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PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 1 JULY 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 on fresh application
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 on fresh application
Case Officer: John Grayson (01799) 510455
Expiry Date: 20 August 2001

APPL NO: **UTT/1591/01/OP**
PARISH: **GREAT DUNMOW**
DEVELOPMENT: Erection of ninety-bedroom hotel
APPLICANT: Aldis of Barking Ltd.
LOCATION: Hoblongs Industrial Estate, Chelmsford Road.
D.C. CTTE: 10 June 2002
REMARKS: Deferred for further information on highways and access
RECOMMENDATION: Approval with conditions and Section 106 Agreement
Case Officer: John Grayson 01799 510455
Expiry Date: 5 February

APPL NO: **UTT/1614/01/FUL**
PARISH: **THAXTED**
DEVELOPMENT: Installation of 25m high telecommunications tree mast, with 6 No. antennae, 2 No. dishes and 10 No. equipment cabins within a fenced compound.
APPLICANT: Orange Personal Communications
LOCATION: Park Farm, Park Street
D.C. CTTE: 10 June 2002
REMARKS: Deferred for Members' Site Visit and Consultant's report
RECOMMENDATION: To be reported
Case Officer: Hilary Lock 01799 510486
Expiry Date: 18 March

APPL NO: **1) UTT/0203/01/FUL, 2) UTT/0204/01/LB
& 3) UTT/0205/01/CA**
PARISH: **FELSTED**
DEVELOPMENT: 1) Change of use from educational (D1) to sheltered housing (C3), conversion of listed building to six 2 bed apartments and wardens accommodation, erection of three storey 18 apartment building, single storey rear extension, single storey glazed link, sun room and creation of car parking.
2) Conversion of listed building to six 2 bedroom apartments and wardens accommodation, single storey rear extension, single storey glazed link and sun room and associated internal and external alterations.
3) Demolition of single storey outbuildings and walls.
APPLICANT: The Governors of Felsted School
LOCATION: Ingrams Close Braintree Road
D.C. CTTE: 10 June 2002
REMARKS: Deferred for Members' Site Visit
RECOMMENDATION: Approval with conditions and comments to DTLR
Case Officer: Jeremy Pine 01799 510460
Expiry Date: 6 April

APPL NO: **UTT/0213/02/FUL**
PARISH: **GREAT CHESTERFORD**
DEVELOPMENT: Erection of new freestanding Church Hall.
APPLICANT: PCC of All Saints Church
LOCATION: All Saints Churchyard
D.C. CTTE: 20 May
REMARKS: Deferred to consider views of English Heritage and await outcome of site meeting
RECOMMENDATION: To be reported
Case Officer: Charmain Harbour 01799 510458
Expiry Date: 8 April

APPL NO: **1) UTT/0228/02/FUL & 2) UTT/0229/02/CA**
PARISH: **STEBBING**
DEVELOPMENT: 1) Erection of one replacement dwelling.
2) Demolition of existing dwelling.
APPLICANT: Mr E R Butler
LOCATION: Dorval, High Street.
D.C. CTTE: 10 June 2002
REMARKS: Deferred for negotiations
RECOMMENDATION: To be reported
Case Officer: Richard Aston 01799 510464
Expiry Date: 11 April

APPL NO: **UTT/0285/02/FUL**
PARISH: **HATFIELD BROAD OAK**
DEVELOPMENT: Erection of equestrian barn for private use
APPLICANT: Mr P Rust
LOCATION: Broomshawbury.
D.C. CTTE: 10 June 2002
REMARKS: Deferred for Members' Site Visit
RECOMMENDATION: **Approval with conditions**
Case Officer: Richard Aston 01799 510464
Expiry Date: 30 April

APPL NO: **UTT/0536/02/FUL**
PARISH: **THAXTED**
DEVELOPMENT: Erection of chalet bungalow and detached garage
APPLICANT: Mr N Temple
LOCATION: Land adjacent to Harrow Croft, Watling Lane
D.C. CTTE: 10 June 2002
REMARKS: Deferred for Members' Site Visit and negotiations
RECOMMENDATION: **To be reported**
Case Officer: Charmain Harbour 01799 510458
Expiry Date: 20 June

APPL NO: **UTT/0566/02/FUL**
PARISH: **STANSTED**
DEVELOPMENT: Erection of detached two-storey dwelling and garage
APPLICANT: Mr & Mrs T Shrimpton
LOCATION: Old Chapel Site, Stoney Common
D.C. CTTE: 10 June 2002
REMARKS: Deferred for Members' Site Visit
RECOMMENDATION: **Approval with conditions**
Case Officer: Charmain Harbour 01799 510458
Expiry Date: 19 June

UTT/0180/02/FUL - HENHAM
(Revised Report)

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

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

Case Officer: *Richard Aston 01799 510464*

Expiry Date: 11 April

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

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

DESCRIPTION OF PROPOSAL: The previous plans were withdrawn from the April meeting and after negotiation a revised scheme has now been submitted. This involves the erection of a replacement building 20m long by 17m wide, reduced from 32m long, covering a total floor area of 322 sqm instead of 523sqm. The revised building would have an eaves height of 5.7m (reduced from 6.1m) and a ridge height of 7.4m (reduced from 9.4m) on the northern boundary of the site. Furthermore, the roof pitch has been reduced from 10 to 7.5 degrees. The proposal involves the demolition of the three existing buildings on the site. The new building would be clad in green coloured proprietary materials and be used for repairing and storing commercial vehicles and plant in connection with the established haulage and plant hire business. Two mobile homes on the site would be moved to a position between this building and the adjoining house at Hilltop.

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

RELEVANT HISTORY: After the closure of the railway in the 1950s, the site was used for agricultural purposes. The District Council and its predecessor authority refused planning permission for housing on the site twelve times over a period of 40 years between 1961 and 2001, all for reasons of breaching open countryside policy. Appeals against three of these decisions dismissed in 1988, 1997 and 2001. The agricultural barns on site were later converted, without planning consent, for use in connection with a transport and plant hire business, for which a Certificate of Lawfulness was issued in 1997. The caravans were also granted a Certificate of Lawfulness in 1993.

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

Revised Plans: To be reported (due 13 June).

REPRESENTATIONS: This application has been advertised and one representation has been received regarding the original plans. Period expired 21 March 2002.

CPREssex: The site is outside development limits where development is not normally permitted unless it relates to agriculture, forestry or appropriate outdoor recreation. This site is particularly prominent due to its hilltop setting. The proposed building would have a damaging effect on the open countryside by reason of its bulk and height. The Inspector's report dismissing earlier appeals drew attention to the rural atmosphere surrounding the site and the harmful effect that ridge heights of some 8.5 to 9m would have on visual amenity. The indication is that the level of activity will increase above that generated by current operations. Some of the activities do not currently take place, namely the storage and distribution of materials. Intensification of activity on this site should not be permitted on the grounds that it would conflict with policies on countryside protection and traffic generating.

No representations have been received concerning the revised plans (period expired 13 June).

PLANNING CONSIDERATIONS:

The main issues are whether

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

1) The structure plan [Policy C5] calls for 'strict control of new building in the countryside'. The adopted plan policy on the countryside [Policy S2] says that permission will not normally be given for development outside Development Limits, as in this instance, unless the proposal relates to an open use such as agriculture, or is an appropriate change of use of an existing building. None of these circumstances apply, so it is necessary to see whether there are any other material considerations which would justify an exception being made to the Development Plan.

2) The applicant's case is that his proposal would materially improve local amenity and would thus benefit the locality. The existing appearance of the site and its use are clearly unsatisfactory, but their effect is limited by the hedges surrounding the site, and by its limited public visibility. The revised proposal would increase built floorspace on the site from 250 sq m to 322 sq m and introduce ten new staff onto the land. This would be a clear intensification of the use which could be expected to bring some additional noise and disturbance to neighbours and to people living along roads nearby. However, the new building has been reduced in height and size takes on board comments relating to its impact on the residential amenity of adjoining occupiers. Although it would be higher than the existing, the new building would bring some amount of planning gain to the site and improve visual amenity. Whether this would be sufficient to justify an exception to Policy is, on balance, considered marginal.

COMMENTS ON REPRESENTATIONS: See above.

CONCLUSION: The present use, though unsatisfactory, is not uncommon in the District, and is perhaps more an irritant rather than a disamenity with significant public impact. The proposal would clearly tidy up the site so there would be some amount of planning gain achieved. Although it would involve an intensification of use by reason of extra vehicle movements and additional employment, it is considered that these would not adversely impact the residential amenity of adjoining occupiers. Furthermore, the building has been significantly reduced in size and would not have an adverse impact on the visual amenity or character and appearance of the countryside. On balance, it is considered that this proposal brings an opportunity to improve the appearance of the site sufficient to justify permission as an exception to Policy.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.4.1. Scheme of landscaping to be submitted.
4. C.4.2. Implementation of landscaping.
5. C.5.2. Agreement to colour of cladding.
6. C.6.8. Excluding Permitted Development extensions or alterations to industrial or warehouse premises.
7. C.7.1. Slab levels to be submitted and agreed.
8. C.8.3. No outdoor working.
9. C.8.8. Insulation of industrial building.
10. C.8.14. Restriction on hours of operation: 8.30am to 6pm Monday to Friday; 9am to 1pm Saturdays; not at all on Sundays, Bank or Public Holidays.
11. C.8.22. Control of lighting.
12. C.9.1. No outdoor storage.
13. C.14.1. Personal to applicant and tied to rest of site.
14. Removal of buildings and uses shown on plan.
15. C.25.1. Restriction on airport-related car parking.
16. Drainage requirements.

UTT/0241/02/FUL - CLAVERING

Change of use of land and conversion of existing offices to 7 no. Class B1 light industrial/office units. Extension to joinery building to rear. Detached building to create 2 no. Class B1 units. Construct parking spaces and boundary wall/gates. Alterations to access. C E Funston Tractor Sales Ltd., Arkesden Road. GR/TL 481-328. C E Funston Tractor Sales Ltd.

Case Officer: Hilary Lock 01799 510486

Expiry date: 12/04/2002

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

DESCRIPTION OF SITE: The site is located in Hill Green at the northern end of Clavering on the north-western corner of the junction of Clatterbury Lane which leads to Arkesden and the Stickling Green road. It is north of the junction of the B1038 Clavering to Newport road opposite "The Cricketers" Public House. The 0.36 ha (0.9acre) site (Britannica Works) is occupied by a two-storey office and a single-storey joinery building at the rear. The remainder is used for the storage of tractors. There is chain link fencing around the roadside boundaries, with minimal screen planting. To the west are other commercial units (Jubilee Works), and dwellings are to the north and east. There are two vehicular access points onto the Arkesden Road and one on the Stickling Green Road.

