

**PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 26 AUGUST 2003**

APPL NO: **UTT/1718/02/OP**  
PARISH: **GREAT EASTON**  
DEVELOPMENT: Outline application to convert/extend the Moat House to form additional care flats with 4 staff flats in roof space. Erection of 14 extra care cottages with garages, children's nursery, café/shop, administration office and store. Formation of new access road.

APPLICANT: Newton Chinneck Ltd  
LOCATION: The Moat House, Dunmow Road  
D.C. CTTE: 28 July 2003 (see copy attached p3-10)  
REMARKS: Deferred for Members' Site Visit  
**RECOMMENDATION: Conditional approval with Sec 106 Agreement and reference to ODPM as departure from Plan**

*Case Officer: Richard Aston 01799 510464*  
Expiry Date: 03 February 2003

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APPL NO: **UTT/0376/03/FUL**  
PARISH: **STANSTED**  
DEVELOPMENT: Change of use from Class A1 retail to Class A3 restaurant  
APPLICANT: A Fordham  
LOCATION: 40 Lower Street  
D.C. CTTE: 28 July 2003 (see revised report attached p11-14)  
REMARKS: Deferred approval to agree conditions at next meeting following Members' Site Visit  
**RECOMMENDATION: Conditional approval**

*Case Officer: Michelle Guppy 01799 510477*  
Expiry Date: 23 May 2003

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APPL NO: **UTT/0380/03/FUL**  
PARISH: **STANSTED**  
DEVELOPMENT: Conversion of dwelling to 5 flats and erection of block of 5 flats to rear. Construction of vehicular access and parking area for fourteen vehicles

APPLICANT: Feeney Bros Ltd  
LOCATION: The Limes Stables, Silver Street  
D.C. CTTE: 28 July 2003 (see revised report attached p15-21)  
REMARKS: Deferred to publicize & consider revised plans  
**RECOMMENDATION: Refusal**

*Case Officer: Hilary Lock 01799 510486*  
Expiry Date: 13 May 2003

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APPL NO: **UTT/0943/03/FUL**  
PARISH: **SAFFRON WALDEN**  
DEVELOPMENT: Demolition of garages and construction of detached chalet dwelling  
APPLICANT: Mr G Bower  
LOCATION: Land off Victoria Gardens  
D.C. CTTE: 28 July (see copy attached p22-25)  
REMARKS: Deferred to publicise & consider revised plans  
**RECOMMENDATION:** **Refusal**  
*Case Officer:* *Hilary Lock 01799 510486*  
Expiry Date: 12 August 2003

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## UTT/1718/02/OP - GREAT EASTON

Outline application to convert/extend the Moat House to form additional care flats with 4 staff flats in roof space. Erection of 14 extra care cottages with garages, children's nursery, cafe/shop, administration offices and store. Formation of new access road.

The Moat House, Dunmow Road. GR/TL 611-252. Newton Chinneck Ltd.

Case Officer: Richard Aston 01799 510464

Expiry Date: 03/02/2003

**NOTATION:** ADP & DLP – Outside Development Limits & Settlement Boundaries/ Within Area of Special Landscape Value (ADP only)

**DESCRIPTION OF SITE:** The site in total extends to about 4.2 ha (10.5 acres) and is located directly east of the village of Great Easton on the B184 between Great Dunmow and Thaxted. The net development area extends to some 1.7 ha (4.25 acres). The site comprises an existing care home facility known as St. Georges. The Moat House is located on the eastern boundary of the site backing onto open countryside, together with a small number of outbuildings, formal gardens for use by the residents of the care home, and a lake. The site also contains areas of scrub and woodland mainly to the southern and northern sides and is bordered by mature trees to the west on its boundary with the B184.

In addition, an independently occupied residential property known as Moat Cottage is located in the centre of the site, surrounded by a moat to the east and positioned about 50m west of the existing care home. Access to both the care home and Moat Cottage is at present taken from two existing entry points, one opposite the PA Wood Rolls Royce garage and the second (which is the main access to the care home) is located 150m to the southwest.

