications have been advertised and no representations have been received. Period expired 28 February.

PLANNING CONSIDERATIONS:

Having regard to the sole reason given for the refusal in November last year, the main issue is whether the proposal complies with the relevant Development Plan Policy, namely ERSP Policy RE2.

The two elements of the Development Plan – the Structure Plan and District Plan – both contain specific policies on residential conversions. Both policies require the buildings to be well constructed, capable of conversion without rebuilding and that proposals must protect the character of the locality. The buildings appear to be capable of conversion without rebuilding, and the design of the conversion appears to be satisfactory.

It was previously accepted that the proposal conforms with the District Plan requirements. However, the Structure Plan, which has greater weight than the District Plan because it is more recent, introduced a further test for residential conversions relating to remoteness. The policy states "*The residential conversion of listed farm buildings and the re-use of other*

rural buildings for residential use on isolated sites within the countryside located well away from existing settlements, will not be permitted.” The County Council has not indicated that it has any details as to how this policy might be interpreted.

As regards the ‘isolated’ criterion, it is clear that the site does not fall within a settlement if that is how the County policy is to be interpreted. However, the buildings, at their closest, are within 20m of the applicant’s house at Pierce Williams, and other barns not forming part of the application site would remain immediately to the east and south-east. The site adjoins a public highway and stands close to a road junction. Within 400m there are ten houses.

CONCLUSION: It is now clear that the interpretation of Structure Plan Policy RE2 as regards ‘isolated sites’ is wholly a matter for the District Council. This particular instance involves a site whose characteristics are described above; it is not a property standing on its own surrounded by open fields. Officers’ advice is that determining that this site is not isolated is reasonable and would not set a precedent for other barn conversions which would be widely held to be isolated. The conversion would preserve a barn and other buildings appropriate for conversion.

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. The building shown as ‘Staff Annexe to Pierce Williams’ on Drawing V/2085/2B shall be occupied only by residents of Pierce Williams, or by persons employed by the residents, and shall not become a separate residential unit without the prior written permission of the local planning authority.
4. The building shown as an annexe to Dwelling No 2 on Drawing V/2085/2B shall be occupied only by residents of that dwelling, or by their dependant relatives, and shall not become a separate residential unit without the prior written permission of the local planning authority.
Reason for Conditions 3 and 4: The site lies within an area where additional dwelling units are not normally permitted.
5. C.4.1. Scheme of landscaping to be submitted and agreed
6. C.6.3. Excluding permitted development extensions and freestanding buildings
7. The external appearance of the development hereby permitted shall accord with the following design requirements, and shall not thereafter be altered other than with the prior written permission of the local planning authority:
[a] the roofs to the buildings shall be clad with natural slate or clay plain tiles in accordance with Drawing V/2085/4B
[b] all external joinery to the buildings shall be of painted timber
[c] all weatherboarding shall be featheredged and painted black
[d] the proposed link to Dwelling No 2 shall be finished in materials to match those on the retained buildings.
Reason: In order to protect and enhance the setting of the listed building and visual character of the site.

UTT/0180/02/FUL – HENHAM

Resiting of two mobile homes and erection of replacement building for storage and repair of commercial vehicles and plant.

Hill Top, Mill Road. GR/TL: 544-274. Mr W H Wood.

Case Officer: *David Jeater 01799 510464*

Expiry Date: 11 April

NOTATION: ADP and DLP: Outside Development Limits and Settlement Boundaries.

DESCRIPTION OF SITE: The site is located in open countryside on a long narrow strip of land, mainly former railway land about 4,500 sq m in extent, at the top of a low rise some 500m south of Henham. There are three buildings on the site, all in poor condition, each about 4m in height with a total floorspace of about 250 sq m, used in connection with a transport business on the site; and two caravans also in poor condition. The eastern end of the site is mainly vacant. The site boundaries comprise largely overgrown hedgerows with three larger trees in the south-east corner.