DESCRIPTION OF PROPOSAL: It is proposed to replace the tractor storage by:

- sub-dividing the main building into 7 Class B1 units (4 at ground floor and 3 above),
- erecting a single-storey extension (8.3m x 9.2m) to the joinery building (unit 8),
- erecting a new two-storey building (11m x 20m wide x 8.1m high) for 2 Class B1 units on the Clatterbury Lane frontage (units 9 & 10), sited 4m (originally 2m) from the side boundary and 7m (originally 5m) from the closest dwelling to the north ("Timberscombe"),
- providing 34 car parking spaces and facilities for cycle parking throughout the site,
- planting a 4m wide belt of screening vegetation along the northern boundary, with additional planting elsewhere, (the originally proposed extension to the joinery building has been reduced in width to ensure it would be clear of a preserved Copper Beech tree in the adjacent garden, the plant species have been revised to reduce the rearward projection of the new building, the planting along that northern boundary has been increased and the lorry parking spaces have been relocated from near that boundary to the southern end of the site.)

APPLICANT'S CASE: See agent's letters dated 7 February, 21 March and 12 May attached at end of report.

RELEVANT HISTORY: Established commercial depot and industrial estate.

CONSULTATIONS: ECC Transportation: no objections subject to satisfactory on-site parking, turning and servicing requirements.

PARISH COUNCIL COMMENTS: Original Plans: Welcome the look of the new building in preference to the old tractor site which has become eyesore over years, but recommend refusal on grounds of over development, impact on amenity, inadequate parking/turning and increased traffic. See letter dated 5 March attached at end of report for full reasons.
Revised Plans; to be reported (due 5 June).

REPRESENTATIONS: Original Plans: 43 letters received, 41 objecting (10 identical) and 2 in support. Notification period expired 2 April.

1. CPREssex: Do not object in principle to redevelopment for further commercial use of this existing site. It is within Development Limits of Clavering, provides economic activity and employment in the countryside and is currently 'untidy'. However, object to this particular application as contrary to DP Policies S1, DC1, DC14 and T1. Scale of proposed development, design and proximity to housing are all-inappropriate to the rural village setting. Potential increase in activity and vehicle movements would create hazards and conflict with other road users. Concerned that there is not adequate space within site for larger vehicles to manoeuvre.

2-41. Objections: see standard letter dated 15 March attached at end of report which summarises the objections.

2 in support: proposals would not be detrimental to village, but would improve site by getting rid of tractors. Would eliminate large articulated low loader vehicles and containers that transport tractors. Applicant has been supportive in village, has planted trees and maintained verges. Would provide more jobs which would be beneficial to village.

Revised Plans: 29 letters of objection received (18 identical). Renotification period expired 5 June. See letters dated 27 & 30 May attached at end of report, which summarise the objections.

PLANNING CONSIDERATIONS:

The main issues are whether the proposed redevelopment would be appropriate in terms of its likely effect on:

- 1) **the character of the area and the amenities of local residents (ADP Policies DC1 & DC14 and DLP Policies GEN 2 & GEN4) and**
- 2) **the need for satisfactory access, parking, turning and servicing facilities (ADP Policies DC1 & T2 and DLP Policies GEN 1 & GEN9).**

1) This industrial site is in need of redevelopment or renovation in order to enhance the appearance of this part of the village. A scheme has been negotiated which would achieve improvements to the site, comprising the works listed above. Revised plans have recently been submitted which would reduce the effect on neighbours' amenity. The Government's encouragement for local employment, which is supported by the Council, would be assisted by this venture, which would increase the number of jobs on the site from 7 to 21. Restrictions could be imposed on the type and times of activity to be carried on in the new units (B1 light industrial or office use only) and the open storage now established could be removed permanently.

New walls and landscaping would help to improve the appearance of this industrial site, and a new 2m wall and fence should be erected along the whole of the northern side boundary in order to protect the amenities of neighbours. The renovation and conversion of the existing building is acceptable, subject to a condition restricting its use to B1 only. The extension of the joinery unit to the rear would be acceptable now that it has been reduced in size and kept 6m from the northern boundary. However, the new building should be reduced to its original single-storey height and face to the rear of the site, not the road, in order to protect the residential character of Clatterbury Lane. These amendments could be covered by conditions requiring the submission of a revised layout. It is considered that, overall, the scheme as revised and further amended as suggested above, would enhance the

appearance of this established commercial site and reduce its current adverse effects on the attractive rural character of this part of the village.

2) Despite being only part of the original industrial estate, the access and proposed parking facilities would meet Council's standards. There would be more smaller vehicles (vans and cars) accessing the site and the need for larger vehicles would be reduced. However, there would still be insufficient space for turning and servicing. There is currently no footway on the Clatterbury Lane frontage and it is considered that, should permission be granted, a 2m wide strip of land be made up and dedicated to the Highways Authority for this purpose in order to improve pedestrian safety. This would mean that there would need to be a readjustment in the layout, in order to retain the landscaping and parking, which could be covered by conditions. It is also considered that use of the northern access point should be discontinued in the interests of safety and amenity of local residents, and the land saved as a result go towards increasing the turning and servicing facilities.

COMMENTS ON REPRESENTATIONS: All the issues raised have been covered above.

CONCLUSIONS: The scheme represents an improvement on the current state of this industrial site, but there are several amendments which are still required to be incorporated. In view of the local concern, it is considered that Members should *visit the site*. On balance, it is considered that this is a finely balanced case which could be granted given the improvements which would accrue from the development, especially in relation to the type of uses carried on, employment, appearance of the site and highway safety.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.4.1. Scheme of landscaping to be submitted.
4. C.4.2. Implementation of landscaping.
5. C.5.2. Agreement to colour of cladding.
6. C.6.8. Excluding Permitted Development extensions or alterations to industrial or warehouse premises.
7. C.7.1. Slab levels to be submitted and agreed.
8. C.8.3. No outdoor working.
9. C.8.8. Insulation of industrial buildings.
10. C.8.14. Restriction on hours of operation: 8.30am to 6pm Monday to Friday; 9am to 1pm Saturdays; not at all on Sundays, Bank or Public Holidays.
11. C.8.22. Control of lighting.
12. C.9.1. No outdoor storage.
13. Removal of buildings and uses shown on plan.
14. C.25.1. Restriction on airport-related car parking.
15. Drainage requirements.
16. Closure of North access.
17. Provision of footway.
18. C.17.1. Revised plan required regarding frontage to Clatterbury Lane and servicing/turning facilities and reduction in height of new building.
19. B.1. light industrial/office uses only.

UTT/0596/02/FUL - HATFIELD BROAD OAK

Change of use of building to class B1 use
Hatfield Regis Grange Farm. GR/TL 565-183. Mr R McGowan.
Case Officer Richard Aston 01799 510464
Expiry Date: 10/06/2002

NOTATION: ADP: Countryside beyond the Green Belt and SACPZ, DLP: open countryside.

DESCRIPTION OF SITE: Hatfield Regis Grange Farm is located in the open countryside some two miles north-east of Hatfield Broad Oak on the Canfield Road. The site consists of a number of outbuildings 60m to the south of Hatfield Regis Grange, based around a central courtyard. The building in question is located on the northern side of the courtyard abutting the boundary with Hatfield Regis Grange. All the other buildings benefit from B1 use previously granted with all of them being established light industries.

DESCRIPTION OF PROPOSAL: The proposal is for the change of use of an existing stable building into a B1 use, totalling 210 sqm.

APPLICANT'S CASE: See supporting statement dated 12 April 2002 attached at end of report.

RELEVANT HISTORY: Retention of use of farm buildings as B1 light industrial use granted in 1989 and 2002.

PARISH COUNCIL COMMENTS: None (due 24 May 2002).

REPRESENTATIONS: None. Notification period expired 28 May 2002.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal conforms to ERSP Policy RE2, ADP Policies C4, C5 & DC14 and DLP Policies E3 & GEN4 in respect

- a) **of the suitability and appropriateness of the rural building for conversion to a B1 use and**
- b) **its impact on rural and general amenity.**

a) The application building is an old, but well maintained brick and tile single storey building, of no particular architectural or historical merit, but nevertheless contributes effectively to the attractive rural character of Hatfield Regis Grange Farm. A belt of trees, which separate it from the main road and the larger more modern agricultural buildings in the vicinity, screens the building. This is a good example of a rural building which is suitable for conversion having regard to both National Planning Policy Guidance Note 7: The Countryside, which actively supports the diversification of farm businesses so long as they are consistent in their scale with the rural location. In addition PPG7 encourages such uses where if buildings are in the open countryside, they are capable of conversion without major or complete reconstruction. Furthermore the proposal conforms to adopted District Plan Policy C5 because the building is soundly constructed, has adequate accessibility and does not impair the physical and important characteristics of its countryside location.

b) Turning to the impact a B1 use may have on rural amenity and the general amenity of adjoining occupiers, it is generally upheld that a B1 use (Office, Research and Development and Light Industrial) is a use which could be carried out in a residential area without having a detrimental impact on the amenity of adjoining occupiers by virtue of the creation of

excessive noise, smell, vibrations, fumes, smoke, soot and ash. Although no end user is specified, B1 excludes any use which would have a significant adverse impact on amenity, because the site is already established and the site has operated effectively for a number of years without adverse impact, it is considered that both rural and residential amenity would be unaffected by a further B1 use on the site. In addition the application is acceptable in relation to car parking standards as the requirement is for spaces, which can all be accommodated in the courtyard.

CONCLUSION: The proposal conforms with adopted District Plan Policies relating to the countryside, the rural economy and the re-use of rural buildings. In addition the proposal is in line with National Planning Policy Guidance relating to the diversification of farm businesses and the reuse of rural building and would not have a detrimental impact on rural or residential amenity.

RECOMMENDATION: APPROVAL WITH CONDITIONS

- 1 C.2.1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 C.3.1. The development/works hereby permitted shall be implemented in all respects strictly in accordance with the submitted plans contained in the application, unless agreed in writing by the local planning authority.
3. The vehicle parking shown on the approved plans shall not be used for any other purpose other than the parking of vehicles visiting the site in connection with the businesses in the buildings which are the subject of this permission.
- 4&5. C.9.1. No outdoor storage or working.
6. B.1 use only.

UTT/0370/02/FUL - HATFIELD HEATH
(Revised Report)

Replacement of residentially occupied shed by a permanent dwelling.
Stonebridge Farm, Chelmsford Road. GR/TL 534-150. Mr & Mrs S King.

Case Officer: Richard Aston 01799 510464

Expiry Date: 30 April

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]. On site is a wooden shed occupied residentially measuring 15m by 6m, approximately 3m high, a polytunnel of 24m by 6m, two caravans, a small hut and a greenhouse. Behind the shed, which is a low-key former agricultural structure and appears temporary in character, the land is under grass.

DESCRIPTION OF PROPOSAL: The application is for the replacement of the 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 also involves the removal of the polytunnel and the car-parking area in front would be broken up and landscaped. The existing access onto the main road would continue to be used.

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.) Precedents for this proposal have been identified within the District.