**DESCRIPTION OF PROPOSAL:** The proposal is in outline and comprises the following:

- The conversion and extension of the existing Moat House residential care home to provide 15 2 bed extra care flats.
- The erection of a new two storey care home, directly to the north of the existing care home to provide 30 places, a unit for patients with mental health problems comprising 10 places and the provision of 4 staff flats in the roof space.
- The erection of 14 extra care cottages in the grounds of the Moat House providing 2/3-bed accommodation. These would be located in two groups, 9 positioned along the southern boundary and 5 along the northwestern boundary.
- The proposal also details the creation of a number of community orientated facilities including a child nursery to accommodate 50 children, administration offices for up to 12 staff, a central storage facility and a café and corner shop.

The proposed development would operate as an integrated unit. The extra care cottages would be for elderly people requiring independence but with a need for a limited degree of care. This would be provided on site and would be to a greater extent than available in conventional sheltered accommodation. The flats arising from conversion and extension of the Moat House would provide a greater degree of care, with a higher degree of care being available in the new care home, along with specialised care for people with mental health care needs. In essence it would be possible for people to progress through increasing levels of care while retaining the familiarity of surroundings, friends and staff.

**APPLICANT'S CASE:** The concept is to develop a number of compatible care facilities, which can benefit being grouped in a single location, so as to take advantage of sharing buildings, staffing and management. The facilities incorporated in this project will provide a contribution to the community, but at the same time will have to be structured to be commercially viable.

**RELEVANT HISTORY:** Change of use of home to care home approved 1978. Change of use from private dwelling to registered residential care home approved 1986. Proposed extensions to residential care home approved 1989. Erection of 10 sheltered housing units refused 1989. Single and two storey extensions to existing nursing home approved 1996. Single and two storey rear extension to care home approved 1999. Single and two storey extensions and alterations to existing care home approved 2000 but not yet implemented.

**CONSULTATIONS:** ECC Social Services – The current residential care home is located in an area of relatively low supply of residential care. The demand for care exceeds supply. The existing care home scarcely meets existing standards required under the former Essex Residential Homes Policy. The Care Standards Act and National Minimum Standards propose improved standards by 2007, although Central Government's attitude has softened. However because the frailty of older people requires larger rooms for equipment and more 'appropriate' standards of care, prudent proprietors are investing in the proposed National Minimum Standards despite their recent retraction. Due to economies of scale, proprietors tend to seek developments in excess of 40 bedrooms. The County Council will certainly support the proposal that the current provision at Great Easton is modernised and updated as it provides a valuable community resource. Notes that 10 of the proposed residential beds are specifically to be designated for mental health needs. ECC is seeking to stimulate the number of independent private sector residential beds. Having discussed the proposal for the cottages with the proprietor, the vision for the site is to provide a continuity of care ranging from those with low dependency needs thought to those who require extra care support in their own properties. This model of care can work well although ECC understands that there is some resistance to the care village notion. A professional view is that they have to be affordable as well as accessible. It is also important that transport facilities are provided to ensure inclusion within the community. It is Essex County Council's assumption that the extra facilities provided are intended to create the notion of a more balanced age profile within the community. The County Council's principal interest is the retention of the residential capacity. The proposals as submitted have the potential to meet broader needs of older people in the community if the care cottages and flats are allocated to those with appropriate levels of need.

Uttlesford Primary Care Trust: Newton Chinneck approached the PCT some 12 months ago to find a solution to current provision problems as highlighted by the new standards. Central government strongly approves of innovative healthcare solutions. We see a great need for the extra care cottages as this approach allows people to stay in their own homes for treatment. In addition we also recognise that Uttlesford has a rising population of over 65's. The design of the care home will allow a very flexible delivery of social care. Though not directly in our remit, we support the provision of extra facilities because it would encourage local people to use the facilities and would give residents a sense of belonging. We wish to support this application, as it would be a valuable asset to the community in the future.

