

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 27 MAY 2003

APPL NO: **UTT/1219/02/DC**
PARISH: **LITTLE BARDFIELD**
DEVELOPMENT: Construction of shared vehicular access. Removal of part of bank to provide visibility splays
APPLICANT: Uttlesford District Council
LOCATION: 2 & 3 Grid Iron Villas
D.C. CTTE: 7 April 2003 (page 78)
REMARKS: Deferred at applicant's request for further negotiations
RECOMMENDATION: To be reported
Case Officer: Michelle Guppy 01799 510477
Expiry Date: 10 October 2002

APPL NO: **UTT/1363/02/FUL**
PARISH: **LEADEN RODING**
DEVELOPMENT: Change of use of garage to B1 business units, erection of single storey building to form B1 business units and associated parking
APPLICANT: Millbourne Properties Ltd
LOCATION: Parklands Garage, Stortford Road
D.C. CTTE: 7 April 2003 (page 68)
REMARKS: Approved subject to detailed conditions (see attached draft conditions)
RECOMMENDATION: Agree conditions
Case Officer: Richard Aston 01799 510464
Expiry Date: 27 December 2002

APPL NO: **UTT/1760/02/FUL**
PARISH: **LITTLE DUNMOW**
DEVELOPMENT: Change of use of agricultural land to land for new car and lorry turning and maintenance facility Land adj Mr S Malins
APPLICANT: The Railway Yard, Station Road
LOCATION: 28 April 2003 (page 37 – see copy attached)
D.C. CTTE: Deferred for Members' Site Visit
REMARKS: **Approval with conditions (to Go East)**
Case Officer: Michael Ovenden 01799 510476
Expiry Date: 05 February 2003

APPL NO: **UTT/1810/02/FUL**
PARISH: **BIRCHANGER**
DEVELOPMENT: Erection of 163 bedroom hotel with additional parking and landscaping
APPLICANT: Welcome Break Group Ltd
LOCATION: Birchanger Green MSA, Dunmow Road
D.C. CTTE: 28 April 2003 (page 21 – see copy attached)
REMARKS: Deferred for Members' Site Visit
RECOMMENDATION: Approval with conditions (to Go East)
Case Officer: John Grayson 01799 510455
Expiry Date: 17 February 2003

APPL NO: **UTT/0147/03/FUL**
PARISH: **GREAT DUNMOW**
DEVELOPMENT: Erection of 156 affordable dwellings (105 flats & 51 houses) and associated garages, parking spaces and access roads

APPLICANT: Estuary Housing Association Ltd
LOCATION: Sector 2 Housing Association Phase Woodlands Park
D.C. CTTE: 28 April 2003 (page 12 – see copy attached)
REMARKS: Deferred for further negotiations
RECOMMENDATION: **To be reported**
Case Officer: Michael Ovenden 01799 510476
Expiry Date: 02 April 2003

APPL NO: **UTT/0152/03/FUL**
PARISH: **SAFFRON WALDEN**
DEVELOPMENT: Erection of 72 dwelling (36 houses and 36 flats) with associated garages and parking areas and construction of new estate road and alteration to access onto Thaxted Road. (This is a duplicate application of UTT/1244/02/FUL.)

APPLICANT: Bovis Homes Limited
LOCATION: Land off Thaxted Road at Harris Yard
D.C. CTTE: 7 April 2003 (page 33)
REMARKS: Deferred at applicant's request
RECOMMENDATION: **To be reported**
Case Officer: John Grayson 01799 510455
Expiry Date: 7 April 2002

1) UTT/0453/03/DFO, 2) UTT/0455/03/DFO & 3) UTT/0456/03/DFO – TAKELEY
(Joint Reports)

1) Construction of a petrol filling station inc. forecourts (including canopies, pumps and underground tanks), shop (class A1), ATM, car and jet washes, other car care facilities, parking, landscaping and associated access.

2) Construction of hotel with associated parking, landscaping, servicing and ancillary works & operations.

3) Construction of access road plus landscaping, lighting and ancillary works & operations South Gate Site Stansted Airport. GR/TL 547-221. BAA Lynton.

Case Officer: Jeremy Pine 01799 510460

Expiry Date: 26/05/2003

NOTATION: Within Southern Ancillary Area in both ADP and DLP (Policy AIR3 relates).

DESCRIPTION OF SITE: The South Gate site is located to the south of Bassingbourn roundabout, immediately southwest of the mid stay car park. Thremhall Avenue lies to the northwest and the line of the new A120 (currently under construction) is to the south. To the east, feeding off the Bassingbourn roundabout is a local distributor roundabout which currently serves the mid stay car park, further spurs having already been constructed when the roundabout was built to serve the South Gate site and to provide a link (Trinity Bridge) into the airport road system from the new A120 for motorists coming from and going to the east. This link also serves the balancing pond.

The South Gate site is roughly triangular in shape, measuring approximately 470m along the boundary with the new A120 and 200m in depth from the same boundary towards Bassingbourn roundabout. The total site area is 5.6 hectares (13.85 acres). The site rises gently from south to north and is at a lower level than Thremhall Avenue, from which it is separated by a planted embankment established in 1990. The link road running to the east of the site between the two roundabouts is also set at a higher level. The new A120 is at the same level as the site, but there will be a bund and planting to the south of the road alignment approved as part of the A120 road improvements.

An ancient hedgerow runs SE-NW across the western part of the South Gate site and there is a major underground service corridor across part of the eastern side. Neither would be affected by any of these current proposals.

DESCRIPTION OF PROPOSALS: 1) UTT/0453/03/DFO

A petrol filling station would be erected on a 110m x 60m (0.66 ha) plot (known as Plot 2) roughly in the centre of the southern part of the South Gate site immediately north of the new A120 and behind a mixed native hedgerow approved as part of the A120 road improvements. The proposals would include separate car and HGV fuel forecourts (including curved 6m high canopies, underground tanks and pump islands), a single storey sales building measuring 24 x 15 x 4.2m, ATM machine, ancillary car parking, car and jet washes, other car care facilities and border planting. Access would be taken from the internal site road (see UTT/0456/03/DFO). The submitted drawings show indicative corporate signs for a BP franchise – these will be subject to a separate application for express advertisement consent.

The sales building would be located close to the northern boundary of the plot, as would the car fuel forecourt. The HGV fuel forecourt would be to the south, served by a dedicated entry lane and exit in the interests of safety.

The main finish of the structures would be grey with corporate green and yellow to the sales building and car wash fascias and the canopy edges. Amongst measures to achieve energy efficiency, recycling and waste management, the canopies would incorporate solar technology, and use of recycled water would be made for the car wash and toilet flushing.

2) UTT/0455/03/DFO

A budget hotel would be erected on an irregularly shaped 1.2 ha plot (known as Plot 1) roughly in the centre of the northern part of the South Gate site immediately south of Bassingbourn roundabout and opposite Plot 2 (proposed petrol filling station). The hotel would contain 256 bedrooms (to be developed in two phases, but all applied for now) with 175 car parking spaces, cycle storage and landscaping. All access would be via the internal site road (see UTT/0456/03/DFO) with a barriered entrance/exit for staff and resident guests at the eastern end of the plot and a separate entrance to a service yard/turning head at the western end.

The hotel would be located at the western end of the plot and would consist of two wings extending in a “v” shape from a central atrium area, giving a broken appearance in distant views from the south and east. The building would be of 4 storeys, with the finished floor level cut into the ground by 1.5m, and with a roof of swept delta wing appearance with a monopitch over each wing. All mechanical and electrical plant would be contained within the roofspace. The height of the building would be 16m, all but the top 5m of which would currently be screened from Thremhall Avenue by the established bank and planting. External materials would match those on other airport buildings, consisting of masonry, glazing, render, cladding and louvres in shades of grey.

The 2nd phase of 80 bedrooms would be constructed as an extension to the northernmost wing of the hotel, giving an asymmetric appearance.

The proposed lighting to the car park would match that in the mid stay car park, consisting of 5m columns with a horizontal cut-off. All lighting would contain low energy fittings, controlled by time clocks and photocells. Other measures to achieve energy efficiency, recycling and waste management would include key card/central switching (to ensure bedroom lights and heating are turned off when the room is not in use) and a linen re-use programme.

3) UTT/0456/03/DFO

This application is for the infrastructure works that are required to service the individual plots. An internal site road from the roundabout spur would be constructed running E-W across the South Gate site, off which the hotel and petrol filling station (and other future plots) would be accessed. The road would be capable of future extension to the west to service the rest of the South Gate site as/when required. Perimeter planting would also be undertaken around both Plots 1 and 2, consisting of Hornbeam hedges and Ash and Field Maple to minimise the risk of bird strike. This perimeter planting would be in addition to the planting proposed within the individual plots. Finally, the established woodland planting along the northern boundary of the site adjacent to Thremhall Avenue would be extended around the northeastern side of the South Gate site to provide more screening of the hotel from the east.

The application drawing also shows Plots 3 and 4, these being located to the east of Plots 1 and 2 respectively. No proposals for Plots 3 and 4, through which the major underground service corridor runs, have currently been put forward.

APPLICANT'S CASE: 4 statements in A3 format have been submitted, copies of which can be inspected at the District Council's Saffron Walden and Great Dunmow offices. These are entitled *Development Overview and Strategic Guidance, Infrastructure Works Supporting Statement, Filling Station Supporting Statement and Hotel Supporting Statement*.

The main points relating to each of the applications are:

1) UTT/0453/03/DFO (Petrol Filling Station)

- Will negate the need for on-airport operators, such as taxi drivers and freight forwarders, to make unnecessary off-airport trips for fuel
- Will allow airport bound and returning passengers to meet their fuel and related needs without making dedicated off-line trips to seek alternative provision
- The provision of complementary on-site services, between the forecourt and sales building, maximises the opportunity for linked trips

- The provision of LPG, partial use of solar power, incorporation of the latest vapour recovery techniques and the use of grey water and passive heating/cooling will contribute to the principles of sustainable development

2) UTT/0455/03/DFO (Hotel)

- The provision of 175 car park spaces for a 256 bed hotel constrains car use and therefore contributes to the general BAA policy of encouraging journeys to the airport by modes other than the private car
- A comprehensive staff travel plan to encourage use of public transport
- The design of the building seeks to maintain the “airport in the countryside” and subsequent mitigation is proposed so that the development is in harmony with the visual setting
- 4 storeys provides an efficient plan for hotel operation, reducing circulation, the building footprint and mass to minimise construction and operation costs
- The location within the site reduces on site vehicular movements and emissions while maximising the area available for landscaping
- Additional on-airport provision, and the specific provision of a budget hotel will reduce the need for additional car journeys to hotels in the surrounding countryside
- Provision of employment opportunities during construction and operation
- Incorporation of “green” initiatives such as use of passive heat, low energy lighting and thermal insulation

3) UTT/0456/03/DFO (Infrastructure works)

- Proposals accord with the guidelines for development within the airport, particularly in respect of landscaping
- Proposals represent part of a co-ordinated lighting package for the whole site

RELEVANT HISTORY: Outline planning permission granted subject to conditions in 1985 by the Secretaries of State for the Environment and Transport for the expansion of Stansted Airport to about 15 million passengers per annum (mppa). The permission included a new passenger terminal, cargo handling and general aviation facilities, hotel accommodation, taxiways (including the widening of a proposed taxiway to be used as an emergency runway), associated facilities (including infrastructure for aircraft maintenance and other tenants’ developments) and related road access. A condition of the outline permission requires that the reserved matters be submitted within 20 years (i.e. by 5/6/05).

Further conditions of the outline planning permission require, *inter alia*, that the main internal road layout and the location of hotels within the site be agreed via general layout plans for 8 & about 15mppa phases (approved 9/4/86) and that the height of any hotels not within the terminal area not exceed 3 storeys in height except with the written agreement of the local planning authority.

Reserved matters submissions relating to phase 1 expansion to 8mppa were made and approved during the late 1980’s and early 1990’s. Phase 2 expansion from 8-about 15mppa was approved in April 1999.

Members resolved to grant outline planning permission for expansion of Stansted Airport from about 15mppa – 25mppa in September 2002 subject to conditions and a legal agreement (completion pending). In the Environmental Statement that accompanied that (which?) application, the development of the South Gate site was taken as being part of the Phase 2 expansion to about 15mppa and was, therefore, part of the cumulative impact at about 15mppa against which further expansion to 25mppa was assessed.

CONSULTATIONS: 1) UTT/0453/03/DFO (Petrol Filling Station)

ECC Transportation: No objections subject to conditions.

Thames Water: Drainage, pollution control and trade effluent discharge details (from car wash) require to be agreed.

Environment Agency: To be reported (due 23/4)

BAA Safeguarding: To be reported (due 28/4)

ECC Archaeology: No objections subject to investigative works.

2) UTT/0455/03/DFO (Hotel)

ECC Transportation: No objections subject to conditions.

Thames Water: Drainage and pollution control details require to be agreed.

Environment Agency: To be reported (due 23/4)

BAA Safeguarding: To be reported (due 23/4)

Essex Police Community Safety: No objections, but do have concerns regarding car park security. Request a condition requiring hotel and car park to be subject to "Secured by Design" and "Secured Car Park" certification respectively.

ECC Archaeology: No objections subject to investigative works.

3) UTT/0456/03/DFO (Infrastructure Works)

ECC Transportation: No objections.

Environment Agency: No comments

BAA Safeguarding: To be reported (due 23/4)

Essex Police Community Safety: No comments.

ECC Archaeology: No objections subject to investigative works.

PARISH COUNCIL COMMENTS: 1) UTT/0453/03/DFO (Petrol Filling Station): No

objections subject to suitable low-level lighting to prevent an increase in light pollution.

UTT/0455/03/DFO (Hotel): Object. Only 175 car parking spaces shown for 256 bedroom hotel (risk of increased fly parking). Increase in light pollution. Concern re poor design.

UTT/0456/03/DFO (Infrastructure Works): No objections subject to lighting levels being kept as low as possible.

REPRESENTATIONS: These applications have been advertised and no representations have been received. Period expired 30/4/03.

PLANNING CONSIDERATIONS: 1) UTT/0453/03/DFO (Petrol Filling Station)

The main issues are whether:

- 1) the provision of a petrol filling station would be an appropriate facility within the Southern Ancillary Area (ERSP Policy T14, ADP Policies AIR3 & T3(b), and DLP Policies AIR3 & T2),
- 2) the design and lighting would be appropriate and neighbourly (ADP Policies DC1 & 14 and DLP Policies GEN2, 4 & 5) and
- 3) the access would be convenient and safe (ERSP Policy T3, ADP Policies T1 & 2 and DLP Policy GEN1).

1) In BAA's supporting letter of 25/7/80 which accompanied the outline application for expansion to about 15mppa, a petrol filling station was included within the list of associated facilities for the purposes of the application description. Evidence presented by BAA during the 1980's Airport Inquiry put forward a site for the petrol filling station between the M11 slip roads and the airport access road running from the Birchanger Interchange to Priory Wood roundabouts (now part of the Strategic Landscape Area following the approval of the 8-about 15mppa layout plans in 1986). It was intended that this facility would be complementary to the motorway service area to the southwest of the Birchanger Interchange. In his report following the Inquiry the Inspector additionally commented, "*The on-airport facility might, at some future date, operate as a second motorway service area to cater for the needs of the southbound motorist*".

The relocation of the petrol filling station to the South Gate site would help retain the integrity of the Strategic Landscape Area as proposed in the 8 & about 15mppa layout plans, and would be consistent with both Policies AIR3. The wordings of both AIR3 Policies do not specifically refer to petrol filling stations within the Southern Ancillary Area, but the uses referred to in the policies are not exclusive and the principle of a petrol filling station was established during the Inquiry. Being within an area allocated for development, Officers do not consider that the petrol filling station would contravene either ADP Policy T3(b) or DLP Policy T2, the principal aims of which are to prevent development in the countryside

unrelated to essential motoring need. A petrol filling station on the South Gate Site would be well positioned to meet airport-related needs and also to cater for any need that would exist on behalf of motorists travelling along the new A120 between Bishops Stortford and Braintree. Approval here would help to resist other similar greenfield proposals along the line of the new A120 (as re the hotel at Birchanger Green MSA).

2) The design of the petrol filling station would be appropriate to the location and, in addition to the border planting proposed as part of the application, the perimeter planting proposed under UTT/0456/03/DFO and the proposed planting in association with the new A120 should assist in reducing its visual impact, including any spill of lighting. Details of forecourt lighting will be the subject of a condition.

3) There are no objections to the proposed access points off the estate road, which forms part of UTT/0456/03/DFO. Adequate on site parking and waiting facilities would be provided.

2) UTT/0455/03/DFO (Hotel)

The main issues are whether:

- 1) the provision of a hotel would be an appropriate facility within the Southern Ancillary Area (ERSP Policy LRT10, ADP Policies AIR3 & REC5, and DLP Policies AIR3 & LC6),**
- 2) the design and lighting would be appropriate and neighbourly (ADP Policies DC1 & 14 and DLP Policies GEN2, 4 & 5) and**
- 3) the access and parking would be convenient and safe (ERSP Policy T3, ADP Policies T1, 2 & 4 and DLP Policies GEN1 & 9).**

1) On the general layout plan for about 15mppa, which was approved in 1986 as a reserved matter, 3 sites for hotels within the airport development boundary were shown. The first was the Hilton adjacent to the long-term car park (now built), the second was to the northeast of the terminal (under construction for Radisson SAS) and the third was immediately to the east of Bassingbourn roundabout. The construction of the mid-stay car park on the land to the east of Bassingbourn roundabout has resulted in some revisions to the about 15mppa layout plan, one of which has been the relocation of the third hotel site to immediately to the south of the roundabout. The wordings of both AIR3 Policies do not specifically refer to hotels within the Southern Ancillary Area, but the uses referred to in the policies are not exclusive and the principle of a third hotel remains established via the about 15mppa layout plan, notwithstanding the revised location, which is of no material consequence in land use terms. The provision of airport related hotels within the airport development boundary is, in any case, encouraged by the other ERSP, ADP and DLP policies referred to under main issue 1.