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 permanent residential development of this Green Belt site under ADP Policy S3 and ERSP Policy CS2, because it may qualify either

- a) as a replacement dwelling under ADP Policy H8 and DLP Policy H6 or**
- b) as an infill dwelling under Policy H6 and DLP Policy H2.**

a) 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, which was permitted retrospectively in 1993 as agricultural development, but shortly afterwards unauthorisedly occupied residentially. This has since been authorised. The floor space is 90sqm, and that of the new house and garage would be 208sqm. 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.

While the loss of some of the clutter of buildings would improve the appearance of the site and the new dwelling would be in scale with neighbouring properties, it is considered that a permanent 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. The precedents quoted in support of this proposal have been considered but none are within the Green Belt and therefore cannot be said to be on all fours with the current application. These can be independently tested at appeal if necessary.

b) 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. It is considered, therefore, that the proposal fails to meet infilling criteria.

CONCLUSION: 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. If Members are in any doubt, a site visit would be appropriate.

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.

UTT0397/02/FUL - FELSTED

Change of use of agricultural building to B1/B2/B8 Use.
Chaffix Farm, Braintree Road, Felsted GR/TL 685-208 Messrs R A & N Smith.
Case Officer: Richard Aston 01799 510464
Expiry Date: 06/06/2002

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

DESCRIPTION OF SITE: The site is located on the eastern edge of the village, abutting the footpath access to rear gardens of dwellings in Chaffix. It comprises a redundant farm building of 29m x 10m (290 sqm) accessed from the Braintree Road.

DESCRIPTION OF PROPOSAL: It is proposed to change the use of the building to industrial or storage purposes.

APPLICANT'S CASE: See agent's letter dated 28 February attached at end of report.

PARISH COUNCIL COMMENTS: Support local residents in their concerns over possible noise emanating from the building if change of use is not regulated.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 30 May.

PLANNING CONSIDERATIONS:

The main issue is whether the proposal would meet the requirements of ADP Policy C5 and DLP Policy E4 regarding the conversion of rural buildings without adversely affecting the amenities of neighbours under ADP Policy DC14 and DLP Policy GEN4.

The Policies require that the building is sound, the use would respect the rural amenities of the area, have satisfactory access and not to harm the amenities of local residents. The first three criteria would be complied with. However, the building is located close to the boundary of the site with residential properties. Its use for either B2 general industrial or B8 storage purposes would be harmful to the quiet enjoyment of those properties by virtue of the noise and disturbance which would result from these activities and the traffic generated by them. Whilst in principle, a B1 light industrial or office use could be satisfactorily carried on in a residential area, the proximity of this building to the boundary would result in a certain degree of activity resulting from servicing traffic and employees' vehicles, which would be materially detrimental to the neighbours.

CONCLUSION: The proposal is contrary to the relevant Policies.

RECOMMENDATION: REFUSAL REASON

The introduction of industrial or storage activities into this rural area close to dwellings would cause material harm to the quiet amenities of local residents by virtue of disturbance from the activities carried on and vehicles generated, contrary to Policies C5, E4, DC14 and GEN4.

UTT/0436/02/OP - STEBBING

Outline application for erection of detached dwelling and garage.
Land adjacent to Burnthouse Farm, Stebbing Green. GR/TL 682-234. Mr Michael Walsh.
Case Officer: Richard Aston 01799 510464
Expiry Date: 23/05/2002

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

DESCRIPTION OF SITE: The site lies on the edge of the hamlet of Stebbing Green on the north-eastern side of the road from the A120 to Stebbing. It measures 0.1 ha (0.25 acre) and comprises a collection of agricultural and commercial structures previously used as a builder's store. There is a farmhouse and outbuildings to the north-west and open land to the rear and south-east, whilst opposite is the green. The grain of development is very scattered and sporadic and the use of the site is low-key.

DESCRIPTION OF PROPOSAL: It is proposed to demolish all but one of the buildings and to erect a detached house and garage. The remaining building would be converted into a garage. All details are reserved for later application except the access which exists.

APPLICANT'S CASE: See additional information attached at end of report.

RELEVANT HISTORY: Established builder's yard with Chapel of Rest.

PARISH COUNCIL COMMENTS: no objection in principle, but would wish to scrutinise the detailed application to ensure it would represent an improvement and amenity in a sensitive location.

REPRESENTATIONS: One. Notification period expired 3 May.
Stebbing Society: *Outline* application inappropriate in this most sensitive area and specific details are necessary before any judgement can be made on the effect on the registered village green.

PLANNING CONSIDERATIONS:

The main issue is whether the benefits arising from the removal of the commercial buildings and uses would be sufficient to justify a new dwelling in the countryside contrary to ERSP Policy C5, ADP Policy S2 and DLP Policy S7.

This site is seen in relation to the farm complex to the north-west, of which it may once have been part. It does not intrude into open countryside or impact on neighbours' residential amenities and its appearance and use are of a low-key nature. Whilst the removal of most of the buildings would be visually preferable, their replacement with a new dwelling of far greater height and bulk would cause more harm to the rural character of this attractive area. There have been similar proposals recently which have been refused and this would, if granted, create a precedent whose cumulative effect would be to suburbanise the countryside and reduce local employment levels.

COMMENTS ON REPRESENTATIONS: The comments of both the Parish Council and Society have been considered, but a detailed application is nor essential to assess the likely impact of a new dwelling.

CONCLUSION: The visual benefit from removing the buildings would be far outweighed by the harm created by a new dwelling in this sensitive location.

RECOMMENDATION: REFUSAL REASON

The site is located within open countryside beyond Development Limits where new dwellings unconnected to agriculture are not normally permitted. Whilst the clearance of most of the existing structures from the site would be desirable, their replacement with a new dwelling of greater height and bulk would cause significant harm to the open rural character of this sensitive area. This would set an undesirable precedent for similar proposals throughout the District which cumulatively would be detrimental to the appearance of the countryside, contrary to Policies C5, S2 & S7.

UTT/0633/02/FUL - STEBBING

Change of use of office to dwelling.
Old Ryes, Stebbing Green. GR/TL 683-230. Mr A Wilson.
Case Officer: Michael Ovenden 01799 510476
Expiry Date: 19/06/2002

NOTATION: ADP & DLP: Outside Development Limits and Settlement Boundaries/Adjacent to two listed buildings.

DESCRIPTION OF SITE: The site is located to the south-west of the scatter of dwellings at Stebbing Green, about 200m north of the A120. The building is a modern pitched roof office structure built in a barn style, part of the curtilage of a listed dwellinghouse and about 50m south of another listed dwelling. The building and related dwellinghouse have a private drive of about 50m and then share an unmade track with the adjacent property which runs for over 200m to the metalled highway in the hamlet.

DESCRIPTION OF PROPOSAL: This application seeks to use the building as a separate dwelling. Minimal physical alterations are proposed. The existing garaging would be split between the existing and proposed dwellings. The tennis court and part of the existing garden would become the curtilage of the new property separated by a new post and rail fence.

APPLICANT'S CASE: The applicant ceased using the offices for his business sometime ago and they have since been rented out to another business. This arrangement has proved to be less than satisfactory and has resulted in more disturbance to adjoining residents than anticipated. The proposed use would result in fewer traffic movements and should be more acceptable to adjoining residents. It would also reduce the amount of maintenance required to the access track.

RELEVANT HISTORY: Permission for barn to accommodate agricultural machinery, ancillary store and stables granted in 1980. Retention of first floor of barn for office premises and use of part of ground floor for approximately 3 months a year for gift packing and toiletries allowed on appeal in 1986.

PARISH COUNCIL COMMENTS: The building was erected in 1980. It was given commercial use in 1985. Residential development would be in total violation of conditions previously applied.

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

A third residence in this restricted location would have adverse effects on the rural environment, the privacy and convenience of the two existing houses, our own in particular, and cause potential nuisance and disturbance to current and future residents. The present business premises are already alien to this environment. Use of the limited access already creates some disturbance during normal working hours. Applicant intends to provide access by opening up an 'existing right of way'. We are currently contesting this right of way through our Solicitors on the basis that the easement has been extinguished by time. The opening has been closed by a screen of mature conifers and hedgerow, planted by the applicant circa. 20 years ago to secure the mutual privacy of our properties. The applicant is looking to use this route to transfer the impact and loss of privacy from the new house from his property to ours.

PLANNING CONSIDERATIONS:

The main issues are whether the building is of sufficient traditional, architectural or historic merit to overcome the normal presumption against creating additional dwellings outside development limits as required by ERSP Policies C5 & RE2, ADP Policies S2 & C6 and DLP Policy S7 & H5.

The building is modern being constructed as new under a permission granted in 1980 in a barn style. It therefore is not the type of building normally considered appropriate for retention by conversion. Normally such buildings are listed and historic curtilage structures or old barns possessing or retaining significant environmental qualities. The form and appearance of the building is pleasant and appropriate for its setting near to listed buildings but not of such significance that it justifies a residential conversion under the Policies of the Development Plan. It is considered that the proposal would consolidate residential use in the open countryside, detrimental to the rural character of the area.

The applicant and neighbour have referred to the business use of the building, and the applicant in particular has stated how inappropriate this use is. However, the planning history indicates that there is no permission for a year round separate business in the building and that, if this is occurring, it is unlawful. Swapping an unlawful use for an inappropriate residential conversion use would be unacceptable. A retrospective application to retain the existing use has been requested.

COMMENTS ON REPRESENTATIONS: The neighbour's comments on the precise location of the access to the proposed dwelling are noted, but are not supported by the applicant's drawings or the answer to question 11 on the application form (i.e. that no trees are to be lopped, topped or felled), which would be required to provide an access as suggested by the neighbour outside the application site shown on the plans. Given the recommendation of refusal, this point has not been pursued with applicant and cannot form a reason for refusal.

CONCLUSION: The proposal is contrary to Policy and there are no over-riding material considerations to justify an exception in this case.

RECOMMENDATION: REFUSAL REASON

R.13. Unacceptable residential conversion.

The proposal fails to comply with the above policy as it would result in the conversion of a modern building of no particular architectural merit to a dwelling in the countryside outside any development limit. This would harm the open rural character of the area by consolidating existing residential development, contrary to Policies C5, RE2, S2, C6, S7 and H5.

UTT/0266/02/FUL - STEBBING

Removal of Barn/store and erection of single-storey dwelling.
Land rear of Town Farm. GR/TL 661-243. J F Blackwell.
Case Officer: Katherine Benjafield 01799 510494
Expiry Date: 08/05/2002

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

DESCRIPTION OF SITE: The site is located behind frontage dwellings which are on the north-eastern side of the High Street close to the middle of the village. The land itself lies to the rear of Town Farm and forms part of a complex of former agricultural buildings, two of which have been converted to dwellings. Builder's Yard to rear (subject of recent enforcement action regarding unauthorised office.) Six dwellings in adjacent backland courtyard to north-east converted from former agricultural buildings.

DESCRIPTION OF PROPOSAL: This revised proposal is to erect a 3-bedroomed bungalow to round off the courtyard formed by the two existing dwellings. The new dwelling would be within the Development Limits. An existing Dutch Barn to the north outside the Limits would be demolished to provide for a private garden to the rear. Access would be shared with the other two dwellings. The materials would be weatherboarding and render with a clay tiled roof. The design would resemble a small barn conversion. There would be a sheltered garage space in the block to the north-east and a second within the courtyard.

