

UTT/1244/01/FUL – HATFIELD BROAD OAK/TAKELEY	2
UTT/0437/02/FUL - SAFFRON WALDEN	5
UTT/0197/02/FUL – STANSTED	8
UTT/0280/02/FUL - STANSTED	11
UTT/0365/02/FUL - STANSTED	14
UTT/0522/02/FUL - STANSTED	17
UTT/0327/02/FUL – GREAT DUNMOW.....	19
UTT/0462/02/FUL - THAXTED.....	21
UTT/0422/02/FUL - NEWPORT	23
UTT/0429/02/OP - DEBDEN	26
UTT/0315/02/FUL - LITTLE SAMPFORD.....	29
UTT/0319/02/FUL - FELSTED	32
UTT/0370/02/FUL - HATFIELD HEATH	34
UTT/0396/02/FUL - GREAT CHESTERFORD	36
UTT/0190/02/FUL - HEMPSTEAD	38
1) UTT/0519/02/FUL & 2) UTT/0521/02/LB - RADWINTER	41
UTT/0481/02/FUL - SAFFRON WALDEN	44
UTT/0444/02/CC - LITTLE CANFIELD.....	47
UTT/0213/02/FUL - GREAT CHESTERFORD	49
1) UTT/0170/02/FUL & 2) UTT/0171/02/LB - HIGH EASTER.....	51
	54

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 20 MAY 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 discussions
RECOMMENDATION: Deferral pending revised layout
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 discussions
RECOMMENDATION: Deferral pending revised layout
Case Officer: John Grayson (01799) 510455
Expiry Date: 20 August 2001

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 for discussions regarding archaeology and access
RECOMMENDATION: Deferral
Case Officer: John Grayson 01799 510455
Expiry Date: 12 February

APPL NO: **UTT/1726/01/FUL**
PARISH: **THAXTED**
DEVELOPMENT: Erection of two-storey dwelling with annex and demolition of existing property. Creation of a lake
APPLICANT: Mr & Mrs David Birbeck
LOCATION: The Stores, Cutlers Green
D.C. CTTE: 29 April 2002
REMARKS: Deferred for site visit
RECOMMENDATION: Approval with conditions
Case Officer: Michelle Guppy 01799 510477
Expiry Date: 15 February

APPL NO: **UTT/0180/02/FUL**
PARISH: **HENHAM**
DEVELOPMENT: Resiting of two mobile homes and erection of replacement building for storage and repair of commercial vehicles and plant

APPLICANT: Mr W H Wood
LOCATION: Hill Top, Mill Road
D.C. CTTE: 29 April 2002
REMARKS: Deferred at applicant's request pending submission of revised plans
RECOMMENDATION: To be reported
Case Officer: Richard Aston 01799 510464
Expiry Date: 11 April

APPL NO: **UTT/0272/02/DFO**
PARISH: **TAKELEY/STANSTED**
DEVELOPMENT: Erection of hotel
APPLICANT: BAA Lynton
LOCATION: Waltham Close, Stansted Airport
D.C. CTTE: 29 April 2002
REMARKS: Deferred for negotiations re design, landscaping, energy conservation and signage
RECOMMENDATION: To be reported
Case Officer: Mr M Ovenden 01799 510476
Expiry Date: 22 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 negotiations re wildlife protection
RECOMMENDATION: Approval with conditions
Case Officer: Charmain Harbour 01799 510458
Expiry Date: 17 April

APPL NO: **UTT/0355/02/FUL**
PARISH: **DEBDEN**
DEVELOPMENT: Change of use of barn to form 4 short term holiday letting units.

APPLICANT: Mr T Gingell.
LOCATION: Brocking Farm
D.C. CTTE: 29 April 2002
REMARKS: Deferred at applicant's request pending submission of revised plans
RECOMMENDATION: To be reported
Case Officer: Hilary Lock 01799 510486
Expiry Date: 1 May

APPL NO: **UTT/0393/02/FUL**
PARISH: **SAFFRON WALDEN**
DEVELOPMENT: Removal of condition 12 of UTT/1117/00/FUL (Appeal Decision) relating to provision of on street parking
APPLICANT: Fairview New Homes Ltd.
LOCATION: Land adjacent to Printpack Europe Ltd, Radwinter Road
D.C. CTTE: 29 April 2002
REMARKS: Deferred for discussions with ECC Transportation
RECOMMENDATION: **To be reported**
Case Officer: *Jeremy Pine 01799 510460*
Expiry Date: 3 May

APPL NO: **UTT/0507/02/FUL**
PARISH: **STANSTED**
DEVELOPMENT: 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
APPLICANT: Father J White
LOCATION: St Theresa's Church, High Lane
D.C. CTTE: 29 April 2002
REMARKS: Deferred for Site Visit
RECOMMENDATION: **To be reported**
Case Officer: *Charmain Harbour 01799 510458*
Expiry Date: 22 May

UTT/1244/01/FUL – HATFIELD BROAD OAK/TAKELEY

(Revised report)

Erection of 20m “cypress tree” telecommunications tower with antennae attached.
Installation of equipment cabinets and construction of internal access road.
Takeley Sewage Treatment Works. GR/TL: 548-210. Hutchinson 3G Ltd.
Case Officer: *Jeremy Pine 01799 510460*
Expiry Date: 13 November 2001

NOTATION: Outside Development Limits/Area of Special Landscape Value

DESCRIPTION OF SITE: This proposal involves a small site in the south-east corner of the Takeley Sewage works located about 80m south of the Flitch Way footpath bridge over Dunmow Road. The site lies about 140m back from the eastern side of the road to Hatfield Forest, south of the A.120. Close to the road the forest is largely open parkland and is identified as an Area of Special Landscape Value, historic parkland, a Site of Special Scientific Interest, and a National Nature Reserve in the District Plan. At about 170m west of the road, the woodland becomes denser and this area is additionally designated as Ancient Woodland and Ancient Landscape in the plan. Land to the east of the site is mainly in agricultural use.

DESCRIPTION OF PROPOSAL: This application was first reported to the Committee on 17 December 2001, when Members agreed to defer consideration, at the applicants' request, to enable them to submit a revised scheme. The original proposal was for a 25m high lattice mast. The first revised proposal was for an 18m high monopole mast, to which would have been attached two dish-shaped antennae 60cm in diameter, and four rectangular antennae about 2m long and 20cm across. At its widest the mast plus antennae would have been between 1m and 1.4m across. The mast would have been positioned within a compound 12m by 8m in area, surrounded by a chain link fence 1.8 m high: within the compound there would have been, in addition to the mast, two small cabinets 1.3m high.

Following a site visit on 8 April 2002, Members were concerned at the likely effect of the mast on the setting of Hatfield Forest and deferred a decision pending a reconsideration by the applicant of the siting and design of the mast. As a result, a second set of revised plans have now been submitted relocating the mast and compound approximately 130m further east (away from the Forest) and changing the design of the mast to that imitating a cypress tree. The mast would stand 20m high with a maximum “foliage” width of 3m. All antennae would be contained within the foliage spread, as the foliage has been specifically designed so as not to obstruct the signal. The compound would be accessed from the existing sewage works access road, with a new short section of gravel track.

APPLICANT'S CASE: See letter dated 25 April 2002 and Certificate attached at end of report.

CONSULTATIONS: Original and first revised plans:

ECC Transportation: No objections.

National Air Traffic Services: No safeguarding objections to the proposal.

English Nature: The proposal is not likely to have any significant effect on the nature conservation features of the Hatfield Forest SSSI/ National Nature Reserve site.

National Trust: Objects strongly both to the original scheme and to the first revised proposal. Hatfield Forest has been designated as a Site of Special Scientific Interest and a National Nature Reserve. It is an oasis in a landscape dominated by agriculture, M11 and the airport. Its ecology is in a notably pristine condition, little affected by recent and destructive land use practices, making it one of the largest areas of land which has not been ploughed in historical times. The landscape value of the forest should not be underestimated. Like the original proposal the lower mast would be very significant when viewed from the Forest, and

would be impossible to screen from it: it would dramatically alter the views of the medieval landscape, considered to be unique in a European context.

Second revised plans: To be reported (due 17 May 2002).

PARISH COUNCILS' COMMENTS: Takeley: Objects to both original and first revised plans on grounds of [a] increasing number of masts in the Takeley area; [b] its close proximity to an area of outstanding natural beauty; [c] the intrusive effect on the local landscape of the high tower. (Second revised plans) To be reported (due 17 May).
Hatfield Broad Oak: To be reported (due 17 May).

REPRESENTATIONS: The original [25m] application was advertised and no representations were received. Period expired 8 November 2001.

Second revised plans: See letter dated 26 April 2002 from the National Trust attached at end of this report. (Any other comments will be reported.)

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would be appropriate:

- 1) **in the countryside where essential for technical reasons, and where appropriate measures are taken to mitigate their adverse amenity effects (ADP Policy DC13 – Large Telecommunications Equipment) and**
- 2) **in the context of nature conservation and landscape protection (ERSP Policies NR1 & 5, ADP Policy C3 and DLP Policies GEN8 & ENV 6-8).**

1) The applicant's case is that, after considering options, the company has a requirement for a base station in the vicinity of this site. The mast would provide coverage for the applicants' network of Takeley village itself, Takeley Street, and an area up to about 2km south of the mast towards Hatfield Broad Oak. From the information provided, Stansted Airport and the line of the new A120 are already covered, or would be covered by other proposals. The applicants argue that a mast of 20m is required because trees within Hatfield Forest, along the Flitch Way and elsewhere would block the signal at a lower height, after allowance is made for tree growth. The particular type of mast now proposed, following negotiations, would imitate the form of a cypress tree which, although undeniably artificial, should be less conspicuous as a mast in more distant views than either a monopole or lattice. The trees and hedges along the sewage works boundaries and at intermediate distances from the mast should further assist in reducing its visibility from locations nearby. Officers accept, therefore, that in the 2nd revised scheme, the applicant has made considerable efforts to mitigate the effects of the mast.

2) Hatfield Forest was designated as a Site of Special Scientific Interest largely because it *'is unique in being the last small medieval Royal Forest to remain virtually intact in character and composition.'* The SSSI documentation refers mainly to its plant and tree assemblages: these would remain unaffected by the proposal. There is no basis for refusing the application on nature conservation grounds. The principal concern, therefore, is the extent to which the Forest landscape would be adversely affected by the top part of the mast being visible from the Forest. A careful assessment of the proposal has been undertaken, which included Members visiting the Forest to view a dummy mast that had been erected on the originally proposed site. It was established that the mast in its original location would have been readily visible from some parts of the largely open 'chase' area of the Forest alongside the road towards Bush End for a distance of 600m south from the Flitch Way overbridge and for distances of up to 400m west from the road. Over much of this area there is no other man-made structure which can be seen from within the Forest. The area concerned amounts to about one-seventh of the total area of the Forest.

The relocation and disguising of the mast should help to significantly reduce the effect of the mast on the historic Forest landscape. The relocated mast would still be visible to walkers

using the Flich Way through the vegetation along that footpath, and also from the east side of Dunmow Road. That area is also identified as an Area of Special Landscape Value in the District Plan, largely because of its similarities to the Hatfield Forest landscape.

CONCLUSION: This case is finely balanced weighing need against impact, but in view of the revisions that have been able to be secured it is now considered that there are no sound reasons for refusal given the Government's encouragement to the setting up of telecommunications networks. Members will be aware of the need for more, smaller masts with the third generation of telecom systems.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.21.1.Excluding extensions to telecommunications masts without further permission.

UTT/0437/02/FUL - SAFFRON WALDEN
(District Council Interest)

Erection of 27m replacement lattice tower and equipment cabin within a secure compound. Council Offices, London Road. GR/TL 535-379. MM 02 Airwave.

Case Officer: Charmain Harbour 01799 510458

Expiry Date: 13 May

NOTATION: ADP and DLP: Within Development Limits, Settlement Boundaries and Conservation Area, Grade II Listed Building.

DESCRIPTION OF SITE: The application relates to the Council Offices site in Saffron Walden. The site currently has a (27m) 90ft communications tower to the western side of the site to the rear of the modern wing of the building. The tower is largely screened by the trees to the rear of houses in Saxon Way.

DESCRIPTION OF PROPOSAL: The application is for a replacement communications tower in a similar location to that existing. The proposed tower, just used for emergencies, not by telecoms operators, would be a 27m lattice with an access ladder, 2 microwave dishes and 3 x No 4 stack Dipole antennae. A free standing compound would be formed adjacent to the building in a position where there are existing plant services.

The mast is proposed to serve the new Airwave service to be operated by the Police and other emergency services. Nationwide coverage is due to be completed by 2005. The system consists of a mobile phone/satellite positioning/ secure radio network based on the transmission via antennae and digital fibre optic/copper cables. The service will replace the existing mixture of incompatible analogue systems. It is designed to offer a secure system for the emergency services giving a more rapid response and offering greater safety for individuals using the service as their positions can be tracked.

The mast is not to be used by a general mobile phone company. Any such mast sharing would be likely to require an increase in the height which would have to be subject of a separate application.

APPLICANT'S CASE: See attached details submitted by WS Atkins attached at end of report.

RELEVANT HISTORY: Permission was granted in 1988 for the erection of a (27m) 90ft radio mast.

CONSULTATIONS: Design Advice: The replacement mast would be located in such a position where the character and appearance of the main listed section of the building would not be adversely affected.

TOWN COUNCIL COMMENTS: No objections provided that the Committee are convinced that there is not a more suitable rural site and there is no proven health risk.

REPRESENTATIONS: This application has been advertised and 3 representations have been received. Period expired 18 April 2002.

The following concerns are raised:

- the existing mast was for the Council's radio based communications system, the new use raises concerns regarding emissions and the impact on health
- the new mast and apparatus will be more intrusive than the existing structure
- the residents of Saxon Way experience problems with TV reception due to the mast and this would increase these problems
- it is inappropriate to have a mast in the curtilage of a listed building close to housing
- it would set a precedent for use of this site by other network systems.