Evidence presented by BAA during the 1980's Airport Inquiry, and subsequently noted in the Inspector's report, indicated that some 850 bedrooms might be required within the airport development boundary to serve about 15mppa. If these reserved matters were granted, total provision would be 994 bedrooms within the boundary once all phases of all 3 hotels are completed. The increase in bedroom numbers is justified by changes in passenger traffic forecasting which has occurred since 1981, in particular:

- the catchment area being slightly larger than originally estimated, resulting in some passengers travelling further distances and requiring overnight accommodation,
- a higher proportion of scheduled traffic than originally estimated with relatively high business usage seeking overnight accommodation to maximise the business day, and
- the extensive growth of low cost carriers where passengers seek matching cost accommodation to utilise early/late flights.

Officers are of the view that it is in the public interest and is also more sustainable for extra bedrooms to be provided within the airport boundary on the allocated sites when this is possible, rather than in locations beyond the airport.

2) It is considered that the design of the hotel would be appropriate to this location, and its positioning within the South Gate site would enable the maximum screening benefit to be gained from the existing structural planting to the north as well as from the perimeter planting proposed under UTT/0456/03/DFO. Although the hotel would be of 4 storeys opposed to the 3 anticipated when outline planning permission was granted, the ground level would be lowered to minimise its impact and the additional storey would reduce the ground coverage of the building. Officers are satisfied that the “v” shaped plan form of the hotel would assist in reducing the visual impact of the building from the south. The detail of car park lighting will be the subject of a condition.

3) There are no objections to the proposed access points off the estate road, which forms part of UTT/0456/03/DFO. Adequate on site car parking for staff and resident guests would be provided, taking into account the applicant’s commitment to reduce journeys by private car. Longer term parking for air passengers would be prohibited.

2) UTT/0456/03/DFO (Infrastructure Works)

The main issue is whether the layout of the site road and the proposed perimeter planting would be appropriate within the Southern Ancillary Area (ADP & DLP Policies AIR3).

As anticipated on the about 15mppa layout plan, the site road would feed into the link within the airport road system southeast of Bassingbourn roundabout, and would serve all the individual plots. The perimeter hedge planting around Plots 1 and 2 would be appropriate in terms of location and mix. The extension to the woodland edge planting around the northeastern edge of the South Gate site would also be appropriate and is welcomed in reducing the visual impact from the east.

CONCLUSIONS: These proposals begin the development of the South Gate site as an integral part of the Southern Ancillary Area. Officers are satisfied that the provision of a petrol filling station and a budget hotel are reasonably required, even if their timing has been delayed relative to the throughput of passengers at the airport. Should we say a bit more about their visual impact and how it will be mitigated?

RECOMMENDATIONS: APPROVALS WITH CONDITIONS

1) UTT/0453/03/DFO (Petrol Filling Station)

1. Except where Condition 2 is varied by Condition 3, 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.

REASON: To ensure the development will be carried out as approved.

2. The landscaping works shown on drawing ref STANSTED.F.S.PLANTING Rev C, and any variation to them required by Condition 3, shall be carried out during the first planting season following the opening to the public of the petrol filling station hereby permitted. Any part of the landscaping works which within a period of 5 years following the opening to the public die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

REASON: The landscaping of this site is required to minimise the visual impact of the development hereby permitted.

3. No development shall commence until measures to prevent dazzle to motorists using the new A120 from vehicle headlights within the site have been submitted to and agreed in writing with the local planning authority. The agreed measures shall be in place prior to the opening to the public of the petrol filling station hereby permitted and thereafter retained, including any temporary measures required pending the carrying out and establishment of the landscaping works under Condition 2.

REASON: In the interests of highway safety.

4. The external materials to be used in the construction of the building and structures hereby permitted shall be those specified in the Filling Station Supporting Statement submitted as part of the application.

REASON: In the interests of the appearance of the site.

5. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.

REASON: To reduce the visual impact of the development hereby permitted.

6. No development shall commence until details of the means of disposal of surface water and foul drainage (including trade effluent) have been submitted to and agreed in writing with the local planning authority. The development shall subsequently be implemented in accordance with the approved details.

REASON: To prevent pollution.

7. Details of the positioning of all forecourt lighting (which shall be in accordance with the Filling Station Supporting Statement submitted as part of the application) shall be submitted to and approved in writing by the local planning authority prior to installation. Subsequently, the approved lighting shall not be altered without the written approval of the local planning authority.

REASON: To reduce glare and in the interests of aviation safety.

8. All the parking and waiting areas shown on drawing ref STANSTED/PLAN Rev C shall be provided and made available for use prior to the opening to the public of the petrol filling station hereby permitted, and subsequently retained in perpetuity.

REASON: To reduce off-site parking.

9. The development hereby permitted shall be implemented and subsequently managed in accordance with the measures to achieve energy efficiency, recycling and waste management and a reduction in the use of harmful chemicals set out in the Filling Station Supporting Statement submitted as part of the application.

10. No development shall commence until details of measures to encourage staff to travel to and from work by means other than the motor car have been submitted to and approved in writing by the local planning authority

REASON for 9 & 10: To promote sustainable development.

11. The detailing and positioning of any new signs facing the A120, and of any subsequent alterations to them shall be submitted to and approved in writing with the local planning authority prior to their erection or alteration.

REASON: In the interests of highway safety.

2) UTT/0455/03/DFO (Hotel)

1. C.3.1. To be implemented in accordance with approved plans

2. The landscaping works shown on drawing number 419/2/1 B shall be carried out during the first planting season following the opening to the public of the hotel hereby permitted. Any part of the landscaping works which within a period of 5 years following the opening to the public die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

REASON: The landscaping of this site is required to minimise the visual impact of the development hereby permitted.

3. The external materials to be used in the construction of the hotel hereby permitted shall be those specified in the Hotel Development Supporting Statement submitted as part of the application.

REASON: In the interests of the appearance of the site.

4. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.

REASON: To reduce the visual impact of the development hereby permitted.

5. No development shall commence until details of the means of disposal of surface water and foul drainage have been submitted to and agreed in writing with the local planning authority. The development shall subsequently be implemented in accordance with the approved details.

REASON: To prevent pollution.

6. Details of the positioning of all car park lighting (which shall be in accordance with the Hotel Development Supporting Statement submitted as part of the application) shall be submitted to and approved in writing by the local planning authority prior to installation. Subsequently, the approved lighting shall not be altered without the written approval of the local planning authority.

REASON: To reduce glare and in the interests of aviation safety.

7. Unless otherwise agreed as part of a phased programme, all the car parking spaces and waiting areas shown on drawing number 01 R shall be provided and made available for use prior to the opening to the public of the hotel hereby permitted, and subsequently retained in perpetuity.

REASON: To reduce off-site parking.

8. The development hereby permitted shall be implemented and subsequently managed in accordance with the measures to achieve energy efficiency, recycling and waste management and a reduction in the use of harmful chemicals set out in the Hotel Development Supporting Statement submitted as part of the application.

9. No development shall commence until details of measures to encourage staff to travel to and from work by means other than the motor car have been submitted to and approved in writing by the local planning authority

REASON for 8 & 9: To promote sustainable development.

10. C.25.1. No airport related car parking other than for resident guests.

11. The footways shown on drawing 419/2/1/B shall be provided prior to the opening to the public of the hotel hereby permitted and thereafter retained in perpetuity.

REASON: In the interests of pedestrian safety.

12. The detailing and positioning of any new signs facing the A120, and of any subsequent alterations to them shall be submitted to and approved in writing with the local planning authority prior to their erection or alteration.

REASON: In the interests of highway safety.

13. No development shall commence until details of measures to improve public and staff safety and security on the site have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to the opening to the public of the hotel hereby permitted and thereafter retained in perpetuity.

REASON: In the interests of public and staff safety and security.

14. Slab levels?

15. Limited to persons using the airport?

3) UTT/0456/03/DFO (Infrastructure works)

1. C.3.1. To be implemented in accordance with approved plans

2. The structural and perimeter landscaping works shown on drawing number 419/1 D shall be carried out during the first planting season following the opening to the public of the hotel or petrol filling station, to whichever they relate. Any part of the landscaping works which within a period of 5 years following the opening to the public die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

REASON: The structural and perimeter landscaping is required to minimise the visual impact of development on the South Gate site.

Background papers: see application files.

UTT/1641/02/FUL – GREAT HALLINGBURY

Erection of building for B8 (warehouse) use.
Stansted Distribution Centre Start Hill. GR/TL 519-213. Mantle Estates Ltd.
Case Officer: Michael Ovenden 01799 510476
Expiry Date: 09/01/2003

NOTATION: Allocated as Employment Land (extension to the Stansted Distribution Centre) in Revised Deposit Draft Local Plan (Start Hill Local Policy 1 relates), but beyond Development Limits in Adopted District Plan. Outside Countryside Protection Zone in both Plans. Outside new reshaped Public Safety Zone.

DESCRIPTION OF SITE: This 0.35ha site is located on the east side of Tilekiln Lane immediately north of the line of the former railway and about 120m south of the A120. The site is the former Elliotts Yard, currently in use for storage and distribution. Access is currently gained via Tilekiln Lane opposite a line of terraced houses. To the east is vacant land which is also included within the Start Hill Local Policy 1 allocation, beyond which is the Stansted Distribution Centre. To the west of the site (across Tilekiln Lane) are a number of houses, and there is a further one to the north.

DESCRIPTION OF PROPOSAL: A 1453sqm warehouse for B8 storage purposes measuring 43x33x9.4m would be erected, with its longest axis running north-south. The building would be constructed of brick and cladding and would face east towards the Distribution Centre, from where vehicular access would be extended. The existing vehicular access onto Tilekiln Lane would be stopped up at the edge of the highway, and the land included within part of the landscaped strip which would run to the west and north. Parking and turning areas would be provided on the eastern part of the site adjacent to the front elevation.

APPLICANT'S CASE: The landscaped buffer strip will be maintained at a minimum of 10m in width, particularly adjacent to the new building. The existing access onto Tilekiln Lane will be stopped off adjacent to the public highway edge.

CONSULTATIONS: Civil Aviation Authority: No safeguarding objections subject to conditions.

ECC Transportation: To be reported (due 27/5/03)

ECC Archaeology: No recommendation made due to the already disturbed condition of the ground.

English Nature: No Sites of Special Scientific Interest will be affected.

PARISH COUNCIL COMMENTS: Essential that all access is to and from the east. The existing entrance must be blocked, and in such a way as to prevent continued use as a layby. The aspect of the building when viewed from "Nonane" to the north is unreasonably stark and unattractive. Its movement to the east by a few yards would help, along with tree screening and use of coloured cladding. Adequate drainage required.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 5/12/02.

2 representations on the Revised Deposit Draft Local Plan have been received regarding the allocation of Employment Land under Start Hill Local Policy 1. One is a letter of support from the landowner. The other asks that a detailed analysis and justification of the benefits of further development in the A120 corridor be provided, and that all relevant sites be assessed for appropriateness. These representations will be considered by the Inspector as part of the Local Plan Inquiry.

PLANNING CONSIDERATIONS: The main issues are whether:

- 1) the proposals would comply with Start Hill Local Policy 1,

- 2) any grant of planning permission would be prejudicial to proper planning pending the outcome of the Local Plan Inquiry,
- 3) the design, layout and size of the new building would be satisfactory, and the amenity of adjoining residents would be respected (ADP Policies DC1 & 14, DLP Policies GEN2 & 4), and
- 4) access and parking would be satisfactory (ERSP Policy T3, ADP Policies T1 & 2, DLP Policies GEN1 & 9).

1) Start Hill Local Policy 1 requires that uses should fall within Use Classes B1 and B8, that all access should be through the Distribution Centre and that there should be a landscaped buffer between the new development and the rear gardens of adjoining houses. The proposals would comply with these requirements.

2) The Employment Land allocation under Start Hill Local Policy 1 is an extension to an existing site in a strategic location. As such, it is considered that the allocation would comply with ERSP Policy BIW5 (Business Location), which guides distribution and warehousing activities to sites readily accessible from the trunk road system, although not with direct access to it. Furthermore, the part of the Employment Land to which this application relates is previously developed land, and its redevelopment would be sequentially consistent with ERSP Policy BIW3 (Business Development – The Sequential Approach), even without the policy allocation. In these circumstances, it is not considered that a grant of planning permission on the merits of this case would prejudice the outcome of the Local Plan Inquiry.

3) Whilst the new building would be relatively large, it would be similar (and indeed smaller) than others within the Distribution Centre and would be of an appropriate design. Adequate land would be available for planting to the west and north to help safeguard the amenity of adjacent residents, and the stopping-up of the existing access would provide a further benefit. As the main elevation of the new building would face east, focussing the activity in towards the Distribution Centre, the bulk of the building itself should act as a shield for the residents to the west. Subject to conditions requiring submission of the details of the planting scheme, the colour of the external cladding and relocations, it is not considered that there should be an adverse impact on the amenity of existing residents.

4) There are no objections to the positioning and alignment of the new estate road to the east, linking up with the Distribution Centre as required under Start Hill Local Policy 1. Subject to minor revisions which can be secured by condition, adequate land would be available for parking, including meeting the needs of people with disabilities.

CONCLUSION: These proposals would amount to appropriate redevelopment of previously developed land. This would improve the environment aspect in Tileklin Lane by stopping up the existing access.

RECOMMENDATION : APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. Except as required under other conditions, the development hereby permitted shall be implemented in all respects strictly in accordance with the submitted plans contained in the application.
REASON: To ensure the development will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority.
3. No development shall take place until a landscaping scheme for the area edged in green on drawing SK01A has been submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:
 - a) A comparison of existing and proposed finished levels
 - b) Means of enclosure
 - c) Existing trees, hedges or other soft features to be retained
 - d) Planting plans, including specifications of appropriate species to minimise the risk of bird strikes to aircraft operating at Stansted Airport, sizes, planting centres, number and percentage mix

- e) Location of service runs and
- f) Management and maintenance details.

4. The approved scheme of landscaping shall be carried out during the first planting season following the first use of the building hereby permitted. Any specimens comprising part of the landscaping scheme which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

REASON FOR 3) & 4): The landscaping of this site is required in order to reduce the visual impact of the development.

5. No development shall take place until details of the colour of the external cladding to the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details. Subsequently, the colour of the external cladding shall not be changed.

REASON: To reduce the visual prominence of the building.

6. C.6.8. Excluding permitted development extensions to warehouse premises.

REASON: To avoid overdevelopment of the site.

7. Details of external ground level and internal floor levels to be submitted and agreed.

REASON: To reduce the visual prominence of the building.

8. No storage shall take place and no processes shall be carried out or power tools, equipment, machinery or plant of any kind shall be used within the area edged in green on drawing SK01A.

REASON: To protect the amenity of adjacent residents.

9. No development shall take place until details of the means of disposal of both surface water and foul drainage have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in accordance with the approved details.

REASON: To prevent pollution.

10. No development shall commence until the estate access road shown in red to the east of the site on drawing PL-002 has been constructed to at least road base course, connected to the existing road and made available for use by construction vehicles. Subsequently, the use of the building hereby permitted shall not commence until any defects in the road base course have been made good and all footways have been constructed to base course level. The final surfacing to both the road and footways shall be laid within 12 months from the date of the first use of the building hereby permitted.

11. No development shall commence until the means of stopping-up the existing access to the site from Tilekiln Lane has been submitted to, agreed in writing by the local planning authority and put in place. Thereafter, the means of stopping-up shall be retained in perpetuity. All construction access shall only be from the east through the existing estate.

REASON FOR 10) & 11): In the interests of highway safety and the amenity of adjoining residents.

12. No development shall commence until a revised plan has been submitted to and agreed in writing by the local planning authority showing the following, in addition to what is shown on drawing SK01:

- a) The provision of 19 secure storage spaces for cycles
- b) The provision of 2 spaces for powered two wheeler vehicles
- c) Relocation 3m away from adjacent property

13. The development shall subsequently be implemented in accordance with the revised plan and all parking and turning facilities shown on the plan retained in perpetuity.

REASON: In the interests of highway safety and transport sustainability.

14. No construction works shall be undertaken outside the hours of 07.30 – 18.00 Monday – Friday and 08.00 – 13.00 on Saturday except in an emergency. There shall be no construction works on a Sunday or on bank/public holidays.

REASON: To protect the amenity of adjacent residents.

15. All external lighting shall be of flat glass, full cut off design with horizontal mountings so that there is no light spill above the horizontal.

REASON: To avoid confusion or distraction to pilots and air traffic controllers at Stansted Airport.

Background papers: see application file.

UTT/0016/03/OP - TAKELEY

Outline application (with all matters reserved except siting & means of access) for five units of A1 (retail), B1 (business/light industrial), B2 (general industrial) and B8 (storage & distribution) and associated car parking
Former Hall Caravan Centre, Dunmow Road. GR/TL 564-211. Messrs R & D McGowan.
Case Officer: Michael Ovenden 01799 510476
Expiry Date: 25/03/2003

NOTATION: Within Development Limits and Settlement Boundary (ADP & DLP). Part of Development Opportunity Area in ADP for suitable small scale offices, workshops and housing (Takeley Local Policy 3 relates).

DESCRIPTION OF SITE: This 50x40m (0.2ha) site is located on the south side of the A120, approximately 220m east of the Four Ashes crossroads. A scrapyards lies to the west and Takeley Business Centre to the east. The land to the south of the site (and extending behind and beyond the Business Centre) has the benefit of a certificate of lawful use for storage or as a distribution centre. Opposite the site, on the north side of the A120, new houses are currently being constructed as an extension to St Valery.