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

RELEVANT HISTORY: Conversion of existing buildings and erection of new dwellings (total 10 units with offices) refused in 1988 and dismissed on appeal in 1989 on Policy, Conservation and disturbance grounds. Conversion and extension of existing buildings to form two units approved 1991 and revised in 2001.

CONSULTATIONS: Design Advice: No objections subject to use of good quality materials.

PARISH COUNCIL COMMENTS: Object as the site is within the Conservation Area and would be over development.

REPRESENTATIONS: None. Notification period expired 3 April.

PLANNING CONSIDERATIONS:

The main issues are whether the erection of a dwelling on this site would:

- 1) be acceptable in principle having regard to its location within the Development Limits (ADP Policy S1),
 - 2) be of a good design standard within the Conservation Area (ADP Policy DC2 and DLP Policy ENV1),
 - 3) be appropriate in this backland location (ADP Policy H10 and DLP Policy H3) and
 - 4) satisfy the need to protect neighbours' amenities and meet access and parking requirements (ADP Policies DC14 & 1 and DLP Policies GEN2 & 4).
-
- 1) The new dwelling would be located within the Development Limits on both the ADP & DLP. Although its rear garden would extend outside the Limit, this is usual for dwellings on

the edges of settlements. There is no objection in principle, therefore, to this proposal, subject to the details below.

- 2) The proposed design and use of materials would be in keeping with adjacent properties and the Conservation Area.
- 3) The proposed dwelling would not be behind any existing property, but would round off the courtyard group without adversely affecting the amenities of dwellings.
- 4) The access, parking and garden facilities would all be satisfactory and meet Council standards. The amenities of existing residents would be affected to a minor extent by the increase in vehicular movements, but not sufficient to warrant refusal in this village location.

COMMENTS ON REPRESENTATIONS: The Parish Council's comments have been considered above.

CONCLUSION: This revised proposal is now acceptable and would enhance the character of the Conservation Area.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. C.3.1. The development hereby permitted shall be implemented in all respects strictly in accordance with the submitted plans contained in the application, unless agreed in writing by the local planning authority.
3. C.5.2. Details of materials to be submitted and approved.
4. C.5.9. All external timber and all external windows to the building hereby permitted shall be stained or painted black. (External weather-boarding shall be feather-edged.)
5. C.5.11. The walls to the building hereby permitted shall have a smooth rendered surface.
6. C.6.2. Excluding all Permitted Development rights without the prior written permission of the local planning authority.
7. C.6.7. No garage shall be converted to another use unless replacement car parking spaces are provided within the site and remain available for car parking purposes.
8. C.7.1. Slab levels to be submitted and approved.
9. No fences, walls or other means of enclosure shall be erected in the central courtyard without the written consent of the planning authority.
10. C.11.7. The building hereby permitted shall not be occupied until the car parking spaces shown on the approved plans attached have been hard surfaced and laid out. Such spaces shall not thereafter be used for any purpose other than the parking of vehicles.
11. C.12.1. Construction of the dwelling hereby permitted shall not be commenced until a scheme of brick walls and close-boarded fences at least 1.8m high has been submitted to and approved by the local planning authority in writing. The heights of these walls and fences shall be measured from whichever side the ground level is higher. Such walls and fences shall be erected before any dwelling is first occupied.

1) UTT/0423/02/FUL & 2) UTT/0424/02/LB - LITTLE DUNMOW

1) & 2) Conversion of redundant barns to three dwellings.
Brickhouse Farm Barns, Brook Street. GR/TL 655-203. Mr M Mills.
Case Officer: Richard Aston 01799 510464
Expiry Date: 14/05/2002

NOTATION: ADP & DLP: Outside Development Limits and Settlement Boundaries/Area of Special Landscape Value (ADP only)/Within curtilage of Grade II* 16th Century farmhouse and Grade II listed 17th Century barn.

DESCRIPTION OF SITE: Brick House is an historic farmstead in open countryside on the north-east side of the River Chelmer just south of Little Dunmow. It contains a Grade II* listed farmhouse a Grade II 17th century barn and a mixture of mostly single-storey farm buildings and agricultural outbuildings, listed by virtue of the curtilage. The site has two existing access routes, one from the west to the main farmhouse and one to the east, which services the existing outbuilding workshop to the rear of the site. The main barn runs east to west, with the associated courtyard to the rear, which contains two existing agricultural shed like structures.

DESCRIPTION OF PROPOSAL: The application seeks both full planning permission and Listed Building Consent for the demolition of certain existing outbuildings and the conversion of the redundant Grade II Listed barn to form three dwellings with associated gardens, access and landscaping.

APPLICANT'S CASE: The main barn have been redundant for some time with only the existing agricultural outbuildings and workshop to the east of the site still in use. The design of the conversions has previously been negotiated with the Council's Conservation and Listed Buildings Officer. This would be an appropriate use of the redundant buildings, whilst not having an adverse impact on the setting of the listed building(s) or the surrounding Area of Special Landscape Value.

RELEVANT HISTORY: Retention of use of agricultural barn to engineering workshop and construction of new vehicular access in 1984. Change of use of piggery to joinery works. Approved in 1984.

CONSULTATIONS: Specialist Design Advice: All of the buildings in the yard are of a sufficient architectural/historical merit due to the visual quality of the buildings and their function and position within the yard. The proposal conforms to adopted District Plan policies. The proposal has been negotiated and the final version is acceptable, subject to conditions relating to no materials, design, reduction in glazed areas on south and north so as to preserve the character and appearance of the listed barn.

English Heritage: To be reported (due 21 June).

Environment Agency: Makes advisory comments relating to a private treatment plant for the disposal of foul effluent. Consent under Schedule 10 of the Water Resources Act 1991 needs to be sought for each plant.

Environmental Services: No objections to the proposed conversion, suggests that a condition be imposed to the effect that each dwelling is provided with a package sewage treatment plant.

PARISH COUNCIL COMMENTS: None (due 18 April).

REPRESENTATIONS: None. Notification period expired 26 April.

PLANNING CONSIDERATIONS:

The main issues are

- 1) **whether the principle of development and its design are satisfactory (ADP Policies DC1 (Design of Development), C2 (Areas of Special Landscape Value and C6 (Conversion of Rural Buildings to Residential Use) and DLP Policies GEN2 & H5) and**
- 2) **the effect that the conversion of the barn would have on the setting of the Grade II* Listed Farmhouse and the Grade II Listed Barn (ADP Policies DC5 (Development Affecting Listed Buildings) & DC6 (New Uses for Listed Buildings) and DLP Policy ENV2).**

1) The conversion would be in keeping with the existing scale, character and appearance of the barn and its surroundings and has been negotiated prior to the application being submitted. The character of the barns would be conserved by the proposal as the conversions retain the large internal volume and style of the structure and the visual aspect and form when approached from the north. In addition the proposal would result in the removal of existing agricultural sheds, which are of no historical or architectural merit, enhancing the appearance of the development, the character of this rural area and the Area of Special Landscape Value. It is considered that the proposal represents the best practical way of reusing the redundant buildings whilst preserving the building and its architectural and historical characteristics. There would be no impact on the general amenity of the adjoining occupiers of Brickhouse Farm.

2) With regard to the effect of the proposal on the character and appearance of the Grade II Listed Barn, it is considered that the proposal would preserve the character and appearance of the barn by virtue of this sympathetic conversion. A condition would be imposed to reduce the amount of glazing in the northern and southern gable end elevations of the barn so as to reduce any potential impact on its character, which has been subsequently agreed. It is considered that, by virtue of the conversions sympathetic design, the setting of the adjacent Grade II* Listed Brickhouse Farm, would not be adversely affected.

CONCLUSIONS: The proposed conversion represents a sympathetic conversion of the existing redundant outbuildings and Grade II Listed Barn to three residential dwellings. The design of the proposal has been negotiated prior to submission and would relate well to the adjacent Grade II* Listed farmhouse and the rural area of special landscape value that the site occupies. The proposal conforms to UDP Policies in relation to its siting, design, impact on the Area of Special Value Landscape Value and impact on the setting and character of the listed buildings, which occupy the site.

RECOMMENDATIONS:

1) UTT/0423/02/FUL - APPROVAL WITH CONDITIONS AND REFERENCE TO DTLR

1. C.2.1. Standard Time Limit.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.2. Details of materials to be submitted and agreed.
6. C.20.2. Protection of wildlife.
Reason: The site shows evidence of fauna and wildlife and their protection is required in accordance with the Wildlife and Countryside Act 1981.
7. C.19.1. Avoidance of overlooking.

2) **UTT/0424/02/LB - LISTED BUILDING CONSENT WITH CONDITIONS AND REFERENCE TO DTLR**

1. C.2.2. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.16.No historic timbers to be cut.
4. The conversion hereby permitted shall take place without any dismantling or rebuilding of the existing structures.
Reason: In order to protect and enhance the visual quality and character of the listed building and to ensure a satisfactory standard of development
5. All existing hand made plain tiles and clay pan tiles are to be reused and the shortfall is to be made up with matching materials, which are to be approved in writing by the local planning authority.
Reason: In order to protect and enhance the visual quality and character of the listed building and to ensure a satisfactory standard of development
6. C.5.9. Include all external weather boarding to be feather edged and painted black.
Reason: In order to protect and enhance the visual quality and character of the listed building and to ensure a satisfactory standard of development.
7. All outer boundary treatment is to be post and rail and all hedging is to be of indigenous species, details of both are to be approved in writing by the local planning authority.
Reason: To ensure a satisfactory standard of development.
8. C.17.1.Include reduction of glazed areas of the windows in northern and southern elevations of Grade II Listed Barn, the extent of which is to be agreed in writing by the local planning authority.
Reason: In order to protect and enhance the visual quality and character of the listed building and to ensure a satisfactory standard of development.

UTT/0282/02/FUL - SAFFRON WALDEN
(Revised Report)

Change of use to residential with attached drawing office.
The Old Control Tower, Little Walden Airfield. GR/TL 558-433. Mr M D Hole.
Case Officer: Charmain Harbour 01799 510458
Expiry Date: 17 April

NOTATION: ADP: Outside Development Limits, within Area of Special Landscape Value.
DLP: Outside Settlement Boundaries.

DESCRIPTION OF SITE: The application site is located on the eastern side of the B1052 between Hadstock and Little Walden on the open plateau area north of Little Walden, which served as Station 165 for the US 9th Air Force comprising the 409th Bomb Group in World War II. The airfield was closed in 1946 and the main road follows the line of the former runway. The site includes the former airfield control tower, a two-storey flat roofed building with an external viewing platform set in a fenced compound, which has vehicular access from the main road via a driveway. There is parking within the compound. An additional single-storey wooden barn structure, which is not included in the application site, lies to the south. The land is screened on three sides by a belt of conifers and is in an isolated location, with mainly commercial/agricultural uses close by. The nearest residential units are located to the south east of the site at Monks Hall. To the south-east lies Nunns Wood SSSI.