DESCRIPTION OF PROPOSAL: Erection of building 32m long by 17m wide with an eaves height of 6.1m and a ridge height at 9m on the northern boundary of the site, involving the demolition of the three existing buildings on the site. The building would be clad in green coloured proprietary materials. Two mobile homes on the site would be moved to a position between this building and the adjoining house at Hilltop.

APPLICANT'S CASE: The site as it stands is an eyesore, approached by an unmade track with an array of dilapidated buildings, two caravans and materials littering the site. It is, however, surrounded by mature hedgerows and trees, which provide good screening. The applicant has purchased the house on the adjoining land to run his haulage business. The proposal has been developed to run the haulage and plant hire business keeping existing employees. The site would be used for the overnight standing of commercial vehicles and the storage and distribution of building materials. The existing buildings and other structures are to be cleared, and replaced by a single building to enable vehicles to be stored and maintained in proper working conditions

RELEVANT HISTORY: The District Council and its predecessor authorities refused planning permission for housing on the site twelve times between 1961 and 2001, all for reasons of open countryside policy. Appeals against these decisions dismissed in 1988, 1997 and 2001. After the closure of the railway in the 1950s, the site was used for agricultural purposes. The agricultural barns on site were later converted, without planning consent, for use in connection with a transport and plant hire business, for which a Certificate of Lawfulness was issued in 1997. The caravans were also granted a Certificate of Lawfulness in 1993.

PARISH COUNCIL COMMENTS: The proposed building would be more than twice the floor area presently on the site and substantially higher than the existing building. Concerned about its visual impact. If approved, screening vegetation on the site should be reinforced.

REPRESENTATIONS: This application has been advertised and one representation has been received. Period expired 21 March.

CPREssex: The site is outside development limits where development is not normally permitted unless it relates to agriculture, forestry or appropriate outdoor recreation. This site is particularly prominent due to its hilltop setting. The proposed building would have a damaging effect on the open countryside by reason of its bulk and height. The Inspector's report dismissing earlier appeals drew attention to the rural atmosphere surrounding the site

and the harmful effect that ridge heights of some 8.5 to 9m would have on visual amenity. The indication is that the level of activity will increase above that generated by current operations. Some of the activities do not currently take place, namely the storage and distribution of materials. Intensification of activity on this site should not be permitted on the grounds that it would conflict with policies on countryside protection and traffic generating.

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) the proposal conforms with the Development Plan on open countryside (ERSP Policy C5, ADP Policy S2 and DLP Policy S7) and
- 2) the proposal would bring local amenity benefits to such an extent as to justify an approval being given in the particular circumstances of the case (ADP Policy DC1).

1) The Structure Plan Policy C5 calls for *'strict control of new building in the countryside'*. The Adopted Plan Policy S2 on the countryside says that permission will not normally be given for development outside Development Limits, as in this instance, unless the proposal relates to an open use such as agriculture, or is an appropriate change of use of an existing building. This proposal falls into neither of these categories, and there is thus a case for refusal in principle.

2) The applicant's case is that his proposal would materially improve local amenity and would thus benefit the locality. The appearance of the site and its use are clearly unsatisfactory, but their effect is limited by the hedges surrounding the site, and by its limited public visibility. The proposal would increase built floorspace on the site from 250 sq m to 530 sq m and introduce ten new staff. This would be a clear intensification of the use which could be expected to bring some additional noise and disturbance to neighbours and to people living along roads nearby. The new building would be significantly higher than the existing buildings on this ridge site, a point which was a material consideration in the recent appeal cases.

CONCLUSION: The present use, though unsatisfactory, is not uncommon in the District, and has no significant public impact. The proposal would clearly tidy up the site. However, it also involves a significant intensification of use by reason of extra vehicle movements and additional employment on site, resulting from a large building readily visible on a ridge. This would be inconsistent with Development Plan policy which in its turn reflects national policy.