DESCRIPTION OF PROPOSAL: This is an outline application, but with siting and means of access not reserved for subsequent approval. 5 commercial units would be erected adjacent to the southern boundary of the site, with the land at the front being used for car parking and access. The existing buildings and uses would be cleared from the site, and the existing access onto the A120 at the east of the site adjacent to the Business Centre would be retained. The total floorspace of the new buildings would be 775sqm, replacing the 408sqm that would be lost through demolition. In the application forms, the applicant indicates that a maximum of 495sqm of the new floorspace could be for A1 retail (units 1-3) and the rest (280sqm) for B1, B2 and B8, reflecting the former use of the site and the surrounding existing uses.

APPLICANT'S CASE: See agent's letter of 3/1/03 attached at end of report.

RELEVANT HISTORY: Permission for 4 light industrial units (684sqm) on land to the east granted in 1989.

CONSULTATIONS: Environment Agency: No objections subject to conditions.
Environmental Services: In view of the location opposite a new residential estate, conditions should be imposed controlling hours of use, vehicle deliveries and boundary noise levels.

PARISH COUNCIL COMMENTS: To be reported (due 13/5)

REPRESENTATIONS: Any representations received will be reported. Notification period expired 13/5.

PLANNING CONSIDERATIONS: The main issues are whether:

- 1) the proposed uses would be appropriate within the built up area of the village (ERSP Policy BIW4, ADP Policies S1 & E1 and DLP Policies S3 & E2)
- 2) design and layout would be appropriate (ADP Policy DC1 and DLP Policy GEN2),
- 3) neighbouring amenity would be protected (ADP Policy DC14 and DLP Policy GEN4), and
- 4) access and parking arrangements would be satisfactory (ERSP Policy T12, ADP Policies T1 & 2 and DLP Policies GEN1 & 9).

1) The redevelopment of the site as proposed would safeguard employment land as promoted under ERSP Policy BIW4 and DLP Policy E2. Whilst the mixed use allocation in the ADP has not been carried forward into the DLP, Takeley is one of the District's larger villages and, taking into account the proposed expansion of 825 houses, it is entirely

appropriate and sustainable to retain employment land within the built up part of the village. The mix of uses including retail proposed would reflect either those of the former use of the site and/or the existing Business Centre.

2) The location of the new buildings at the rear of the site would help to minimise their impact in the street scene. The height and design of the buildings would be controlled at the reserved matters stage, but are expected to reflect those of the existing Business Centre. The use of the front part of the site for car parking and loading/unloading would be consistent with the existing Business Centre.

3) Unlike the existing Business Centre, the current application proposes A1, B2 and B8 uses as well as B1. Officers consider that all these uses would be acceptable in the particular circumstances of this case, bearing in mind the site history. Each of the 5 units would be relatively small, and subject to appropriate conditions to prevent outdoor working there ought to be sufficient separation from the new houses on the opposite side of the A120, even for B2 use, to avoid a material impact on amenity.

4) There are no objections to the retention of the existing access onto the A120, which enjoys good visibility. Adequate land would be available to meet the Council's maximum parking standards, subject to provision for people with disabilities and non-car users.

CONCLUSIONS: These proposals would comply with the relevant policies contained in the ERSP, ADP and DLP.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.1.1. Submission of reserved matter: 1
2. C.1.2. Submission of reserved matter: 2
3. C.1.3. Time limit for submission of reserved matters
4. C.2.1. Time limit for commencement of development
5. C.6.8. Excluding permitted development extensions or alterations to industrial/warehouse premises
6. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
7. C.8.3. No outdoor working
8. C.8.6. Insulation of plant and machinery
9. No development shall commence until a scheme for the means of disposal of surface water and foul sewage has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be implemented in full prior to the first use of any of the buildings hereby permitted and thereafter retained in perpetuity.
REASON: To avoid pollution.
10. All the car parking space within the area edged red on drawing SK1 shall be made available for use prior to the first use of any building hereby permitted and shall thereafter retained for the parking of vehicles in association with use of those buildings. No vehicle shall be parked on the site unless it belongs to or was driven there by a person either employed on the site in connection with his or her business or as a customer of a business on the site.
REASON: To ensure adequate car parking space is provided to serve the buildings hereby permitted in the interests of highway safety and to protect the rural amenities of the area.
11. No development shall commence until a plan has been submitted to and approved in writing by the local planning authority showing on-site provision of covered cycle spaces and parking for people with disabilities. The approved scheme shall be implemented prior to the first use of any building hereby permitted and shall thereafter be retained in perpetuity. The level of provision shall be in accordance with Appendix 1 of the Uttlesford Local Plan Revised Deposit Draft dated October 2002.
REASON: To promote mobility and sustainable development.
12. The uses hereby permitted shall be limited to a mixture of 131, 132, 138 and A1 uses as defined by the Town and Country Planning use Classes Order 1987 or as may be amended.

13. No more than 495 sqm of net floorspace shall be used for A1 retailing (as defined by the Town and Country use Classes Order 1987 or as may be amended.
REASON for 12+3: To ensure a mix of uses on the site in the interests of the economic well-being of the locality.
14. Hours of operation
15. Hours of construction

Background papers: see application file.

UTT/0253/03/FUL – ELSENHAM

Erection of extension to existing industrial unit
Molton Brown Cosmetics, Green Street, Gaunts End. GR/TL 549-254. Cheergrey Properties.

Case Officer: Michael Ovenden 01799 510476

Expiry Date: 21/04/2003

NOTATION: ADP & DLP : Outside Development Limits & Settlement Boundaries / Within Countryside Protection Zone around Stansted Airport.

DESCRIPTION OF SITE: The site is located to the south of the road between Elsenham and Takeley (opposite the Members' site visit to the stable-block motel conversion at the last meeting). The modern Molton Brown unit forms part of a well-established complex of industrial buildings based on the original Elsenham Jam factory. (Members visited a site on the eastern edge of this complex last autumn when approving the proposed bottling plant.)

DESCRIPTION OF PROPOSAL: It is proposed to relocate the existing outside boiler house and oil tank from the rear (north) elevation facing the road and erect an extension for manufacturing and storage use. The building would be 35m wide by 18m deep and a maximum of 8.8m high. It would have curved sides and be constructed of metal and glass. The floor area would be 508 sqm, an increase of about 20% on the existing.

APPLICANT'S CASE: We currently employ 150 people on site, making us one of the larger employers in the district. Additionally, we are planning to recruit a further 10 employees for this development. The extension is necessary for the increased production and raw material handling required to meet our current business needs and we would like to see these additional facilities in place by the end of the July 03.

See also supporting letters dated 10 February & 15 April attached at end of report.

RELEVANT HISTORY: 1000 sqm extension approved in 2000.

CONSULTATIONS: Environment Agency : to be reported (due 16 May).

PARISH COUNCIL COMMENTS: to be reported (due 16 May).

REPRESENTATIONS: Any received will be reported (due 16 May).

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the proposed extension would harm the open character of the Countryside Protection Zone (CPZ) (ADP Policy S4 & DLP Policy S8) and if so**
- 2) **whether there any any other material considerations which should be taken into account.**

1) The relevant policies are intended to resist development which would lead to coalescence with Stansted Airport or harm the open character of the CPZ. The proposed extension would be well-designed using modern materials and would enhance the appearance of the existing factory building. When viewed from the road to the north, the extension would be seen against the backcloth of the existing large factory building. From the cul de sac to the east it would be partly hidden by the adjacent Hytek building and from the open countryside to the west it would be partly obscured by the recent extension to the Molton Brown factory. Officers consider that the extension, which would be no higher than the existing, would not cause coalescence or materially affect the openness of the CPZ, so long as there was more thicker planting along the northern boundary of the site to help screen it from the road.

2) The needs of Molton Brown to have this additional floor space are appreciated and it is recognised that the firm would employ an extra 10 persons on site. However, this is not a factor which should justify an exception to the strict CPZ policy.

The longer-term future of this complex are being discussed at the current Local Plan Inquiry, but Officers do not considered at Officer-level that approval of this proposed extension would prejudice the Council's arguments for resisting further major expansion.

There would be a net loss of available car parking facilities, but this would not be serious and should the need arise in the future there is other land within the complex which could be used. The applicants are engaged in discussions with the local bus company to improve the existing level of service. Officers consider that this would be preferable to insisting on additional or replacement car parking spaces.

CONCLUSION: The proposal can be treated as an exception to the normal policy constraints in the CPZ because it effects would not be materially harmful to the aims of the Zone.

RECOMMENDATION : APPROVAL WITH CONDITIONS SUBJECT TO CONSULTATION WITH GO-EAST AS A DEPARTURE

1. C.2.1. Time limit for commencement of development
2. C.3.1. To be implemented in accordance with approved plans
3. C.4.1. Landscaping scheme to be submitted
4. C.4.2. Implementation of landscaping
5. C.8.27. Drainage details to be submitted, approved & implemented
6. C.16.1. Watching archaeological brief
7. C.25.3. Ban on Airport-related car parking
8. The extension hereby approved shall only be occupied in association with the rest of the factory edged blue on the plan
REASON : in order to prevent separate use which could create the need for additional on-site parking facilities in view of the loss of those already approved to serve this factory

Background papers: see application file.

UTT/1821/02/DFO - LITTLE DUNMOW

Erection of 120 dwellings and flats, garages, associated parking and roads. (Reserved matter for planning permission UTT/0302/96/OP)

Phase 3, Sugar Beet Factory, Station Road. GR/TL661-203. David Wilson Homes.

Case Officer: Richard Aston 01799 510464

Expiry Date: 07/03/2003

NOTATION: ADP & DLP: Outside Development Limits/Part of Oakwood Park Residential site.

DESCRIPTION OF SITE: The subject of this application forms Phase 3 of the overall development of the site for 650 dwellings, in accordance with the latest Masterplan for the site, revised in February 2003. The Phase 3 application site is a 5.1-hectare site in the south western corner edge of the site, abutting agricultural land and Stebbing Brook to the south.

DESCRIPTION OF PROPOSAL: The proposal details the erection of 120 dwellings and flats, garages and associated parking and roads.

RELEVANT HISTORY: Outline application for reclamation of despoiled land and demolition of redundant structures approved 1996. Temporary storage of soil reclaimed from settlement lagoons, allowed on appeal 1999. Amendment to condition to allow 250 dwellings to be constructed prior to completion of A120 approved 2000. Erection of 80 dwellings and associated garaging approved 2000. Erection of 85 dwellings and associated roads approved 2000. Reserved matters for 69 dwellings approved 2000. Variation of Condition 12 of UTT/0302/96/OP to allow occupation of not more than 305 dwellings prior to opening of A120. Variation to allow construction of up to 350 dwellings, prior to opening of A120. Redevelopment up to 655 dwellings, being a net addition of 170.

CONSULTATIONS: ECC Highways – To be reported. No major objections have been brought forward by ECC Highways. Certain revisions need to be made to certain aspects of the layout, which can be achieved by condition.

Anglian Water – No objections to raise in principle to the proposals. Makes advisory comments relating to drainage, to include a standard drainage condition.

Police Architectural Liaison Officer – Does have concerns regarding the parking areas on the development that have long access routes. The lighting of these areas is paramount to reduce fear. Some areas of the development do not benefit from natural observation.

ECC Urban Design, Action and Improvement Group - No adverse comments, have been involved in negotiations with the applicant.

Environment Agency – to be reported (due 15 May).

PARISH COUNCIL COMMENTS: To be reported. Due 15th May 2003.

REPRESENTATIONS: This application has been advertised and any representations received will be reported. Revised period expires 15th May 2003.

PLANNING CONSIDERATIONS: **The main issue is whether the proposals layout and design is appropriate in accordance with the current Masterplan for the site, the Oakwood Park Design Guide and Policy DC1 of the ADP (DLP Policy GEN2).**

For the purposes of determining this current proposal, the development of the site is in accordance with the approved Masterplan for the site, however the Masterplan does not contain specific design and layout guidance. Accordingly the proposal has been judged against the criteria of the Policy DC1 of the ADP, which states that amongst other factors, '*Residential development should have regard to operative published standards of layout and design guidance*', with this theme continued in the Oakwood Park Local Policy of the Emerging District Plan. In determining this current proposal, the operative standards of guidance are the Essex Design Guide for Residential and Mixed Use Areas and the Oakwood Park Design Guide November 2002. In the pre text to the above Policy, Paragraphs 10.5 and 10.6 set out the argument as to why a good standard of Urban Design

is a priority when dealing with large residential and mixed-use sites. It states that *'in the past, a few developments have been built which are not satisfactory and whose design and siting were not sensitive to their location'* Current Central Government Planning Policy guidance is that weight should be attached to the appearance of the proposed development and its relationship to its surroundings and that detailed design should not be controlled unless the sensitive nature of the setting justifies it. This thread is continued in the Essex Design Guide of which the criteria for the layout of development at densities over 20 dwellings per hectare are applicable. Furthermore, because of the sensitive nature and prominent location of the site the Council has for the past 6-7 months been involved in the formulation of site specific design guidance for Oakwood Park, which has now been formally adopted. The purpose of the guide is to set the layout and design objectives against which detailed planning applications for the subsequent phases of development will be reviewed. Furthermore, the guide seeks to create a development which is sympathetic to its setting and the environmental characteristics of the area whilst developing an environment which follows the established principles of good urban design.

The scheme has been revised following negotiations with officers and the number of units has been reduced from 130 units to 120. Whilst this equates to a density of 23 per hectare which is below the 30 per hectare threshold as set by central government circular 01/02, the remaining phases of development will be at a higher take to compensate. This is in accordance with a set of principles laid down in the Design Guide which aims to create a series of character areas within the site, each with a distinct and different style. This can only be achieved by having developments at a low density towards the edge of the site and a more higher density towards the centre in line with good urban design practice. This has had the effect of freeing up more space on the site, giving the opportunity to create a more landscape dominated development in accordance with the Arcadian and Boulevard forms of layout as advocated by the Essex Design Guide. Whilst current pressures relating to the density of such housing developments have meant that the scheme is not truly Arcadian/Boulevard overall, being at a total density of 23 per hectare, the current scheme has been designed with its principles in mind. Broadly, these are to create a development which allows houses to appear at intervals amongst trees as surprise features in the landscape, usually more appropriate on sites which already have a significant density of mature trees and hedges such as this one which has Stebbing Brook and the Chelmer Valley immediately to the south. This is the reason that the larger properties, sitting in much more detached and landscaped plots have been located along the southern and western edge of the development with a much more denser scheme of landscaping along the highway.

The character of the development in the centre of the site is slightly different as it follows a Boulevard principle of design which employs the principles of rural spatial organisation but also reflects good urban design in so far as trees are used to enclose spaces in a manner similar to the way buildings are used in urban areas. This is emphasised by the use of a crescent on the entrance to the site, which improves legibility when entering the site and also acts as a focal entrance point for the development. The eastern edge of the site does not conform to the above principles, instead it reflects the densities of the schemes fronting the principal estate road and accordingly is characterised by narrow terraced housing, higher densities and a greater massing of buildings, again this reflects the principles of the Oakwood Park Design Guide and the Essex Design Guide. Turning to the architectural treatment and design of the house types, strictly, the houses, with deep spans and large gable ends are not truly vernacular. However, it is also recognised that this is a modern development and not a historic Essex village and that land economics and the housing market have an effect on the type and size of houses being provided. Accordingly, it is considered that although the house types are not ideal, they are in this case acceptable.

CONCLUSIONS: The layout of the scheme has been negotiated several times with Officers and as a result the current scheme represents the best and most appropriate layout for the Phase in accordance with the provisions of the Essex Residential Design Guide and the Oakwood Park Design Guide. The house types are not truly vernacular, but given the age of the development they are considered acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.3.1. To be implemented in accordance with approved plans
2. C.3.2. To be implemented in accordance with revised plans
3. C.4.1. Scheme of landscaping to be submitted and agreed
4. C.4.2. Implementation of landscaping
5. C.4.6. Retention and protection of trees and shrubs for the duration of development
6. C.6.4. Excluding extensions without further permission
7. C.6.5. Excluding fences and walls without further permission
8. C.5.1. Samples of materials to be submitted and agreed
9. C.7.1. Slab Levels
10. No development shall take place until a scheme of foul and surface water drainage has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme. Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies. Only clean uncontaminated surface water shall be discharged to any soakaway, watercourse or surface water sewer.
REASON: To ensure there is no pollution of the water environment
11. Except in emergencies, no deliveries of materials shall be made to the site and no work shall be carried out on the site during the period of construction of the development:
 - a) before 0730 or after 1800 hours on weekdays (i.e Mondays to Fridays inclusive)
 - b) before 0800 or after 1300 hours on Saturdays
 - c) on any Sunday or Bank or Public Holiday.REASON: To safeguard the amenities of nearby residential properties.
12. The cycleway and independent footpaths shall be laid and constructed in accordance with current policies and practices
REASON: To ensure a satisfactory standard of development
13. No gates, windows or doors to open over Highway
14. C.10.15 Carriageway layout
15. C.10.23 Details of footpath surface finishes
16. C.10.24 Details of visibility splays
17. C.10.19 Surface Treatment of shared roads
18. Standard Essex Design Guide condition
19. C.10.26 Treatment of private access way
20. Archaeological watching brief.

Background papers: see application file.

UTT/0487/03/FUL – BERDEN

Replace woodshed with single storey extension to class B1 unit
Highlands Farm Buildings. GR/TL 481-299. Mr J Noble.
Case Officer: Hilary Lock 01799 510486
Expiry Date: 03/06/2003

NOTATION: ADP & DLP: Countryside/Area of Special Landscape Value (ADP only)

DESCRIPTION OF SITE: The site is on a 'T' junction on the eastern side of a Class III road which links Clavering to the north, Manuden to the south, and Berden to the west. It comprises a former farm building which has been converted to four Class B1 commercial units, with modern buildings in agricultural use to the rear. There are two farm cottages at the front of the site. The wide frontage is open, with an in-out drive, and visibility is relatively good. The site is surrounded by farmland.

DESCRIPTION OF PROPOSAL: It is proposed to extend the rear of the northern unit of the converted building. The existing unit has a floor area of approximately 98sqm, and an extension of 6.7m x 11.6m (78sqm), of weatherboard on a brick plinth with corrugated cement fibre sheet roof to match the existing, is proposed in place of a demolished wood store. It would not be visible behind the existing units, and would complete a gap within the range. It would provide two offices, a store and access and toilets to meet disability standards. Ample parking exists on site. Two additional staff would be employed.