UDC Local Plans Policy Advice – The proposal would result in a major new built complex in the countryside. There is no provision for this type of development in the ADP. The applicants are seeking to justify the development on the grounds that it is a facility, which meets an identified need, and on the positive side, it may also generate local employment, but it is essentially a commercial venture. Is this the best site for a facility of this type? No feasibility study has been done. Facilities for social interaction at Great Easton are limited. The housing element in particular raises concern as the properties could become market housing if not properly controlled. Traffic generation will also be a consideration. The overall view is that it is contrary to policy and the site is unsuitable for such a facility.

Specialist Landscape Advice – The proposal would significantly impact on this 19<sup>th</sup> century garden and parkland landscape. The proposals would be harmful to the character and fabric of the countryside. The fact that the site is screened from public vantage points does not diminish the detrimental impact it would have. Recommends refusal.

ECC Transportation - Following the resubmission of a Traffic Impact Assessment to Mouchel Essex, the highways department consider that it would be unreasonable to raise an objection to the proposal given the existing uses on the site. No adverse comments have been forthcoming in relation to traffic impacts. A Sec 106 agreement would be needed to cover works in the limits of the public highway.

Environment Agency – The agency finds it unacceptable that a detailed Flood Risk Assessment (FRA) is not submitted at this outline stage, as PPG25 seeks assurance at the time of determination. In view of this the agency is unable to withdraw its objection to the proposal until a detailed FRA has been submitted to prove that the proposal would not increase the risk of flooding downstream. Makes a number of advisory comments in relation to watercourses.

The Garden History Society – The Moat House itself appears to have some gardens of interest, no adverse comments.

Essex Gardens Trust – A historic landscape assessment is advocated to explore the full potential and history of the site.

ECC Archaeology – Recommends that a field evaluation by trial trenching be conducted prior to a planning decision being made.

Anglian Water – No objections in principle, suggests standard conditions relating to drainage

Environmental Services – No adverse comments, insufficient details to comment fully at this stage

Environment Agency - We confirm that the surface water drainage details are acceptable to the Agency from a land drainage point of view, and comply with the requirements of Planning Policy Guidance 25. This allows the Agency to remove its original objection to the Planning Application.

**PARISH COUNCIL COMMENTS:** Concern over potential disturbance to residents of Moat Cottage. The access and egress are not desirable. A significant amount of traffic would be generated as a result of extra facilities such as nursery. The Parish Council is also sympathetic to the owners of Moat Cottage.

**REPRESENTATIONS:** This application has been advertised and 15 representations have been received. Period expired 9<sup>th</sup> January 2003.

#### General Summary

The development is clearly contrary to National, Strategic and Local Plan policies and no material consideration has been put forward by the applicants to justify such a departure from the adopted policy. Commercial additions to the site would be totally inappropriate because of its location and would not add to the viability of the project. No consideration has been given concerning the impact on Moat Cottage; the scale of the scale of development would mean a 24-hour a day disturbance. The proposal would also destroy a natural habitat for deer, owls, bats, geese, ducks and small mammals. We fear that the proposal is an opportunist one and the degree of urbanisation is totally unacceptable and would destroy the setting of Moat Cottage. Destruction of woodland would lead to an important loss of habitat. Traffic generation would be unacceptable and the new proposed access would be dangerous. Insufficient justification has been given for the development and should be refused.