RECOMMENDATION: REFUSAL REASON

The proposal would be unacceptable because it would involve the intensification of activities and the erection of a large new building for purposes unrelated to agriculture, forestry or outdoor recreation, to the detriment of the pleasant open character of this rural area, contrary to Policy S2 of the adopted Uttlesford District Plan and Policy C5 in the Essex Structure Plan. The proposal would be unacceptable because it would involve the erection of a large building which would by reason of its position on a ridge, adversely affecting the visual interest of its surroundings, to the detriment of the pleasant open character of this rural area, contrary to Policy DC1 of the adopted Uttlesford District Plan.

UTT/0262/02/FUL - HENHAM

Change of use from residential to office.
Old Farm House, Old Mead Road. GR/TL 531-275. Mr & Mrs Van Driessche.
Case Officer: Mr M Ovenden 01799 510476
Expiry Date: 15 April

NOTATION: ADP & DLP: Outside Development Limit and Settlement Boundary.

DESCRIPTION OF SITE: The site is located on the eastern side of Old Mead Road about 500m north of the level crossing at Elsenham Station. The building subject to this application is a two storey dwelling. To the immediate south is a recently constructed dwelling which is a replacement for the application building.

DESCRIPTION OF PROPOSAL: The proposal is to retain the building, but use it as an office, rather than retain it as a dwelling.

APPLICANT'S CASE: My client operates a business from the site and already uses part of this building as his registered office. Accordingly, my client has instructed me to apply for a change of use. My client will accept the condition making the use personal and linking it to the business, and also the condition that the building shall not be used for residential purposes. The intention of the original condition was to prevent the proliferation of dwellings in the countryside. The change of use proposed, whilst retaining the building, complies with this intention. The building in question is part of a long row of outbuildings with clearly subsidiary use to the new farmhouse.

RELEVANT HISTORY: Permission for replacement dwelling 2000 (including condition requiring demolition of (this) original dwelling on the first occupation of the new dwelling.

PARISH COUNCIL COMMENTS: None (due 25 March).

REPRESENTATIONS: None. Notification period expired 20 March.

PLANNING CONSIDERATIONS:

The main issue is whether the retention of the building (dwelling) and its subsequent reuse for office use would protect the character of the area in line with the requirements of the development plan (ERSP Policy C5, ADP Policy S2 and DLP Policy S7).

This building was until recently the only dwelling on the site. In 2000 permission was granted for a replacement dwelling. Rather than make the occupiers homeless until the completion of the new dwelling, the condition requiring the demolition of the original dwelling would be triggered by the occupation of the replacement dwelling. The new dwelling is now capable of occupation. The combination of the erection of the new dwelling and the retention of this building would result in additional building in the countryside contrary to the aims of the Development Plan. The demolition of the original dwelling is required by condition and without that condition the application for the replacement dwelling would have been refused. The applicants have indicated that they would accept a number of conditions – personal, linked to the business and prohibiting residential occupation – in order to make the proposal acceptable. However, no information has been submitted to demonstrate a need for offices of this size or why such a need has only now become apparent. There is clearly a danger that at some point in future there would be pressure for the building to become a dwelling once again.

CONCLUSION: The application fails to comply with the requirements of the development plan and is therefore unacceptable. The replacement dwelling should be inspected to ascertain whether it is capable of residential occupation, when the applicant intends to do so and if necessary a breach of condition notice issued to ensure the demolition of the original dwelling. If the dwelling is not demolished as required, a Breach of Condition Notice will be served.

RECOMMENDATION: REFUSAL REASON

Contrary to ERSP Policy C5, ADP Policy S2 and DLP Policy S7. The proposal fails to comply with the development plan as it would result in the retention of both the original dwelling and the new dwelling outside of any development limit which would therefore result in additional development in the open countryside.

UTT/0393/02/FUL – SAFFRON WALDEN

Removal of condition 12 of UTT/1117/00/FUL (Appeal Decision) relating to provision of on street parking

Land adjacent to Printpack Europe Ltd, Radwinter Road. GR/TL: 549-383. Fairview New Homes Ltd.