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) the proposal is acceptable in terms of the siting and visual appearance of the mast and ancillary apparatus with regard to the setting of the listed Building and proximity to residential units.(ERSP Policy BE8, ADP Policy DC13 and DLP Policy T4),
- 2) need for the mast has been demonstrated and alternative sites have been fully considered (ADP Policy DC13, DLP Policy T4) and
- 3) Health considerations are relevant.

1) The proposed mast would be no higher than the existing structure. This is the minimum height which can be achieved for the site to give adequate clearance of the tree cover. The structure would have an open lattice frame which is considered to be less intrusive than a solid mast. The structure would be higher than the roofline of the Council Offices and the mature trees to the boundary, but these features help to lessen the impact of the structure when observed from outside of the site. The structure would not be readily visible from the main view to the Listed Building. The trees on this boundary form an effective screen to the structure when viewed from the houses to Saxon Way. The plant would be set down in an existing service area adjacent to the building and would not have a significant impact on the amenities of the adjacent properties or surrounding area. The applicant has confirmed that television reception should not be impaired by this proposal.

2) Seven sites are required across the Uttlesford District to achieve the national coverage required. District wide coverage has to be achieved as there can be no gaps in the system. Two other sites were considered: the Listed Saffron Walden Water Tower in Debden Road and Saffron Walden Telephone Exchange in Margaret Way, but it would be more prominent and potentially more visually intrusive in these locations.

3) Planning Policy Guidance Note 8 on Telecommunications states that health considerations and public concerns can be material considerations. However, it is the Government's view that the planning system is not the appropriate place for determining health safeguards. If a base station meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for public exposure, it should not be necessary for the local planning authority to consider health aspects. The Stewart Report 2000 concluded that *'The balance of evidence indicates that there is no general risk to the health of people living near base stations, on the basis that exposures are expected to be small fractions of guidelines'*.

In the information provided to support the application it is stressed that the station would operate at low power levels. It is subject to strict rules and guidelines laid down on behalf of the Government which ensure that the system is safe and meets the requires ICNIRP guidelines.

COMMENTS ON REPRESENTATIONS: The concerns of the residents have been addressed in considering the proposals above. The main material considerations the local planning authority can address are the visual appearance and siting of the structure. Whilst it is acknowledged residents have health concerns, the local planning authority is advised that if the Government Guidelines are met, which the applicant has indicated is the case, this is not a matter to warrant a refusal.

CONCLUSIONS: The proposal would replace an existing structure of the same height. The main difference would be the function of the mast. The proposal meets national health and safety guidelines. The visual impact and location of the mast are not considered to be detrimental to the character and appearance of the area or the listed building. The structure

would be largely screened by the trees and Council Buildings so as not to be an intrusive element in the townscape to intrusive to the residential properties facing the site.

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 existing mast shall be dismantled and all components removed from the site within 28 days from the first use of the replacement mast hereby permitted.
Reason: To avoid the proliferation of masts on the site.
- 4, C.21.1.Excluding extensions to telecommunications masts without further permission.

UTT/0197/02/FUL – STANSTED

Erection of 1 No. detached dwelling.
r/o 22 Park Road. GR/TL 513-247. Mr J A Young.
Case Officer: Michelle Guppy 01799 510477
Expiry Date: 12 April

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

DESCRIPTION OF SITE: The site is located to the rear of (to the north of) dwellings No. 20 & 22 Park Road. To the east of the site is The Pit at the end of West Road. To the north is a detached dwelling and to the west is a detached dwelling. The site is currently open and laid to grass.

DESCRIPTION OF PROPOSAL: The application is for a detached two-storey house. The ground floor having kitchen/diner, conservatory and integral double garage. The first floor having lounge with integral balcony, 2 No. bedrooms and bathroom. The access would be via a drive between No's 22 & 26 Park Road.

APPLICANT'S CASE: It has been accepted that this is a suitable plot to develop (by approving the existing dwelling in 1995). It was accepted on appeal that a two-storey house may be built. Access drive and emergency vehicle turn point are in situ and approved. The footpath and all existing hedges are to be left in situ. Access via Park Road has previously been found to be acceptable, the number of additional vehicle movements will be minimal as will any increase in noise, pollution or disturbance. Siting of proposed house relative to the existing houses situated each side is in essence identical to that previously approved. The proposal would be 35m from Old Lane property, with the accepted current minimum standard being 25m, this can at Members' discretion be further reduced. Reference end plot West Road where the gap is 20m. Our intention is to maintain the conifers on the boundary with Old Lane property at an appropriate height. His trees together with our conifers should give a very high degree of privacy. The plot size including the shared front drive compares favorably with those for the newer 4-5 bedroomed houses in Park Road. The proposal is of loosely traditional style using quality bricks etc and as such should sit comfortably within its surrounding. Further being two-storeys it emulates all the surrounding properties. Regarding the balcony, the main purpose of this is to provide a feature, and a small area on which to site boxes for planting flowers, suitable hanging greenery and suspend some hanging baskets. Positioned such, overlooking will be minimal. Anyone tending boxes etc. will be clearly visible, thus the situation would be better than purely windows. The surrounding trees and hedges provide an effective screen.

RELEVANT HISTORY: UTT/0705/89 – Dwelling approved in 1989 subject to only single-storey. Chalet dwelling and construction of access to highway approved in 1995 on appeal.

PARISH COUNCIL COMMENTS: Concerned about overlooking of adjacent properties. Regret backland development. .

REPRESENTATIONS: Nine. Notification period expired 27 March 2002.

1-9. Object. Park Road has a 'difficult' junction with Church Road and it is not insignificant that past multiple development proposals for Park Road have been rejected due to 'increase in traffic'. Would overlook gardens of 7 properties. Would reduce light and sight far more than a bungalow. This coupled with the bungalow already granted permission could be considered over development of the site. Concerned development will have an adverse effect on the footpath to the rear of the houses along North Road and the sewerage pipes run under this footpath.

A further two-storey dwelling, especially with an upstairs living room window would cause further loss of privacy to our back garden, living room and two bedrooms. It was already

decided some years ago following a previous planning application that infill development of this nature was not acceptable to your Council – what has changed? Your previous decision underlined the fact that due to the hazard presented by additional traffic using the Park Road/Church Road Junction no further traffic use could be contemplated.

To build a second house on this site would significantly detract from the ambience of the area. The proposal for two storeys goes against the previous requirements for the chalet and would cause loss of light to part of my property and significant privacy problems to my neighbours and those residents affected in Park Road. Another house would add to noise in the area surrounding. The entrance to the site is not really wide enough. With two properties on such a small parcel of land there is greater possibility of emergency vehicles having to reach that area and the access may not be sufficient. Object strongly to a second building on the site especially on with two storeys.

PLANNING CONSIDERATIONS:

The main issues are

- 1) appropriateness of location of development and suitability of access and ability of surrounding road to cope with traffic generated by the development. (ADP Policy S1, H10, T1, & DLP Policy S3, H3, GEN1)**
- 2) effect on residential amenity (ADP Policy DC14 & DLP Policy GEN4)**
- 3) appropriateness of design of development in this location (ADP Policy DC1 & DLP Policy GEN2)**

1) The application for a chalet dwelling approved subject to conditions in 1995 has been implemented. Although the site appears to be just laid to grass, the foul drainage and soak-aways have been laid and passed by Building Control in 1999 and 2001 respectively. Submission in respect of conditions relating to that approval have been received and discharged by this department. It is therefore to be considered whether the site to the rear of 22-26 Park Road with 1 access way could accommodate 2 dwellings. In this backland location there is no significant under use of land and comprehensive re-development would not improve the appearance of the area, bearing in mind 1 house has already been implemented. The site is not of significant environmental value but the openness does contribute positively to the character of the area. Although the development in itself might not have an unreasonable overbearing impact on neighbouring properties, the level of development to the rear of properties that would result could be overbearing and would detract from the character of the area. Car parking requirement for application site would be met.

2) The appeal Inspector stated that a chalet type dwelling on this site would be acceptable, but a full two storey dwelling as now proposed would not be suitable due to the adverse effect it would have on neighbouring properties residential amenity. The first floor balcony of the application property would result in overlooking of existing neighbouring properties. The rear first floor windows would overlook Old Lane House, but there are trees to screen this boundary. The dwelling would result in overshadowing of the dwelling to the north. Two dwellings using the one access would be detrimental to residential amenity by reason of the noise and disturbance cause by the volume of traffic.

3) The design of the dwelling is considered to be out of keeping with the immediately adjacent properties fronting Park Road. The first floor balcony itself would be incongruous with the design of surrounding properties. The scale and bulk of the property with an integral garage and first floor lounge is not in keeping with the style of properties in the area. The density of development on this area of land that would be created would be out of keeping with the character and appearance of the area.

CONCLUSIONS: The proposal represents over development of the site and offers no benefits or mitigating factors to outweigh the overall harm to the character and appearance of the area and the residential amenity of neighbouring properties that would result from the proposal.

RECOMMENDATION: REFUSAL REASONS

1. R.24. The proposed development would be unacceptable because it would adversely affect enjoyment of a residential or other sensitive property as a result of excessive noise and disturbance caused by the volume of traffic using the access provided. A loss of privacy to neighbouring properties would result from the first floor balcony of the dwelling by reason of overlooking of neighbouring properties.
2. The proposed development would be unacceptable because the site is not significantly underused nor would its redevelopment necessarily improve the appearance of the area. The openness of the site does contribute positively to the character of the area. The density of development on this area of land that would be created would be out of keeping with the character and appearance of the area and as such the density of development created would detract from the character and appearance of the area. The dwelling would have a detrimental effect on the amenity of adjoining occupiers due to excessive noise and disturbance caused by the volume of traffic using the access provided. A loss of privacy to neighbouring properties would result from the first floor balcony of the dwelling by reason of overlooking of neighbouring properties. As such the proposal would be unacceptable backland development.

UTT/0280/02/FUL - STANSTED

Erection of a bungalow.

Land to the rear of Oriel House, Chapel Hill. GR/TL 509-249. Mr M Mason.

Case Officer: Hilary Lock, Tel:- (01799) 510486

Expiry Date: 16 April

NOTATION: ADP: Within Conservation Area and Development Limit

DLP: Within Conservation Area and Settlement Boundary

DESCRIPTION OF SITE: The site is at the end of a private track some 73m long off Chapel Hill, approximately 50m east of the junction with Silver Street. It is garden land to Oriel House to the north. Permission was recently granted for two houses to the west, and there are dwellings east and south (the latter being the scheme granted rear of Stoner House). Boundary treatment consists of 2m high walls and substantial hedges.

DESCRIPTION OF PROPOSAL: This revised proposal is for a 3 bedroom 'L' shaped bungalow with floor area of 120 sqm., eaves height of 2.25m, and ridge height of 6m. It would have a usable rear garden area of approximately 140 sqm., and would be sited a minimum of 600mm from the edge of a Yew hedge along the southern boundary. Revised plans have been submitted which 'hand' the bungalow, to reduce the impact on the hedge. Materials would be lime render on a red brick plinth and plain clay tiles. Existing frontage walls and gates would be widened to 3.2m to allow a turning area/turning head and 2 car parking spaces would be provided in front, at the end of the access road. A second turning area would be available towards the northern end of the track.

APPLICANT'S CASE: Proposed turning area would comply with Fire access requirements. Total garden area would be 225sqm and exceed standards. Proposed hipped roof to minimise height and bulk of dwelling to avoid overshadowing of adjacent properties. Proposed 45° pitch would be traditional and suitable for plain clay tiles. Site is bounded by walls, Yew hedge or fencing, and is now surrounded by new development – small estate of houses to south, pair of houses to the southeast, and consent recently granted for two houses to west. This demonstrates that site is not backland and is within Development Limits. Proposed materials are all found locally and appropriate in Conservation Area.

RELEVANT HISTORY: Erection of dwelling refused August 2001, on basis of overdevelopment, adverse impact on adjacent residents, and unacceptable form of backland development. An appeal has been lodged.

CONSULTATIONS: Design Advice: No objections subject to conditions.

ECC Transportation: No objection.

PARISH COUNCIL COMMENTS: No objection to dwelling but request condition to retain mature yew hedge between site and rear of properties in Spencer Close.

REPRESENTATIONS: This application has been advertised and 1 representation to original plans has been received. Original period expired 27 March, and re-notification on revised plans expires 10 May.

Objections – previous issues of size and bulk have been addressed, but other reasons for refusal remain applicable. Contrary to Policy H10. Site is not underused and its development would not improve appearance of area. Dwelling would have detrimental effect on amenity of adjoining occupiers. Original and revised proposals failed on these grounds, and still constitutes unacceptable backland development. Concerned that mature boundary hedge will be at risk due to proximity of new building, and would lose only physical protection from the development. If minded to approve, request distance between bungalow and hedge is increased to ensure its preservation, and Permitted Development rights be withdrawn.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would

- 1) be acceptable in this village centre location (ADP & DLP Policy S1),
- 2) accord with the Council's policies for backland development (ERSP Policy B1; ADP Policies H10 & DC14; & DLP Policies H3 & GEN4),
- 3) be of appropriate design and form in a Conservation Area (ERSP Policies BE1 & HC2; ADP Policies DC1 & DC2; and DLP Policies GEN2 & ENV1),
- 4) have acceptable access from the public highway (ERSP Policy T3; ADP Policy T1; and DLP Policy GEN1) and
- 5) overcome the previous reasons for refusal.

1) The principle of development of a site within Development Limits is broadly acceptable, subject to compliance with other policies in the Plan.

2) Policy H10 allows for development of backland sites if there is significant underuse of land and development would improve the appearance of the area, there is no material overlooking or overshadowing, the site is not of significant environmental value, and traffic hazards or road congestion would not be created. The Deposit Draft policy is less restrictive, in that it does not require the proposal to improve appearance, but instead concentrates on the need to avoid any loss of amenity to surrounding properties.

The site is currently underused, as a parcel of garden land mostly separated from the main house, and contributing little to the Conservation Area. The proposed dwelling would be single storey, and as such would be neither overbearing nor lead to loss of privacy of the surrounding two-storey properties. Access would be obtained via an existing track off Chapel Hill, and a turning area clear of the required parking spaces would be provided to ensure entry onto Chapel Hill in forward gear. It is considered that, combined with the proposed turning areas, the traffic generated by this further dwelling would not be of demonstrable harm to highway safety.