DESCRIPTION OF PROPOSAL: Permission is sought for change of use of the control tower building to part residential use and part drawing office. The building was last occupied as an architectural design studio and there is no residential use at present. The proposal would create a three-bedroom unit with the main living space on the first-floor level to take advantage of the views. The conversion would result in some minor alterations to the elevations which would consist of the reinstatement of some windows in a metal casement form to match those existing. The fence would be relocated to enable two parking spaces to be provided outside the compound, thus creating a secure amenity area for the dwelling. The conifer hedging is proposed to be replaced in the long term with a beech hedge. A carport would be formed within the compound of the former aviation fuel store, to serve the dwelling.

APPLICANT'S CASE: See letter dated 18 February 2002 attached at end of report to meeting on 8 April.

RELEVANT HISTORY: Permission granted from use as control tower to design studio and offices in 1983. Removal of a condition which tied the use to a specific company approved in December 2001.

CONSULTATIONS: English Nature: Consulted as the site is located close to Nunns Wood County Wildlife Site.

Members may recall that this item was deferred to resolve the following two issues:-

1. Whether bats are present: A member of the Essex Bat Group has inspected the tower and found no evidence. English Nature therefore advise that the proposals within the planning application should not be affected by the possible presence of bats in the Old Control Tower.
2. Sewage Disposal: Concern was raised at the possibility that the SSSI at Nunns Wood could be detrimentally affected by sewage pollution from the site. Discussions involving a new septic tank and grey water recycling have resulted in English Nature

confirming the system proposed would prove minimum risk provided it is properly maintained. Guidance notes provided by English Nature relating to the sewage disposal system would be sent to the applicant with the decision notice.

TOWN COUNCIL COMMENTS: None (period expired 22 March).

REPRESENTATIONS: Notification period expired 13 March.

One letter has been received from the CPRE requesting that the building be listed.

Officer's Response: The building has been put forward to the Department of Culture, Media and Sport for Listing as being of Special Architectural or Historic Interest. The Secretary of State declined to spot list the building as the Department is currently undertaking a thematic survey of airfields and it will be considered as part of this work.

PLANNING CONSIDERATIONS:

The main issues are whether:

- 1) **the conversion of this property into a mixed use accords with the Development Plan Policies given it is in an isolated location (ERSP Policies H3 & C5; ADP Policies S2 & C6 and DLP Policy H5),**
- 2) **the character and appearance of the structure which is of local historic interest would be harmed by the proposals (ADP Policy DC1 and DLP Policy GEN2) and**
- 3) **the proposals would have a detrimental effect on the locality (ADP Policy C2 and DLP Policy GEN8).**

1) The property is currently being marketed as a commercial unit offering around 1,870 sq ft of floor area of design studio/office floor space. The proposed change to a mixed use does not involve any increase in the floor area of the building. The site is located within a rural area and the tests of ADP Policy C6 and DLP Policy H5 can be applied. The building is in sound structural condition and is considered to be of historic value, even if at this point in time it has not been listed. There are a number of commemorative plaques which need to be retained at the site. The drawing office allows a semi public area where these could be located. The site has been subject to an arson attack in the past, so a mix of residential and a commercial use would allow a presence on the site almost continuously to improve security. The private garden area can be accommodated in the exiting compound area which is well screened and this screening would be reinforced.

2) The proposed conversion works would respect the external appearance of the building and the internal layout would similarly respect the original layout of the structure. It is proposed that permitted development rights be removed to conserve the external built form of the structure. The proposal would retain the building in economic use thereby ensuring its preservation.

3) The proposal would reuse an existing building rather than introduce any new building. The mixed use is not considered to represent an over intensive use of the site. It is considered necessary to condition the use of the work area only to be used in connection with the residential use so that the amenities of the future occupiers of the dwelling unit are maintained. It is proposed to condition any external lighting.

CONCLUSION: The proposal is considered to accord with the Development Plan policies and is not considered to adversely affect the appearance of the building, the surrounding area or the SSSI.

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.4.2. Implementation of landscaping.
4. C.5.3. Matching materials.
5. C.5.17. Window & door details and sections to be submitted and agreed
6. C.5.18. Details of garages.
7. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission
8. Details to be submitted and approved regarding the positioning of the commemorative plaques relating to the war time use of the site.
Reason: To ensure features of historic interest are retained within the building.
9. The drawing office use hereby permitted shall remain as an ancillary use controlled by the occupiers of the dwelling unit on the site and at no time shall this form a separate or independent use from the dwelling unit unless otherwise first agreed in writing with the local planning authority.
Reason: To ensure the residential amenities of the future occupiers of the residential unit are fully safeguarded.
10. Details of any external lighting to the building or the adjacent compound to be submitted and agreed.
Reason: To protect the amenities of the locality.
11. The use of the building hereby permitted shall be as a dwelling together with a drawing office (Class B1(a)). There shall be no change to any other use within Class B1 without the prior written consent of the local planning authority.
Reason: To retain the residential amenities of the occupants and the integrity and character of this important building.

UTT/0500/02/FUL – GREAT DUNMOW

Demolition of former petrol filling station and erection of 9 x two-bedroom apartments, cycle store, car parking and alterations of existing access.

77-79 High Street. GR/TL 629-217. Higgins Homes Ltd.

Case Officer: John Grayson 01799 510455.

Expiry Date: 21/05/2002

NOTATION: ADP: Within Development Limits (Policy S1), Town Centre (Policies R1 & GD2) and Development Opportunity Site (Policy GD5) / Adjoining Conservation Area (Policy DC2) and Listed Buildings (Policy DC5a). DLP: Within Settlement Boundaries (Policy S1) & Town Shopping Centre (Policies RS1 & GD1) / Adjoining Conservation Area (Policy ENV1), Listed Buildings (Policy ENV2) and Land to the rear of 37-75 High Street (Policy GD2).

DESCRIPTION OF SITE: The site is located on the south-eastern edge of the town centre, on the northeastern side of the High Street, midway between The Dunmow Inn and the junction with Braintree Road. It has a frontage of 32m and an average depth of 33m. On site is a disused petrol filling station and canopy set back behind a low wall. To the rear are car repair workshops not part of this application, to the southeast is Twyford Court a modern 2.5-storey office block and beyond a shop and a restaurant, to the northwest are 2-storey cottages in retail and commercial use and opposite are the last retail shop on the southwestern side of the High Street and the first dwelling.

DESCRIPTION OF PROPOSAL: It is proposed to redevelop the site with a 3-storey block of 9 residential flat units. The building would be set forward on the site with a small amenity area and 9 parking spaces to the rear. The design would replicate the Georgian style building which was on site many years ago and would be constructed of yellow gault brick with a reconstituted slate roof. The building would be 24.3m long and 11.2m to the ridge. This would be 1.3m lower than Twyford Court (1m gap) and 2.2m higher than the buildings to the northwest (7m gap). Access to the workshops at the rear would be retained along the northwestern edge of the site, which would also serve the flats.

RELEVANT HISTORY: Internally illuminated advertisement against boundary wall of listed building to northwest refused and dismissed on appeal in 2000 for reasons of harm to setting of adjacent listed buildings and character of Conservation Area, when the Inspector stated that *“the character of the street effectively changes at the appeal site. The boundary wall provides an unobtrusive foil to the adjacent 15th century listed building. It is also seen in association with many other period buildings in the town centre. Many are similarly of small domestic, even intimate scale, including other buildings also statutorily listed for their special architectural or historic interest. The boundary wall at the appeal site also marks the entrance to the Great Dunmow Conservation Area, whose character and appearance the Council have a special duty to preserve and, where possible, enhance.”*

CONSULTATIONS: Design Advice: The Conservation Area adjoins the site on two sides (front and NW side) and is next to and opposite a selection of listed buildings. Any development in such a prominent location should positively contribute to the character of the Conservation Area and should not damage the setting of the listed buildings. The architectural nature of the core of Great Dunmow is defined by mostly 2 storeys, timber framed and rendered buildings, predominantly listed. The proposed 3 storey brick structure of such an extensive frontage would have an overpowering effect on the setting of the nearby listed buildings and be oppressive and out of context with the historical character of the Conservation Area.

ECC Transportation: No objections.

ECC Archaeology: No objections subject to programme of work and recording.

Environment Agency: No objections subject to conditions

TOWN COUNCIL COMMENTS: Object. Unsuitable for this site. Prefer retailing or other commercial uses on ground floor in a smaller better designed building.

REPRESENTATIONS: This application has been advertised and 7 representations have been received. Period expired 2 May.

1. Object. The site has always been used as a commercial site and should stay as this. This is a perfect opportunity to extend the High Street with more shops that are needed in Dunmow. Building an apartment block here would separate the last shop in the High Street, leaving it out on a limb. The people in Dunmow want more shops. What is wrong with building shops with flats above with parking behind? This would be much more acceptable. We have already had one major site (The Eastern Sector) allocated to housing only. Don't let this site get lost in housing as well.

2. No objections in principle, subject to the sidewall of the Twyford Court Complex represents the boundary, the siting of the new building does allow for reasonable access for repair and maintenance, as in the current situation.

2(a) Our client's property contains a number of cellular dental surgeries. In particular two of these, numbers 2 and 5 at ground and first floor level, rely entirely on windows in the side wall of No.1 Twyford Court for their natural light and ventilation. This flank wall immediately abuts the development site and the windows are situation less than one metre from the flank wall comprising the eastern elevation of the proposed building. We appreciate from the application drawings that the building has been positioned in this location to maximise the use of the site bearing in mind existence of the right of way on the western edge. However, the need to adopt the approach does not justify creating an unneighbourly situation such as this which would so severely damage the ability of our clients business to be able to function properly.

3. Proposed building should not butt up to the back edge of footway as the approach to the High Street would become almost like a 'tunnel' because of the adjacent development being so tall and abutting the footway. Any development should enhance the approach to this town if it is not to lose its character. Sure a better design can be achieved. Consideration should be given to the privacy of dwellings opposite. Choice of building material should be sympathetic to the area. The eastern sector proposals, are not finalised – would an overall plan achieve a better development than a piecemeal approach? Should the development just be flats? We sorely need more places providing employment in Dunmow.

4. Chamber of Trade: Object. This area is designated commercial, and has been used as such for some fifty years. Allowing this type of development would split the High Street and cause problems for the businesses at the far end, making them even more isolated. We consider, in the best interest of the town that this area must remain primarily commercial.