APPLICANT'S CASE: Sovereign Medical started three years ago and needs to expand. Better economic sense to expand at current location than have upheaval of move. Local people are employed. Extension would be improvement to dilapidated and redundant wood store it would replace. Would effectively double size for Sovereign Medical, but this is small area in proportion to the building range. Screened by existing office, Dutch barn and grain store, and would not be visual intrusion into countryside, or from public road. Materials would be in traditional character of existing. Proposal is in line with government intentions to support diversification, enterprise and regeneration in the countryside.

RELEVANT HISTORY: Change of use of farm building to light industrial approved September 2000. Other buildings converted 1986 & 1987.

PARISH COUNCIL COMMENTS: Strongly support application in new of increase in employment opportunity development could provide.

REPRESENTATIONS: One received. Notification period expired 13 May.

Business Link – fully support development of this facility which contributes to both the local economy and support the employment of further jobs in the area, whilst improving the visual impact of the site.

PLANNING CONSIDERATIONS: The main issue is whether an extension to this rural commercial building would have any adverse impact on the countryside, and would meet government policy for rural businesses (ERSP Policies CS2, C5, NR1 & RE2, ADP Policies S2, C2 & C4 & C5, and DLP Policies S7, GEN8, E3 & E4)

1) Permission was granted for conversion of this rural building to a Class B1 commercial unit in 2002, in accordance with ADP Policy C5. This policy does not allow for "substantial building reconstruction", and ordinarily when considering such proposals it would not be acceptable for large areas of new build to be included. Policies generally presume against the construction of non-essential buildings in the countryside, although the employment section of the ADP advises that in certain circumstances in the countryside an extension to an existing building which "did not impair important characteristics of the surrounding countryside might be acceptable". In this instance, although the extension would almost double the size of the existing unit, it would replace a demolished wood store, and would be a proportionate extension to the converted range as a whole. Its siting would have

limited impact on its setting due to screening by the existing conversion and agricultural buildings to its rear. PPG7 encourages rural businesses and recognises that in some cases it may be necessary to allow for small scale reasonable expansion on site once a business has developed.

The proposal would have limited visual impact, and would not have a significant effect on nearby dwellings or traffic generation. It is not considered that it would set a precedent for expansion of the other three units at the site because there is no other gap in the building range to be infilled.

CONCLUSIONS: The proposal would support a small rural business without any significant visual impact on its rural setting. Although the construction of new commercial buildings in the countryside is normally contrary to policy, this would replace an existing structure.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time for commencement of development
2. C.3.1. To be implemented in accordance with approved plans
3. C.5.3. Matching materials
4. C.5.9. Painted wood. Featheredged boarding
5. C.6.1. Excluding future changes of use without further permission
6. The extension hereby permitted shall only be occupied in conjunction with the use operating in the part of the building hatched green on the 1:500 scale block plan shown on drawing no. N-787-03/02, and shall not be operated for a separate commercial purpose or by a separate operator at any time without the prior written permission of the local planning authority.

REASON: It would be inappropriate to allow the construction of a new commercial unit in this rural location, in the interest of rural and residential amenity, and highway safety.

7. C.9.3. No change from light industrial to storage
8. C.13.7. Hours of use – 8am-6pm Mondays to Fridays and 8am-1pm Saturdays.
9. C.9.1. No Outdoor storage.

Background papers: see application file.

UTT/1636/02/FUL - LEADEN RODING

Demolition of existing bungalow and erection of 4 detached dwellings and 1 bungalow with associated garaging and landscaping
Elms Acre, Chalks Green. GR/TL 597-134. Chase End Developments Ltd.
Case Officer: Richard Aston 01799 510464
Expiry Date: 09/01/2003

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

DESCRIPTION OF SITE: Elms Acre is a 3200 square metre existing residential plot, located within development limits, fronting onto Chalks Green in Leaden Roding. The site is bordered by Metropolitan Greenbelt to the north and south and existing residential properties to the east and west. To the west lies a modern development of detached 4/5 bedroom houses with detached and attached double garages and to the east the development is more sporadic consisting of a number of chalet bungalows and 1 ½ storey dwellings in fairly large grounds. There is an existing bungalow on the site with a number of associated outbuildings; this is located in the centre of the site with access along the eastern boundary.

DESCRIPTION OF PROPOSAL: The proposal details the demolition of the existing bungalow, its replacement with a new bungalow and the erection of 4 detached dwellings to the rear with associated garaging and landscaping.

APPLICANT'S CASE: The application has been discussed and revised in line with officers' recommendations.

CONSULTATIONS: Environment Agency - A private means of foul effluent disposal is required in the form of a private sewage treatment plant. Makes advisory comments in relation to works affecting a watercourse. A percolation test should be undertaken to ensure soakaways are adequate.

ECC Highways – No objections to the proposal

Anglian Water – No objections in principle to the application, details of foul and surface water drainage must be approved by the LPA prior to the commencement of development.

PARISH COUNCIL COMMENTS: Concerns regarding overdevelopment of the site. If the application is to be granted then perhaps the developer could be encouraged to tarmac the unadopted part of this lane as a planning gain.

REPRESENTATIONS: This application(s) has been advertised and 7 representations have been received. Period Expired

General Summary – No objections from the neighbouring property to the proposal if the existing Leylandii hedge is retained and adequate provision is made for drainage. Bungalows rather than detached dwellings may be more appropriate. Five objections have been received to the application, with concerns about surface water drainage, the amount of car parking on the site and where the sewage treatment plant will be located.

PLANNING CONSIDERATIONS: The main issues are whether the proposal is acceptable with regards to

- 1) ADP Policy S1 (Development Limits) and
- 2) H10 (Backland Development) design and layout (ADP DC1 and their DLP equivalents).

1. The site is located within development limits and Policy S1 of the ADP states that '*within development limits, development proposals that are not detrimental to any important environmental or visual characteristic of the locality and accord with other relevant policies of the plan will normally be granted*'. In conjunction with this, the proposal must be determined

against this policy and policy H10 which states that *'development will normally be refused unless, there is significant underuse of the land, there is no material overlooking or overshadowing, the site is not of significant environmental value and significant road congestion would not be created'*. The proposal is limited to 5 dwellings and is designed and laid out in such a way that it does not create any material overlooking or overshadowing. The site is not of significant environmental value and the development of the rear of this plot is considered to be a development which would make good use of land within development limits.

2. Turning to the design of the development, the proposal would appear as a transitional site between the low density ribbon development of 4 houses to the east with the Greenbelt beyond and the fairly modern housing development which borders the site to the west. The retention of a bungalow on the front of the property would maintain the existing streetscene and would also partially obscure the two storey dwellings to the rear. Concerns have been raised by residents with regards to the car parking on the site and the density of the housing. The Adopted District Plan standard for such houses is 3 spaces per dwelling; the proposal details 1 garage space per dwelling and 1 parking space. However there is sufficient circulation space inside the site to allow for extra cars to be occasionally parked and accordingly it is considered acceptable. The design of the house types is vernacular and is in keeping with the properties to the west, which are similar in height and appearance. Accordingly, the proposal complies with Policy DC1 of the Adopted District Plan and there are no sufficient reasons for refusing this application.

COMMENTS ON REPRESENTATIONS: It is the intention to retain the existing boundary screen around the site; this can be secured by landscaping condition. Concerns relating to the drainage of the site can be assessed, because if members are minded to approve the application a drainage scheme would have to be submitted prior to commencement of development.

CONCLUSIONS: The proposal is in accordance with relevant district plan policies and the design and layout of the development would not detract from this attractive area of Leaden Roding and from the Metropolitan Greenbelt beyond. The proposal has been revised in line with officers' recommendations and is now considered to be acceptable; accordingly it is recommended that planning permission be granted.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development
2. C.3.2. To be implemented in accordance with revised plans
3. C.4.1. Scheme of landscaping to be submitted and agreed
4. C.4.2. Implementation of landscaping
5. C.4.4. Retention/replacement of trees
6. C.5.1. Samples of materials to be submitted and agreed
7. C.6.4. Excluding extensions without further permission
8. C.7.1. Slab levels
9. C.6.7. Excluding conversion of garages
- 10 Drainage details to be submitted and agreed.

Background papers: see application file.

UTT/0185/03/FUL - GREAT SAMPFORD

Conversion of pair of barns into 2 dwellings.
Barns at Free Roberts Farm, Howe Lane. GR/TL 639-366. J Harrison.
Case Officer: Michelle Guppy 01799 510477
Expiry Date: 15/04/2003

NOTATION: ADP: Outside Development Limits/Within Area of Special Landscape Value/Adjacent to Grade II Listed Building DLP: Outside Settlement Boundaries

DESCRIPTION OF SITE: This application relates to a complex of timber/brick barns located on a farmstead which is now disused, 1km north of Great Sampford. It is accessed via a single-track road leading from Howe Lane, which serves a small number of dwellings culminating in Howses, a Grade II Listed Building, surrounded by a moat which is a scheduled Ancient Monument.

DESCRIPTION OF PROPOSAL: This is revised proposal is for conversion of the barns into two. 4 bedroomed houses. The existing enclosed yard area adjoining the barns to the south west would form the gardens and the access to the barns would be at the northeast side.

APPLICANT'S CASE: See Supporting Statement (copy attached at end of report)

RELEVANT HISTORY: Permission refused in 1995 for conversion of barns to two dwellings and appeal dismissed in 1996 on the ground that the scheme was not an acceptable form of residential conversion, and would not have preserved the setting of the adjoining listed building, Howses. Permission refused for residential conversion following Members' site visit and appeal dismissed in 2002 on similar grounds

CONSULTATIONS: Design Advice: The minimal changes do not overcome the reasons for refusal of the two previous applications and consequent appeals. (See full response, copy attached at end of report).

Environment Agency: DETR Circular 03/99 identifies that septic tank drainage should only be considered when other means have been eliminated as not achievable. The application does not included information required to support use of a septic tank therefore the Agency cannot consider the proposal and indeed nor should the LA. Failure to provide the information required by the circular can be cited as a reason for refusal of planning permission. Advisory comments regarding work that will affect a water course and requirements for a percolation test. Copy forwarded to the agent.

Environmental Services: No comments.

Building Control: Fire service access may need to be improved when the scheme reaches the building regulations phase. The agent has been written to.

PARISH COUNCIL COMMENTS: None received (due 23/3/03).

REPRESENTATIONS: This application has been advertised and 19 representations have been received.

Period expired 25/3/03.

1-17. Object. Detrimental to rural character and appearance of the countryside. Detrimental to setting of listed building. Access road very narrow and unable to take more traffic, would be extremely dangerous. Lack of car parking. Barns are too far from village centres and bus routes. Increase in traffic will be detrimental. Has not overcome previous reasons for refusal. Barns unsuitable for conversion, is very high and very ugly with no old beams or substance for conversion. Would result in unsuitable housing with small gardens more suited to town development. Scheme worse than earlier refusals. Overlooking of listed house. New houses gardens will be overlooked. Detrimental to amenity of occupiers of Howses. Would be invasion of privacy. Would increase loss of privacy. Site not capable or suitable for coping with increase in traffic. Is contrary to policy. Concerns over, noise and light pollution in rural setting. Barns not of significant architectural merit to warrant conversion. It is still a working farm in yard. Agricultural use would be more appropriate use for the barns.

Would result in increase in noise levels, increase in traffic would mar the natural beauty of the surrounding countryside.

18. Detrimental to setting of Listed Building. Listed building is history that is evident and easily visible from several public footpaths. Conversion of barns would debase the historical integrity of the site, detrimental to the setting of the listed building. Refusal of conversion at Tiptofts, Wimbish is a precedent for a further refusal in this case. (see representation letter, copy attached at end of report)

19. CPRE: Object. Does not overcome previous reasons for refusal. Would have adverse effect on setting of listed building and ancient monument. Insertion of extra windows amounts to excessive alteration of original structure. Undermines barns subservient appearance and would create a large and dominant pair of dwellings. Inadequate amenity space, increasing the impact of domestic paraphernalia with adverse consequences for the appearance of the countryside.

PLANNING CONSIDERATIONS: The main issues are

- 1) the effect on the character and appearance of the countryside and Area of Special Landscape Value (ADP Policies S2 – Countryside Beyond the Green Belt and the Countryside Protection Zone & C2-Areas of Special Landscape Value, DLP Policies S7 – The Countryside & GEN8- Reinforcing Countryside Character, ESP Policies CS2-Protecting the Natural and Built Environment & C5-Rural Areas Not In The Green Belt)**
- 2) the whether the proposal complies with ADP Policy C6-Conversion Of Rural Buildings To Residential, DLP Policy H5- Conversion Of Rural Buildings To Residential Use and ESP Policy RE2-Re-use of Rural Buildings**
- 3) effect on the setting of the nearby listed building and scheduled ancient monument (ADP Policy DC5-Development Affecting Listed Buildings, DLP Policy ENV2-Development Affecting Listed Buildings and ESP Policy HC3- Protection of Listed Buildings) and**
- 4) access to the site and whether it complies with the principles of sustainability (ADP Policy T1-New Development and General Highway Considerations, DLP Policy GEN1-Access, ESP Policy T3-Promoting Accessibility, and PPG's 3 & 13 – Sustainable Development**

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

2) As an exception to the above, ERSP Policy RE2, ADP Policy C6 and DLP Policy C6 allow for the residential conversion of suitable rural buildings, subject to various criteria being met. Policy RE2 requires the subject building to be of sound construction capable of conversion without major reconstruction and the building to be in a location deemed not to be isolated or well away from existing settlements. Policy C6 requires the building to be worthy of retention by virtue of its style, design, architectural or historic interest. The Inspector at the 1996 appeal took the view that the building did not have sufficient environmental merit to meet the above criteria and the Inspector at the 2002 appeal concurred with this view. Officers agree with this assessment.

The Policies also require the conversion to respect the character of the countryside and the application building. The Inspector at the 2002 appeal acknowledged the attempt of reducing the level of the fenestration to overcome the design objections of the Inspector at the 1996

appeal. However, she also pointed out that the reduced level of windows would result in a gloomy interior, which would create a pressure for further openings in the future. Possible further openings would bring the original design objections into play. The now submitted scheme contains windows which are concern less acceptable. They appear to be of a C19 vertically sliding sash type, but with both top and bottom sashes top pivoted. When closed the windows would appear to be totally domestic and inappropriate in the context of farm building. When opened, they would jut out from the wall plains in a visually disturbing way. The proposed design would not conserve the utilitarian and subservient characteristics of these outbuildings.

3) The Development Plan Policies relating to historic buildings seek to safeguard their character and setting against inappropriate development. The Inspector at the 1996 appeal took the view that the proposal involving a change 'from an agricultural to a residential appearance would give the barns a more dominating character, and the amount of new activity that would take place in close proximity to the existing house and its moat would be harmful to its pleasant rural environment'. In his view he considered that the setting of the listed building would not be preserved. The Inspector at the 2002 appeal concurred with this view. This revised proposal does not overcome these concerns.

4) Access would be via Howe Lane, a tarmac-surfaced single-track road that currently serves a small number of other dwellings. The lane is of restricted width and regularly used, according to representations, by horses and walkers. Notwithstanding this, it is considered that the traffic generated by two additional dwellings over and above current levels would not be so detrimental to highway safety as to justify a refusal. However, the creation of 2 new dwellings in such a remote location would mean heavy reliance on access by car, contrary to advice in PPGs 3 & 13. With regards to ESP Policy RE2, which advises that remote buildings should not be converted, the subject building is part of a group, one a dwelling, located approx. 1 mile north of the village of Great Sampford. It is, however, accessed via Howe Lane, a long single-track road that gives the perception that the site is isolated. The building would be well contained within the group and would not appear isolated in the open countryside. The Inspector at the 2002 appeal concurred with this view.

CONCLUSIONS: The proposals would harm the setting of the listed house and moat contrary to Development Plan Policies and Government Guidance. The proposed dwellings would be inappropriate development in the countryside while there may be scope for a suitable conversion. Insufficient changes have been made to warrant a different decision from the appeal in 2002.

RECOMMENDATION: REFUSAL REASONS

1. Contrary to Adopted District Plan Policy S2, Essex Structure Plan Policies CS2 and C5 and Deposit Local Plan Policy S7. The proposed development is not covered by the exceptions referred to in Policy S2 and would be unacceptable because it would result in the creation of two new residential units in the countryside thereby causing undue harm to the character and appearance of the rural area, by virtue of increased domestication, trappings and levels of activity generated.

2. Contrary to Adopted District Plan Policy C6, Essex Structure Plan Policy RE2 and Deposit Local Plan Policy H5. The scheme contains windows which appear to be of a C19 vertically sliding sash type, but with both top and bottom sashes top pivoted. When closed the windows would appear to be totally domestic and inappropriate in the context of farm building. When opened, they would jut out from the wall plains in a visually disturbing way. The proposed design would not conserve the utilitarian and subservient characteristics of these outbuildings.

3. Contrary to Adopted District Plan Policy DC5, Essex Replacement Structure Plan Policy HC3 and Deposit Local Plan Policy DC5. Section 16(2) of the planning (Listed Buildings and Conservation Areas) Act, 1990 states that a planning authority shall have special regard to the desirability of preserving a listed building or its setting. The proposal would be unacceptable because it would, by virtue of its design and close proximity, adversely affect

the preservation of the character of the adjacent listed building known as Howses, its setting and the Scheduled Ancient Monument 'the moat'. Further the change from agriculture to a residential appearance would give the barns a more dominating character, and the amount of new activity that would take place in close proximity to the listed house and its moat would be harmful to its pleasant rural environment.

4. Contrary to Government Guidance as contained in Planning Policy Guidance Notes 3 (Housing) and 13 (Transportation). The proposed development involving the creating of two new dwellings in this remote location would result in heavy reliance on access by car, contrary to Central Government Advice as contained in Planning Policy Guidance Notes 3 (Housing) and 13 (Transportation), regarding sustainable development.