3) Design Advice is that the design, form and materials of the proposed dwelling would be acceptable in the Conservation Area. Although there are more spacious plots to the west and north, the proposal is not over development relative to the more modern schemes of Spencer Close to the east and rear of Stoner House to the south.

4) Vehicular access to the site is already substandard, but the inclusion of turning areas along the track would improve manoeuvring along its length. Access onto Chapel Hill would not be materially affected by the addition of one dwelling.

5) The previous application was for a two storey house 4-bedroom house, and was refused for a number of reasons: that it would appear visually cramped as its form and bulk would unacceptably fill a substantial proportion of the site, being positioned close to site boundaries; that it would be overbearing on the house to the east; and that it would be contrary to Policy H10, as the site is not underused, development would not improve its appearance, and it would be detrimental to the amenity of adjoining occupiers due to its size and position.

It is considered that the reduction to single storey would significantly reduce the visual impact of the building, and it would neither overlook nor overshadow adjacent houses. Although the footprint of the bungalow would be greater (120sqm as opposed to 91sqm previously), this increase would not be perceptible. The relationship with dwellings to the east would be improved following the 'handing' of the bungalow, to improve the separation from the boundary hedge. The previous application was not refused on reasons of access, but on the size and impact of the dwelling. It is therefore considered that the reasons for refusal have been overcome.

COMMENTS ON REPRESENTATIONS: It is a matter of judgement as to whether or not this parcel of garden land, separate from the main house, could be regarded as being under-used. The Deposit policy replaces the requirement for development to improve appearance with the need to show more effective use. It is not considered that refusal based solely on this aspect could be successfully defended at appeal. It would be difficult to demonstrate that the dwelling would have a detrimental effect on amenity given that the dwelling would be single storey. The revised plans would increase the separation from the boundary hedge.

CONCLUSIONS: There is no objection in principle to residential redevelopment of the site, as it is considered that the form, visual impact and access to the dwelling would accord with the Council's policies for backland development. The previous reasons for refusal are considered to be overcome.

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.4.5. Retention of hedges.
4. C.4.6. Retention and protection of trees and hedges for the duration of development
5. C.5.1. Samples of materials to be submitted and agreed.
6. C.5.5. Clay plain tiles.
7. C.5.8. Joinery details.
8. C.5.11. Smooth rendered walls.
9. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
10. C.6.6. Single-storey dwelling only.
11. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
12. C.11.7. Provision and retention of parking spaces.
13. The dwelling hereby permitted shall not be occupied until the turning areas shown on the approved drawing no. 0201/PD/02A, date stamped 30 April 2002, have been hard surfaced and laid out for use. Such turning areas shall not thereafter be used for any purpose other than the turning and manoeuvring of vehicles, and shall not be used for parking but shall be retained free of obstruction for their intended purpose.
Reason: in the interests of highway safety.

UTT/0365/02/FUL - STANSTED

Erection of 4 one bedroom flats.
r/o 48 Silver Street. GR/TL 508-249. Mr D Mason.
Case Officer: Michelle Guppy 01799 510477
Expiry Date: 7 May

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

DESCRIPTION OF SITE: The site is located to the rear of No. 48 Silver Street, which is on the western side of the road. To the west are the rear gardens of the properties in Blythwood Gardens. To the north of the site is the parking for Bakery Court. To the east are the properties fronting Silver Street.

DESCRIPTION OF PROPOSAL: The application proposes erection of 1 No. block of 4 No. one bedroomed flats with 12 parking spaces, some amenity space and landscaping. The site would be accessed from the north, with a one-way system in place, which would pass through the car parking area for Bakery Court and under that Court before exiting back out onto Silver Street.

CONSULTATIONS: Landscaping: No objections on landscape grounds – subject to condition of landscaping and retention and protection (during construction) of existing trees on the boundaries of the site.

PARISH COUNCIL COMMENTS: Object. Concerned about the provision of car parking spaces in relation to this development, can we be certain that some spaces are not already allocated under other existing permissions. Members are also concerned about access/egress to the site which is frequently obscured by parked vehicles. Request site visit by D C & L Committee if minded to approve.

REPRESENTATIONS: This application has been advertised and 8 representations have been received. Period expired 11 April.

Object. Rear windows will look directly into my garden and house. Proximity of the building to my boundary makes the above point far more important and also leads to a loss of light onto my property. Loss of view. The area the property occupies is too small for the cars, it will add to an already overcrowded area. The lane from Silver Street is unsuitable for this extra traffic. Lack of garden for occupiers of flats, they would be crammed into too smaller space.

Access/Egress to the B1383, this is a very busy road and when the M11 is closed or under major road works this stretch of road becomes horrendous. Public safety of pedestrians using Silver Street and for residents who use the public right of way from Blythwood Gardens into Silver Street. Infilling small areas of backwater land with flats so increasing the number of vehicles/inhabitants. The decline in trees/shrubs also birds and wildlife this project would have an effect on. Would it not be far better for all concerned if the prospective applicant cleaned away all the rubbish he has left there and provided an area of open space for the residents who already live there to enjoy.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would be:

- 1) **appropriate in terms of location (ADP Policies S1 & H10 and DLP Policies S3 & H3)**
- 2) **acceptable in terms of design and effect on amenity (ERSP Policy HC2, ADP Policies DC2 & DC14 and DLP Policy ENV1 & GEN4) and**

3) safe in terms of access arrangements (ADP Policy T1 & DLP Policy GEN1).

1) The proposal would involve the erection of four flats on land approved as amenity space for the recently approved flats to the east. The proposed parking spaces would also replace parking facilities which are already used and/or are required to serve these and other adjacent flats. Any additional development on this site would constitute over development and result in the loss of important amenity space. The site is not capable of accommodating any additional flats without detriment to the area. There is not considered to be significant underused of land in this location and comprehensive development of this site would not improve the appearance of the area. Although the site is not of significant environmental value, the site is of an amenity value to surrounding occupiers.

2) The level of activity and noise generated would be unreasonably detrimental to residential amenity. The proximity of the development to the boundary of the site with the rear gardens of properties in Blythwood Gardens would result in a loss of residential amenity to their occupiers. The design and form of the proposal lacks traditional features and has little respect for the buildings of architectural merit within the Conservation Area. As such the design and form of the proposal would be detrimental to the character and appearance of the Conservation Area. There seems to be continual pressure for extra flats here. Officers consider that the maximum amount of development on the site has already been permitted.

3) The additional volume of traffic using the restricted accesses could give rise to highway dangers. The site would be accessed from Silver Street through the northern part of Bakery Court with a one-way system through the rear parking area then back out through the South part of Bakery Court and onto Silver Street. The access and egress roads are very narrow the traffic generated by the proposal would have to pass very close to and under several flats associated with a separate development. Additional dangers to highway users would result.

CONCLUSIONS: Proposal constitutes over development detrimental to the amenity of the area, the character and appearance of the Conservation Area, residential amenity and highway safety.

RECOMMENDATION : REFUSAL REASONS

1. R.24. Contrary to Policy Dc14: General Amenity
The proposed development would be unacceptable because it would adversely affect enjoyment of a residential or other sensitive property as a result of excessive noise and disturbance by reason of the volume of traffic passing in close proximity to residential dwellings. Loss of amenity space.
2. Contrary to Policy DC2: Unsuitable Design In A Conservation Area.
The policy includes detailed criteria and the proposed development would be unacceptable because the form and design of the building is without traditional features and does not respect the buildings of architectural merit within the Conservation Area.
3. Contrary to Policy T1: Highway dangers.
The extra traffic generated by these additional dwellings would cause dangers to road users both within the access way and at the junction with Silver Street.

UTT/0522/02/FUL - STANSTED

Erection of a dwelling.

Land opposite 10 Brook Cottages, Stoney Common. GR/TL 510-243. Mr & Mrs A Love.

Case Officer: Charmain Harbour 01799 510458

Expiry Date: 28 May

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

DESCRIPTION OF SITE: The site is located at the end of the cul de sac of Stoney Common. To the eastern side of the road are a mix of terraced and semi detached cottages which formerly owned land on the opposite side of the road. Over time the western pieces of land had been developed for detached chalet bungalows. The site is the last remaining plot in the road. To the south it abuts the terraced units of Brook View which are two storey dwellings with their front elevations facing the site (which Members visited on their Annual Tour last year).

DESCRIPTION OF PROPOSAL: The application seeks the redevelopment of the plot for a detached chalet bungalow with two parking spaces to the street frontage. The rear garden would measure 6m long by 8m wide giving an area of 48sqm. To the front (east) elevation the unit would have only ground floor windows and roof light whereas to the rear elevation a dormer window for the full width of the unit is proposed.

RELEVANT HISTORY: Permission was granted for a dwelling on the site opposite 9 in 1998 and on land opposite 8 Brook Cottages in 2000.

PARISH COUNCIL COMMENTS: No comment.

REPRESENTATIONS: One. Notification period expired 16 May 2002.

Raise the following concerns

- The height of the dwelling would affect the daylight to their upper windows
- They question the boundary treatment to the site
- They question where access to the property will be achieved particularly during the construction period
- This would further lead to the deterioration of the roads in the area.

PLANNING CONSIDERATIONS:

The main issues are whether the dwelling is acceptable in terms of

- 1) **its location, external form and potential impact on the surrounding residential units (ERSP Policies H3 and CS2, ADP Policies H6 and DC1, DLP Policies: H2, GEN2 and GEN4) and**
- 2) **on-site parking provision for the new and existing dwellings (ERSP Policies T12, ADP Policy T1 and DLP Policy GEN9).**

1) The proposal continues the pattern of development which has been established for this side of the street. The dwelling would be set close to the northern boundary to maximise the separation distance to the units in Brook View and the flank wall of the proposed bungalow. The relationship between the new dwelling and the units to Brook View would be no worse than the relationship between the unit of 10 Brook Cottages and these units. The distance thus created would be 7m. The privacy of the Brook View cottages is secured by ensuring the window to the flank wall is obscure glazed. One window is proposed to each of the side elevations and it is considered the window to the southern elevation to the stairs should be obscure glazed to protect the amenities of the adjacent units. The other window is to a bedroom with its only other means of lighting being a roof light. It is not considered

reasonable to obscure glaze a bedroom's principal window particularly as it faces the blank flank wall of the adjacent bungalow.

2) On site parking provision has been demonstrated for two cars and two spaces can be created in the land retained as the curtilage to 10 Brook Cottages thereby meeting the required parking for both units. It is proposed to secure the setting out of these spaces by condition.

RESPONSE TO REPRESENTATIONS: The height of the dwelling would be 7m with a gable end facing the Brook View units. The relationship of this unit would not be any worse than the relationship of No 10 Brook Cottages to the other units in Brook View. The boundary treatment is conditioned to be agreed. The only means of vehicular access to the site is via Stoney Common. The issue of the state of the roads in the area is being addressed via other applications. The adjacent properties were conditioned to make up the piece of road in front of them. As this is the end unit it has no roadway in front of it, but the parking areas to be created have been conditioned to be hard surfaced and the timing of this controlled.

CONCLUSIONS: The proposed development is considered to be in keeping with the locality and meets the required policy standards. This dwelling would round off the development of this part of the village.

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 four parking spaces shown on the approved plans to serve the existing and proposed dwellings shall be set out to be at least 5.5 metres long and 2.5 metres wide. The two spaces serving no 10 Brook Cottage shall be set out prior to the land opposite being sold or otherwise disposed of and the two serving the new dwelling shall be set out and fully surfaced prior to the first occupation of the new unit. The spaces shall be kept available for use in perpetuity by the occupiers of these units or visitors to the dwellings.
Reason: To ensure that sufficient car parking is available to serve both units to meet the Councils adopted standards in the interests of highway safety and to protect the amenities of the occupiers of the adjacent residential units.
4. No development shall take place until cross sections of the site and the adjoining land, including the existing levels of land and buildings and any changes in level proposed together with the proposed floor levels within the building and any measures to regrade the rear amenity area, have been submitted to and approved in writing by the local planning authority. The development shall be carried out solely in accordance with the agreed scheme.
Reason: To ensure an acceptable relationship is created to the adjacent residential units.
5. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
6. C.19.1.Avoidance of overlooking.
7. C.5.2. Details of materials to be submitted and agreed.
8. No development shall be commenced until details of all means of enclosure on the site have been submitted to and approved by the local planning authority. Such detailed scheme shall be fully implemented before the unit is first occupied and subsequently retained to the satisfaction of the local planning authority.
Reason: To protect the amenities of the occupiers of the adjacent residential properties

Informative notes re percolation tests and fire access.

UTT/0327/02/FUL – GREAT DUNMOW

Erection of two-storey dwelling.

Land r/o Chelmer House, Braintree Road. GR/TL 631-218. Clayden Contractors.

Case Officer: Katherine Benjafield 01799 510494

Expiry Date: 23 April.

NOTATION: ADP and DLP: Within Development Limits. DLP: Partially within Groundwater Protection Zone.

DESCRIPTION OF SITE: The site is located to the east of the town centre to the rear of properties that front on to the northern side of Braintree Road. It measures approximately 0.12ha (0.3 acres) and is currently used as a builders yard. It has an estate office, workshop and secure storage located on it, which cover an area of approximately 190m². The remaining area of the site is covered by hardstanding. The north-east boundary has cypress trees along it with a height of 2m and the same trees carry on round the north-west boundary at a slightly greater height of 2.5m.

DESCRIPTION OF PROPOSAL: This detailed proposal is for a three bedroom, two-storey dwelling to be erected towards the north-east boundary, with a footprint measuring 125m². The maximum ridge height would be 8.3m although over half of the roof would have a ridge height of 7m. It is proposed to remove the existing workshop and secure storage leaving the estate office to be converted into a garage, studio and office ancillary to the applicant and business. The converted estate office would have footprint of 75m² however no details have been submitted.

APPLICANT'S CASE: See letter dated 15 February attached at end of report.

RELEVANT HISTORY: Change of use from builders yard to builders and DIY tool hire firm conditionally approved 1980. Dwelling on frontage approved 1984, 1988 and 1994.

CONSULTATIONS: Environment Agency: Suggest that the site is subject to a detailed scheme for the investigation and recording of contamination with a report submitted together with detailed proposals for removing the contamination if any is found.