5. Object. It is contrary to adopted plan Policy GD2, deposit plan policies RS1, GEN2 and GD1. Policy GD2 is the presumption in favour of shops, financial and professional services and other uses appropriate to a town centre. Policy RS1, with the object of sustaining and enhancing the town centre's vitality and viability, permits retail, commercial and community use development with a residential element provided it meets five criteria. I submit this application does not meet a) or c). Paragraph 13.2 admits the strength of the town centre's retailing is fragile and seeks to protect retail use, and it is most regrettable the last petrol retailer is probably lost in spite of this, further restricting residents' choice and obliging them to spend money out of town. Policy GD1 is to refuse change of use permission unless two criteria are met, and I submit they have not been. Whilst it may be argued the policy does not list petrol stations, the intention is clear, and this one was also a shop, as most are. Whilst the overall height and appearance of the three-storey proposal may be said to be in keeping with number 81 on its southeast side, I submit it will be out of proportion to and well out of character with the old buildings on the northwest side, and thus not conforming to policy GEN2(a). What the town needs here is a petrol station, failing that

shops with flats above, of two-storeys maximum to give a pleasing lowering roofline from right to left.

6. If the development is permitted we would be reduced to the single width entrance which we would have to share with the flat dwellers and their visitors. It would also mean that the space for heavy vehicles to turn in off the street would be severely restricted. This would lead to problems with lorries exiting and entering. They would certainly cause more congestion in the High Street than at present. Notice that there are to be only 9 parking spaces for 9 flats. This seems inadequate. It is more than likely that some of the flats will have two cars attached and certainly they will, from time to time, have visitors who will arrive in cars.

7. The Dunmow Society object it does not replace or make provision for retail units on the High Street. The High Street should be retained, as it has always been, a continuous range of retail outlets and business premises serving the local community and encouraging visitors to come to our town. The development will also isolate the remaining shop on that side of the street whereas more shop units will open up that end of town and increase competition.

PLANNING CONSIDERATIONS:

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

- 1) land use (ADP Policies S1, R1, GD2 & GD5 and DLP Policies S1, RS1 & GD1),**
- 2) design (ADP Policies DC1, 2 & 5a and DLP Policies ENV1 & ENV2) and**
- 3) access, parking and amenity areas (ADP Policies T1, T2a & DC1 and DLP Policies GEN1, GEN9 & GEN2).**

1) The relevant Policies require that retail uses are retained and enhanced wherever possible within town centres. In view of the approved expansion of Dunmow, particularly at Woodlands Park where up to 800 dwellings have still to be built, it is considered that all commercial sites within or close to the town centre, particularly those fronting the High Street, should be kept in uses which would enhance the vitality and viability of the town centre. This site is located within the town centre and has commercial uses to both sides and opposite. Consequently, it is considered that the ground floor of the new building should be used for such commercial or retail purposes. There is no objection to residential use of upper floors and indeed this is encouraged to bring life to the town centre after working hours.

2) The Inspector who dealt with the previous appeal on this site considered that the High Street was of a small domestic intimate scale. The proposed building would be out of keeping with this scale by virtue of its size, bulk and height. At eaves level it would be 1.2m higher than Twyford Court and 3m higher than the listed cottage to the northwest. It would overpower the adjacent buildings and be oppressive at this point in the High Street. The use of brick would also be out of keeping with the predominant character of the Conservation Area. The low-key setting of the nearby listed buildings would be harmed.

3) There are no objections to the access, parking or amenity space provision.

CONCLUSION: The proposal would be harmful to the town centre by virtue of its use, size and design.

RECOMMENDATION: REFUSAL REASONS

1. The erection of a completely residential building at this point in the town centre would be detrimental to the viability and vitality of the town centre, by virtue of the lack of commercial or retail activity to meet the growing needs of the town. Contrary to Policies S1, R1, GD2, GD5, S1, RS1 & GD1.
2. The erection of a large brick structure as proposed would be harmful to the domestic scale of nearby buildings, detrimental to the setting of listed buildings in the vicinity and out of keeping with the character of the Conservation Area. Contrary to Policies DC1, 2 & 5a, ENV 1 & 2.

1) UTT/0081/02/FUL & 2) UTT/0082/02/CA – GREAT DUNMOW

1) & 2) Conversion of 2-storey frame storage building into dwelling. Erection of 2 pairs of semi-detached cottages, garage block and external works. Restoration of 2 cottages. Partial demolition and site clearance.

Haolmans Yard, New Street. GR/TL 627-217. Mrs E Millbank.

Case Officer: *Michael Ovenden 01799 510476*

Expiry Date: 27/03/2002

NOTATION: ADP & DLP: Within Conservation and Town Development Limit/Adjacent to Listed Buildings.

DESCRIPTION OF SITE: The site is located close to the centre of Dunmow to the south-west of the Council offices, between New Street and Highfields. To the north of the site are allotments; to the east are terraced dwellings fronting New Street; to the south other terraced dwellings and the modern doctors' surgery; and to the west is the residential estate of Highfields. The vehicular access to the site is from New Street and a public footpath runs along the northern boundary between New Street & Highfields. On the site are two dwellings; a barn type warehouse/storage building, a store/industrial unit and some lock-up garages.

DESCRIPTION OF PROPOSAL: The proposal is to demolish the storage barn in the south-west corner and erect a pair of two-storey dwellings (Plots 1 and 2); retain the two existing dwellings and provide them with gardens (Plots 3 and 4); erect a pair of dwellings fronting the footpath (Plots 5 and 6), convert the warehouse to a dwelling (Plot 7) and erect some replacement garages also fronting the path. The public footpath to Highfields would be retained and all vehicular access would remain via New Street. In all, five new dwellings would replace all the existing commercial uses and the two existing houses would be retained, totalling seven units.

APPLICANT'S CASE: See agent's letter dated 9 January attached at end of report.

RELEVANT HISTORY: Established commercial yard.

CONSULTATIONS: ECC Archaeology: Full investigation required before commencement of works.

Design Advice: Scheme largely as discussed – approval with conditions.

TOWN COUNCIL COMMENTS: Support; would improve the appearance of the area.

REPRESENTATIONS: These applications have been advertised and 5 representations have been received. Period expired 10 March.

1. Height of cottages would greatly impede skyline.
2. The pair of houses (Units 1 and 2) to be built on the site of the asbestos storage shed would overlook the northern side of the surgery where all the consulting, examination and treatment rooms were sited for privacy.
3. Trust the walkway will remain to New Street and the shops.
4. No through traffic should be allowed under any circumstances. A further barrier at the Highfields end would prevent motor cyclists using the footpath, which is, of course, extremely dangerous.
5. The access to the two adjacent units appears to encroach into the width of the right of way and restrict the overall width of the path.

PLANNING CONSIDERATIONS:

Given that the site is within the settlement and not subject to policies protecting it for employment use, the main issues are whether:

- 1) the development would maintain or enhance the character of the Conservation Area and the setting of the adjacent Listed Buildings (ERSP Policies HC2 & 3; ADP Policies DC2 & 5 and DLP Policies ENV 1 & 2),**
- 2) the proposal would provide sufficient parking and amenity space in accordance with published standards (ADP Policies DC1 & T2; DLP Policy GEN2) and**
- 3) the proposal would adversely affect the amenity of adjacent residents (ERSP Policies HC2 & 3; ADP DC2 & 5 and DLP Policy GEN4).**

1) The existing buildings proposed to be demolished (the storage barn and the lockup garages) are of no merit and, although discretely located, the barn is out of character with this area. In comparison, the new dwellings would be in a traditional vernacular style with narrow spans, steeply pitched roofs, narrow module windows, chimneys, timber joinery, clay tiles, brickwork and render. The new garages/carports would have a similar form to the existing lockup garages and be clad with traditional materials. The works of conversion of the store next to No.38 New Street (Plot 7) would be in character and acceptable. In summary, the proposal would not only improve the character of the area by removing some unsightly structures, but the quality of the proposed buildings would also enhance the character of the Conservation Area. There would be no harm to the setting of any Listed Buildings.

2) Each dwelling would have 1 parking space each with a further three spaces unallocated. This approximates to 150% provision in accordance with recent Government policy in PPG3 and the revised EPOA standards particularly in urban areas where alternatives to private car use are available. This site is centrally located within the town and this provision is considered to be adequate. The garden areas proposed to be provided with each dwelling range from a small area east of unit 7 to around 50sqm for the new units. These small town gardens are considered to be adequate for these 1 to 3 bedroom dwellings. An area of central communal garden is also proposed. The gardens are not dissimilar to those properties fronting New Street.

3) The existing well-used footpath along the northern edge of the site from New Street to Highfields would be retained. It is not proposed to provide vehicular access to the new properties from Highfields and therefore disturbance from traffic from this direction will not be created. The redevelopment of the site would bring to an end the regular arrival of commercial vehicles to the site, some of which are large and have difficulty accessing the site. The dwellings have been designed and located to limit overshadowing and overlooking. However, with regard to overlooking towards the surgery, the scheme has been carefully designed to avoid material overlooking of other residential properties and it is considered that the overlooking likely to be caused by two bedroom and two bathroom windows (Plots 1 and 2) 6.5m into the surgery can be mitigated by reducing the size of the bedroom windows and obscure glazing the lower halves of them, as well as relocating the dwellings 2m further away from the boundary. The bathroom windows would be obscure glazed as a matter of course.

COMMENTS ON REPRESENTATIONS: Most concerns relate to retaining the footpath along the northern boundary and all vehicular access via New Street. Both are proposed in this application.

CONCLUSIONS: The proposal represents an acceptable redevelopment of this partly commercial site close to the centre of the town to provide smaller dwellings in accordance with Government advice to maximise densities on previously developed land.

RECOMMENDATIONS:

1) UTT/0081/02/FUL - APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
2. C.3.1. In accordance with original and revised plans.
3. C.5.1. Hand made clay plain tiles/natural slates, samples to be agreed.
4. All brick shall be soft clay brick laid in Flemish bond.
5. All external joinery shall be of painted timber. Furthermore the windows shall be of side sliding sashes (not top hung).
6. The development hereby permitted shall not commence until details of all boundary screening (inc garden boundaries) have been submitted to and approved by the local planning authority. The boundaries shall be provided in accordance with the agreed details.
7. C.6.2. Withdraw Permitted Development rights.
Reason: The gardens to the dwellings are small and therefore extensions which erode them will need to be carefully controlled and to protect the amenity of neighbours.
8. C.7.1. Slab levels to be submitted and agreed.
Reason: To ensure an appropriate relationship with adjacent properties on this sloping site.
9. The development hereby permitted shall not commence until the position of the boundary, and width, of the public footpath has been established and agreed with the local planning authority and that the development shall be constructed to maintain the footpath clear of impediment.
Reason: This footpath is well used and shall be retained in the interests of sustainability and convenience to footpath users.
10. C.16.2 Archaeological works.
11. All the car parking facilities shown on drawing 2897/'01 04 shall be made available for use of the occupants of the 7 dwellings prior to the first occupation of the new units (i.e. plots 1,2, 5, 6 or 7) and retained for parking by the occupants of the seven units in perpetuity.
12. First floor windows in the flank elevation to Plots 1 and 2 shall be a high-level window with a cill height a minimum of 1.6m above the finished level of the floor in the rooms to which they relate.
Reason: To protect the amenity of the occupiers of adjacent dwellings.
13. Other than the windows shown on the approved drawings, no further windows shall be inserted into the elevation of the dwellings.
Reason: To protect the amenity of adjacent occupiers.
14. None of the five new dwelling units shown on the approved block plan shall be occupied until the garden shown on the said plan has been provided and fenced or walled as agreed in writing.
Reason: The occupation of the dwellings without the minimal garden areas approved would be unacceptable.
15. The communal garden shown on the approved block plan shall be provided prior to the occupation of the fifth new dwelling on the site and retained for use by the occupiers of all the dwellings in perpetuity.
Reason: Without the use of this communal area the provision of amenity space in the development would be unacceptable.
16. C.17.1 The roof to the carhouse shall be increased to the same pitch as plots 5 & 6.
Reason: To improve the squat appearance of this prominent building.