Background papers: see application file.

1) UTT/0209/03/FUL & 2) UTT/0210/03/LB - HIGH EASTER

1) + 2) Proposed conversion of a redundant barn to form a detached dwelling Barn adjacent to Greens Farmhouse. GR/TL 623-156. Mr M Kenworthy.
Case Officer: Anthony Betros 01799 510471
Expiry Date: 16/04/2003

NOTATION: Outside development limits/ Listed building/ Adjacent to a listed building

DESCRIPTION OF SITE: The property is located on the western side of the road which connects High Easter and Barnston, approximately 1 kilometre north of the village of High Easter. The site contains a listed farmhouse and a collection of barns, sheds and outbuildings. The site as outlined has a highway frontage of 25 metres, depth of 40 metres and site area of 1000sqm.

DESCRIPTION OF PROPOSAL: The application involves conversion of the northernmost barn (listed) on the property to a separate residential dwelling. The ground floor is to contain the living areas while the first floor area shall contain 4 bedrooms, additional lounge area and balcony. Demolition of a large lean-to attached to the subject barn is also proposed.

APPLICANT'S CASE: "It is proposed to convert a redundant barn to dwelling use. The existing structure has excellent timber framework. The proposals will allow retention and protection of the building. Windows and doors are generally indicated to existing external work openings. Some glazed areas are indicated with fixings between studwork. Ample garden and amenity space is provided. Generous access, parking and garaging is included. A substantial lean-to structure is to be removed. The building character is maintained via a generous area retained open to underside of roof finish. The structure is now at a stage to require considerable expense for maintenance and repairs."

RELEVANT HISTORY: A variety of approvals have been granted for extensions to the main farmhouse and agricultural buildings on the subject property.

CONSULTATIONS: Environment Agency: No objections subject to conditions.
Specialist Design Advice: The barn subject of this application is a listed grade II building and together with listed farmhouse, wall and a granary forms part of an attractive historical farmstead.

The building fulfils the criteria set out in the policy relating to residential conversion of redundant farm buildings. In principle I consider the proposed scheme acceptable subject to the following conditions.

- No elements of historical timber frame to be cut or removed without inspection and consent.
- All existing sound natural slates to be removed and shortfall made up with matching materials.
- All weatherboarding to be feather edge and painted black.
- All external joinery to be timber and painted black.
- There should be no fence or wall in the yard between this barn and the outbuilding to the southwest.
- All fences defining new garden within agricultural land should be post and rail with indigenous hedges planted on the field side.

PARISH COUNCIL COMMENTS: No objection is raised to the development itself, however a condition removing permitted development rights should be added.

REPRESENTATIONS: No notification due to isolation of the site.

PLANNING CONSIDERATIONS: The main issues are whether the proposal complies with Council's policies for listed barn conversions to residential use. The relevant policies are:

- 1) **UDP- Policy C6- Conversion of Rural Buildings to Residential Use (DLP H05)**
- 2) **UDP- Policy DC5- Development Affecting Listed Buildings (DLP - ENV05) and**
- 3) **UDP- Policy DC6- New Uses for Listed Buildings (DLP - ENV05)**

1) The subject barn is in sound structural condition and its appearance enhances the character and appearance of the rural area. The proposed works respect and conserve the characteristics of the building.

2) The development of the listed barn is proposed to a high standard of design which retains the character and setting of the barn within the countryside. The proposal is also supported by Council's Conservation Officer as the proposal is consistent with each of the relevant policies.

3) The proposed residential use of the listed building will preserve the architectural and historic characteristics of the barn through the appropriate use of glazing externally and a respectful internal layout of the barn.

CONCLUSIONS: The proposal complies with each of the relevant policies for conversion of the listed barn to a residential use. The proposed conversion will enhance and maintain the appearance of the barn without creating any detrimental amenity impacts to the surrounding countryside.

1) UTT/0209/03/FUL RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development
2. C.3.1. To be implemented in accordance with approved plans
3. C.4.1. Scheme of landscaping to be submitted and agreed
4. C.4.2. Implementation of landscaping
5. C.11.1. Standard vehicle parking facilities
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission

2) UTT/0210/03/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development – listed buildings
2. C.3.1 To be implemented in accordance with approved plans.
3. No elements of historical fabric to be removed or cut without inspection and consent.
REASON: To protect the heritage qualities of the building and the setting of the nearby listed building.
4. All existing sound natural slates to be re-moved and any shortfall to be made up with matching materials.
REASON: To protect the structural integrity and appearance of the subject building.
5. All weatherboarding to be featheredge and painted black.
REASON: To ensure an appropriate external appearance of the subject building in its setting.
6. All external joinery to be timber and painted black.
REASON: To ensure an appropriate external appearance of the subject building in its setting.
7. There should be no fence or wall between this barn and the outbuilding to the southwest.
REASON: To protect the setting of the group of buildings.
8. All fences defining new garden within agricultural land should be post and rail with indigenous hedges planted on the field side.

REASON: To protect the setting of the group of buildings.

Background papers: see application file.

UTT/1814/02/FUL – ASHDON

Construction of 2 fishing lakes with access road, and parking area.
Goldstones Farm Radwinter Road. GR/TL 592-405. John Furze.
Case Officer: Karen Hollitt 01799 510495
Expiry Date: 10/03/2003

NOTATION: ADP: Outside Development Limits/Area of Special Landscape Value/Adj SSSI/Protected Lane.

ULP: Outside Settlement Boundary/Adj SSSI and County Wildlife Site/Protected Lane.

DESCRIPTION OF SITE: The site is located approximately 1km to the south of Ashdon to the west of the road between Radwinter and Ashdon. The area is undulating countryside forming open fields currently under agricultural use, with no screening along the roadside. They are very exposed and visible from various points along the highway. There is a stream running from the highway to the River Bourne, which runs along the western boundary of the site. There is a band of mature vegetation to the west of the River Bourne, providing a natural screen to the proposed development.

DESCRIPTION OF PROPOSAL: It is proposed to construct two fishing lakes, rectangular in shape, one measuring 150m by 50m and the other 170m by 50m. It is also proposed to construct two small "conservation ponds" adjacent to the lakes. There would be a 5m wide access road from the highway to the lakes, a distance of approximately 180m, with a car park providing 50 spaces.

APPLICANT'S CASE: Lakes will be stocked and managed by Quiet Sports Fishery Management. Site will be available for use during daylight hours, seven days a week. An average of 4-5 anglers are expected on weekdays and 10-20 at weekends/Bank Holidays. Night fishing will not be permitted.

CONSULTATIONS: CAA: Site lies outside normal areas safeguarded by CAA.

Archaeology: Detailed monitoring required.

English Nature: (Original Plans) Not likely to affect Ashdon Meadows SSSI.

(Revised Plans) Welcome the addition of fishless wildlife ponds.

Environmental Services: No comments.

Engineer: Any structures in the adjacent stream in connection with filling the ponds will require EA consent.

Environment Agency: (Original Plans) No information on source of water for lakes. Close proximity of car park could allow applicant to consider disabled angling platforms and access paths. Proposed construction of fishing lakes provides opportunity for wetland habitat creation that should be maximised. Proposed lakes are very uniform in shape and profile and at the moment the proposal does the minimum possible to create any habitat. Lakes would benefit from screening with indigenous trees and shrubs. No consideration has been made on the potential effect of development on adjacent habitat of ditch, river and woodland. (Revised Plans) Applicant states "the lakes will be filled with water taken from the adjacent stream". This is an area where summer surface water is considered to be fully committed. Proposal could do more to incorporate increased habitat diversity; consideration of disabled angling access should be made; potential effect of development on adjacent habitat should be considered.

Anglian Water: No comment.

Highways: No highway objections raised subject to conditions.

PARISH COUNCIL COMMENTS: No comment.

REPRESENTATIONS: Three. Notification period expired 24 March 2003.

1. Concerned that the rectangular shape of the lakes, the long access track and very large (50 spaces) car parking area are not compatible with the setting and are not therefore appropriate in the context of this particular location, but would detract from its current open and attractive rural quality and lead to undue traffic using the Protected Lane.

We are concerned at the lack of background information.

We are concerned that the application is not fully comprehensive and that, if consent is given, there will be pressure in the future for additional structures on the site such as toilets, kiosks and shelters and a club house.

2. Following observation:

- a) The geometrical shape of the lakes does not in any way enhance, but will severely detract from, what is currently a most beautiful tree lined valley.
- b) Why do the plans show provision of 50 parking spaces for a maximum of 20 anglers
- c) Provision of 50 parking spaces could mean up to 200 anglers using the lakes at any one time.
- d) It should be noted that at times the River Bourn dries up. Will sufficient water be available to keep the lakes filled?
- e) Could the lakes be engineered to provide protection for properties downstream in times of flood?

3. Support, the fishing lakes would bring visitors to the area and will help the other local businesses in the centre of the village. Feel that the fishing lakes will enhance both the countryside and wildlife which we appreciate and enjoy.

PLANNING CONSIDERATIONS: The main issues are

- 1) the proposal relates to an appropriate outdoor recreational use within open countryside (ESRP Policy C5, ADP Policy S2, DLP Policy S7),**
- 2) whether the proposals accord with the special characteristics of the area (ADP Policy C2, DLP GEN8) and**
- 3) whether the proposals would have an adverse effect on the natural environment and whether they would promote bio-diversity (ERSP Policy NR7, ADP Policy C3, DLP GEN7).**

1. The application relates to the construction of two large fishing lakes located in open, undulating countryside. Whilst it is accepted that the proposed use may be an appropriate outdoor recreational use, it is considered that the proposal would have a detrimental impact on the open countryside. The site is very exposed, with views available from various locations and it is considered that the proposed regular shaped lakes would present an alien feature within the open countryside. The applicant has submitted further photographic evidence showing existing lakes, but it is considered that these further emphasise the potential impact of the extensive fishing lakes proposed in this location.

2. It is proposed to construct a 50 space car park adjacent to the lakes. Again, due to the open nature of the site, this will appear very exposed within the open countryside. It is proposed to provide landscaping adjacent to the lakes and the car park, but this would take time to become established and it is not considered, in this instance, that it would be sufficient to overcome the potential detrimental impact on the open countryside.

3. The Environment Agency have raised concerns regarding the shape of the proposed lakes, and in particular the fact that they are unlikely to increase wildlife diversity. Revised plans were submitted showing fishless conservation ponds, but the Environment Agency still consider that these will not be sufficient to increase wildlife diversity.

No justification has been forwarded regarding the large car park, particularly as the applicant only envisages 20 anglers at any one time. The applicant states that night time fishing will not be permitted, but have not forwarded any details as to how they would control this issue. Although these issues could be controlled by condition, they may require the installation of additional structures which could be detrimental to the open countryside.

CONCLUSIONS: It is considered that the regular shape of the proposed lakes, located in this area of open, undulating countryside, would be detrimental to the character of the area. In addition, the shape of the lakes are not considered appropriate to promote increase wildlife diversity. It is considered that the proposals would be contrary to policy.

RECOMMENDATION: REFUSAL REASONS

1. The proposed fishing lakes would result in the formation of two large and regular features which would be incongruous and out of character with the surrounding countryside as they would not have a design sympathetic to the rural landscape character. Furthermore, the fishing lakes, car park and access road would have a major visual impact on the countryside, the landscaping of which would take time to mature. The proposals are therefore contrary to ERSP Policy C5, ADP Policies S2 and C2 and DLP Policies S7 and Gen8.

2. The proposals do not contain sufficient measures to promote bio-diversity, particularly in view of the location of the site in close proximity to Ashdon Meadow SSSI and a contrary wildlife site. This is contrary to ERSP Policy NR7, ADP Policy C3 and DLP GEN7.

Background papers: see application file.

UTT/0276/03/DFO – WIMBISH

Construction of four detached houses with double garages. Alterations to existing vehicular access, including closure of second access. (Reserved matters to UTT/0110/02/OP)
Taylor Brothers site, Howlett End. GR/TL 589-344. Gainsborough Construction.
Case Officer: Geoff Lyon 01799 510458
Expiry Date: 28/04/2003

NOTATION: ADP and DLP: Outside Development Limits.

DESCRIPTION OF SITE: The site is located on 'brownfield' land, which was formerly part of the Taylor Brothers Site. Located on land associated with former builders merchant, skip & plant hire and general contractors yard, Howlett End, Wimbish. It is situated on the B184 between Thaxted and Saffron Walden at the southeastern entrance to the settlement of Howlett End. The site is in the process of being cleared with the demolition of existing buildings and structures associated with the former use. There are significant mature and semi-mature trees and hedges surrounding the site, with an established non-native hedge running across a large proportion of the front of the site.

DESCRIPTION OF PROPOSAL: This application seeks to erect four detached 4-bedroomed dwellinghouses with a double garage and two spaces in front. Each dwelling would have a footprint of approximately 120 sqm with an additional 39 sqm for the double garage. The height to eaves of the dwellings would be approximately 5m with a (height to ridge of 8m. The garages for plots 2 & 3 would be 4.6m high and 6.3m for 1 & 4.

The houses would be constructed from a mixture of materials with a red brick plinth, smooth rendered finish to the walls, clay plain tile roof and painted softwood joinery. The garages would have weatherboarding on a brick plinth with tile capping. The larger garages with accommodation above would have rendered sections. All of the plots would have a width of approximately 15m and gardens that extend between 30 and 60 metres from the back wall of the properties. The proposed dwellings would share an access onto the B184 along a short drive with a turning point at the end.

RELEVANT HISTORY: Planning permission was allowed on appeal for the redevelopment of the site for three dwellings in May 2001. An appeal was dismissed for four dwellings with one of these at the rear, in view of the detrimental impact of passing traffic on the frontage properties.

An outline application for redevelopment of the site for four dwellings was approved in May 2002 for which this application is the submission of reserved matters.

CONSULTATIONS: Environment Agency – No Comments to make.

Anglian Water - No Comments

Essex County Council Transportation – No objections subject to the following: -

- The existing access, which is proposed to serve this development, should be 5.0 metres wide and provided with 7.5 metre radius kerbs at its junction with the county road B184.
- Adequate car parking and turning facilities should be provided within the curtilage of the site.

PARISH COUNCIL COMMENTS: The Parish Council is very disappointed with the unimaginative plans. The plans show four houses, which would not be in keeping with other houses in Howlett End, and they are designed with dull uniformity. The architect has not taken into account that they are houses for a village and not a town as they are very urban plans. The Parish Council would like the site made into a much more imaginative scheme. Please take the comments from the residents of 'Field View' into consideration.

REPRESENTATIONS: This application has been advertised with 6 neighbour notifications. Advertisement expired 25th March 2003. Three letters of objection have been received.

1. a) 'We request restrictions of access across the front of our property. We would like action to be taken to restrict the flow of traffic across the front of Fieldview – i.e. no traffic to enter/ exit Taylor's site via our entrance.

- b) The construction of a permanent structure along the boundary between Fieldview and Taylor. Bros site from the gate area extending outwards towards the road, thus prohibiting entering/ exiting through our site. We would also request the exact proposed measurements for the alterations to the proposed vehicular access

- c) The proximity of Plot 4 to Fieldview gives cause for concern with regard to a) privacy; the back garden in Fieldview being overlooked by the windows of the 1st floor of the aforesaid property and b) light restrictions onto the south side of Fieldviews property due to the height of the proposed property.

- d) With respect to the maintenance of the site we would like the existing landscape maintained i.e. hedges trimmed twice yearly, etc.

- e) With regard to site working practices, i.e. noise, pollution and nuisance we request that
 - No noisy work to start before 8am and to finish before 6pm
 - No Sunday work
 - Waste disposal should not constitute burning on site and in no instance should smoke or other pollutants enter the Fieldview site.

2. Although I have no objection to the proposed development in principle I feel permission should only be granted if mains drainage was brought into the village to which they must be connected. The condition of ditches and septic tanks in and around Howlett End is appalling a four more large houses added to this situation can only make matters worse. There is no excuse this day and age not to install mains drainage on this site, particularly as other parts of Wimbish are connected.

2. CPREssex – The design detail of these houses is of paramount importance.

- a) We consider that this application is disappointing and not appropriate for a rural setting but more suited to an edge town suburban location. It is therefore contrary to Policy DC1.
- b) There is an excess of detail, changes of material etc, out of keeping with the general simple style of other Houses in Howlett End;
- c) A number of design features which the Essex Design Guide advises developers and planners to avoid – hipped roofs, chimneys without pots, skin-deep features (e.g. the bay window on the rear elevation of Plot 4, apparent fake timber to front elevations; and
- d) A front elevation dominated by garaging –both the large block in front of Plots 2 and 3 and the dominant double doors to the front of Plot 4.

PLANNING CONSIDERATIONS: The main issue with regard to this application is whether the design, external appearance and landscaping are acceptable in relation to the proposed residential development (ADP Policy DC1 + DLP Policy GEN2).

The issue of residential use on this site is not for consideration in relation to this application because such use has already been given consent at the outline stage along with the siting of the dwellings and the means of access. The issues to consider are the reserved matters relating to the design, external appearance and landscaping associated with the proposed development.

The four dwellings proposed as part of the application are all substantial in terms of their physical mass with full height two-storey accommodation and steep traditional pitched roofs of 50 degrees. The houses would be of a 'mock' traditional design with the use of soft red brick plinths, cream smooth rendered walls, weatherboarding and peg-tiles etc. The

applicant has produced designs, which although having a degree of uniformity, are considered to be of a higher standard than other dwellings within the immediate locality. There may be a few details that could be changed such as the 'fake' timber frame gable inserts but the development is acceptable by modern standards and has adequate parking for each unit. The garages to the front of the properties are not something that would normally be encouraged but the approved outline plan indicated this arrangement and a side garage layout would affect the siting of the proposed dwellings. The applicant has provided an indicative landscaping scheme showing the retention of most of the existing vegetation around the edge of the site with approximately 25 trees within the development site. The 3-metre high conifer hedge to the front of the site is to be retained and this will screen the majority of the site from the B184. The south access point near to 'The Lodge' is to be blocked-off and planted with additional hedging Relationships with adjoining properties would be satisfactory.