TOWN COUNCIL COMMENTS: Object on grounds of over development and backland.

REPRESENTATIONS: Three. Notification period expired 19 March.

Main points being:

1. Concern over the safe removal of the petrol pump and tank without spillage and contamination of neighbouring properties.
2. Concerns about the impact of recently planted trees on the flooding of neighbouring properties.
3. The site is made up ground and is therefore unsuitable for the erection of a house.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would

- 1) **meet the criteria set out for Backland development (ADP Policy H10 and DLP Policy H3),**
- 2) **have an effect on the residential amenity of neighbouring properties (ADP Policy DC14 and DLP Policy GEN4) and**
- 3) **be of an acceptable design (ADP Policy DC1 and DLP Policy GEN2).**

- 1) The Policy concerning backland development sets out clear criteria which should be met for development to the rear of existing properties to be approved. This proposal meets

the criteria in that it would improve the appearance of the area and the site is not of significant environmental value. In addition, the access to the site is long established and a residential use may create less of a disturbance to neighbouring properties than the existing commercial activity. In terms of overlooking or overshadowing occurring, it is considered that the row of trees to the rear of the site would prevent overlooking to properties in Chelmer Drive in the north-west. To the south-east it is considered that there would be a significant distance between the proposal and Chelmer House for overlooking to not be an issue.

2) It is not considered that there would be any significant negative amenity impact on neighbouring properties in terms of loss of privacy, loss of daylight or overshadowing as a result of the proposal. However, there is some concern over the proposal to retain the estate office and convert this as incidental buildings to the new dwelling. It is proposed that the dwelling would be occupied by a member of the applicant's family and the existing office accommodation would remain for the management of the applicant's estate facility resulting in the site having a residential and business use. This would be unacceptable as the purpose of the backland development would be to improve the site rather than intensifying the commercial activities resulting in a loss of amenity to the occupants of the new dwelling. To prevent this occurring, it is proposed to condition the removal of the existing buildings and the cessation of any business activities on the site before new dwelling is occupied thereby addressing the potential loss of amenity to both the new and existing dwellings.

3) Policy DC1 states that the design of development should respect the scale, proportions appearance and materials of buildings in the locality. This proposal complies with the policy.

COMMENTS ON REPRESENTATIONS: There is sufficient space on site to avoid over development. Whilst it is a backland site, the planning gain in removing a commercial use from a residential area justifies an exception to Policy. The contaminated matters would be conditioned. The trees would be protected. The ground condition is a matter for Building Control.

CONCLUSIONS: The proposal complies with policies concerning backland development, general amenity and design and would constitute an improvement to the site. It follows previous permissions for a new dwelling to replace the commercial uses on this site.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit and reason.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.5. Retention of hedges.
Reason: In order to prevent overlooking of the adjacent property.
4. The new dwelling hereby permitted shall not be occupied until all the existing buildings have been removed and the commercial activities on the site have ceased, unless a revised proposal to convert some of the existing buildings to ancillary garaging/outbuildings for the new dwelling.
Reason: To avoid over development and in the interests of residential amenity.
5. Decontamination scheme to be submitted, agreed and implemented.
Reason: In the interests of public health.
6. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
7. C.11.7. Provision of and retention of parking spaces.
8. C.6.2. Excluding all rights of permitted development within curtilage of dwelling without further permission.

UTT/0462/02/FUL - THAXTED

Erection of bungalow with garage.
Land Off Orange Street. GR/TL 613-308. Mr & Mrs Jones.
Case Officer: Charmain Harbour 01799 510458
Expiry Date: 16 May

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

DESCRIPTION OF SITE: The site occupies a backland position east of the village centre. It forms part of the rear garden of 'Easter' a bungalow with its front elevation facing Magdalen Green, but from which it only enjoys pedestrian access. The vehicular access point is via the access to the car park to the Public House fronting Orange Street. There is currently a gated access to a single garage unit adjacent to the garden area of Cutlers Cottage a Listed Building. To the west the site abuts two storey housing to St Clements and to the east are two modern bungalows, one occupying a backland position with access from Magdalen Green.

DESCRIPTION OF PROPOSAL: The application seeks to divide off the rear garden to 'Easter' to form an additional plot for a bungalow located south of that existing. The structure would be located close to the western boundary of the site adjacent to the front garden of 2 St Clements. To the eastern side a vehicular access would be formed running up from the pub car park access for the full length of the new plot to give access to 'Easters'. On site parking and turning would be created for both units. Easters would retain a rear garden of c 90sqm with additional space to the front of the property and for the new unit c 120 sqm. The bungalow would have a rendered finish with a clay tile roof. The principal windows would be to the northern and southern elevations.

RELEVANT HISTORY: In 1979 planning permission was granted for the redevelopment of the land to the east of the site for two bungalows (implemented).

PARISH COUNCIL COMMENTS: None (due 22 April 2002).

REPRESENTATIONS: This application has been advertised and 4 representations have been received. Period expired 28 April 2002.

The following concerns are raised:

- The proposal would intensify the use of the access to the car park of the Rose and Crown to the detriment of highway safety
- The plans are inaccurate as they show a building to the rear garden of Cutlers Cottage which does not exist and plot the gardens to St Clements inaccurately
- The infilling is considered to be detrimental to the character of the Conservation Area
- It would give rise to overlooking of the adjacent properties especially Cutlers Cottage and the oriel window to the side elevation of 2 St Clements.
- The scheme represents over development by virtue of the proximity to the boundary of the site and the consequent relationship with the adjacent properties.
- The height of the structure would be excessive and could allow for rooms in the roof in the future.
- The introduction of parking and car movements adjacent to the St Clements properties is considered to be intrusive.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal

- 1) would be an acceptable form of backland development (ERSP Policy H3, ADP Policy H10, and DLP Policy H3),
- 2) would have an adverse impact on the character and appearance of the Conservation Area and Area of Special Landscape Value (ERSP Policy: HC2, ADP Policies: C2 and DC2, and DLP Policy: ENV1) and
- 3) would be detrimental to highway and pedestrian safety (ERSP Policy: T12, ADP Policy: T1, and DLP Policies: GEN1 & GEN 9).

1) It is generally recognised that the location of one dwelling behind another can give rise to problems to the occupiers of the adjacent units from lack of privacy and disturbance through noise particularly from the movement of vehicles. The site is on rising land and therefore the windows to the southern elevation will give rise to the overlooking of the garden to Cutlers Cottage. Any relocation of the windows to the side elevations would impact on the privacy to the properties of St Clements or Cornavon Cottage. The proposal would also introduce vehicular movements to the central portion of the site which would impact on the occupiers of St Clements and the bungalow of Cornavon Cottage to their detriment. The scheme would meet the minimum standard for garden size and on site parking for both units, however the layout would be very tight in terms of the relationship of the new dwelling to the boundaries of the site. The scheme as a whole would result in over 50% of the site being hard surfaced which is not considered to visually enhance the area. The proposal is not considered to meet the requirements of Policy H10 (H3)

2) The site is located within a Conservation Area. The character of the area is one of tight knit development to the road frontages, but with garden spaces to the rear of units. There are two vistas to the site from Orange Street and St Clements. The proposal would introduce a high level of built fabric and hard surfacing to the site which is considered to be detrimental to the character of the area. Whilst a bungalow is proposed, the roof line would be visible from the two view points. The location on the site is very tight to the boundary eliminating any means of softening the impact of the development. It is considered this would result in a cramped development which would be detrimental to the character of the area.

3) The current access to the public house serves the public house car park and 'Easter'. This proposal would increase the use by serving the new dwelling unit as well thereby intensifying the use of an already constricted access point. The main concerns focus on the increased traffic in front of the main elevation to Cutlers Cottage and would affect users of the public house. The creation of a new access running parallel to the pub car park would introduce vehicles to the central area of the site adjacent to the front elevations of units 1–4 St Clements. The access proposed would create disturbance to the occupiers of adjacent properties and in intensifying the use of the existing access onto Orange Street would be detrimental to vehicle and pedestrian safety.

CONCLUSIONS: The proposal is a backland site. It is not considered to meet the provisions of the Development Plan Policies and therefore refusal is recommended.

RECOMMENDATION: REFUSAL REASONS

1. The proposed bungalow is on rising land in a backland position. The proposal is considered to be contrary to the Provisions of ADP Policy H10 and Policy DC1 and DLP Policy H3 GEN4 in that it is considered to give rise to overlooking of the adjacent properties and will have an over bearing relationship with the front elevations of the properties to the west of the site given the proximity of the proposal to the side boundary. The proposal will also introduce vehicular movements to the central area of the site adjacent to the residential units of 1 – 4 St Clements and the number of vehicular movements to the front of Cutlers Cottage adjacent to the access way both of which are considered to give rise to noise and disturbance to the

occupiers of these adjacent properties. The proposal is therefore considered to be detrimental to the residential amenities of the area.

2. The site is located within the Thaxted Conservation Area and within an Area of Special Landscape Value. The character of the development in this area is of tight knit development to the road frontages with undeveloped rear amenity areas. The proposal would introduce a development which would infill a gap within the built form and which has two viewing points to Orange Street and St Clements. The construction of the bungalow so tight to the boundary and the level of built fabric and hard surfacing which is proposed is considered to have an adverse impact on the character of the area and give rise to an unacceptable precedent for the locality. The proposal is therefore considered to be contrary to the provisions of ERSP Policy HC2, ADP Policies C2 and DC2, DLP Policies ENV1
3. The proposal will lead to the intensification of use of the existing access onto Orange Street which is considered to be detrimental to both pedestrian and highway safety given the access is shared by users of the Rose and Crown Public House. The proposal is therefore considered to be contrary to the provisions of ADP: Policy T1 and DLP: Policy GEN1.

UTT/0422/02/FUL - NEWPORT

Erection of two storey dwelling and detached garage.
r/o Willowchase, London Road. GR/TL 520-332. Mr N Bishop.
Case Officer: Hilary Lock 01799 510486
Expiry Date: 9 May

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

DESCRIPTION OF SITE: The site currently forms part of the rear garden of a house fronting London Road, to the south of the village centre. The plot (48m x 29m) is in a backland location, and is reached by a track approximately 100m long. There is a conifer screen along the rear boundary, which separates it from open fields at the rear, and along part of the southern and eastern boundaries. A single storey pool house and open air swimming pool occupy the site.

DESCRIPTION OF PROPOSAL: Permission exists to replace the pool house with a bungalow and detached garage. This proposal seeks instead a two storey 4-bedroom dwelling and garage. First floor bedroom windows would face the frontage dwelling, a backland house to the north (there is mature planting in between), and garden to the south. The dwelling would have a footprint of 141sqm. and ridge height of 7.5m, with the first floor rooms in the roofspace (the approved bungalow had a footprint of 128 sqm and ridge height of 4.15m). It would be re-sited south of the approved position to take advantage of existing conifers which would provide some screen. Materials would be render with slate roof. The proposed double garage would be forward of the house, and access would be via the track to the north. Additional planting is proposed to infill gaps.

APPLICANT'S CASE: This follows favourable pre-application discussions and seeks to amend a scheme partially implemented and historically approved.

RELEVANT HISTORY: Permission was refused to convert an existing brick swimming pool house in 1987, but was allowed at appeal. The replacement of the pool house with a larger bungalow was granted in 1997.

PARISH COUNCIL COMMENTS: Concerned at large number of backland developments in this part of village and feel that for peace and security of residents that exact status of backland with regards to development should be clarified.

REPRESENTATIONS: Two. Notification period expired 5 April.

1. Objections – consent would set precedent for other backland development in area. Proposal contrary to Policies S2, H10 and C2 and should be refused. If granted, essential that speed bumps are installed along access road at side of Chesterton House as drivers are blind to its front and parking area. During construction on extension to Willowchase, were near accidents from speeding lorries.

2. Objections – site is outside development Limits and there are no material considerations which support proposal. Would be detrimental to Area of Special Landscape Value. Would not be infilling as to rear of dwellings and adjacent open countryside. Area is not heavily built up but is open and any intensification should be avoided, particularly due to precedents it would set. Although shrubs and trees provide element of screening from Braeside in summer, there are large gaps and would be virtually non-existent in winter, causing loss of privacy.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would

- 1) **be appropriate outside the Development Limits for Newport (ERSP Policies CS2 and C5; ADP Policy S2 and DLP Policy S3),**
- 2) **meet the policy criteria for backland development (ERSP Policies BE1 & H3; ADP Policy H10; and DLP Policy H3) and**
- 3) **create an unacceptable precedent, and if so, whether there are other material considerations which would override.**

1) The site is outside development limits in the adopted and emerging Plans, and as such it would be unacceptable to allow the construction of new dwellings unless meeting the exceptions outlined in Policy S2. In 1987, permission was refused to convert the existing modest pool house to a dwelling. In allowing the appeal, the Inspector stated that:
“The proposed dwelling would be outside [the development] limit. I see no reason to question the Council’s policy which I consider to be in line with that of the Government which seeks to preserve the rural landscape. In this case however, the proposal is not in the open countryside; it concerns an existing building within the curtilage of a house. [PPG7] refers to the opportunities for adapting existing buildings for uses such as residential and I consider this to be a suitable case...it has the appearance of a small dwelling. No extensions are proposed....the particular circumstances of this case are such that in my view, the proposal is justified as an exception to the Council’s policy and would not create a precedent for further inappropriate development as the Council fear.”

On this basis, the principle of residential development of the site has been accepted as an exception to policy, and extant permission exists for replacement of the pool house. In principle, an alternative replacement building cannot be opposed.

2) The Council’s policies seek to ensure that backland development does not have an adverse impact on surrounding dwellings. The principle of access to the site has already been accepted, and it would not be unreasonable to allow the relocation of the dwelling to take advantage of better screening on the site, to improve the relationship with frontage dwellings. However, Policy H10 states that there should be no material overlooking or overshadowing of nearby properties. In this case, a single storey property would not cause any such problem. Although there is some screening, there is concern at potential overlooking of dwellings to the east and north, due to the rising slope of the site combined with the increased height of the building and its design (with windows to first floor bedrooms facing in all directions). Outline permission has also recently been given for a dwelling in the garden of ‘White Lodge’ to the east following a Members’ site visit.