**PLANNING CONSIDERATIONS:** The main issues are whether

- 1) **there is sufficient justification to set aside the strong presumption against this type of intensification of development in the countryside (ERSP Policies C5 & CS4, ADP Policy S2, DLP Policy S6 and National Planning Policy Guidance Notes 7 & 13),**
- 2) **the proposal would have a detrimental impact on the Area of Special Landscape Value (ADP Policy C2), rural character and the residential amenity of adjoining occupiers (ADP Policy DC14 & DLP Policy GEN4) and**
- 3) **the proposal would have satisfactory access or an adverse impact on traffic generation and highway safety (ADP Policy T1& DLP Policy GEN1).**

1) National Planning Policy Guidance Note 7 (PPG7) seeks to safeguard the countryside for its own sake, although there is a recognition that some development may have to take place and it can be appropriate in certain circumstances. PPG 7 advises that development in the countryside should both benefit economic activity and maintain or enhance the environment and that new development should be sensitively related to existing settlement patterns. In addition, PPG 7 advises that building in the open countryside away from existing settlements or from areas allocated for development in development plans, should be strictly controlled. At the County level, Structure Plan Policy C5 continues this guidance by advising that development should be well related to existing patterns of development and should be of a scale, siting and design, which is sympathetic to the rural landscape character. At the local level, Policy S2 of the Adopted District Plan states that *'permission will not normally be given for development in the countryside beyond development limits unless the proposal relates to agriculture, forestry, appropriate outdoor recreational uses or appropriate changes of use of suitable existing buildings compatible with a rural area'*. This thread is continued in Policy S6 of the Revised Deposit Plan which states that *'In the countryside planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. There will be strict control on new building'*.

It is considered that the location of the site is satisfactory in relation to the eastern part of the village of Great Easton as it is in close proximity to the former village store and petrol station and reasonably close to the primary school. The village does not have a significant range of facilities such as shops, transport links and community facilities, but it is located on the B184 between the towns of Great Dunmow and Thaxted with Great Dunmow having a larger share of such facilities only two miles to the south. Although clearly it is not the most sustainable site having regard to PPG 13 (Transport), which seeks to focus development where extra travel demand is generated in town and district centres, the proposal makes use of an existing site and it is considered that other more suitable sites do not exist in this district. Accordingly, if Members were minded to approve this outline proposal a comprehensive Travel Plan would be necessary to minimise use of the private car and promote more sustainable forms of transport. For example, it may be desirable to have a minibus which could collect local relatives for visiting.

73 units of varied accommodation are proposed which equates to a density of 43 per hectare, discounting the land that would remain as open grounds for the occupiers. At the time the application was submitted, part of the justification put forward by the applicants was that the development needs to take place to bring the facility into line with new government Care Standards for the existing accommodation. In March/April of this year the government abandoned the key standards for existing care homes, but only those covering the physical environment. Refurbishment to new standards is clearly desirable but is no longer mandatory. The standards will however still apply to new build homes and extensions. If Members were minded to accept the justification for such a development, then this site is considered one of very few suitable locations in Uttlesford.

The individual elements of the proposal are examined below.

#### Refurbished Care Home to provide 15 two-bed flats and erection of new 40 bed care home

The existing care home would be refurbished to accommodate for 15 extra care flats and a new care home would be erected on raised ground immediately to the north. It would have an 'H'

shape with its main entrance facing west over Moat Cottage. The detailed design, siting and appearance would be determined as a reserved matter, but this element of the scheme is supported in principle by Essex Social Services and Uttlesford Primary Care Trust on the grounds that it would provide for a shortfall in healthcare provision at the moment and in the future.

### Extra Care Cottages

The applicant advises that *'unless grants are available, it will be necessary to include some commercial elements to help subsidise the community based elements'*. The provision of the extra care cottages would appear to be an enabling development used to finance the development of the rest of the site. The cottages are clearly an integral part of the overall vision for the provision of care facilities on the site to provide 'independent' living enabling people to live more fully in their own homes. However, it is considered that the extra care cottages could be more appropriately sited and potentially reduced in number. It is also acknowledged that the inclusion of garages to be excessive. The detailed siting and design of the cottages would form part of the reserved matters application, if Members were to grant approval for this outline scheme, this would allow a certain amount of negotiation to take place to limit these concerns. In addition, it is acknowledged that there are concerns over the potential occupation of the cottages, as a result, the occupation of these cottages would have to be the subject of a Section 106 legal agreement, to make sure that they are linked to the facilities on the rest of the site and therefore unable to become independently occupied market housing in the future.