Case Officer: *Jeremy Pine 01799 510460*

Expiry Date: 3 May

NOTATION: ADP: Within Town Limit. DLP: Within Settlement Boundary

DESCRIPTION OF SITE: The application relates to a stretch of the northern side of Radwinter Road in the eastern part of the town. The relevant length is in front of numbers 11 – 53, between Tesco/Printpack and the town centre. The residential development from which the condition originates is being carried out on land immediately east of Printpack.

DESCRIPTION OF PROPOSAL: The application is for the removal of Condition 12 of the planning permission granted on appeal for 72 dwellings on land east of Printpack. The condition stated that:

“No dwelling shall be occupied until an on-street parking area has been provided along the northern side of Radwinter Road between numbers 11 and 53, together with appropriate signing and white lining. The on-street parking area as installed shall be in accordance with drawing F174/10B unless otherwise agreed in writing with the Local Planning Authority”.

The relevant drawing shows a 2m wide layby with tapered road markings, allowing carriageway widths of 3m in each direction.

APPLICANT’S CASE: See letter dated 6 March 2002 attached at end of report. The agreement with the Highways Authority under Section 278 of the Highways Act requires either the layby to be provided or a contribution of £76K to be paid to the County Council. However, ECC has indicated that it is not prepared to issue the necessary technical approval for the implementation of the parking bays, as a means of securing the financial contribution in lieu. *Note: the relevant clause in the agreement requires the layby to be completed or the financial contribution to be paid before any dwelling on the site is occupied.*

RELEVANT HISTORY: Erection of 72 dwellings, associated parking and new vehicular access allowed on appeal in 2001 subject to a number of conditions, including the carrying out of a scheme of off-site highway works specifically identified in plans submitted as part of the application. The required works were 1) traffic management measures at the Radwinter Road/Thaxted Road junction, 2) the construction of the layby which is the subject of this application and 3) construction of a signal controlled junction at the new access to the site opposite Elizabeth Way. Items 1) and 3) are not affected by this application and will be proceeded with.

CONSULTATIONS: ECC Transportation: No objections. Make reference to the agreement signed with Fairview on 1/11/01 under Section 278 of the Highways Act.

TOWN COUNCIL COMMENTS: Objects. Considers that the layby is the best traffic management option. Does not believe that the alternative cash proposal would result in better improvements.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 11 April.

PLANNING CONSIDERATIONS:

The main issue is whether the omission of the parking layby in favour of the alternative contribution of £76K required by the agreement that was signed between the applicant and ECC Transportation would have a detrimental effect on highway safety contrary to ADP Policy T1 and DLP Policy GEN1.

ECC Transportation’s original recommendation on the Printpack application was that a financial contribution of £76K should be secured, and it did not mention provision of the layby. The Council’s independent consultant felt that, on balance, the layby would bring about benefits, but added the qualification that it would be difficult to restrict its use to residents (hence some conflict could occur) and there could be some detriment to visibility from existing accesses on the south side of Radwinter Road caused by the necessary realignment works to form the layby. Local residents also expressed concerns about the wisdom of providing a layby with the resultant reduction in width of the footpath, albeit that kerb parking often already reduced the footpath width.

When the Inspector granted planning permission for the Printpack development, he commented in his decision letter that:

“It (the earlier W S Atkins study commissioned by the County Council) also commented that Radwinter Road should be widened between numbers 11 and 105, to accommodate residents’ on-street parking which currently reduces the capacity of the road and results in delays to traffic at peak times. Although objectors considered that widening Radwinter Road would simply allow traffic to travel faster, it is subject to a 30mph speed limit and there is no firm evidence before me to suggest that this limit is regularly abused. Furthermore, the current proposals have been assessed and approved by traffic consultants engaged by the Council, and have also met with approval from the Highway Authority. In these circumstances, I am not persuaded that the appeal proposal would bring about any material worsening of traffic conditions, and could, in fact give rise to noticeable benefits”.

It is clear that the Inspector considered that the works to provide the layby were satisfactory, but that does not mean to say that he would not have considered other measures to have been equally satisfactory (i.e. the payment of a contribution in lieu) had they been before him for consideration at the appeal. Notwithstanding the Inspector’s comments, ECC Transportation remains unconvinced about the benefits of the layby and is unlikely to agree to its construction.