In addition, permission was exceptionally granted for residential development on this site through conversion of a modest building, and subsequent approval for its replacement still ensured its visual impact would be minimal. There is concern that the increased height and bulk of the proposed building would have much greater impact on the rural setting, and cannot be justified on the basis of the original appeal decision.

3) This stretch of London Road has been subject to a number of applications for backland development in the past fifteen years. Two bungalows were allowed at appeal at the southern end of the settlement in 1999 (The Spinney), but the Inspector considered them acceptable as completing “the cluster” of dwellings at that end. They were conditioned to be single storey only. Two backland houses adjacent The Spinney were granted in place of one large house (a replacement of an existing backland property, and approved on the basis of an Inspector’s comments on an earlier appeal), but these are within the development limits for the village. The principle of both two and single storey backland properties has therefore been established here, but all of those properties were more closely related to the frontage dwellings, and not so isolated as this case. Redevelopment on this site has been on the basis of a historic permission to convert an existing building, and to allow a two storey dwelling on the edge of the countryside would set a precedent for more visually intrusive development beyond the settlement.

COMMENTS ON REPRESENTATIONS: The concerns regarding precedent and the effectiveness of screening are addressed above. The introduction of speed controls is not appropriate for one additional dwelling. Permission already exists for a dwelling at the site, and this use has not previously warranted the imposition of conditions for speed controls.

CONCLUSIONS: Permission exists for a bungalow at the site, based on an earlier appeal approval for conversion of the pool house to a dwelling, but these were an exception to policy, and should not set a precedent for a larger and more visually intrusive house. The increased size and height of the building would have an adverse impact on the countryside setting, and could give rise to overlooking of adjacent properties. The presence of other backland dwellings in the vicinity does not set a precedent for this proposal, but if this were permitted it would establish a precedent for proposals closer to the open countryside.

RECOMMENDATION: REFUSAL REASONS

1. The site is located beyond the Development Limits as defined in the Adopted District Plan and Deposit Draft Local Plan. As such, permission for new dwellings is only considered appropriate if required in connection with agriculture, forestry or the re-use of a rural building. In this case, permission has already been granted for a single storey dwelling at the site in replacement of an existing building, but the introduction of a dwelling of the proposed footprint and height would be more visually intrusive, and would detract from the character and appearance of the rural setting. For these reasons, the proposal is considered contrary to ERSP Policies CS2 & C5, ADP Policy S2 and DLP Policy S3.
2. The site is in a backland position behind dwellings fronting London Road. Although the principle of residential development at the site is already established, the Council's policies state that backland development shall not give rise to material overlooking or overshadowing of nearby premises. In this instance it is considered that the proposal could give rise to material overlooking of adjacent residents given the rising land levels, the increased height of the building, and its design with first floor windows facing all directions. Although the proposed siting seeks to take advantage of existing screening, there are significant gaps in the planting, and it is not considered that it would provide an effective screen. The proposal is therefore considered to be contrary to Policies BE1 & H3 of the ERSP, H10 of the ADP, and H3 of the DLP.
3. Although the principle of residential development has been established at the site, it is not considered that this or the presence of other backland dwellings in the vicinity sets a precedent for a dwelling of the submitted size. If permitted, this proposal would set a precedent for other similarly intrusive backland developments, on sites further from the settlement on the edge of the open countryside. The cumulative impact would be damaging to the rural setting and the amenity of adjacent residents.

UTT/0429/02/OP - DEBDEN

Outline application for detached two-storey dwelling and garage.
Land adjacent to 18 Smiths Green. GR/TL 560-329. Mrs R J Cardy.
Case Officer: Charmain Harbour 01799 510458
Expiry Date: 10 May

NOTATION: ADP: Outside of Development Limits, within an Area of Special Landscape Value. DLP: Within settlement boundary.

DESCRIPTION OF SITE: The site is located on the southern edge of the village opposite to the junction to Rooks Lane. The site currently forms part of the curtilage of 18 Smiths Green a two-storey semi detached dwelling This forms the last unit in a regular row of properties which are set back from the road. The site is bounded on the north and eastern sides by a footpath with trees and hedging which leads to the fields to the rear of the site.

The existing property has an irregular shaped plot which has a shorter rear garden than the adjacent units. To the east is Orchard Close a cottage located close to the road. The vehicular access to this unit is adjacent to the application site. The vehicular parking to No 18 is currently on the application site

DESCRIPTION OF PROPOSAL: This outline proposal seeks to develop part of the side garden for one dwelling, with all details reserved. Due to the shape constraints of the site, the illustrative drawing shows that the unit would be set forward of the existing building line. The vehicular access point is shown as being created to the north western side of the site adjacent to a new access to No 18. This would be directly opposite the junction to Rook End Lane. Two parking spaces have been denoted on the site which meets the required standard. No on site turning is shown, which given the position of the unit on a bend and opposite a junction is considered to be necessary for highway safety reasons. This could be achieved to the front garden area but would result in a high proportion of the site being hard surfaced. The rear garden would be 14m long adjacent to no 18 reducing to 2m adjacent to the footpath. The total area thus created would be c 56sq.m which is well below the required minimum standard of 100sq.m which would be sought for a three bed unit.

PARISH COUNCIL COMMENTS: Concerns over how the unit would fit into the street scene given it would be set forward and vehicular access on the corner is considered to be dangerous. They request a site visit be carried out by Members to assess the impact of the development (if it was to be approved).

REPRESENTATIONS: One. Notification period expired 5 April 2002.

Raise the following concerns:

- the plot is small and would be out of character with the area
- there would be inadequate off street parking
- the junction is hazardous and creating an access point here would make this worse.

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) the proposal represents over development of the site and would be out of keeping with the adjacent units by virtue of the location of the unit on the plot and the form of development given it is on the perimeter of the village (ERSP Policy H3, ADP Policy: H6 and DLP Policy: H2),
- 2) the unit would adversely affect the rural character of the area by virtue of the proximity to the public footpath and associated vegetation to this and the open

character in this part of the village (ERSP Policies: CS2 and H3, ADP Policies H6, C2 and DLP Policies: H2 and GEN2) and

3) the proposal would be detrimental to highway safety (ERSP Policy: T12, ADP Policy T2 and DLP Policies GEN1 & GEN9).

1) The pattern of development in the locality is one of dwellings set back from the road in long plots. The proposed development due to the site constraints would have a substandard sized rear garden. If car parking and on site turning are to be provided this would result in more than half of the site being hard surfaced which given its location within a rural area of Special Landscape Value would have an adverse impact on the pleasant character of the area. Any dwelling would have to be located close to the eastern boundary thereby having an impact on the vegetation and setting to the path. It would be set forward of the properties to the west which given the strong building line here and the fact the dwelling would be on the bend, would have a significant and intrusive impact in the village street scene.

2) The size of the site is considered to give very limited opportunity to soften the development with screen planting. The limited size means that the new dwelling would be close to the boundaries and would have an impact on existing boundary hedging and trees. The amount of hard surfacing and building coverage is considered to be out of keeping with the rural setting.

3) The access points to both the development and as a replacement for No 18 would be directly opposite to the access to Rook End Lane. The site is on a bend and there is poor visibility to the west. It is considered to be detrimental to road safety to have two access points in this location without facilities to enable cars to leave in a forward gear.

CONCLUSIONS: The proposal is considered to represent over development of the site resulting in a scheme which would be cramped. Given its location on the periphery of the village it would be out of character with the surrounding pattern of development and its landscaped setting. The proposal is also considered to be detrimental to road safety and any measures to improve this would further increase the on site hard surfacing.

RECOMMENDATION; REFUSAL REASONS

1. The proposed dwelling is considered to be out of character with the pattern of the adjacent development by virtue of the likely need to set the property forward of the building line of the properties to the west and the amount of hard surfacing and built fabric proposed on the site. The site is in an Area of Special Landscape value and the limited size of the plot would preclude any significant landscaping and is likely to result in the built fabric having an adverse impact on the hedging and trees enclosing the site. The resulting development will be highly prominent in the street scene and to users of the adjacent public footpath which is considered to be to the detriment of the rural character of the location. As such the proposal is considered to be contrary to the provisions of ERSP policy H3, ADP policy H6 and C2 and DLP policy H2 and GEN2.
2. The proposed dwelling is considered to represent an over development of the site by virtue of the lack of on site amenity space which would be achieved and the amount of hard surfacing necessary to achieve the on site highway requirements. The lack of space around the building is considered to result in a very cramped appearance to the development which is at odds with the form of the adjacent development and the rural setting of the site. The proposal is considered to be contrary to ERSP policy H3, ADP H6 and DLP H2.
3. The proposal is considered to be detrimental to highway safety by virtue of the creation of the new access points to both the new dwelling and to the existing plot of 18 Smiths Green on a bend in the road with poor visibility to the west and located directly opposite to the road junction to Rook End Lane. In addition the access to the adjacent unit of Orchard Close to the east cuts across the front verge. It is considered to be necessary for any vehicles to be able to leave the sites in a forward gear, by providing on site

turning, which would further increase the on site hard surface coverage to the detriment of the character of the area. The scheme is therefore considered to be contrary to ERSP Policy T12, ADP Policy T2 and DLP Policy GEN1 and GEN9

UTT/0315/02/FUL - LITTLE SAMPFORD

Erection of replacement dwelling and garage.

Thornwood. GR/TL 645-336. Mr E Ford.

Case Officer: *Michelle Guppy 01799 510477*

Expiry Date: 25 April

NOTATION: ADP: Outside Development Limits. Within Area of Special Landscape Value. Adjoining protected lane/special verge. DLP: Outside Settlement Boundaries. Adjoining Protected Lane.

DESCRIPTION OF SITE: The site is located to the east of Little Sampford. The site is to the south of the junction of the road from Bardfield End Green and the road from Great/Little Bardfield to Great Sampford. The site currently has a 1930's bungalow. The site to the south has an identical bungalow. To the north west of the junction is a dwelling. Otherwise the site is surrounded by open farmland/countryside.

DESCRIPTION OF PROPOSAL: The proposal is for demolition of the existing bungalow and replacement with a 3 bedroom chalet with integral double garage. The new dwelling would be set further back into the site than the existing bungalow. The chalet would be L-shaped.

RELEVANT HISTORY: Demolition of existing bungalow and erection of replacement dwelling with integral garage – Approved with conditions 1995.

PARISH COUNCIL COMMENTS: None (due 30 March 2002).

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 29 March 2002.

PLANNING CONSIDERATIONS:

The main issues are

- 1) **appropriateness of location of development (ADP Policy H8 & DLP Policy H6) and**
- 2) **effect on residential amenity (ADP Policy DC14 & DLP Policy GEN4).**

1) The proposal is identical to that approved seven years ago. The siting of the proposed dwelling is in proximity to the existing dwelling. The height and scale of the proposal would be in keeping with surrounding properties. The bulk of the proposal although larger than the neighbouring property would not appear intrusive in the surroundings. The application site is a corner plot, but the dwelling would be set well back into the site and therefore could be screened. The proposal would not impair the rural characteristics of the countryside or surrounding area. The proposal is far enough away from any listed buildings not to detrimentally effect the setting of a listed building.

2) The proposal should not be unreasonably detrimental to residential amenity provided that there are no first floor windows in the south facing elevation.

CONCLUSIONS: The proposal is in accordance with policy.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.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. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
8. C.23. Demolition of existing dwelling.
9. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
10. C.19.1. Avoidance of overlooking.

UTT/0319/02/FUL - FELSTED

Demolition of existing dwelling and garage and erection of replacement two-storey dwelling and garage.

Copperfield, Cock Green. GR/TL 694-197. Dr Kamala & Dr Rao.

Case Officer: Katherine Benjafield 01799 510494

Expiry Date: 30 April

NOTATION: ADP and DLP: Outside Development Limits.

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

DESCRIPTION OF PROPOSAL: This revised proposal is for a two-storey 5-bedroomed replacement dwelling and detached double garage. The existing property is a 1960's detached one and two-storey house with a detached double garage. The footprint of the existing property including the garage measures approximately 185m², while the replacement dwelling would have a footprint of approximately 279m². It would be constructed of yellow brick and clay tiles.

APPLICANT'S CASE: See letters dated 15 February and 4 April attached at end of report.

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

PARISH COUNCIL COMMENTS: To be reported (due 24 April).

REPRESENTATIONS: One objection to superseded plans. Notification period expired 24 April. Main points being that:

1. The new house would be much bigger than the existing property.
2. The style would be completely different and contains aspects alien to the neighbourhood.
3. Little rendering of surfaces has been added despite a prominence of this finish in the locality.
4. The yellow brick to be used is the same as the existing property but is not commonly used in the area and red brick would be more appropriate.
5. Windows proposed on the side of the property will overlook "Loveney's" which is not the case with the existing property.

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) the scale of the replacement dwelling would be appropriate (ADP Policy H8 and DLP Policy H6) and
- 2) its design would be acceptable (ADP Policy DC1 and DLP Policy GEN2).

1) Part a) of Policy H8 states that replacement dwelling proposals will normally be approved provided that they are in scale with neighbouring properties and the siting is in proximity to the original structure. The proposal would be located in the same position within the site as the existing dwelling, but would face southeast (front) rather than south. The proposed two-storey dwelling would have a ridge height of 8m and it is considered that the negotiated revised scheme is now in accordance with Policy H8.

2) To comply with Policy DC1, it is necessary for development to respect the scale, proportions, appearance and materials of buildings in the locality as well as the environmental characteristics of the setting. The current proposal has been negotiated and complies with Policy DC1, subject to detailed design amendment requiring greater use of rendering to match other local properties.

COMMENTS ON REPRESENTATIONS: The scheme has been improved and the use of more render would be better.

CONCLUSIONS: The proposal has been negotiated and the revised scheme complies with Policies H8 and DC1.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit and reason.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. C.4.6. Retention and protection of trees and shrubs for the duration of development.
4. C.5.2. Details of materials to be submitted and agreed, including greater use of rendering.
5. C.23. Demolition of existing building.
6. C.19.1. Avoidance of overlooking.
7. C.6.4. Excluding extensions without further permission.