### *Children's Nursery, Café and Additional facilities*

The provision of a day care nursery on the site is to try and provide a community orientated facility which would promote social inclusion and integration. The same applies to the café, which could encourage people to stay on site for a greater length of time and attract varying age groups to the site. However, this has to be carefully balanced against the potential harm extra traffic generation to and from the site would create. The site is within easy travelling distance of schools and a nursery and would therefore relate well to the area. As a result this may lead to a reduction in journeys that may otherwise be made by parents of children of a pre-school age. However, local residents may not use the facilities and it could be argued that if the premises were to be used only by the residents and visitors to the site, then the facilities could be deemed unsustainable and excessive. Whilst not as integral a part of the application, these additional facilities have been included to try and achieve the professional aspirations of the applicant for the site in the sense that they would be providing facilities which are not available in the immediate area and would complement the healthcare proposals.

2) Turning to the impact of the proposed scheme on the surrounding Area of Special Landscape Value and rural character, the applicant accepts the importance of siting the new buildings within the existing site and the tree envelope, to minimise the potential impact the scheme would have on visual amenity and the Area of Special Landscape Value. It is considered that although the proposed care home would, because of its size and relationship with the existing care home, create a cluster of buildings with a large and imposing scale and mass, it would have a minimal impact on visual amenity and the Area of Special Landscape Value. Traffic generation would increase as a result of the scheme and would have a minimal impact on rural amenity. However, because this is an outline application, design issues can be negotiated at the reserved matters stage in order to fully address the potential impact.

Turning to the effects of the proposed scheme on the residential amenity of adjoining occupiers, it is conceded that the proposal would primarily impact on the occupiers of Moat Cottage. This property is entirely surrounded by the grounds of the existing development and shares its main access. The scheme has been designed to minimise these effects by dedicating the central access point solely for use by the residents of Moat Cottage, which would take the bulk of traffic away from its environs and reduce any effects further traffic generation may have. In addition, following negotiation, the café, corner shop and Nursery facility have been moved from the

boundary with Moat Cottage and repositioned 25m to the northeast, with a heavier belt of planting along the boundary replacing the buildings. Activities associated with the site on a day to day basis would change as a result of the scheme and the current level of amenity enjoyed by the residents of Moat Cottage would be affected. However, the effect on amenity that would arise from the unimplemented permission for an extension of the Moat House also has to be taken into account and it is considered that the revised layout of the scheme and the provision of an independent access for Moat Cottage would result in a satisfactory environment for its occupiers.

3) Exact details of the design of the access points are not included at this outline stage, however no objections have been received from ECC Highways and this can be considered as a reserved matter. Similarly, no adverse comments have been received with regard to the extra traffic that the scheme would generate, and it is considered that based on this consultation, it would be unreasonable to object to the application on highway safety or access grounds.

**COMMENTS ON REPRESENTATIONS:** With regard to the occupiers of Moat Cottage, undoubtedly their residential amenity would be affected, however, the applicant has gone to some length to limit this impact, mainly by creating a new access to the site. This means that the current access to Moat Cottage and the rear of the existing care home would be solely for use by the occupiers of the cottage. In addition the proposed café and nursery facility has been removed from the boundary of the cottage further reducing the impact. With regards to the loss of a wildlife habitat and historic landscape, the site does not benefit from any special protection and as a result it is difficult for the Local Planning Authority to retain any control over the site. The scheme does involve proposals for landscaping which would prevent any adverse impacts on local wildlife. Although concerns over traffic generation are acknowledged, no objections have been received from ECC Highways. A preliminary Flood Risk Assessment has been included, as part of the application and this has been analysed by both the Environment Agency and the Council's Drainage Engineer who have no objections in principle.