COMMENTS ON REPRESENTATIONS: Where not covered in the report these are controllable through planning legislation.

CONCLUSIONS: The proposed dwellings are of a satisfactory design as layout and have a satisfactory relationship with neighbour dwellings Landscaping details are indicative at this stage with the intention to retain as much existing landscaping as possible. This issue has been raised by the adjoining neighbour and is dealt with by landscaping condition attached to the original outline permission.

RECOMMENDATION: RESERVED MATTERS BE APPROVED

1. The reserved matters hereby approved shall be implemented in accordance with the conditions of planning permission UTT/0110/02/OP
2. C.3.1. To be implemented in accordance with approved plans
3. C.5.1. Samples of materials to be submitted and agreed
4. C.7.1. Slab levels
5. Excluding PD extensions

Background papers: see application file.

UTT/1856/02/OP – DEBDEN
(Member Referral)

Outline application for erection of a dwelling
Land adj. to Connlas Well, Rook End Lane. GR/TL 560-328. Mr & Mrs D Wilson.
Case Officer: Geoff Lyon 01799 510458
Expiry Date: 25/02/2003

NOTATION: ADP and DLP: Outside development limits of Debden and within Area of Special Landscape Value.

DESCRIPTION OF SITE: The site is located in open countryside to the southeast of Debden. It is roughly triangular and surrounded on two sides to the north and west by existing roads and to the south by an old cart track. Access is via an entrance off Rook End Lane. The existing property known as 'Connlas Well' is a chalet-style dwelling with four prominent pitched dormer windows at the front and rear. There is an off-centre pitched roof garage to the side of the property and this forms the link between the existing and the proposed development. There is a reasonable amount of existing vegetation to the northern and southern boundaries consisting of various native and non-native species. A 4m high leylandii hedge fronted by a smaller native hedge runs parallel with Smiths Green. To the front of the site is a native hedge of approximately 1.5 metres in height with a gap of 3-4 metres for the entrance to the site. The boundary adjacent the cart track has a mixture of tall trees, including several large conifers as well as other native species. This forms a natural break onto the fields beyond.

DESCRIPTION OF PROPOSAL: The applicant is seeking outline consent for the erection of one dwelling and garage. At this stage, the applicant only wishes to determine the means of access for the proposed property with the siting, design, landscaping and external appearance reserved for subsequent approval. Drawing Number 2, which is submitted as part of the application shows the proposed site boundary along with an indicative layout of the design and siting of the new dwelling. The proposed plot measures approximately 62 metres long and 13 metres wide and will share an access with 'Connlas Well' from Rook End Lane. The applicant has indicated that the driveway to the proposed new dwelling would be within the ownership of the new property and therefore the existing property 'Connlas Well' would have right of way to their garage and for parking in front. The front driveway would therefore in effect be a communal access for the two properties.

The application form indicates that the proposed dwelling would be 1½ storey in height but the exact design is reserved for subsequent approval and therefore the architectural merits of the dwelling indicated in drawing no. 2 of the submitted plans are not relevant at this stage.

A proposed planting scheme is indicated on drawing number 2, but this would require approval at the reserved matters stage once the siting and design and external appearance of the proposed is known.

APPLICANT'S CASE: The applicant has provided a pocket profile of their circumstances for applying to build this property in view of the inability to purchase existing accommodation locally. The applicant is a teacher and has provided copies of properties on the market at the time of submitting the application, which are all apparently beyond their financial means. The applicant's parents own 'Connlas Well' and a self-build project would allow them to live and work locally at an affordable price. They are prepared to accept conditions preventing sale of the property for a number of years. See 6-page supporting case at Council offices.

RELEVANT HISTORY: Outline application for detached dwelling and garage refused December 1988 (UTT/1860/88).

CONSULTATIONS: Essex County Council Specialist Archaeological Advice – No archaeological recommendations to be made as the site lies outside any area of known archaeological deposits.

Civil Aviation Authority – No comments to make on this application.

PARISH COUNCIL COMMENTS: No Comments Received (due 2 Feb).

REPRESENTATIONS: This application has been advertised with 4 neighbour notifications. Advertisement expired 24th January 2003. No letters of objection have been received.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1. the proposed development is appropriate within its location in respect of current planning policy guidelines (PPG7, ESP H2, H5, C5, ADLP S2, H5 & DLP H6) and**
- 2. it would create a precedent for similar development to take place in the area.**

1. In the countryside outside development limit new dwellings are normally only permitted where requires for agriculture, horticulture in forestry. The development plan includes on exceptions policy, which permits the provision of affordable housing to meet identified was need.

The policy states:

In order to make a contribution to the need for affordable housing in villages, permission may exceptionally be granted for development proposals consisting entirely of affordable residential development on sites beyond Development Limits provided that:

- (a) *It can be demonstrated that the proposal would meet a particular local need that cannot be accommodated in any other way.*
- (b) *The development provides for permanent controls which ensure that the original benefits of the scheme are permanently secured for subsequent occupiers.*
- (c) *The site is within or immediately adjacent to the built-up edge of a village, which will usually possess a reasonable range of services.*
- (d) *Development of the site is not detrimental to environmental and other planning considerations.*

In relation to this application, it would seem that the affordable housing argument put forward by the applicant is a difficult one to sustain. Firstly the proposed application is for one single dwelling in private ownership for a teacher whose employment location, from the information supplied is not clear. Therefore, the fact that the property would be in private ownership and not managed by a registered social landlord means that it would be difficult, if not impossible to prevent such a property, once built, returning onto the open market. Moreover the site is not a suitable one for affordable housing under the terms of the development plan. Consequently, the property would not remain 'affordable' in perpetuity.

The issue of Infilling under PPG7 and Local Plan Policy H6 and is also of consideration for this proposal. Again, the applicant indicates that the site would qualify as an infill plot in their supporting statement officers considered that this is not an infill plot as it is not a small gap in a small housing group as required by policy H6 moreover, PPG7 paragraph 3.21 states that 'The fact that a single house on a particular site would be unobtrusive is not by itself a good argument; it could be repeated too often.' In this instance the proposed new dwelling would create a precedent for similar development to take place at 'Apple Acre', 'Brookside' and 'Orchard Close' plus many others within the immediate location that could claim to qualify as an infill plot. This would lead to a coalescence of development along this stretch of road between Debden and Thaxted thus harming the visual character of the area.

2. The character and appearance of both Rook End Lane and the ancient cart track running adjacent to the site would be adversely affected and may mean create a precedent for irreversible and inappropriate development within this rural area.

CONCLUSIONS: The issue of affordable housing and infilling are relevant to this application but the applicant has not demonstrated how the proposed new residential property will remain affordable in perpetuity to the benefit of the local community. Additionally, the site is not an infill, plot and the fact that the proposed dwelling is said to be unobtrusive is not area a reason to justify approval. Therefore the development is inappropriate to be located outside the defined settlement limits and the material circumstances indicated by the applicant are not enough to warrant a departure from both national and local planning policy in this instance.

RECOMMENDATION: REFUSAL REASONS

It is the Policy of the Adopted Uttlesford District Plan (Policies S2, H5 and H6) and the Revised Deposit Draft (Policies S7 and H10) to ensure that new residential development in rural areas is located appropriately so as not to detrimentally affect the character and appearance of the area or create a precedent for similar inappropriate development. In this instance the proposed 'affordable' residential development, by way of its lack of clear justification and private non-housing association ownership means that its future as an affordable property cannot be guaranteed in perpetuity or ineed for any fixed length of time. Furthermore, such development without reasonable justification to warrant a departure from the local plan would harm the rural character of the area, contrary to the above stated policies.

Background papers: see application file.

UTT/0367/03/FUL – FELSTED

Erection of replacement dwelling with garage
Fairfield House, Bakers Lane. GR/TL 680-199. Mr & Mrs G Gilmour.
Case Officer: Richard Aston 01799 510464
Expiry Date: 09/05/2003

NOTATION: ADP & DLP: Outside Development Limits/Settlement Boundaries

DESCRIPTION OF SITE: Fairfield House is a 1950's style house of no special architectural or historical merit, located on the northern side of Bakers Lane, off Chelmsford Road in Felsted. The property is bordered by a residential property 'Southview' to the east, Bakers Lane to the south and agricultural fields to the north and west. The site has three trees, which are protected by Tree Preservation Orders, two Oak trees and one Willow Tree, which are located in the eastern corner of the site fronting Bakers Lane.

DESCRIPTION OF PROPOSAL: The proposal details the demolition of the existing dwelling and the erection of a new 4-bed dwelling, the closing of the existing access and the creation of a new vehicular access further along the eastern boundary with Bakers Lane. The proposal also details the erection of a detached double garage and the retention of all existing trees.

RELEVANT HISTORY: Erection of dwelling, refused 2001. Outline application for the erection of a dwelling, dismissed on appeal, 2001. Both on grounds of rural area policy.

CONSULTATIONS: Landscaping – It is not considered that the proposals will affect the protected trees on the site. Details will be required of the specification for the planting of the screen hedge to close off the existing access. In addition, there is a requirement to replace a felled Oak Tree, which was deemed to be damaging the structure of the existing dwelling. The position and species to be planted needs to be agreed.

PARISH COUNCIL: No comments received Period expired 26th March 2003.

REPRESENTATIONS: None. Period expired 11th April 2003

PLANNING CONSIDERATIONS: The main issues are whether the proposal qualifies as a replacement dwelling in accordance with ADP Policy H8 (DLP Policy H6).

Policy H8 of the Adopted District Plan states that '*proposals involving replacement dwellings will normally be approved providing such proposals are in scale with neighbouring properties and the siting of the replacement dwelling is in close proximity to the original structure*'. Part (b) of the same policy states that '*outside development limits the replacement of existing dwellings by larger buildings, which through their size or appearance, impair the rural characteristics of the countryside will not be permitted*'.

The proposal details the replacement of a c. 1950's dwelling which is currently unoccupied and of no special architectural or historical merit with a new 4 bed detached dwelling. However instead of facing south, the new dwelling would be handed so that the front elevation faced down Bakers Lane to the west. Although the dwelling would be handed in this manner, the size of the dwelling and the footprint are in close proximity to the original structure.

The neighbouring property is slightly smaller than the proposed, but nevertheless the proposed dwelling is no taller than the original and is sited in close proximity to the dwelling it is to replace with the front elevation sited where the existing rear elevation is. In this respect the proposal qualifies as a replacement dwelling under Part (a) of ADP Policy H8. Although the size and scale of the replacement dwelling is slightly larger than the existing 1950's dwelling, it is considered that this would not impair the rural characteristics of the area. Furthermore, the design and scale of the property is similar in to a large number of similar

replacement dwellings which have been approved in the Felsted area, so it will not be out of keeping with the local character.

Turning to the issue of the garaging on the site, historically there was a garage on the site, which can be seen from the remaining concrete base to the northern centre of the site. It is considered that the replacement of this with a double garage with a ridge height of 5m would not have a detrimental impact on the residential amenity of adjoining occupiers of the neighbouring property 'Swanview' nor on the rural characteristics of the area.

CONCLUSION: This proposal meets policy requirements.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development
2. C.3.1. In accordance with approved plans
3. C.4.1. Scheme of Landscaping to be agreed
4. C.4.2. Implementation of landscaping
5. C.5.1. Sample of materials
6. C.6.2. Excluding all rights of permitted development
7. C.7.1. Slab levels to be submitted and agreed
- 8, C.23 Demolition of existing dwelling

Background papers: see application file.

UTT/0319/03/FUL – FELSTED

Change of use of poultry farm to boarding kennels
Gifford House, Stebbing Road. GR/TL 678-215. Mr & Mrs Brown.
Case Officer: Katherine Benjafield 01799 510494
Expiry Date: 16/05/2003

NOTATION: Outside Development Limits / Adjacent to the Flitch Way

DESCRIPTION OF SITE: The site is located approximately 1.2km to the north of Felsted village and forms a boundary with the Flitchway immediately to the south. It comprises a disused poultry farm and has four poultry sheds located on it. The building that the application relates to is the southern of the two larger sheds and has a length of approximately 63m. The maximum height of the shed is 4m excluding the roof vents. There is a grassed area to the south of the poultry sheds and a mature hedge forms the boundary to the Flitchway.

DESCRIPTION OF PROPOSAL: The proposal would involve the change of use of part of one of the disused poultry sheds for use as a boarding kennels. It is proposed that the exterior of the building would remain largely the same as it is in its present form. The only external alteration would be the removal of the existing ventilation boxes with glazing being inserted in their place.

It is proposed that the area of land to the south of the shed would be fenced for use as an exercise area. In addition, the area between the shed that the application relates to and the shed to the north would be fenced off for use as a holding area for dogs while their kennels are cleaned.

APPLICANT'S CASE: See letter accompanying the application and noise survey submitted by applicants.

CONSULTATIONS: Environment Agency: Copy of letter sent to applicants making advisory comments regarding the storage and disposal of animal wastes.
Environmental Services: No adverse comments.

PARISH COUNCIL COMMENTS: No comment.

REPRESENTATIONS: 10 objections plus 1 petition registering objections. Notification period expired 29 April.

Main points of letters and petition are that the proposal would:

1. result in an unacceptably high level of noise as a result of dogs barking.
2. generate a level of traffic which would not be suitable for the road.
3. generate unacceptable levels of smells and animal waste.
4. be in an unsuitable location adjacent to the Flitchway.

PLANNING CONSIDERATIONS: The main issues are whether the proposal complies with

- 1) **Policy S2 of the Adopted District Plan – Countryside beyond the Green Belt and the Stansted Airport Countryside Protection Zone (C5 – Structure Plan, S7 – Deposit Draft Local Plan)**
- 2) **Policy C5 of the Adopted District Plan – The re-use of rural buildings (RE2 – Structure Plan, E4 – Deposit Draft Local Plan)**
- 3) **Policy DC14 of the Adopted District Plan – General Amenity (GEN4 – Deposit Draft Local Plan)**

1) Policy S2 states that development will not normally be approved in the countryside beyond Development Limits unless it relates to agriculture, forestry, appropriate outdoor recreational uses or appropriate changes of use of suitable existing buildings. It is considered that the proposal would be an appropriate change of use of the vacant poultry shed and as it does not involve any new buildings it would comply with the above policy.

2) Policy C5 relating to the re-use of rural buildings specifies that the buildings should not require substantial reconstruction and must not impair the important characteristics of the surrounding countryside. In addition, the new use should respect the rural amenities of the area and have satisfactory accessibility and adequate space for associated activities. The existing poultry shed that the change of use relates to would require very little external alterations and the works would not amount to substantial reconstruction. There is adequate space within the application site for any associated activities and the access is considered to be satisfactory. It is not considered that the level of traffic generated by people using the kennels would be so great that it would significantly increase the overall traffic movements along this road in Felsted. There are no parking standards for a boarding kennels use, however there is sufficient area available to accommodate customer parking.

3) Policy DC14 of the Adopted District Plan states that development which would adversely affect the reasonable occupation and enjoyment of a residential property will not normally be permitted. Concerns have been raised that the proposed change of use would generate excessive noise and smells. The applicants have submitted a report from a company specialising in noise surveys and assessments which states that there are a number of measures that can be undertaken by the applicants in order to reduce any noise generated from the kennels. It is considered that these measures could be achieved through the use of conditions and would minimise the potential noise created by dogs barking. In addition, conditions could also be imposed to control the storage and disposal of animal waste which would reduce the likelihood of smells being generated.

COMMENTS ON REPRESENTATIONS: The issues raised in the representation letters and the petition have been noted, the noise and smell issues can be controlled by condition while the traffic generated would not be of a volume that would be significantly greater than that which already uses the road. The owners of the Flich Way have been notified of the proposal and have not submitted any comments or objections.

CONCLUSIONS: It is considered that the building is suitable for re-use and that the change of use to boarding kennels would be an appropriate use subject to conditions being imposed to control noise issues and the storage and disposal of waste.

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. There shall be no more than 20 dogs housed in the building at any one time and there shall be only one dog housed in each unit comprised of one kennel and one run area.
REASON: To prevent implementation in the interests of residential amenity.
4. Dogs shall only be collected or left at the kennels between the hours 10.00 and 12.30 Mondays to Saturday and 16.00 and 18.00 Monday to Saturday. There shall be no collections or deliveries of dogs on Sundays or Bank and Public Holidays.
REASON: To protect the amenity of neighbouring properties.
5. Prior to the first use of the building for kennels, details of the boundary fencing for the exercise area to the south of the shed shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the exercise area shall be implemented in accordance with these details and shall not be altered without the prior written consent of the Local Planning Authority.
REASON: To protect the amenity of neighbouring properties and users of the Flich Way.
6. Prior to the first use of the building for kennels, details of the construction of the pen located immediately to the north of the shed and the solid barrier to the west for use while cleaning individual kennels, shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the pen shall be implemented in accordance with these details and shall not be altered without the prior written consent of the Local Planning Authority. No more than one dog shall be held in this pen at any one time.
REASON: To protect the amenity of neighbouring properties.

7. Prior to the first use of the building for kennels, details of how the dogs will be visually impeded from each other when in the kennels and runs shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the kennels and runs shall be implemented in accordance with these details and shall not be altered without the prior written consent of the Local Planning Authority.
REASON: To protect the amenity of neighbouring properties.
8. Prior to the first use of the building for kennels, details of the storage and disposal of waste materials shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the storage and disposal of waste shall be implemented in accordance with these details and shall not be altered without the prior written consent of the Local Planning Authority.
REASON: To protect the amenity of neighbouring properties.
9. Prior to the first use of the building for kennels, details of the noise attenuation measures shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the noise attenuation measures shall be implemented in accordance with these details and shall not be altered without the prior written consent of the Local Planning Authority.
REASON: To protect the amenity of neighbouring properties.
10. Prior to the first use of the building for kennels, details of the removal of the side air vents and their replacement with glazing shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the replacement of the air vents with glazing shall be implemented in accordance with these details and shall not be altered without the prior written consent of the Local Planning Authority.
REASON: In order to protect the amenity of neighbouring properties.
11. No lighting shall be erected within the application site unless details have previously been submitted to and approved in writing by the Local Planning Authority.
REASON: To protect the character of the open countryside.