UTT/0370/02/FUL - HATFIELD HEATH

Replacement dwelling.
Stonebridge Farm, Chelmsford Road. GR/TL 534-150. Mr & Mrs S King.
Expiry Date: 30 April
Case Officer: Richard Aston 01799 510464

NOTATION: ADP: Metropolitan Green Belt/Area of Special Landscape Value.
DLP: Metropolitan Green Belt.

DESCRIPTION OF SITE: The application site is an area of 0.5ha (1.3 acres) just outside the eastern edge of village, facing Chelmsford Road [A 1060]. A wooden shed measuring 15m by 6m, approximately 3m high, a polytunnel of 24m by 6m, two caravans, a small hut and a greenhouse occupy it. Behind the shed the land is under grass.

DESCRIPTION OF PROPOSAL: The application is for the replacement of the residential dwelling (shed) with a bungalow with an overall roof height of 5.8m and a hipped roof to both sides. This would be set back from the highway by some 31m, with a detached garage on its eastern side. The development would involve the removal of the residential shed and the polytunnel. The car-parking area in front of the shed would be broken up and its area landscaped. The existing access onto the main road would continue to be used. The current building is a low-key former agricultural structure and appears temporary in character.

APPLICANT'S CASE: Certificate of Lawful Use issued in May 2001, confirming that the site had been in residential use for more than four years, covers the site. There are large houses on land to the east and west. The design, siting, height and mass of the dwelling have been specifically created to ensure a minimal impact on the openness of the greenbelt and will be no greater than the existing dwelling. In addition that the scheme is in accordance with local plan policies and structure plan policies. (See supporting statement received 11 March 2002 available for inspection at the Great Dunmow Offices.)

RELEVANT HISTORY: Agricultural buildings, including polytunnels approved in 1993. Detached house and linked garage, in a similar position to that now sought, refused in 1996 for Green Belt and Area of Special Landscape Value reasons. Application for Certificate of Lawful Use for residential purposes issued in May 2001. An application for the replacement of the shed with a two-storey four-bedroom house was withdrawn in December 2001.

PARISH COUNCIL COMMENTS: Objects strongly because: [a] the site is outside Development Limits and in Area of Special Landscape Value and a previous application was refused in 1996 for these reasons: [b] there is no justification for replacing the existing building with a very much larger building on Green Belt land: [c] To approve the application would set a dangerous precedent.

REPRESENTATIONS: One. Notification period expired 1 April 2002.

CPREssex: Disappointed that the proposal involves the replacement of a temporary agricultural/temporary structure after the issue of a Certificate of Lawfulness. Difficult to see any planning objections due to small scale of development. If the Council is minded to grant permission, asks that all structures on the land are specifically listed and that no occupation of the replacement dwelling is permitted until all these have been demolished. In addition that permitted development rights are removed

PLANNING CONSIDERATIONS:

The main issue is whether there is sufficient justification for setting aside the strong presumption against residential development of this Green Belt site under ADP Policy S3 and ERSP Policy CS2, because it may qualify either as a replacement dwelling under ADP Policy H8 or as an infill dwelling under Policy H6.

Green Belt policy is spelt out in National Planning Guidance, in the Structure Plan and in the District Plan. All three tiers of policy require that new development [other than for, broadly speaking, agriculture, forestry or outdoor recreation] should be approved only where there are special circumstances. National guidance and the structure plan allow for replacement dwellings in the Green Belt where these are not materially larger and do not harm the character of the open countryside. Policy H8 states that replacement dwellings will normally be permitted providing they are in scale with neighbouring properties and sited in close proximity to the original. Outside development limits, larger replacement dwellings, which would impair the rural characteristics of the countryside through their size or appearance, will not be permitted. Furthermore, Planning Policy Guidance Note 2 states that the replacements of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces.

In this case the intention is to replace a storage shed permitted retrospectively in 1993 as agricultural development, but shortly afterwards unauthorisedly occupied residentially. The floor space of that building is 90sqm, and that of the new house and garage would be 208sqm. In addition, the applicants propose to remove a polytunnel covering approximately 168sqm, and the hard standing in front of the house. However, the shed and polytunnel, together with other domestic structures on the site, are all single-storey, temporary in nature, and have an agricultural character. They appear at present to be set within a field and it is considered that these are not part of the existing 'residential' dwelling for the purposes of calculating the difference in footprint of the two buildings, accordingly the difference in size between the existing and replacement dwelling would be considerable. Furthermore, while the loss of some of the clutter of buildings would improve the appearance of the site and the dwelling would be in scale with neighbouring properties, it is considered that a new detached bungalow set in a domestic garden would impair the essentially rural character of this area and would not maintain its openness as required in Green Belt Policy.

Infill Policy H6 states that individual dwellings will normally be permitted in small gaps within housing group, where there is no adverse effect on the appearance of the countryside. Para 5.4 of the Hatfield Heath inset says that this policy should be strictly applied along main roads out of the village. In this case the gap between the house to the west and that to the east is 75m, with the house to the east beyond a stretch of linear woodland next to Pincey Brook. It is not accepted therefore that the application site is small gap visually or by measurement.

CONCLUSIONS: The site falls within the Metropolitan Green Belt, and the proposal does not qualify as an exception either as a "replacement dwelling" or as acceptable infilling. The existence of the Certificate of Lawfulness is no justification for a larger permanent dwelling in the Green Belt.

RECOMMENDATION: REFUSAL REASONS

1. R.4 The proposed development would be unacceptable because it would involve the erection of a new dwelling and garage which would adversely affect the open characteristics of the Metropolitan Green Belt, and would have a detrimental effect on the visual amenities of open countryside also designated as an Area of Special Landscape Value.
2. R.8 The proposed development would be unacceptable because the size, location and appearance of the proposed replacement dwelling would be out of character with its countryside setting.
3. R.6 The proposed development would be unacceptable because it would be damaging to the character of the area and is an unsuitable site for infill development.

UTT/0396/02/FUL - GREAT CHESTERFORD
(Referred at Officers' Discretion)

Erection of a replacement dwelling.

Park Road Farmhouse, Park Road. GR/TL 515-445. Mr & Mrs S Chalmers.

Case Officer: Charmain Harbour 01799 510458

Expiry Date: 6 May

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

DESCRIPTION OF SITE: The site is located on the western side of the access road leading to Park Farm which is accessed from the B184. The site is currently occupied by a two-storey dwelling house located to the south east of a residential unit and annex known as The Barn. The site is located in open countryside and is surrounded by fields.

DESCRIPTION OF PROPOSAL: This revised application seeks permission to replace the existing two-storey dwelling on the site. It is sought to obtain a larger amount of floor area than approved to date of 340sqm. The first floor would not have a bedroom window to the rear elevation. The garage has been relocated to preserve the gap between the house next door and its annex, but would remain at 6.4m high.

APPLICANT'S CASE: See letter from Taylor Vinters Solicitors dated 12 February 2002 attached at end of report.

Following our discussion, my client has agreed to omit the first-floor window, which overlooked the amenity space of the adjoining dwelling (and this omission can be conditioned, to prevent any fresh window opening being created in that elevation without the prior consent of the Council). Likewise, the garage has been brought forward in such a way that it leaves an opening in the "gap" between the buildings and the adjoining property; although brought forward, it is on the same orientation, which therefore does not completely hide the attractive adjoining wall, whilst providing appropriate and adequate turning and manoeuvring space to serve the garage. My clients are happy that this proposed design compromise addresses the areas of concern raised by neighbours.

RELEVANT HISTORY: Outline planning permission was granted in 1999 for a replacement dwelling of up to 280sqm and a detached garage of 60sqm. Permitted Development rights were not removed from this consent, so that an extension of up to 115cu.m could potentially be created if the rights were not removed at the detailed stage. A house with a total floor area in the order of 310 sq.m could thus be ultimately created in this way.

In October 2001 detailed planning permission was granted for a dwelling and detached garage following a Members' site visit with the house having a floor area of 300sq.m and a garage of 50sq.m. This was accepted on the basis of being a modest increase of the total floor areas created on the outline consent of 10sq.m. The permission was conditioned for the garage to be repositioned to respect a gap to the adjacent property between the main house and an annex building.

In January 2002 permission was refused for a larger development with a floor area of 340sq.m for the house and 50sq.m for the garage, because this included a first floor window to the rear elevation to a bedroom which would have given rise to loss of privacy to the adjacent unit. The garage had also not been repositioned to preserve the gap to the adjacent property.

PARISH COUNCIL COMMENTS: None (due 10 April 2002).

REPRESENTATIONS: One. Notification period expired 3 April 2002.

The occupiers of the adjacent property remain concerned at the increase in volume to the unit, given that the additional two-storey element would be on the section of the house closest to their property. The scale of the unit is considered to have disregard to the surrounding countryside and properties. The repositioning of the garage would obliterate any view from their patio area and will affect the light to this area.

PLANNING CONSIDERATIONS:

The main issues are whether the revised proposal

- 1) addresses in full the previous concerns over loss of privacy and the scale of the new development in relation to the adjacent property (ERSP Policy H3, ADP Policies H7 and H8 and DLP Policies H6 and H7),**
- 2) is acceptable in terms of the likely impact of the new garage on the adjacent property (ERSP Policy H3, ADP Policy DC14 and DLP Policy GEN4) and**
- 3) is acceptable in terms of the increase in floor space to the property (ERSP Policy H3, ADP Policy H8 and DLP Policy H6).**

1) The design has now been revised to delete the rear window, so that there would be no windows to habitable rooms on the rear elevation. The windows would be to the stairs, hallway and a shower room. Conditions to preclude additional windows being added and seeking obscure glazing can avoid overlooking the garden of the adjacent property. The increase in the floor area would result in additional height of this part of the building by 2m above the approved scheme. The house would be located south east of the adjacent property, which has a blank side wall and the separation distance of the two units would be 16m. The new house would be located further west (back) from the existing dwelling but no further north (closer to the neighbour). It is considered, therefore, that the issue of overlooking has now been fully addressed. The bulk of the additional floor area would not cause significant loss of amenity over and above the development already granted consent.

2) The garage has been repositioned to be parallel to the annex to the adjacent property, which has a blank rear (southern) wall. This is considered to respect the gap to the built structures on the adjacent site and would retain the view of this attractive boundary wall. Whilst it would not be in the position required on the previous permission, it would still be only 2m from the boundary. It is considered, therefore, that its height should be reduced at least 1.4m to 5m maximum by condition, or it is relocated as previously required.

3) The proposal represents a net increase in the size of the house in the order of 30sq.m over and above the floor area, which could be formed under the two consents granted for the site. This extra volume at first-floor level at the northern end has to be considered in terms of the demonstrable harm this further increase would cause in terms of the physical form this would take. On balance, it is not considered this would cause significant harm, when compared with the approved details to either the adjacent property or the surrounding countryside. The new dwelling would be screened to eastern and western boundaries by new planting to reinforce that existing.

COMMENTS ON REPRESENTATIONS: The residential amenities of the adjacent property have been fully considered. The additional impact of the development on the adjacent property is not considered to be so significant to warrant refusal, with the revisions to the garage positioning and the rear windows. The loss of a view is not a material planning consideration.

CONCLUSIONS: A substantial replacement dwelling has been approved at outline and in detail. A scheme of similar size to that now proposed was refused due to the potential impact on the adjacent property. The revisions now made address the key concerns. The scale and form of the revised scheme would not cause significant detriment to the rural character of the area or loss of light or amenity to the adjacent unit so as to warrant a refusal.

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, except re condition number 3.
3. Relocation of garage or reduction to 5m maximum height.
4. C.4.1. Scheme of landscaping to be submitted and agreed.
5. C.4.2. Implementation of landscaping.
6. C.4.5. Retention of hedges.
7. C.4.9. Gravel floorscaping.
8. C.5.1. Samples of materials to be submitted and agreed
9. C.5.4. Natural Slate.
10. C.5.8. Joinery details.
11. The garages and garden store building as detailed on drawing P169-6 hereby permitted shall have vertically-boarded side-hung doors of painted or stained timber.
Reason: To secure an acceptable form of development
12. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission
13. C.19.1. Avoidance of overlooking.
14. C.11.6. Car parking facilities.
15. C.23. Demolition of existing dwelling.
16. This permission shall not be exercised in addition to the extant planning permissions (Ref UTT/1023/99/OP) granted by the local planning authority on 5 November 1999 and (UTT/0901/01/FUL) granted on 17 October 2001, but shall be an alternative to that permission. Should one of the permissions be implemented, the other permissions shall not be implemented.
Reason: To avoid over development of the site.

UTT/0190/02/FUL - HEMPSTEAD

Change of use of barn into dwelling.

Barn at Hempstead Hall. GR/TL 660-392. Oliver Hoare Limited.

Case Officer: Charmain Harbour 01799 510458

Expiry Date: 3 April

NOTATION: ADP and DLP: Outside Development Limits and Settlement Boundaries, adjacent to Grade II Listed Building, access is via a protected lane.

DESCRIPTION OF SITE: The barn the subject of this application formed part of a group of seven former farm buildings set to the north of the Listed Building complex. The other six buildings are currently being demolished. The Hall has been converted into three dwellings. There are two access points to the Hall, the northern access gives direct access to the barn and is also a public footpath. The building is set in open countryside with views to the site from the main Hempstead Road. To the east the site abuts the curtilage of Hempstead Cottage.

DESCRIPTION OF PROPOSAL: This revised application seeks change of use of the structure to a dwelling. The timber framed and clad building has an existing first floor and this would be retained to form four bedrooms and a 'dayroom' with the main living space to the ground floor. To the main front elevation the series of bays would have new timber infill panels with new windows located just below the floor level to the first floor. On the second floor the windows would be located just below eaves level. To the rear a lean-to roof and cattle stall area would be removed and new standard height fenestration installed to the ground floor with the first floor again having windows just under the eaves level. The amenity area for the unit would be to the rear and western side of the barn. Adequate space is shown within the curtilage shown on the submitted plans for on site parking, but no specific area is denoted for this.

APPLICANT'S CASE: See agent's letter dated 4 February 2002 attached at end of report.