**CONCLUSIONS:** This is a finely balanced proposal requiring Members' careful judgement. On one hand this outline proposal to develop what is essentially a Residential Care Village on the site is clearly contrary to Adopted Local Policies. On the other hand the scheme is supported by Essex Social Services and the Uttlesford Primary Care Trust as it seeks to provide an innovative approach to healthcare provision not currently available in the District. It is located on an existing site already used for the provision of healthcare for the elderly and no alternative locations for such development appear to be available. No adverse comments have been received from ECC Highways after full consideration of the revised traffic impact assessment. The effect on the residential amenity of the occupiers of Moat Cottage is considered satisfactory.

Having regard to all these matters, Officers considers that, on balance, approval can be recommended as an exception to Policy. A section 106 agreement would be necessary to ensure all elements of the scheme operate as an integrated unit and not independently of one another. The application would also have to be referred to the First Secretary of State under the departures procedure, were Members minded to grant permission. Members may wish to visit the site prior to further consideration of the application.

**RECOMMENDATION: APPROVAL SUBJECT TO A S106 AGREEMENT TO ENSURE THAT THE DEVELOPMENT OPERATES AS AN INTEGRATED UNIT, SUBJECT TO REFERRAL TO THE ODPM AS A DEPARTURE AND WITH THE FOLLOWING CONDITIONS**

1. C.1.1 Submission of reserved matters
2. C.1.2. Submission of reserved matters
3. C.1.3 Time limit for submission of reserved matters
4. C.1.4. Time limit for commencement of development
5. C.4.1 Scheme of landscaping to be submitted & agreed
6. C.4.2 Implementation of landscaping
7. C.4.4 Retention of trees



8. C.4.7 Detailed landscaping survey to be submitted & agreed
9. C.7.1 Slab levels to be submitted, agreed & implemented
10. C.8.13 Restriction on hours of construction: 0800-1800 Mon – Fri, 0830-1300 Sat & not at all on Sun or Bank/Public Hols
11. C.10.1 Details of junctions to be submitted, agreed & implemented
12. C.90A Detailed Flood Risk Assessment to be submitted, agreed & implemented
13. C.90B Detailed Green Travel Plan to be submitted, agreed & implemented
14. C.15.1 Superseding previous permission
15. C.16.2 Field evaluation by trial trenching
16. C.20.2 Protection of other wildlife species.
17. No development shall take place until the new access roads have been constructed in accordance with details of a scheme, which will have been submitted to and approved in writing by the local planning authority. The scheme will include details of the closure of the existing main access to the Moat House to the main part of the site and its restriction to access for the occupiers of and visitors to Moat Cottage only. No construction traffic will use this existing main access.  
Reason – In the interest of the amenity of the occupiers of Moat Cottage.
18. No person under the age of 55 shall occupy any of the residential units hereby permitted.  
Reason – To minimise the need for on-site car parking in the interests of highway safety and amenity.
19. None of the extra care cottages shall be occupied until the extension of the care home and the new care unit have been constructed and brought into use.  
Reason – To prevent development of isolated elements of the scheme, which in themselves would be contrary to planning policy because permission is granted, exceptionally, owing to the overall benefits of the scheme as a whole.

*Background papers: see application file.*

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**UTT/0376/03/FUL – STANSTED**  
***(Referred at Officers' discretion)***

Change of use from Class A1 retail to Class A3 restaurant.  
40 Lower Street. GR/TL 514-250. A Fordham.  
Case Officer: Michelle Guppy 01799 510477  
Expiry Date: 23/05/2003

**NOTATION:** ADP & DLP: Within Development Limits, Conservation Area and Town or Village Centre/ Listed Building

**DESCRIPTION OF SITE:** The site is located within the eastern part of the centre of Stansted Mountfitchet. The building is a two-storey antiques shop located on the corner at the junction of Lower Street (B1351) with High Lane and Grove Hill (B1051), between the two streets. To the northeast is a dwelling house, otherwise the property faces onto the road. There are various commercial and residential properties in the vicinity. The property has two parking spaces to the north of the building.