17. C.17.1. The pair of dwellings on Plots 1 and 2 shall be relocated at least 2m further north, their first-floor rear bedroom two windows shall be reduced to two lights, the lower halves of which shall be obscure glazed, and the rear bathroom windows shall be totally obscure glazed.

Reason: To protect the privacy of the adjacent doctors' surgery premises.

Note: Condition 17 may require adjustments to the layout of the area of the communal garden and the garden to Plot 3.

2) UTT/0081/02/FUL - APPROVAL WITH CONDITIONS

1. C.2.2. Standard time limit.
2. C.3.1. In accordance with approved drawings.

UTT/0274/02/FUL - GREAT DUNMOW

Change of use to dwelling and erection of extension
71 The Causeway. GR/TL 626-226. Mr A McBride.
Case Officer: Michael Ovenden 01799 510476
Expiry Date: 15/04/2002

NOTATION: ADP & DLP: Outside Development Limits & Settlement Boundaries/Within Conservation Area & Area of Special Landscape Value (ASLV in ADP only).

DESCRIPTION OF SITE: The site is located on the western side of The Causeway near the northern edge of the town, and is part of the rear garden of no. 71 to the south. It comprises a stable building and measures 44 m x 37 m. To the north, east and west are gardens used in association with converted stables to the rear of The Clock House and dwellings in Godfrey Way. The adjacent property no. 75 is listed. The character of the area is one of low-density residential development in large plots.

DESCRIPTION OF PROPOSAL: It is proposed to convert and extend the stable for separate residential accommodation, with a new access created between nos. 71 & 75. The stables measure 5 m x 15 m (75 sqm) and it is proposed to erect an extension and attached double garage measuring a further 200 sqm, totaling 275 sqm. The accommodation would be on 2 floors and comprise 6 bedrooms.

APPLICANT'S CASE: The proposed development comprises the conversion of a stable block to the rear of a substantial Victorian House, to a dwelling. Although the house is set just outside the settlement boundary for Great Dunmow, in practice it is in an urban, as opposed to a rural, environment. The stables are surrounded on all sides by development, and allowing for this, there are no fundamental objections in planning policy to its conversion to a dwelling, combined with it being extended. Although it lies within a Conservation Area, and close to important Listed Buildings, by virtue of its design making excellent use of the fall in levels across the site, it preserves the character and appearance of the Conservation Area, and does not adversely affect the setting of the listed buildings. To achieve this, it employs traditional materials together with details that pay respect to, but do not slavishly copy, local forms. Finally, the development has satisfactory residential amenities and access, and does not harm the residential amenities of surrounding dwellings. Given all of this, there are very good grounds in planning for approving the proposed development.

CONSULTATIONS: ECC Transportation: No objections subject to conditions.

TOWN COUNCIL COMMENTS: Strongly object: over development, inappropriate design, backland development, unsatisfactory access and would detract from The Clock House (Grade I Listed Building).

REPRESENTATIONS: This application has been advertised and 1 representation has been received. Period expired 28 March.

CPREssex: Object. Outside development limits. Huge extension would create a large new dwelling. Scale and design would create a dominant new building in a backland position which would be visually intrusive and harmful to its Conservation Area setting.

PLANNING CONSIDERATIONS:

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

- 1) location outside development limits (ERSP Policy C5, ADP Policy S2 and DLP Policy S7),

- 2) **residential conversion of an existing building (ERSP Policy RE2, ADP Policy C6 and DLP Policy H5),**
- 3) **backland development (ADP Policy H10 and DLP Policy H3) and**
- 4) **setting of Conservation Area and nearby Listed Buildings (ERSP Policy HC2, ADP Policy DC2 and DLP Policy ENV1).**

1) The relevant Policies state that new development in the countryside will be strictly controlled and the creation of a new dwelling on this site would be contrary to these Policies. The proposal could only be approved, therefore, if there were substantial material considerations which would outweigh this objection in principle. The site abuts the Development Limit along its southern boundary. This Limit defines the boundary between the more densely developed land to the south, which forms the start of the residential estate at Godfrey Way, and the lower density housing to the northwest which stretches up Beaumont Hill to Parsonage Downs.

Two appeals have been allowed in this loosely-knit area, both for the erection of a dwelling. Regarding the first one in 1991, which related to a site to the northwestern side of Beaumont House some 250m north of the site and the Development Limit, the Inspector stated that *“because the proposed development would be a part of an existing group within a hamlet, it would neither extend the built-up area of Great Dunmow, nor consolidate sporadic development in the rural area surrounding it. As the proposed development would comprise only one house, I have concluded that it would be of a minor nature, and hence permissible under the established policies contained in the Local Plan.”*

The second appeal was in 2001 and related to the rear garden of Beaumont House, 150m north of the site and Development Limit. The Inspector stated that *“the site is located within the envelope of residential development defined by development fronting onto Beaumont Hill and to the rear of The Clock House. Beaumont Hill is characterised by the loosely-scattered dwellings and open spaces in between. The site is not prominent in public views from Beaumont Hill, as it lies behind the frontage buildings and substantial vegetation which lines the driveway through to the Clock House Cottages. I consider that the appeal site makes a very limited contribution to the street scene along Beaumont Hill. I do not find the appeal site to be the kind of open space of high environmental quality which should be protected.”*

These appeal decisions demonstrate that this area just beyond the Development Limits is not countryside in the sense that it should be strictly protected from all new development. It is more an area of low density development which links The Causeway with Parsonage Downs and has some depth on this southwestern side of Beaumont Hill. Consequently, there are gaps which previous Inspectors have seen fit to infill. As a result, it is considered that there would be no objection in principle to the creation of a new dwelling in terms of complying with these Policies, subject to compliance with the three other considerations below. In these circumstances it is considered that approval of this application would not result in a departure from the Development Plan.

2) The relevant Policies indicate that the conversion of rural buildings to residential use will be permitted if they are in a sound structural condition, their historic, traditional or vernacular form enhances the character and appearance of the rural area, the conversion works respect and conserve the characteristics of the building and private garden areas can be provided unobtrusively. All these four criteria are met in this case. The final proviso states that substantial extensions will not be permitted, in order to retain the open characteristics of the countryside. As explained in 1) above, it is not considered that this site falls within the countryside and, therefore, the criteria does not apply in this case.

3) The relevant Policies indicate that backland development will be permitted if there is significant under-use of land where comprehensive redevelopment would make better use of

it and there would be no material overlooking, overshadowing or overbearing effects on nearby properties, or disturbance from use of the access. The first does not apply in this case and the next three would be acceptable by virtue of layout and design. However, the new access would run along the entire length of the southern boundary to no. 75 The Causeway. The existing boundary hedge would be retained and the existing dwelling itself is no closer than 12 m from its side boundary. A yew hedge would be planted and a new fence erected between the drive and the existing gardens of no. 71, which would protect the amenities of that property. In the circumstances, therefore, it is considered that the passage of domestic traffic should not unduly affect the amenities if its occupants.

4) The relevant Policies state that new development will be required to preserve or enhance the character or appearance of a Conservation Area and any which would adversely affect the setting of a listed building will not be permitted. The design has been negotiated with the architects and would be sympathetic to the existing building. The development would not be visible from The Causeway and the character of the Conservation Area would be preserved. The nearest Listed Building is 45 m away and the Grade I Listed Clock House is 50 m away to the northeast and the proposal would not adversely affect their settings.

COMMENTS ON REPRESENTATIONS: The views of the Town Council and CPREssex have been covered above.

CONCLUSION: Although strictly contrary to Development Limits Policy, the proposal would not be materially harmful to the character of the area and it is considered that an exception can be made bearing in mind similar appeal decisions in this locality.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. C.3.1. The development/works hereby permitted shall be implemented in all respects strictly in accordance with the submitted plans contained in the application, unless agreed in writing by the local planning authority.
3. C.4.1. Landscaping scheme to be submitted and approved.
4. C.4.2. Landscaping scheme to be implemented.
5. C.4.5. Retention of hedges.
6. Implementation of hedge and fence along southern edge of new access way.
7. C.5.1. Samples of materials to be submitted and approved.
8. C.5.5. The roof to the building hereby permitted shall be clad with hand-made clay plain tiles.
9. C.6.3. Excluding all Permitted Development rights without the prior written permission of the local planning authority.
10. C.6.11. The dwelling as extended by this permission shall only be used for single-family occupancy (including dependant relatives) and shall not be subdivided, separated or altered so as to create two or more dwelling units.
11. C.7.1. Slab levels to be submitted and approved.
12. Details of drainage works to be submitted, agreed and implemented.
- 13&14. Standard access requirements.
15. C.11.7. Car parking requirements.
16. C.12.1. Scheme of brick walls and close-boarded fences at least 1.8m high to be submitted and approved.
18. C.19.1. No further windows or rooflights shall be inserted into any elevation or roof slope without the prior written consent of the local planning authority.

UTT/0514/02/FUL – FELSTED

Demolition of existing building and erection of two detached two storey dwellings with garages.

Bushey Leas, 17 Station Road. GR/TL 673-203 Vi'elle Developments Ltd.

Case Officer: *Michael Ovenden 01799 510476*

Expiry Date: 23/05/2002

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

DESCRIPTION OF SITE: The site is located on the southern side of Station Road to the west of the village centre. It comprises a detached house on a plot measuring about 0.12 ha (0.3 acre) with a frontage of 39m. The property is in a residential area with dwellings to all sides, including to the rear.

DESCRIPTION OF PROPOSAL: It is proposed to demolish the existing dwelling and erect two detached 5 bedroomed houses angled to the road. The existing access would continue to be used and provide a shared drive to double integral garages to both houses.

PARISH COUNCIL COMMENTS: No comment.

REPRESENTATIONS: Four. Notification period expired 30 April.

1. Object. Need for modest affordable houses in Felsted for young local families and elderly people and the existing house is capable of fulfilling that need. This part of Station Road is typified by mid-range 4/5 bedroomed properties on large sites generally over 0.5 acre and this proposal would cram two large properties on much smaller plots, out of keeping with the area.
2. Object. Over development. Out of keeping with character of village. Artist's impression of street scene is misleading as most dwellings are set back. Encroach onto boundaries. Loss of amenity and enjoyment. Would jeopardise road safety.
3. Restrictive covenant on property?
4. Object. Over development. Traffic problems. Adversely affect this major entrance to village.