RELEVANT HISTORY: Conversion of barn to dwelling house and associated alterations refused March 2001 following a Members' Site Visit. Appeal dismissed 2001. When the Inspector noted that:

' It (the barn) would not have any historic, traditional or vernacular contribution to make to the area. It contributes little to the setting of Hempstead Hall at present, although it does no harm. It would serve only to damage the setting of the listed building if it were to be converted to a dwelling. It would thus be contrary to the objective of Policy DC5 (a). Furthermore the loss of its attendant farmyard buildings would render the Barn even less related to its former setting and it would be an isolated and unrelated dwelling in the countryside'.

Change of use of the barn to B1 business use and associated alterations and parking was refused in January 2002, on the grounds of being an inappropriate reuse in the countryside, the noise and disturbance caused by the proposal and inadequate access.

CONSULTATIONS: Essex County Council Archaeology: No archaeological recommendations are made.

Essex County Council Transportation: No objections.

Building Control Services: Fire service access to the barn has been resolved and is acceptable.

PARISH COUNCIL COMMENTS: See nothing in this current application to change the previous reasons for objecting and this proposal should be refused.

REPRESENTATIONS: This application has been advertised and 4 representations have been received. Period expired 27 March 2002

One letter of no objection has been received.

Three letters of objection have been received including one from the CPRE. They raise the following points which are similar to the other two:

- the residential conversion of this barn has been refused in the past and dismissed on appeal and this proposal is not considered to differ significantly from the refused scheme
- this would create precedent for further housing/barn conversions in the eight acres around the Hall
- the blue line on the submitted plans is incorrect
- likely disturbance to wildlife including protected species of newts
- impact on the character of the area from new dwelling in countryside including lighting at night
- damage to protected verge and access lane from construction traffic
- the barn is not of historic importance or architectural merit to be covered by the provisions of Policy C6.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal:

- 1) is of historic merit or its form is of landscape value (ERSP Policy: RE2, ADP Policy: C6 and ADP Policy: H5),**
- 2) would have an adverse impact on the setting of the Listed Building (ERSP Policy: HC3, ADP Policy: DC5 and DLP Policy: ENV2) and**
- 3) would have an adverse impact on the rural character of the area where there is a presumption against new dwellings (ERSP Policy: C5, DLP Policy: S2 and ADP Policy: S7).**

1) The building dates from the nineteenth century and formed part of the working farm associated with the Hall. It has not been held that it is a curtilage building to be covered by the Listing. Internally the building appears sound. Whilst it is of a timber-framed construction, it is not considered to have any significant historic or rarity value and has no group value with any of the other buildings. Whilst it is constructed in traditional materials of weather boarding with a slate roof it is not considered to be representative of the local historic vernacular form.

The structure is not considered to enhance the rural character of the area of the area. The design has been revised to reduce the amount of glazing proposed from the previous appeal scheme. The works would replace all of the poor quality infill to the ground floor with weather-boarding to harmonise with the boarding which currently exists on the structure. The smaller windows would retain the industrial character of the structure, although it is questioned whether a satisfactory domestic interior would be achieved. It is likely pressure would build in the future to increase the glazing, as the building in effect turns it back on the view of the open countryside. These works, whilst less intrusive than the previous scheme, do not overcome the fact that the structure is of no special merit to warrant its retention and conversion, which would have a significant and detrimental impact on the rural character of the locality.

2) The conversion would still create a very large domestic unit within the building, notwithstanding any external alterations to the proposal from the appeal scheme. This is considered to be alien to the setting of the listed building of the Hall. The domestic curtilage has been reduced in size from the appeal application, but the rural characteristics of this location would be adversely affected by this conversion and would have an adverse impact on the setting of the historic building.

3) The proposal is considered to be create an isolated and unrelated dwelling in the countryside. The domestic use would change the character and appearance of this part of the site which would be highly visible in the open countryside, including at night, and considered this would create an unacceptable precedent.

CONCLUSIONS: The proposed conversion of this building is not considered to meet the development plan policies in creating a new dwelling in the countryside affecting the setting of a listed building and the rural character of the locality. Given the structure is of no special architectural or historic importance, there are no over-riding reasons to warrant approving the proposals, contrary to the recent appeal decision.

RECOMMENDATION: REFUSAL REASONS

1. The barn is not considered to be of any significant architectural or historic importance to warrant the preservation of the structure. It is equally not considered to have any significant historic, traditional or vernacular merit to enhance the character and appearance of the rural area. As such it is not considered to meet the provisions of the Development Plan Policies. ERSP: RE2, ADP: C6, DLP: H5.
2. The proposal would be unacceptable as it would create a very large domestic unit which is considered to be alien and damaging to the rural architectural and historic setting of the listed building. The building is not considered to have any historic, traditional or vernacular contribution to make to the area and as such would be contrary to the provisions of the following development plan policies ERSP: HC3, ADP: DC5a, DLP: ENV2.
3. The proposal would create a new dwelling in the countryside and it is considered this would add an inappropriate domestic quality to the rural character of the area. The demolition of the adjacent outbuildings has served to emphasis the isolated position of the building which is unrelated to the existing nearby dwelling units. The building is highly visible in the surrounding open countryside and the domestic use would materially harm this landscape setting and be contrary to the development plan polices which seek to protect this: ERSP: C5, ADP: S2, DLP: S7.

1) UTT/0519/02/FUL & 2) UTT/0521/02/LB - RADWINTER

1) Change of use of farm building to one dwelling and erection of rear attached cart shed and paddock.

2) Conversion of redundant farm buildings to one dwelling, erection of new attached cart shed.

Lower House Farm. GR/TL 604-382. Lady M B Parker.

Case Officer: *Michelle Guppy 01799 510477*

Expiry Date: 23 May

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

DESCRIPTION OF SITE: The site is located approx 1km (0.6 miles) to the north of Radwinter village, on the eastern side of the road from Ashdon. The barn is located to the rear (west) of the existing farmhouse which is currently being renovated. To the north of the barn is open fields. To the east is a storage barn and to the south is the farmyard.

DESCRIPTION OF PROPOSAL: The proposal is to convert to residential use an existing wooden barn, which is listed as a curtilage structure, and to demolish two modern storage barns to the east in order to provide access and garden area and paddock. The barn would have an independent access to the south of the existing access, which already has permission. It is also intended to extend the barn by adding cart shed parking to the north elevation.

APPLICANT'S CASE: The barns are essentially redundant for agricultural purposes as they are no longer suitable for modern agricultural purposes. Controls under the methods in which commodities are stored are becoming more stringent and consequently the economic justification to keep these buildings up to the standards required cannot be retained. The farm land is currently farmed by a tenant farmer, but the operations will be going onto a contract farming arrangement with effect from autumn 2002. The building is no longer suited to modern requirements and an alternative use is being sought to secure the long term future and avoid dereliction that might otherwise occur over time. Commercial/industrial and recreational uses have all been considered. However, locational constraints, coupled with economic realities, preclude conversion to economic uses in this instance. The application building includes approximately 157.5 sqm of floorspace.

Given the relative proximity to Lowerhouse Farmhouse, the introduction of a commercial activity would increase the level of traffic movements to the site, which would have an adverse impact on the amenity of occupiers of the neighbouring farmhouse and on the area in general, contrary to sustainability objectives. This may encourage additional large vehicles on rural roads, and in particular through the centres of Radwinter and Ashdon. A residential conversion would impact least on the character of the rural countryside. We consider the proposal would enhance the locality, in terms of the setting of the buildings and the benefit of the open countryside, whilst respecting the residential amenity of the adjacent property. The scheme complies with adopted policy and criteria whilst preserving the character of the building and helping secure its long term future.

Current Farming operations at Lowerhouse Farm and Cowlass Hall Farm will revert from tenant arrangement to a contract farming operation from autumn 2002. In reducing the operations at Lowerhouse Farm all existing agricultural machinery and equipment will be transferred to more secure modern barn accommodation to be implemented at Cowlass Hall Farm, already approved by Uttlesford. Cowlass Hall Farm is the preferred location for future farming as it is the home of the current resident farmer. The resident Farmer has recently purchased grain store accommodation within a co-operative store at Linton, opportunities are available to purchase additional space or facilities at the new contractors farm. The erection of a new barn, consented by Uttlesford in 1997, will not be implemented as a consequence of the review of farming operations on this holding.

RELEVANT HISTORY: Agricultural building and construction of new access to the highway approved 1997.

CONSULTATIONS: Design Advice: The barn is of sufficient merit to justify retention and conversion.

PARISH COUNCIL COMMENTS: To be reported (due 2 May).

REPRESENTATIONS: These applications have been advertised and no representations have been received. Period expired 2 May.

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) **the barn is redundant for agricultural purposes, worthy of retention and whether there is a preferable alternative use (ERSP Policies RE2 & HC4, ADP Policies C6 and DC5 and DLP Policies H5 & ENV2) and**
- 2) **there would be any detrimental effects on residential amenity and the road network (ADP Policies DC14 & T1 and DLP Policies GEN4 & GEN1).**

1) The applicant states that the reorganisation of the farming operation since their last application for a barn in 1997 has resulted in the site being surplus to agricultural requirements. The barn is listed as a curtilage structure and is therefore considered worthy of retention. The site contains the existing listed farmhouse which is currently being renovated. The two buildings are approx. 1km (0.6 miles) from the nearest village of Radwinter, which has a Church, public house, school, recreation ground with pavilion and Post Office, so are not considered "remote" under ERSP Policy.

However, the addition of the cartshed is considered to be detrimental to the appearance and character of the barn. The barn is essentially symmetrical in form and the addition would unbalance its appearance. Substantial additions to barns to facilitate conversion are contrary to ADP Policy C6. which aims to conserve their character. The addition is proposed for the parking of cars and is not essentially required to the conversion of the barn itself to create living accommodation.

2) The barn and house are approx. 15m apart, but the barn has no first floor windows facing the house therefore privacy levels within the dwellings would be acceptable. The majority of the proposed private garden for the barn would be to the west therefore the occupiers of the barn and existing farmhouse should be able to retain an acceptable level of privacy. The additional traffic created by the new dwelling would not be detrimental to highway safety or the character and appearance of the countryside.

CONCLUSIONS: The proposals are in accordance with the Development Plan.

RECOMMENDATIONS:

1) UTT/0519/02/FUL - 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.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission
6. C.19.1. Avoidance of overlooking.

2) **UTT/0521/02/LB -LISTED BUILDING CONSENT WITH CONDITIONS**

1. C.2.2. Time limit for commencement of development - listed buildings.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.17.2.Detailed amendments to be incorporated into design.
4. The existing materials on the barn shall be retained and shall not be changed without the prior written consent of the local planning authority.
5. C.5.9. Stained wood.
6. C.5.14.Black rainwater goods.
7. C.5.16.No historic timbers to be cut.
8. C.5.17.Window & door details and sections to be submitted and agreed.

UTT/0481/02/FUL - SAFFRON WALDEN

Erection of four industrial units for light industrial/commercial business and associated parking.

32 Shire Hill Industrial Estate. GR/TL 548-381. Mr. G. London.

Case Officer: *Hilary Lock 01799 510486*

Expiry Date: 21 May

NOTATION: ADP: Within Development Limits. DLP: Within Settlement Boundary/Employment Land to be Safeguarded.

DESCRIPTION OF SITE: This is a 0.2 ha (0.48 acres) site in the north eastern part of the Shire Hill Industrial estate, to the east of the town centre. Near the entrance it has four small timber sheds with hardsurface in front, but is otherwise an open grassed site, surrounded by chain link fencing. There is vehicular access onto the estate road. Industrial units are to the north and west, and car parking areas to the south and east.

DESCRIPTION OF PROPOSAL: The proposal is to construct a block of four light industrial units, set in 1m from the northern boundary. It would have yellow brick/dark brown profiled steel sheet walls, and grey profiled sheet roof. The block would be shallow pitched, with eaves height of 6.1m. Each unit would have approximately 146.8 sqm. floor area. Twenty four parking spaces would be provided, plus 18 cycle spaces, van and lorry parking. Access would be taken from the existing point onto the internal estate road.

APPLICANT'S CASE: Units are designed for flexible use, and at this time tenants and their intended businesses are unknown. From experience, these size and type of units are leased by small light industrial/commercial enterprises, which would work normal business hours, with an average of 3 employees per unit. Cannot anticipate precise numbers of employees or floorspace proportions.

RELEVANT HISTORY: Permission for the industrial estate granted 1978.

CONSULTATIONS: Environmental Services: No comments.

Anglian Water: No objections in principle subject to no building being erected within 3m of the centreline of the public sewer.

ECC Transportation: No objections.

TOWN COUNCIL COMMENTS: to be reported (due 25 April).

REPRESENTATIONS: None. Notification period expired 16 April.

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) the site is appropriate for light industrial use (ERSP Policies BIW4 & BIW5; ADP Policies E1 & DC14; DLP Policies E2, SW5 & GEN4),
- 2) the design and appearance are acceptable (ADP Policy DC1; DLP Policy GEN2) and
- 3) the site layout would meet the parking requirements for the development (ERSP Policy T12; ADP Policy T2; DLP Policy GEN9).

1) Shire Hill Industrial Estate is allocated as an existing employment area to be safeguarded in the Deposit Plan, and the provision of new light industrial units on the estate is to be supported. The site is surrounded by other commercial uses, and there are no dwellings in close proximity to be affected by the development.

- 2) The design, height and materials of the proposed block would be in keeping with other units on the estate, and would be an appropriate form of development in this location.
- 3) The proposal exceeds the Council's standards of twenty car parking spaces but the layout can be modified by condition to omit four spaces to meet the maximum standards. Eighteen cycle spaces are proposed in accordance with the requirement, and space would be available for lorry and van parking.

CONCLUSIONS: The provision of light industrial units on this estate would conform to the Council's policies which seek to safeguard local employment.