Background papers: see application file.

UTT/0551/03/FUL – FARNHAM

Construction of multi-purpose sports and assembly hall, and link extension to main school.
Farnham Church of England Primary School. GR/TL 477-248. Board of Governors
Case Officer: Michelle Guppy 01799 510477
Expiry Date: 09/06/2003

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

DESCRIPTION OF SITE: The site is located in Farnham, on the north western corner of the junction of Rectory Lane the road to Farnham Green. To the south and west of the site are residential properties and to the north and west are open fields. The area where proposed extension would be built is currently a grassed area to the rear of the school building.

DESCRIPTION OF PROPOSAL: The proposal is for a single storey with pitched roof building to be used as a multi-purpose sports and assembly hall, with attached kitchen, toilets and stores, which would have a flat roof. This is to be connected to the existing building by an enclosed link corridor, with a flat roof. The Hall would be approximately 8m high, approx. 1.1m higher than the ridge of the existing building. The footprint of the Hall would be 16.5m x 11.3m with the kitchen stores etc. (including part of corridor) 9.13m x 6.2m and connected to main building by a 6.89m corridor.

APPLICANT'S CASE: Our existing hall, measuring 67 square metres, does not meet the specifications of the DfES (Department for Education & Skills); the size required for 60 infant pupils is 120 square metres and 60 junior pupils is 140 square metres. We are a primary school with pupils ranging in age from 4 years to 11 years – our hall is at least 60 square metres too small, which severely restricts our ability to deliver the National curriculum for PE, as noted in the OFSTEAD inspection of November 1995. Since the introduction of the Literacy (1998) and numeric (1999) strategies we are unable to teach all children in one class together. Our present arrangements for teaching in the morning are to have 3 classes, one in the relocatable classroom, one in the existing hall and one in Class 1. We therefore need three teaching spaces to effectively deliver the National Curriculum. The building of a new hall is phase 1 of a long-term building plan; phase two is the internal re-modelling of the existing hall into a group room with ICT (Information & Communication Technology) facilities (as defined in Primary Accommodation Guidelines 25/7/02 para. 3.2) and phase three is to rebuild a classroom to replace the relocatable. (Full statement available to view at Council Offices Saffron Walden)

RELEVANT HISTORY: Relocatable classroom approved 1997 with condition limiting it to 5 years. School has written in stating application to renew this permission is due to be submitted imminently.

CONSULTATIONS: Landscaping: no objections.
Design Advice: no objections.

PARISH COUNCIL COMMENTS: Due 16/5/03.

REPRESENTATIONS: This application has been advertised and no representations have been received.
Period expired 14/5/03.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Appropriateness of location for proposed development (ADP Policy S2, DLP Policies LC2 & S7)**
- 2) **Affect on residential amenity of nearby dwellings. ADP Policy DC14 & DLP Policy GEN4.**

3) Design of the proposal and affect on the Area of Special landscape Value & setting of nearby listed buildings. ADP Policies C2, DC1 & DC5 & DLP Policy GEN2, GEN8 & ENV2.

1) The site is outside Development Limits where there is a presumption against development unless it meets the specified criteria listed in ADP Policy S2. This proposal does not fall within the criteria listed in the policy. However, Policy S7 in the emerging local plan excludes development 'that needs to take place there' from the presumption against development. Policy LC2 of this emerging plan deals with the provision of community facilities. The emerging local plan details the direction the Councils policy is heading in and takes accounts of more recent central government and regional guidance. It is considered that the proposed development conforms with the policies in the emerging local plan. The proposal would be appropriate development in this location and would enhance the community facilities available to the residents of this rural village.

2) The proposal should not result in an unreasonable level of overshadowing or loss of light or loss of privacy to nearby residential dwellings. The extension would be to the north of the existing school and existing dwellings and provided the site is appropriately landscaped and the hall has adequate soundproofing, the impact of the school on neighbouring properties should not be unreasonably increased.

3) The proposed extension would be within the school grounds and would be in keeping with existing school building. The extension would remain within the boundary of the school and appear as part of the school. Therefore any increase in the impact of the school on the surrounding area would be limited. The extension would be further from the road than the existing building. The extension should not be detrimental to the setting of nearby listed buildings.

CONCLUSIONS: The proposal is satisfactory.

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.5.3. Matching materials
4. C.4.1. Scheme of landscaping to be submitted and agreed
5. C.4.2. Implementation of landscaping
6. No development shall commence until details of sound insulation of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details. Subsequently, the sound insulation method shall not be changed without the prior written approval of the local planning authority.

REASON: To safeguard residential amenity.

7. C.13.7. Hours of use

Background papers: see application file.

UTT/0250/03/FUL - WENDENS AMBO
(Referred at Officer's discretion)

Change of use of part of dwelling and garage to Dentist Surgery. Construction of vehicular access and parking area.

8 Station Road. GR/TL 516-364. Ms Karin Hallgren.

Case Officer: Hilary Lock 01799 510486

Expiry Date: 22/04/2003

NOTATION: ADP: within Development Limits

DLP: within Settlement Boundary & Groundwater Protection Zone (Policy ENV11)

DESCRIPTION OF SITE: The site is a semi-detached house fronting Station Road, some 30m east of the junction with the approach road to Audley End Station. Although planning permission exists for a vehicular access from Station Road to the house, access and parking are currently at the rear of the property, in a communal area serving this group of twelve dwellings. The house has an attached garage at the front of the property.

DESCRIPTION OF PROPOSAL: It is proposed to convert the garage to a specialist dental surgery for use by the applicant, who occupies the house. An existing utility room at the rear of the garage would become a waiting room for patients. The operating hours would be 9am to 6pm Monday to Friday, and 9am to 1pm on Saturdays. In addition to the applicant, there would be a part-time nurse employed.

The applicant's specialism is implantology and restorative work, and she currently acts as a consultant to other practices across the region. This would not therefore be a general dental surgery, and the applicant advises she would receive no more than six patients a day, due to the length of appointment necessary for each operation. The approved vehicular access onto Station Road would be constructed, and the existing hardsurfaced frontage would provide both domestic, staff and patient parking. A 1.8m high fence is proposed for the eastern boundary to minimise nuisance from vehicles, although a fence of lesser height more in keeping with the setting could be conditioned. Parking at the rear of the property would also be available. The applicant envisages many clients would visit by train, as driving after surgery is not always desirable.

Surgical equipment (a compressor and suction motor) would be installed within a 1.8m deep chamber beneath the floor, and would be waterproofed and soundproofed.

APPLICANT'S CASE: Please see the applicant's three-page supporting statement attached, and her letter dated 31 March 2003.

RELEVANT HISTORY: Two storey side and rear extensions, and single storey front extensions, with new vehicular access granted April 2001. The front extension is the garage subject of this application.

CONSULTATIONS: Environmental Services: Concerns regarding possible nuisance to neighbours from structure borne noise. Unable to comment further without more details of design and levels of sound produced by the equipment, including methods of alternation. With regard to the general principle of using domestic premises for commercial use – concern re nuisance from additional vehicle movements, persons arriving and leaving etc which can not be adequately controlled by Environmental Health Legislation. Additionally, details of intended waste disposal methods would be needed to ensure safe disposal of sharps, clinical waste etc.

ECC Transportation: No objections subject to adequate parking and turning being provided within the curtilage of the site.

PARISH COUNCIL COMMENTS: Objection – see letter attached.

REPRESENTATIONS: Two. Notification period expired 3 April.

Objection – front door to 10 Station Road would be ten feet from the proposed car park. As the kerb has not been lowered, parking on Station Road close to a junction would be hazardous. Nuisance from car exhaust fumes. If permitted request applicant erect a boundary wall at least four feet high for the length of the car park.

CPREssex – objection – Contrary to Policies S1, DC1, DC14, T1, R1 and PPG3. Parking on frontage would detract from otherwise residential appearance of surrounding area and would have adverse effect on neighbours' amenity. Potential traffic hazard due to manoeuvring of vehicles onto busy road. Station car park is already used to capacity and would not be available. Doubt train would be used by patients as line serves few stations. Policy is to concentrate services in existing towns and larger villages, and dispersal in this manner when commercial space is available elsewhere in District would prejudice the viability of these existing sites to the detriment of the local economy. If minded to permit, should impose conditions limiting permission to applicant only and to restrict operation to Monday – Friday.

PLANNING CONSIDERATIONS: The main issues are whether the proposed use would

- 1) be appropriate to a residential area, or would adversely affect the amenity of adjacent residents (ADP Policies DC1 & DC14, and DLP Policies GEN2 & GEN4)**
- 2) have adequate parking and turning available and be acceptable in terms of highway safety (ERSP Policy T12, ADP Policy T1 & T2, DLP Policies GEN1 & GEN9), and**
- 3) have an adverse impact on the local economy (ERSP Policy BIW6, ADP Policy E1, DLP Policy E2)**

1) Although there are other commercial premises located in the area, the site is within a clearly defined residential part of Wendens Ambo. This stretch of dwellings is relatively close-knit. The use of this part of the dwelling as a general dentist surgery would not be considered suitable, as it could give rise to considerable nuisance from frequent traffic movements and potential noise nuisance from equipment. However, in this instance, the nature of the applicant's work is such that the number of patients visiting the site throughout the day would be relatively low (no more than six patients per day), and the equipment used would not generate significant levels of noise. Vehicle parking for the dwelling is currently three spaces, and these could be accommodated both at the front and rear of the property. With one space for the nurse and one for patients, it is considered that a layout could be achieved which would not give significant rise to nuisance to residents. A fence would also be erected along the side boundaries to provide some relief from vehicles.

It is therefore considered that subject to conditions including restricting the permission to the applicant, and only whilst occupying the dwelling, this could be an acceptable use in this location.

2) Permission has already been granted for a vehicular access at the front of the property, and the site is capable of accommodating sufficient parking and turning areas to avoid manoeuvring on the public highway. Given the likely number of visitors to the site it is not considered that highway safety would be impaired.

3) Although planning policy seeks to contain commercial activity in the town and larger village centres, within reason businesses are also encouraged to locate in rural areas to diversify the rural economy. Encouragement is given to individuals working at home in the interest of reducing the need to travel. This use would result in some additional traffic movements, but given the proximity to public transport this would accord with the principles of sustainability.

COMMENTS ON REPRESENTATIONS: Permission has already been granted for access from Station Road, and the applicant is at liberty to construct both the access and parking spaces on the frontage of the property. A fence could be required by condition to minimise noise and fumes from vehicles. Given the relatively low-key nature of the proposed use it is not considered that the proposal would have a significant impact on the local economy.

CONCLUSIONS: Subject to adequate controls restricting the operation of the use and the parking arrangements, to minimise the impact on adjacent residents, it is considered on balance that this is a sustainable activity which could be encouraged. It is not considered that this would detract from the local economy or viability of the town centre.

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 plan
3. C.14.1. Permission personal to applicant [occupant] - 1
4. The use hereby permitted shall be carried on only Ms Karen Hallgreen for the duration of her residential occupation of the attached dwellinghouse known as 8 Station Road, and the shall cease upon her vacation of the property.
REASON: In the interests of residential amenity, the site is unsuitable for commercial operation independent of the main dwelling to which this relates.
5. C.6.1. Excluding future changes of use without further permission
6. The use hereby permitted shall be confined to the area of the building crosshatched on drawing no. 1.02 date stamped 25 February 2003, and no other part of the dwelling known as 8 Station Road.
REASON: To avoid expansion of the use at the site which could give rise to loss of residential amenity and highway hazards.
7. C.13.7. Hours of use
8. C.5.3. Matching materials
9. No development shall take place until there have been submitted to and approved by the local planning authority in writing details of sound insulation measures to be undertaken to insulate from noise the converted part of the building shown crosshatched on drawing no. 1.02 date stamped 25 February 2003. This area shall not be used for the purpose hereby permitted until the approved scheme has been completed. These sound insulation measures shall thereafter be maintained to the same standard of attenuation.
REASON: In the interest of resident amenity.
10. C.11.7. Standard vehicle parking facilities
11. C.12.3. Boundary screen requirements
12. The use hereby permitted shall not commence until details of an appointment system showing the number and frequency of patient consultations has been submitted to and approved in writing by the local planning authority. This system shall be maintained by the applicant for submission to or inspection by the local planning authority upon request. The use hereby permitted shall be operated thereafter in accordance with such appointment scheme approved by the local planning authority.
REASON: The use is only considered acceptable given its proposed low key level of activity, and the appointment system is required to ensure the use does not intensify beyond levels appropriate to a residential area.
13. Other than the applicant, there shall be no other consultant dentist and no more than one dental nurse or other member of support staff employed or operating from the site at any time.
REASON: To ensure there is no intensification of use which could give rise to potential for harm to residential amenity and risk to highway safety.
14. Submission of drainage details.
REASON: The site is within a protected groundwater area, and to avoid contamination of the water system from the disposal of chemicals or hazardous waste.

Background papers: see application file.

UTT/0322/03/FUL - HATFIELD HEATH
(Referred at Members request)

Change of use of Post Office/General Store (A1) to Post Office/Tea Room (A3)
The Post Office, The Heath. GR/TL 523-150. Mrs I Lewis & Mrs T Maskell.
Case Officer: Anthony Betros 01799 510471
Expiry Date: 09/05/2003

NOTATION: Within development limits

DESCRIPTION OF SITE: The site is located on the corner of a road recessed from the A1060 and Beehive Court in the village of Hatfield Heath. The site contains a 2-storey building comprising ground floor vacant shop and an existing general store/ post office. The first floor contains a 4-bedroom unit with car parking at the rear.

DESCRIPTION OF PROPOSAL: The proposal involves reconfiguration of the ground floor Post Office/General Store to a Post Office/Tea Room by relocating and providing additional bathroom facilities to an existing storage area as well as incorporating a kitchen, counter and seating for the tea room. The Post Office counter is to be relocated from the rear to the side of the shop. The seating area for the tea room has dimensions of 5m x 5m for an area of 25sqm. The proposed hours of operation are 7.30am to 5.30pm daily. No alterations are proposed to the front elevation.

APPLICANT'S CASE: "It is my client's intention to reduce the area used as a Post Office Store and to provide an area to be used as a tea room for the sale of cold food on and off the premises. The applicants would be prepared to enter into a restrictive condition to provide certain types of food and drink... It is not my client's intention to provide hot meals, or full restaurant facilities, but to provide an old fashioned tea room. The area would occupy approximately 60% of the total ground floor area, less floor space than the existing general store. As with the existing use, no parking is provided but parking is available to the front of the premises and the village car park to the east. There is also extensive open spaces to the south and east".

RELEVANT HISTORY: UTT/1299/98/FUL- Approval of the conversion of the ground floor shop (including general store and post office) and single 4-bedroom unit above to 2 x 2-storey dwellings with rear gardens and 1 car space each at the rear. The erection of a 2-storey side extension was also approved for a ground floor post office with a 1-bedroom unit above. A car space was approved within the front setback for the 1st floor unit. Numerous objections were submitted which raised parking and traffic concerns, however it was considered that the proposal would not generate additional parking demand. A condition was imposed restricting the operator of the post office to reside in the 1st floor unit above.

UTT/1307/99/FUL- Approval of an emergency exit door in the side elevation for staff safety and security. A condition was imposed prohibiting use of the door for deliveries or for use by the public.

These applications have only been partially implemented through the construction of the 2-storey side extension for the ground floor shop and unit above, however, the existing post office and 4-bedroom unit above have been retained. The new shop is currently vacant.

UTT/0359/03/FUL- The proposal involves conversion of the single 1st floor 4 bedroom unit into 2 x 1 bedroom units. Internal reconfiguration of the 1st floor area is required involving new stair access, dividing walls and new bathroom and kitchen facilities. No external alterations are proposed as existing window openings are being utilised in the new design. This application has been approved under delegated authority.

CONSULTATIONS: Environmental Services: No comments on the proposed use, however should the nature of cooking change at a later date, there may be a loss of amenity due to odour. If extended to a restaurant, the use could create cross-contamination risks due to inadequate space for preparation.

PARISH COUNCIL COMMENTS: The Council felt that there were a number of factors in favour of the application and several against. It was considered that the only fair way to deal with this was for the matter to come before Committee so that the Parish Council objectors and supporters would have an opportunity to comment. However, the Parish Council was in favour of the application and would wish to speak to the Committee on this basis.

REPRESENTATIONS: This application has been advertised and 7 representations have been received.

Period expired 10 April 2003.

1. The village car park is “hidden away” and rarely used by casual visitors and in any event too far away to be of service to the post office.

2. A further concern is that once A3 permission is obtained by the applicant there is nothing to stop a new tenant/landlord taking full advantage of the change of use at a later date, with the possibility of a fully functioning restaurant or café being established.

3. The opening hours of the proposed “Tea Rooms” would lend it to being frequented by passing early morning tradesmen other than local residents. This would mean the parking of lorries, vans and other commercial vehicles that would not be of a size that could easily access the village car park. This would result in careless and inconsiderate parking around the post office and entrance to Beehive Court.

The Post Office is a focal point for the collection, by coach, of many young children from the village who travel to school around 08.00 to 08.30. Heavy parking around this junction would cause a hazard and a danger to these children of which my daughter is one.