PLANNING CONSIDERATIONS:

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

- 1) design and layout in the street scene (ADP Policies DC1 & 14 and DLP Policies GEN2 & 4) and**
- 2) access and traffic matters (ADP Policy T1 and DLP Policy GEN1).**

1) The relevant Policies require new development to respect the scale and environmental characteristics of its setting and to be in keeping with the visual interests of its surroundings. This part of Station Road is characterised by large dwellings in well proportioned plots set back from the road. It is considered that the proposed replacement of the existing dwelling with two new houses would appear cramped and out of keeping with the character of the village street scene. The plots would be less than 20m wide, the new houses would be located only 4m back from the footway and they would be less than 4m apart. Consequently, they would be prominent in the street scene by virtue of being set so close to the road. Furthermore, they would overlook the property to the rear since they would be only 11m from the rear boundary, thereby doubling the effect of the existing property.

2) The drive leading from the existing access would be difficult to maneuver over because it would turn immediately through 90 degrees in order to reach plot 2. This would be dangerous to pedestrians and other road users since it would cause excessive maneuvering movements when vehicles of both dwellings wished to use the access at the same time. In addition, this difficulty would be exacerbated by the poor visibility in both directions from this access.

CONCLUSION: It is considered that the proposal represents over development of the site by the subdivision of an existing curtilage, harmful to the character of the village, even with regard to recent Government advice in PPG3 to make more efficient use of existing residential land. It is also considered that the shared use of the existing access would cause highway dangers.

RECOMMENDATION: REFUSAL REASONS

1. The relevant Policies require new development to respect the scale and environmental characteristics of its setting and to be in keeping with the visual interests of its surroundings. This part of Station Road is characterised by large dwellings in well proportioned plots set back from the road. It is considered that the proposed replacement of the existing dwelling with two new houses would appear cramped and out of keeping with the character of the village street scene. The plots would be less than 20m wide, the new houses would be located only 4m back from the footway and they would be less than 4m apart. Consequently, they would be prominent in the street scene by virtue of being set so close to the road. Furthermore, they would overlook the property to the rear since they would be only 11m from the rear boundary, thereby doubling the effect of the existing property, contrary to Policies DC1 & 14 and GEN2 & 4.
2. The drive leading from the existing access would be difficult to maneuver over because it turns immediately through 90 degrees in order to reach plot 2. This would be dangerous to pedestrians and other road users since it would cause excessive maneuvering movements when vehicles of both dwellings wished to use the access at the same time. In addition, this difficulty would be exacerbated by the poor visibility in both directions from this access, contrary to Policies T1 & GEN1.

UTT/0455/02/FUL - ASHDON

Demolition of existing bungalow and erection of four bedroom detached house with double garage.

Bothie, Radwinter Road. GR/TL 588-417. Chelmsford Diocesan Board of Finance.

Case Officer *Michelle Guppy 01799 510477*

Expiry Date: 14/05/2002

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

DESCRIPTION OF SITE: The site is located to the eastern side of Radwinter Road and is among the group of houses at the edge of the main built development in that part of Ashdon. The site has an existing bungalow on it, which formed one of four 1930's bungalows on that side of the road. Other properties in the road are mainly two-storey and of a mixture of styles and ages. To the south of the site are two of the bungalows, which from the front appear for the most part original. To the north of the site the bungalow has been altered substantially in order to provide a second storey of accommodation in the roof space. The ground level rises in a southerly direction.

DESCRIPTION OF PROPOSAL: The proposal is to demolish the existing bungalow and build a two-storey four-bedroomed house with double garage in proximity to the existing footprint. The proposed house would be 7.7m high, with the majority of the second storey of accommodation within the roof space. The footprint of the proposed dwelling would not be substantially larger than that of the existing bungalow. Revised plans have been submitted following negotiations which reduce the bulk of the dwelling by incorporating the upper floor within the roofspace and lower the eaves, but the ridge height remains the same.

APPLICANT'S CASE: You will be aware that under an ecclesiastical measure, the Bishop is required to house a Parish Priest within the area he serves, and that the Board's application to provide a replacement rectory within the grounds of the unsuitable property in Dorvis Lane was refused. There are no existing houses within the Parish which provide suitable accommodation as laid out in the Church Commissioners' Green Guide. The site at Bothie provides an opportunity for the Board to provide a suitable house by demolishing the existing 40 year old bungalow and building a new four-bedroomed replacement in a two-storey development.

PARISH COUNCIL COMMENTS: Original Plans: 5 individual comments from Parish Councilors:

- 1) A two-storey building should only be allowed if the second-storey is in the roof space so that the roof line remains the same as the others in that row.
- 2) No objections and am glad to see they have proposed a conventional two-storey building as opposed to a "chalet" type house. We must do all we can to encourage a resident clergy in our village as it is an asset regardless of our own persuasion.
- 3) No objection – the plan shows nothing that would prove detrimental to the area.
- 4) No objection.
- 5) No objections, the height would be no greater than the alterations made to The Gables on the adjoining plot.

Revised Plan: None received (due 7 June).

REPRESENTATIONS: One. Notification period expired 10 April 2002.

Original Plans: Object. The proposed two-storey flank wall would be to our south side and towering above our property as the ground level is at least 2 metres above ours. This would cause considerable blocking of light. The application is for a two-storey dwelling where at present one-storey exists. From our own previous dealings with the Council over similar plans submitted in the past we were informed that this was contrary to Council policy. The front elevation is quite an eyesore, reminiscent of some of the poorer designs used during the 1960's. It is quite obvious that the plans have been taken "off the shelf" without any consideration to the impact on the surrounding area. We do not object in principle to a new property being built on this site within the scope of the Church Commissioners Green Guide, but we do question the current proposal. As you are aware Ashdon is an outstanding village and we feel it should be kept that way, with new developments sympathetic to the style of the area.

Revised Plans: None received (due 7 June).

PLANNING CONSIDERATIONS:

The main issues are

- 1) **appropriateness of location for development (ADP Policies S1 & H8, and DLP Policies S3 & H6),**
- 2) **Scale, bulk and design of proposal (ADP Policies C2 & DC1 and DLP Policy GEN4) and**
- 3) **Effect on residential amenity (ADP Policy DC14 and DLP Policy GEN4).**

1) The proposal is within development limits where there is a presumption in favour of development. The existing dwelling is not of significant architectural merit to make it worthy of retention in its own right. Although it once was part of a group of four similar dwellings, the bungalow to the north has been substantially altered and this grouping has already been lost. The siting of the proposed dwelling is in proximity to the existing structure. There are two-storey dwellings in the vicinity and the property to the north has been extended to have two floors of accommodation. The revised plans showing the upper floor within the roof space would be more sympathetic to the character of the area.

2) The scale and bulk of the proposal although, larger than the properties immediately to the south, would not be out of keeping with the general scale of built form in the vicinity. The design of the proposal is fairly basic, but in this location it should be in keeping and not have a detrimental effect on any buildings of architectural merit or the character and appearance of the countryside.

3) There are no windows at first floor level in the side elevations therefore the proposal should not result in any overlooking of neighbouring properties. However, the north side facing study window should be relocated to face the front and the side kitchen window should be screened by a 2cm fence along this common boundary. The ground level on the application site is higher than that to the north by approx. just over 1m and the new house would be taller than the existing bungalow by approx just under 2m. Although that part of the dwelling containing two floors would overshadow part of the dwelling on the site to the north, there is a gap between the two properties and the increase in overshadowing is not considered unreasonable enough to warrant refusal in this case. However, the relocation of the double garage to the rear would enable the dwelling to be moved 2m to the south, thus reducing the overshadowing.

CONCLUSION: The revised proposal is in accordance with policy, subject to further amendments.

RECOMMENDATION: APPROVAL WITH CONDITIONS:

1. C.2.1. Time limit for commencement of development.
2. C.3.3. Implemented in accordance with revised drawing, except as required by conditions below.
3. C.23. The existing dwelling shall be demolished and all the materials arising from such demolition shall be completely removed from the site within 1 month of the first occupation of the replacement dwelling hereby permitted.
Reason: To avoid over development of the site.
4. C.4.1. Landscaping scheme to be submitted and agreed.
5. C.4.2. Implementation of landscaping.
6. C.7.1. Slab levels to be submitted and agreed.
7. C.5.2. Details of materials to be submitted and approved.
8. C.17.1. Revised plan required showing detached double garage relocated to rear garden and dwelling moved at least 2m south and relocation of north-side study window to front elevation (or omission).
Reason: In order to protect the adjacent dwelling to the north from excessive overshadowing.
9. C.12.1. Boundary screening requirements. 2m wall to be erected between points A & B.
10. C.19.1. Avoidance of overlooking.
No windows to be inserted into north or south side elevations at first-floor level without prior approval.
Reason 9 and 10: In order to protect the amenities of neighbouring residents.

UTT/0653/02/FUL - ASHDON

Change of use of barn and outbuildings to residential use.
Chapel Farm, Kates Lane. GR/TL 588-419. Mr P Webb.
Case Officer: Hilary Lock 01799 510486
Expiry Date: 24/06/2002

NOTATION: ADP & DLP: Within Development Limits, Settlement Boundaries, Conservation Area, Area of Special Landscape Value (on ADP only) and curtilage of Listed Building.

DESCRIPTION OF SITE: The site is located on the eastern edge of the village, behind the listed farmhouse. The L shaped barns are part of a group of farm buildings which form an historic farmstead.

DESCRIPTION OF PROPOSAL: It is proposed to convert the two-storey barn into a dwelling, with the single-storey range at the side being used as garaging and stores. A 4-bedroomed dwelling is proposed. Access would be via an existing drive off Kates Lane to the rear.

APPLICANT'S CASE: See agent's letter dated 23 April attached at end of report.

CONSULTATIONS: Design Advice: The buildings are of merit as part of the historic farmyard group and are worthy of a new economically viable use being found for them. They fulfill the criteria of ADP Policy C6 for residential conversion, subject to conditions.

PARISH COUNCIL COMMENTS: No comments.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 30 May.

PLANNING CONSIDERATIONS:

The main issue is whether the proposal meets the criteria relating to the residential conversion of rural buildings under ADP Policy C6 and DLP Policy H5.

The Policies require that the buildings are sound and enhance the character and appearance of the rural area through their historic, traditional or historic form. This range of structures satisfies these criteria, subject to certain detailed design amendments which can be covered by condition.

CONCLUSION: The proposal would enhance the setting of the adjacent listed building and the rural character of the area.

RECOMMENDATION : APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted and agreed, including natural slates, feather-edged weatherboarding painted black and all external joinery to be black painted timber.
4. C.6.2. Excluding all rights of Permitted Development within the curtilage of a dwellinghouse without further permission, including means of enclosure between the listed farmhouse and the buildings hereby permitted for conversion.
5. C.11.1. Standard parking requirement.

6. C.17.1. Revised plan required to show a certain level of void within the internal layout arrangement, preferably above the entrance hall.
7. C.20.1. Protection of bat roosts.
8. C.20.2. Protection of other species.