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 (subject to condition C.17.2).
3. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
4. C.9.1. No outdoor storage.
5. C.17.2 – the omission of four car parking spaces.
Reason: The proposed layout makes over-provision for car parking, and should be reduced to meet the requirements of Policy T12 of the Essex and Southend on Sea Replacement Structure Plan and PPG13, in the interest of sustainable development.
6. The building hereby permitted shall not be used until twenty of the car parking spaces and the lorry and van parking areas shown on approved drawing no. GL/SW001 Rev C date stamped 26 March 2002 have been hardsurfaced and laid out. Such spaces shall not thereafter be used for any purpose other than the parking of vehicles.
Reason: in order to ensure adequate parking space for vehicles visiting the site is provided and retained, in the interests of highway safety.
7. The building hereby permitted shall not be used until the cycle sheds shown on approved drawing no. GL/SW001 Rev C date stamped 26 March 2002 have been constructed, in accordance with details first submitted to and approved in writing by the local planning authority. Such cycle spaces shall not thereafter be used for any purpose other than the parking of cycles.
Reason: in order to ensure that adequate provision is made and retained for people visiting the site by alternative means to private car, in the interests of ensuring a sustainable form of development.

UTT/0444/02/CC - LITTLE CANFIELD
(County Council Consultation)

Retention of temporary storage of refrigerators/freezers.
Crumps Farm Landfill Site. GR/TL 582-211. Essex County Council.
Case Officer: Richard Aston 01799 510464
Expiry Date: 15 April

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

DESCRIPTION OF SITE: Crumps Farm, Little Canfield is an existing dedicated County Council landfill site to the south of the A120 abutting the Flitch Way in the open countryside between Great Dunmow and Takeley. The current site for storage occupies 0.21 ha (0.5 acres) of the total area of the site and is located in the northern sector close to the Flitch Way to the south west of Crumps Farm. The storage area for the fridge freezers is screened by an earth bund to its northern and western sides and by a 6m-screen bund to the east to the south is the rest of the landfill site.

DESCRIPTION OF PROPOSAL: The application is by Essex County Council and seeks Uttlesford District Council's formal observations on the retention of a temporary storage area for disused refrigerators and freezers.

APPLICANT'S CASE: DEFRA requires local authorities to comply with EU ODS regulations, which means that the County Council must provide a temporary storage facility for the refrigerators and freezers until appropriate and suitable disposal and recycling facilities are made available. The temporary period stated in the application form is until no later than 30 June 2004. Vehicle movements to and from the site will be no more than 20 vehicles per week (7.5t), excluding Sundays. See Supporting Statement attached at end of report.

RELEVANT HISTORY: Recycling of inert materials by screening and occasional crushing and shredding of composting/green waste – no objections in 2001.
Various other applications relating to the sites use as a waste disposal facility.

CONSULTATIONS: Environmental Services: The storage facility is an essential facility for Uttlesford District Council.

PARISH COUNCIL COMMENTS: Takeley: No objections.
Little Canfield: Accepts that the items have to be stored somewhere, but unhappy that there is a lack of screening around the storage pile as it is highly visible from Church Lane. Requests that site is screened.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 12 April.

PLANNING CONSIDERATIONS:

The main issue is whether the impact that the facility has on the character and appearance of the open countryside would be detrimental to the residential amenity of adjoining occupiers.

The storage site at present can only be partially seen from Church Lane but the fridges are stacked in full view of the part of the Flitch Way that runs between Great Dunmow and Takeley through the Landfill site. The material is adequately screened by earth bunds on its northern, western and eastern sides and by a large soil bund to the south. It is considered that the materials do not have an adverse effect on visual amenity and that the storage has a minimal impact on the residential amenity of adjoining occupiers.

COMMENTS ON REPRESENTATIONS: The Parish Council's comments have been forwarded to the ECC.

CONCLUSIONS: It is considered that the temporary storage of such materials in this location does not have a materially adverse impact on the character and appearance of the countryside or on the visual or residential amenity of adjoining occupiers. The site is probably one of only a few in the District that is suitable for this purpose. On balance, it is considered that the need outweighs the visual intrusion over two years. Accordingly, Uttlesford District Council has no adverse comments to make on this application.

RECOMMENDATION

Advise Essex County Council that no objections are raised for the temporary two year storage of refrigerators and freezers. but requests that the present screening bunds are maintained to reduce the impact on visual amenity. There should be no on-site dismantling of fridges/freezers.

UTT/0213/02/FUL - GREAT CHESTERFORD

Erection of new freestanding church hall.

All Saints Churchyard. GR/TL 505-427. PCC of All Saints Church.

Case Officer: Charmain Harbour 01799 510458

Expiry Date: 8 April

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

DLP: Outside of Settlement Boundary, within Conservation Area and adjacent to Listed Building.

DESCRIPTION OF SITE: The application site is located south of the parish church on the south western side of the village. The church is set within a walled graveyard which contains a number of trees. Close to the southern porch to the church are a pair of yew trees. The vehicular and pedestrian access to the site is via Church Street. There is no current vehicular access to the rear of the church. To the south and east the site abuts residential curtilages.

DESCRIPTION OF PROPOSAL: The application is for the erection of a freestanding church hall building which would be in a crucifix layout. The single storey building would be in line with the south porch, with a path formed between the two yew trees. The building would have a slate roof and be constructed with a render finish to the walls with stone quoins and a flint plinth to harmonise with the materials to the church. The main entrance would have oak doors recessed under a covered canopy. The side elevations would be blank. The rear elevation would have four windows and the northern elevation would have two all set in stone surrounds. Within the structure a community room would be formed with a small kitchen and toilet facilities. No parking is proposed to support the facility.

APPLICANT'S CASE: See letter from Sir Charles Nicholson Group attached at end of report.

CONSULTATIONS: Essex County Council Archaeology: Confirmed that a full excavation of the developed area will be necessary as a small evaluation trench has identified Roman remains. Although the agent has stated that an 18 inch raft foundation will be employed an archaeological excavation to this depth will still be needed. A condition is recommended accordingly.

Essex Police: No objection is raised to the proposal but attention is drawn to the fact it should not give rise to crime and disorder issues and attention is drawn to secured by design award measures.

Building Control: Fire service access to the site is currently unacceptable as the fire appliance must be able to get within 45m of the footprint of the building.

English Heritage: To be reported (due 20 May).

PARISH COUNCIL COMMENTS: Support.

REPRESENTATIONS: This application has been advertised and 1 representation has been received. Period expired 24 March 2002

Concern at the problem of car parking in Church Street, which they do not wish to see exacerbated.

PLANNING CONSIDERATIONS:

The main issues are whether

- 1) the design and form of the proposal is acceptable given its location within an archaeological important site, a Conservation Area and within the curtilage of a

Listed Building (ERSP Policies HC5, HC3 and HC2, ADP Policies: DC5 and DC10 and DLP Policies: ENV1 and ENV2),

- 2) **the proposals will adversely affect existing landscape features (ERSP Policy: NR5, ADP Policy: DC8 and DLP Policy: ENV3),**
- 3) **the proposal will exacerbate the car parking on the surrounding streets (ERSP Policy: T6, ADP Policy T1, and DLP Policy: GEN9) and**
- 4) **the security of the site has been fully addressed (DLP Policy: GEN2).**

1) The proposed hall, in being freestanding from the main church building is considered to be acceptable in that it would not physically affect the fabric of the church, but would be well related to an existing doorway to the building. The scale and position of the proposed hall would mean that it would not be visible in the street scene. The materials are considered to be acceptable and would reflect the main church. In design terms the building is considered to be visually acceptable. The site would require archaeological excavation which is proposed to be secured by condition.

2) The scheme has been revised following advice by the Tree Officer, so that the building foot print has been moved away from the two yew trees. The trees would have to be trimmed to allow the footpath link from the Church to the Hall to pass between them. The layout is considered acceptable in terms of the impact on these trees and protection measures are proposed to be conditioned.

3) The scheme does not propose any new parking to support the use of the hall. There is currently no dedicated parking area for the church and therefore the proposals would not relieve the on-street parking situation. The supporting statement identifies the uses for the building as being all church related. It is proposed that non church activities and separate hiring be precluded due to the lack of parking. The guidance in Planning Policy Guidance Note 24 is to seek to reduce reliance on the car and seek alternative means of transport. It is considered to be reasonable to condition the provision of bicycle facilities within the church site as part of this. The argument put forward by the applicant is that the use of the hall will be by persons already visiting the Church and it would not generate the need for any additional parking. With the use restricted to ancillary church functions, it is proposed that the hall be agreed with no on-site parking.

4) The security details including external lighting are proposed to be conditioned to be agreed. Attention is to be drawn to the applicant of the Essex Police comments regarding the use of Secured by Design details.

CONCLUSIONS: The location and form of the proposed hall are considered to be acceptable. The hall is not proposed to have any on site parking. With a restriction on the use of the hall and the provision of on site bicycle storage facilities this is supported. The applicant is aware of the Building Control comments, however these are not considered to be grounds to refuse the planning application, but if the scheme has to be significantly changed at Building Regulation stage, then a revised planning application may be required to be submitted.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
Reason: To allow for excavation and recording of this site of archaeological importance in advance of and during development as advised in Planning Policy Guidance Note 16 Planning and Archaeology.
3. Prior to the development hereby granted consent commencing a percolation test shall be conducted to ensure that the soakways for the site will work in adverse

conditions. The results of the tests shall be submitted to the local planning authority for information. In the event of the tests showing that the soakaways will not work satisfactorily details of alternative proposals shall be submitted to and approved in writing with the local planning authority. The scheme shall be implemented in accordance with the agreed scheme.

Reason: To secure adequate drainage for the site.

4. C.3.3. To be implemented in accordance with original and revised plans.
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. The church hall hereby granted consent shall be used only as an ancillary facility to the use of the main church building and at no time shall it be separately hired or used by external groups, organisations or individuals .

Reason: In the interests of highway safety and the interests of the nearby residential properties, given the hall has no dedicated on site parking and any separate independent use is likely to lead to increased street parking.

8. The hall hereby granted permission shall only be open for use between the hours of 8 am and 11 pm seven days a week.

Reason: To protect the residential amenities of the occupiers of the nearby properties Prior to the development commencing details shall be submitted to and agreed in writing with the local planning authority of secure and covered on site bicycle storage for up to 4 bicycles. The bicycle storage facilities shall be provided in accordance with the agreed details before the building is first brought into use.

9. Reason: To secure on site alternative transport facilities to the private car given the scheme has no on site parking.
10. Prior to the works commencing on site full details of the security measures for the building shall be submitted to and agreed in writing by the local planning authority. These measures shall include details of all external lighting for the site and any measures to secure the windows and doors. These agreed measures shall be fully in place prior to the building first being brought into use.

Reason: To secure an acceptable form of development.

1) UTT/0170/02/FUL & 2) UTT/0171/02/LB - HIGH EASTER
(Referred at Member's Request)

1) & 2) Ground and first-floor extension to main building and erection of garage with first-floor storage.

The Old Mill. GR/TL 619-143. Mr and Mrs D Gadsby.

Case Officer: *Richard Aston 01799 510464*

Expiry Date: 10 April

NOTATION: ADP and DLP: Open Countryside/Outside Development Limit and Settlement Boundaries/Grade II Listed Building.

DESCRIPTION OF SITE: The Old Mill is located in the open countryside, outside the Development Limit to the south of High Easter village. The Mill fronts onto the highway, set back in the plot approximately 11m its residential garden is to the north with the adjacent property of the Old Mill House being located to the south. Furthermore a large Cypress hedge separates the site from the highway.

DESCRIPTION OF PROPOSAL: The proposal details the erection of a two storey side extension on the southern elevation to form a front entrance hall and further living accommodation. In addition, the proposal details the erection of a detached double garage with a pitched roof in the south-eastern corner of the site with its roof space to be used for storage.

APPLICANT'S CASE: Proposal would provide extra much-needed storage space and a more efficient and logical use of existing living accommodation. See Architects statement received on 13 February 2002 attached at end of report.

RELEVANT HISTORY: Single-storey extension, change of use of agricultural land and garden approved. Single-storey extension approved and change of use of agricultural land to garden approved 2000.

CONSULTATIONS: Specialist Design Advice: proposal has been negotiated. Modest extension would have a minimal impact on the character of the listed ex-mill, which has been much altered and extended. No objections subject to conditions relating to materials, details and balustrades.

PARISH COUNCIL COMMENTS: Object to the scheme on the grounds that the new extension would be detrimental to visual amenity. The garage could be used as residential accommodation and its ridge height would be too high. The addition of a gazebo would affect the character of the mill.

REPRESENTATIONS: None. Notification period expired 15 March.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would have a detrimental impact on:

- 1) **the character and appearance of the Grade II Listed Mill (ERSP Policy HC3, ADP Policy DC5 and DLP Policy ENV2) and**
- 2) **the residential amenity of adjoining occupiers (ADP Policy DC14 and DLP Policy GEN4).**

1) With regard to the potential effect the proposals may have on the character and appearance of the Listed Building, it is considered that the proposals by virtue of their design and scale would be in scale and sympathy with the listed building. Specialist design advises that the proposal is acceptable, has been negotiated and accordingly there are no objections. Furthermore, it is considered that the garage, which would have a height of

6.35m to the ridge, would not be detrimental to visual amenity due to the existence of the large Cypress hedge, which acts as the existing boundary treatment. Furthermore, there is an unimplemented consent for the erection of a garage on the site and this proposal would exceed that height by only 0.5m.

2) Turning to the residential amenity of adjoining occupiers, due to the location of the extension and the size of the plot that the Mill occupies, it is considered that the proposals would have little or no impact on the neighbours' amenities at the Old Mill House, which is positioned approximately 30m to the south.

CONCLUSIONS: The proposals are considered to be acceptable, as they would have a minimal impact on the character of the Listed Mill or amenity of adjoining occupiers. The proposal conforms to Policies DC5, DC14 and H7 of the UDP.

RECOMMENDATIONS:

1) UTT/0170/02/FUL - APPROVAL WITH CONDITIONS

1. C.2.1. Standard Time Limit.
2. C.3.1. In accordance with approved plans.

2) UTT/0171/02/LB - LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Standard Time Limit.
2. C.5.2. No works shall take place until large-scale details of the new Balustrade to be used in the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
3. C.5.8. Joinery details.
5. C.5.11. Smooth rendered walls.
6. C.5.5. Hand-made clay plain tiles.
7. C.5.9. Stained wood.
8. C.5.15. Side-hung timber garage doors.

Reason 2-7: In order to protect and enhance the visual quality and appearance of the Listed Building and to ensure a satisfactory standard of development.