4. Parking

The village car park has spaces for 25 cars (some of which are used as permanent parking place for the residents of The Shaw and West Hayes), and the “extensive open spaces” (space for approximately 30 cars) are already used on a daily basis to full capacity by:

- Residents living in terraced houses in The Heath who have no designated parking area;
- Customers to the 13 businesses along The Heath (Post Office, Mai Thai take-away, Raj of India take-away, Ming’s Garden restaurant, The White Horse pub, Alldays convenience store, The Stag pub, The Countryman restaurant, Fieldstream Countrywear, Courtyard Flowers, The Fish Inn take-away, The Iron Lady, and PBM Print & Design);
- Delivery vehicles to these 13 businesses;

The proposed tea shop is likely to change this – any increase in traffic volume and parking in Beehive Court will create a bottleneck, which will be especially dangerous for pedestrians. Exiting Beehive Court will necessitate a three point turn in the narrow cul-de-sac, or reversing blind into the already busy The Heath road. We feel that by providing yet another food-oriented business, traffic volume parking will increase to an intolerable and dangerous level.

Our belief is that the premises in full (Post Office, Tea Room, 2 x 1 bedroom flats above, Vacant Shop 1 bedroom flat above) will require significantly more parking spaces for the increased number of new residents and employees than is outlined in the proposed developments. We estimate that this could require up to 10 vehicle spaces.

Nature of Business

The Heath is already well provided with establishments offering food. In the space of some 70 yards can be found:

- 2 pubs (The White Horse and The Stag);
- 3 take-away (Mai Thai, Raj of India and The Fish Inn);
- 2 restaurants (Ming's Garden and The Countryman);
- 1 shop (Alldays) which already provides sandwiches, snacks and drinks to take away, in addition to many other items, from 0600 to 2200.

Also, within 150 yards on either side of The Heath are The Thatchers pub and The Hunters Meet hotel and restaurant complex. So why do we need yet another eating establishment?

Our concern here is the change of Class, from A1 to A3. Should this Tea Shop venture fail and be sold on, what would stop the next incumbent from closing the Post Office completely and opening the whole area as a seated wine bar or restaurant, with all of the associated parking problems and late night noise pollution?

PLANNING CONSIDERATIONS: The main issues are whether the proposal is consistent with:

- 1) **S1 of the ADP- Development Limits**
- 2) **R1 of the ADP- Location of Shops, Financial and Professional Services (RS1 Town and Local Centres Policy of the Draft DLP 2002)**
- 3) **T2 of the ADP- Provision of Car Parking (GEN9 Vehicle Parking Standards of the Draft DLP 2002) and**
- 4) **DC14 of the ADP- General Amenity.**

1) The proposed change of use is considered acceptable as it would not be detrimental to the environmental or visual characteristics of the locality. The nature of the new use as a tea room is considered appropriate in the village while the scale of the tea room is considered reasonable.

2) The subject site is located adjacent to other shops and a local parking area adjacent to the A1060 and open space area. The continued use of the premises as a shop will maintain employment in the village and therefore is considered satisfactory on its merits.

3) No car parking is currently available for the existing post office and general store. The existing post office/general store has a gross floor area of 117sqm which would generate a requirement of 6 spaces based upon Council's car parking standard of 1 space per shop plus 1 space per 25sqm gross floor area.

The tea room would have 25sqm of seating area which generates a requirement of 5 spaces based upon Council's car parking standard of 1 space per 5sqm of dining area while a reduced 27 retail area of 27sqm is available to the post office which generates an additional 2 spaces, resulting in a total demand of 7 spaces. It is considered that no significant additional parking demand would be associated with the change from a general store to a tea room and is therefore acceptable on parking grounds. The reduced retail area is due to the provision of bathroom facilities and the incorporation of the kitchen and counter space.

4) The nature of the use and hours of operation are considered acceptable within the development limits. The retail uses should not affect the residences above or those in the vicinity of the site.

COMMENTS ON REPRESENTATIONS: CAR PARKING: Concerns have been raised that additional parking should be provided to meet the demand from the change of use while the public car park that is available is screened and too far away from the site. The change from general store to tea room is not considered to be a significant intensification in relation to parking generation. It is considered that adequate parking exists in the vicinity of the site to cater for the number of patrons that the premises could accommodate.

NATURE OF BUSINESS: The nature of the use is considered acceptable in the subject location. A condition will be imposed to prohibit the premises being used as a restaurant and limiting the type of foods that can be sold from the tea room. The issue that there are enough establishments offering food is not a planning consideration.

RESTAURANT CONVERSION: Concerns have been raised that the proposal may lead to the establishment of a restaurant or wine bar within the premises. A condition has been imposed restricting the use as a tea room and type of foods that may be sold from the premises. A further application would therefore be required for a change of use.

HOURS OF BUSINESS: The proposed hours of 7.30am to 5.30pm daily are considered reasonable in the subject location while the proposed uses within these hours is unlikely to create noise impacts to neighbours.

VACANT SHOP ADJACENT TO POST OFFICE: Concerns have been raised that the restrictive conditions imposed on the new shop and dwelling above may be affected by the subject proposal. A condition will be imposed to confirm that the side door to the vacant shop shall be for staff use only and not to be used for deliveries or members of the public. Given that the existing post office is being retained, the condition restricting the operator of the new post office to reside in the 1st floor unit is considered unnecessary and has been deleted (subject to implementation of this determination).

TRAFFIC AND SAFETY: Concern has been raised that passing traffic will park illegally to patronise the tea room which could create safety concerns for children in the locality. There is no evidence to suggest that the tea room will cause illegal parking. Nevertheless, it is the responsibility of the Police to enforce any parking infringements.

The applicant submitted a response to the objections which address parking, the nature of the business, opening hours and raise the point that 'Glasscocks the Bakers' had similar facilities until closing down a few years ago.

CONCLUSIONS: The proposed conversion of the existing post office/general store to post office/tea room has been assessed under the relevant heads of consideration and is considered acceptable subject to conditions. Such conditions shall limit the nature of the tea room, hours of operation as well as the designated seating 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 plan
3. No hot food shall be sold or prepared on the premises (only reheated light snacks provided for customers the tea room). Notwithstanding the Town and Country Planning (Use Classes) Order 1987 or in any Order revoking, superseding or re-enacting that Order, the premises shall not be used for any purpose in Class A3 (e.g. a cafe, restaurant, takeaway or base for off site deliveries).
REASON: To limit the impact of the tea room component on the amenity of the neighbourhood.
4. That the seating area be confined to the designated seating area as specified on the cross-hatched area on plan number 3, dated February 2003, received on 14 March 2003.
REASON: To avoid overdevelopment of the site.
5. That the side door to the existing vacant shop approved under UTT/1307/99/FUL shall not be used for deliveries or by members of the public, being restricted to staff associated with the shop.
REASON: Beehive Court is a narrow residential cul-de-sac which would be unsuitable in terms of highway safety and detriment to residential amenity for use a principal means of access to the shop.
6. Upon implementation of this approval, no restriction is placed upon the 1st floor western unit.
REASON: To allow separate occupation of the ground floor retail shop and the 1 bedroom unit above.

7. C.13.7. Hours of use

Background papers: see application file.

UTT/0368/03/FUL – LITTLEBURY
(Officer's interest)

Change of use of highway land to domestic garden. Erection of 1m high fencing and landscaping.

Land south side of Rectory Close, High Street. GR/TL 516-397. Mr & Mrs Dennis.

Case Officer: Karen Hollitt 01799 510495

Expiry Date: 12/05/2003

NOTATION: ADP & ULP: Within Development Limits/adjacent to Conservation Area & Listed Building.

DESCRIPTION OF SITE: The site is located at the northern end of Littlebury, on the B1383 road to Stump Cross. The site forms an area of green open space at the entrance to Rectory Close.

DESCRIPTION OF PROPOSAL: It is proposed to change the use of the land from highway land to residential curtilage for a property known as Parrishes Barn. It is also proposed to erect a 1m high post and rail fence with a hedge planted around it.

APPLICANT'S CASE: The land has not been maintained and has become unsightly. We are applying for permission to erect a fence and plant a Quercus Ilex hedge, enabling us to maintain the land, whilst enhancing the general appearance of the village.

RELEVANT HISTORY: Application for change of use of land and erection of 2m high fence withdrawn 2002. Application for new dwelling refused and dismissed on appeal 1996. Application for new dwelling refused 1997.

CONSULTATIONS: ECC Transportation: No objections.

Public Rights of Way: No objections.

Design Advice: No objections.

Landscaping: No objections, subject to native screen hedge being planted to the boundary with the highway.

PARISH COUNCIL COMMENTS: No objections.

REPRESENTATIONS: This application has been advertised and three representations have been received. Period expired 11 April 2003.

1. Feel that the area of land to be enclosed is one of the few remaining open green spaces in Littlebury and would prefer that this remains the case. Hedge should not exceed 1m in height. If hedge did exceed 1m in height it would obscure client's line of view from his driveway looking back towards the bend in the High Street. Hedge would also obscure view of cars sitting at exit of Rectory Close turning right into the main road.
2. Landscaping and growth of hedging, trees, plants, should not block an already restricted view south when turning right out of Rectory Close. Sheds and greenhouses should not be allowed on area to be fenced. Concern 1m is insufficient to restrict animals such as large dogs. Land has been "open" for the past 20 years at least.
3. Previous decisions have referred to area as being an important feature of the village. Any development or enclosure of the site would be detrimental to the immediate area and to our village.

PLANNING CONSIDERATIONS: The main issues are whether the proposal would have an adverse effect on the character of the area and the character and setting of the adjacent conservation area (ADP Policies DC1 and DC2, ULP Policies GEN2 and ENV1, ESRP Policy HC2).

The southern and eastern boundaries of the site are on the edges of the Conservation Area. The site is a prominent feature at the entrance to the village, and the Conservation Area, and is considered to be an important feature in this locality. The Inspector considering an

application for a new dwelling on the application site and part of the garden of Parrishes Barn in 1996 stated:

“The appeal site is very prominently located at the edge of the village centre. The rural green appearance of the site ... is an important feature of the village... It seems to me that in its present undeveloped form the site makes a positive contribution to the amenity of the village and the attractive character of the Conservation Area.”

“I am also satisfied that the positive contribution made by the existing green open space to the character of the village would be effectively lost (if development was allowed).”

It is considered that the green space provides an attractive feature at the approach to the village and makes a positive contribution to the setting and character of the conservation area. Whilst it is accepted that the area has not been well maintained, it is not considered that this is a sufficient reason to grant planning permission for development which would be detrimental to the character and setting of the area.

The comments raised by the objectors in relation to highway issues are noted, but the Highways and the Rights of Way Authority raise no objections to the proposals, and it must be assumed that they are satisfied with the sight splays which would be provided by the proposed development. Therefore, no objections can be raised on these matters.

CONCLUSION: The enclosure of this open space would harm the existing pleasant village street scene.

RECOMMENDATION: REFUSAL REASON

The proposal would result in the loss of an area of open space, providing a focal feature at the entrance to the village of Littlebury, and in particular the adjacent Conservation Area. This would be detrimental to the open character of the area and would fail to enhance or protect the appearance of the adjacent Conservation Area contrary to the provisions of ADP Policy DC1 and DC2, DLP Policies GEN2 and ENV1 and ESRP Policy HC2.

Background papers: see application file.

UTT/0396/03/FUL – CLAVERING
(Referred at Officers' Discretion)

Erection of 3 No detached outbuildings (studio, storage and garaging)
Thurrocks Farm. GR/TL 458-337. Mr N Rouse.
Case Officer: Geoff Lyons 01799 510458
Expiry Date: 19/05/2003

NOTATION: Outside Settlement limits of Clavering, close to Grade II Listed building, Archaeological site.

DESCRIPTION OF SITE: The site, the subject of this application is located on land associated with Thurrocks Farmhouse, which is north east of Clavering between Roast Green and Bird Green. The application site has recently been separated from the main working farm buildings, which are under different ownership, and is generally in a poor state of repair. The site measures approximately 36 metres long and 26 metres wide and there is evidence of existing structures on site with some walls visible. The site is currently being cleared of the existing debris in relation to its previous agricultural use.

DESCRIPTION OF PROPOSAL: The applicant seeks to erect two outbuildings to the south east of the existing Farmhouse. Barn 1 measures 24.8 metres in length with a maximum width of 8 metres. The height to eaves is 3.2 metres with a height to ridge of 7.7 metres. The main section of the Barn 1 is clad using weatherboarding with a clay-tiled roof. There is a front gable projecting 1 metre from the front wall of the barn, which has a width of 6 metres. The gable provides the means of access into the barn through full height vertical boarded doors. Two large windows measuring 1.8 metres wide and 2.8 metres high are situated symmetrically either side of the gable and provide light into the building. The applicant indicates that Barn 1 will be used as a studio. Attached to the side of the barn is an open cart bay. Barn 2 measures 19 metres in length with a width of 7.5 metres. The height to eaves at the front is 3.7 metres with a height to ridge of 8 metres. At the rear of Barn 2 the roof slope continues down to an eaves height of 2.6 metres. Barn 2 is to be built on a brick plinth with rendered walls above. The roof is to be clad in slate and will have two small half-hipped ends. There are three openings into the barn, two of which have full length vertically boarded wooden doors, the other is an open log store. Barn 2 has no windows and the applicant has indicated that it shall be used for storage purposes.

APPLICANT'S CASE: The applicant has not provided a specific case for the proposed development but the application follows preliminary advice given at officer level and by the Historic Buildings Advisor following withdrawal of a previously submitted scheme. The applicant has roughly based the position of the barns on the historical positioning of previous structures on the site. Unfortunately records do not show the exact height or appearance of the structures prior to their demolition/dereliction.

RELEVANT HISTORY: Detached outbuilding for use as garage, stores, workshop and studio withdrawn by applicant (UTT/1749/02/FUL). Extensive number of applications in relation to Thurrocks Farm but none directly relating to the exact site in question.

CONSULTATIONS: Essex County Council Specialist Archaeological Advice – No Archaeological Recommendations are being made on this application.

PARISH COUNCIL COMMENTS: There were no objections to the above revised scheme for outbuildings at Thurrocks Farm, and it was felt that these would help to screen the curtilage of a substantial and important listed property from some unsightly rambling old farm buildings belonging to neighbours. A condition should be imposed preventing residential use.

REPRESENTATIONS: This application has been advertised with both press and site notices and one neighbour notification. Advertisement expires 14th May 2003. No letters of objection have been received.

PLANNING CONSIDERATIONS: The main issues to consider in relation to the proposed development are:

1. **The policy context of the proposed development in relation to its countryside setting (ADP Policy S1, S2 and DLP Policy S7) and**
2. **The impact on the setting of Grade II Listed Thurrocks Farm (ADP Policy DC1, DC5 and DLP Policy GEN2, ENV2).**

1. From a planning policy context the Adopted Local Plan considers the issue of development within the countryside under policies S1, S2 and, in respect of design and listed buildings, policies DC1 and DC5.

In terms of compliance with adopted local plan policy the proposed development would fail to comply with several key policy criteria. Firstly the development site lies outside of the defined development limits (ADP Policy S1) and secondly the proposed development does not relate to agriculture, forestry, appropriate outdoor recreational uses nor is it a change of use of an existing building (ADP Policy S2 and DLP Policy S7). The applicant would therefore need to demonstrate that there is an overriding need for such buildings to be located within the countryside, outside of an area where development is normally permitted, especially as they serve no agricultural purpose. The case for overriding need has not been put forward by the applicant and the proposed buildings are to be used in connection with the adjacent residential dwelling.

From a design standpoint the proposed development is of traditional appearance with steep pitched roofs and utilises vernacular materials such as weatherboarding and clay tiles, which are generally in keeping with its surroundings (ADP Policy DC1 DLP Policy GEN2). In terms of the setting of Grade II Listed Thurrocks Farm, the proposed development could potentially improve the approach to the farm and views of the Listed Building, which at present are harmed by the untidy adjacent site, by shielding the listed building from the adjoining farm.

2. The proposed development is situated close to the existing Grade II listed farmhouse and forms part of the approach to the property along with the adjacent pond. The impact of existing spaces and dilapidated farm buildings both on the application site and neighbouring land need to be considered in relation to the setting of the listed farmhouse. Planning Policy Guidance Note 15 - Planning and the Historic Environment discusses the issue of listed buildings and their settings. It states that the setting is often an essential part of a building's character and they can be robbed of much of their interest, and of the contribution they make to townscape or the countryside, if they become isolated from their surroundings

In this particular instance there is a conflict between the separate ownership of the farmhouse and the farm buildings to the south east of the house. The farm buildings are not within the control of the applicant and are generally in a poor state of repair with a large amount of general farm clutter in the form of vehicles and equipment etc. These dilapidated buildings detract from the setting of the listed farmhouse, especially when approaching the house from Valence Road. The exposed remaining brickwork of former outbuildings is visible also on approach to the property.

The positioning of the proposed barns is based approximately on the historical siting of former buildings that have since become derelict and have been partially demolished. These buildings are clearly shown on historical maps of the site, along with other former buildings.

CONCLUSIONS: From a policy perspective, the proposed development is outside defined development limits and is not related to agriculture, forestry, appropriate outdoor recreational uses nor is it a change of use of an existing building. From this perspective it should be refused. In design term, the proposed development is appropriately traditional in design and appearance and follows the historical footprint of former development at the site. The proposal would also contribute towards improving the setting of the Grade II Listed Thurrocks Farm, which currently is spoilt by the appearance of existing farm clutter on the adjacent property, outside the applicants control. It is not concerned on balance, that the design considerations outweigh the presumption against inappropriate development in the countryside.

RECOMMENDATION: REFUSAL REASONS

It is the Policy of the Adopted Uttlesford District Plan (Policies S1, S2, DC1 and DC5) and the Revised Deposit Draft (Policies S7, GEN2 and ENV2) to ensure that development in the countryside is related to agriculture, forestry, appropriate outdoor recreational uses, or appropriate changes of use of suitable existing buildings compatible with a rural area. In this instance, the proposed new build barns are not related to agriculture, forestry nor do they relate to appropriate outdoor recreational uses and are therefore contrary to the above stated policies. The buildings are ancillary to the residential use of the adjacent Thurrocks farmhouse property and the need for such buildings in the countryside cannot be justified in this instance.

Background papers: see application file.