Works have commenced on erecting the dwellings. It is the view of Officers that condition 12 now serves no useful purpose and the mechanism is already in place via the agreement under the Highways Act for the contribution of £76K towards local highway improvements to be paid to the County Council.

COMMENTS ON REPRESENTATIONS: The views of the Town Council have been noted, but it is the judgement of ECC Transportation that a financial contribution (which it has already the means to secure) is preferable.

CONCLUSION: There is no evidence to indicate that, in the current circumstances, the omission of condition 12 would be detrimental to highway safety contrary to ADP Policy T1 and DLP Policy GEN1.

RECOMMENDATION: UNCONDITIONAL APPROVAL SUBJECT TO COMPLETION OF HIGHWAYS AGREEMENT

UTT/0507/02/FUL - STANSTED
(Referred at Officers' Discretion)

Alteration to line of pedestrian footpath from Cambridge Road serving Church complex (as approved on UTT/1003/00/FUL). Associated means of enclosure, landscaping and lighting details.

St Theresa's Church, High Lane. GR/TL 514-258. Father J White.

Case Officer: *Charmain Harbour 01799 510458*

Expiry Date: 22 May

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

DESCRIPTION OF SITE: The site is located on the northern edge of Stansted and spans from Cambridge Road to High Lane. To the southern boundary the site abuts two storey dwellings to Five Acres and High Lane. To the north the site is adjacent to an open field. The site is currently being redeveloped for a church complex consisting of a church, a hall and presbytery. The presbytery is occupied and the hall is in use. It is estimated the church should be completed by October 2002. Vehicular access to the site is from High Lane and the approved parking layout has been set out on the southern eastern portion of the site.

DESCRIPTION OF PROPOSAL: When the original permission for the new church complex was approved in 2000 (UTT/1003/00/FUL) a pedestrian access to the site was approved from the Cambridge Road frontage. The route of the approved scheme was such that the site was to be entered to the south-west corner and the path was to run north parallel to the rear of the church and around the northern side elevation to run between the hall and the church to the car park. The southern boundary to Five Acres was to retain the existing hedging and boundary fencing. A condition on the original consent required a 1.8m fence to run up to Cambridge Road. This was to enclose a piece of land between the southern boundary and the church to form part of the Presbytery garden. No path was detailed linking the Presbytery to the southern side elevation of the Church.

Works have commenced on site to lay out the path in a different location to that approved. The applicant has ceased works to the path on request, and submitted the current application. The realigned path runs down from the south east corner of the site, westwards parallel to the rear boundary fencing to the southern boundary. It runs adjacent to the southern side elevation of the Church and between the Presbytery and the Church to the car park area. The path would be black tarmaced and it is proposed to light it with three bollard lights to match the existing lighting to the car park area. To the Cambridge Road elevation a "sheep pen" structure is proposed to prevent people walking directly out onto the main road. The path would not be adopted, but is proposed to remain as a private access. No gates or other means of controlling access to the path are proposed. The submitted scheme reduces the size of the presbytery garden so that no fencing is proposed along the line of the path.

APPLICANT'S CASE: See letter from Mr Boutwood dated 26 March 2002, Letter from Father White dated 11 February 2002 and letter from Barker & Associates dated 15 February 2002 attached at end of report.

RELEVANT HISTORY: The main church complex was approved in 2000 following a Member's site visit. The plan for the path layout was approved in March 2001 to discharge the condition relating to the provision of fencing up to Cambridge Road.

CONSULTATIONS: Essex Police, Architectural Liaison Officer: As part of the original submission a letter dated 26 February 2002 was submitted whereby the Essex Police raised no objections to the routing of the path and sought in the form of extra protection 300mm of

trellis to the existing fencing and defensible planting. These comments have been revised as the Officer was unaware of the approved scheme. In a letter dated 28 March 2002 they conclude that the path does increase the risk of persons being able to approach the nearby properties, which would have been less likely with the approved scheme.

They put forward five recommendations:

- the original scheme as approved is implemented
- an alternative path/cycleway is laid out along the northern boundary to the site
- the existing fencing has 300mm of trellis added to the top and defensible planting reinforces the existing hedging to the southern boundary if the path is retained as proposed
- in addition to point three a 1.8m fence is added to the rear of Nos 5 to 9 Five Acres and further planting is undertaken and
- the site is fenced to the Cambridge Road frontage and hedged and a 1.8m gate installed which is restricted to be unlocked only during the hours of use of the church complex.

Environmental Services: Light pollution is not an issue which they can address under the provisions of the legislation they enforce. No objections are raised to the proposals.

PARISH COUNCIL COMMENTS: To be reported (due 26 April).

REPRESENTATIONS: Notification period expired 26 April.

Objections have been raised by four residents of Five Acres. All four have been visited and photographs taken of the aspect from their properties. They raise the following concerns:

- decline in the security of their properties from the proposals
- increased noise and disturbance from proximity of path to their properties which is open to general use and misuse
- the ignoring of the original conditions on the original planning consent and
- intrusion from lighting to the path.

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) **the path in the revised location would be unacceptable by virtue of any increased security risks or impact on the amenities of the adjacent properties,**
- 2) **lighting of the path would be unduly intrusive in this location and**
- 3) **the benefits of the path in this revised location outweigh the original considerations relating to the approved path layout (ADP Policies DC1 and DC14).**

1) The question is whether the revised routing of the path would cause more material harm to any interests of acknowledged importance than the original approved scheme. The fact that the developer has sought to layout the path different to the approved scheme is not reason in its self to refuse the scheme. It is acknowledged the residents previously enjoyed aspects over open fields prior to the complex being developed, but this is not a material consideration.

The revised line of the path would give a more direct route for pedestrians into the site, but the argument that this would be safer for disabled access is not accepted as the revised scheme goes straight down the slope whereas the original path would go diagonally.

The level difficulties referred to in the north-eastern corner of the site are the key reasons for the rerouting and have led to the formation of a garden and play area not shown on the approved layout. The issue of security is clearly a major concern to both parties. It would be

easier to view the whole of the revised path layout from the presbytery site, whereas the approved layout is screened by the main church building. Clearly such surveillance is not constant, but serves a deterrent as people perceive they can be viewed when on the footway. The Police have put forward a series of measures including securing access to the path which are considered as a whole package would minimise the security risk to the adjacent units. The installation of a lockable gate would assist in controlling the use of the path, particularly at night, which is the key concern.

2) The site has now been developed and some lighting must be accepted here. The bollard lighting can be conditioned to have a casing to direct the light beam to the north only and be low level wattage.

3) It is considered that the impact of the revised line of the path although closer to the rear boundary fences of the properties in Five Acres could be mitigated by a number of security measures and screening. On balance it is not considered the potential impact on the adjacent units warrants refusal of the proposal.

COMMENTS ON REPRESENTATIONS: The views of the residents have to be carefully considered against the proposed means of addressing the issues. The path has to be considered as to whether the material harm resulting is significant to warrant refusing. It is considered that the impact can to a greater degree be mitigated by fencing, planting and the format of the lighting.

CONCLUSION: There are not sufficient reasons to justify refusal in this case.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. The additional fencing, lighting and lockable gate which form part of the package of security measures approved as part of this development, shall be fully implemented solely in accordance with the agreed details prior to the path being first brought into use and subsequently retained to the agreed specifications.
Reason: To protect the residential amenities of the adjacent residential properties.
6. The gateway to be installed to the Cambridge Road boundary shall only be unlocked for the operational hours of the church and hall as specified in condition C.90.G on the consent UTT/1003/00/FUL and shall be kept locked at all other times unless agreed in writing with the local planning authority
Reason: To enable control to be maintained over the use of the path outside the hours of use of the complex, in the interests of the security of the area.