**DESCRIPTION OF PROPOSAL:** The applicant proposes to convert the shop into a restaurant. A vent would be installed in a gable end behind the parapet.

**APPLICANT'S CASE:** Further to our telephone conversation and your remaining concerns over the external flue, we have met yesterday on site with the ventilation company we propose to use, and crawled through the various roof spaces. We found a solution whereby we can accommodate the duct size required in the roof spaces, and site a simple grill, in the gable end that no one can see. As we would achieve discharge nearly the same height as the chimney top, we believe this to be the best solution for listed building, planning, and environmental health, and trust you agree.

**CONSULTATIONS: Original Plans:**

Specialist Design Advice: No objection in principle to the proposed minor alteration to the modern elements of the building subject to no elements of historic timber to be cut or removed without inspection and consent.

Environmental Services: concerns regarding position of premise in relation to neighbouring and close by residential properties, and potential nuisance to be caused. Particular concern re. Ventilation of premises and odours that may be produced as neighbouring property is higher than restaurant. High level discharge of system will be required, also regular maintenance and good specification of system will be important. The kitchen in these premises is very small. The applicant is aware that to make it useable he has to be creative with the layout of the equipment and has to choose his menu carefully. It would not be suitable for all food types.

**Revised Plans:**

Specialist Design Advice: Vent in gable end would not be seen due to location behind parapet therefore should not be detrimental to character and appearance of listed building.

Design Advice – No design objection to the proposed change of use and minor demolition.

Environmental Services: Reiterated previous comments.

**PARISH COUNCIL COMMENTS:** No objection but request quiet unobtrusive extraction system.

**REPRESENTATIONS: Original Plans:**

These applications have been advertised and 2 representations have been received regarding the original plans. Advertisement expired 6/5/03.

1. Object. Unnecessary extra amenity. Already plenty of restaurants and takeaways in Lower Street Area. Restricted Parking. Residents themselves have a problem parking. Noise and air

pollution. Excess food rubbish and associated smell. 40 Lower Street should be kept as a Class A1 retail to maintain a balanced community in Lower Street, in keeping with the listed conservation area.

2. Object. Concern regarding parking area. Approval Ref UTT/0174/02/FUL will bring out property even closer to No. 40. Allowing further A3 use in this location and loss of A1 use would be contrary to policy. Loss of residential accommodation would be contrary to policy. Has inadequate parking, detrimental to highway safety, local amenities and character of the area. Pedestrian access to site is poor. Detrimental to residential amenity due to increased noise and activity especially in the evenings, cooking odours. Concern over disposal of rubbish.

Revised plans: none received (due 25 July 2003)

**PLANNING CONSIDERATIONS: The main issues are whether the proposal would be acceptable having regard to its effects on**

- 1) **residential amenity (ADP Policy DC14 & DLP Policy GEN4),**
- 2) **the setting, character and fabric of the listed building and the appearance of the conservation area (ESP Policies HC2 & HC3, ADP Policies DC2 & DC5 and DLP Policies ENV1 & ENV2) and**
- 3) **highway safety, character of the area and parking facilities (ADP Policies T1, T2 & SM2 and DLP Policies GEN9, GEN1 & SM1).**

1) Officers are concerned regarding the harmful effects of fumes on neighbouring properties due to the residential properties in Grove Hill being at a higher level than the site. Environmental Services have recommended that a high level (ie elevation) of discharge for the extraction system will be required. The highest level achievable would be to use the existing chimney and/or to have another flue installed at the same height or higher. However, this would impact on the listed building and conservation area (see 2 below). The revised proposal is to have the discharge for the extraction system in the gable end behind the parapet at the front of the building, which would result in fumes being discharged at a lower level than existing dwellings. The applicant's original intention to use the first floor terrace as outdoor seating, which could result in a disturbance and loss of privacy to the residential properties opposite, has now been omitted.

2) The applicant's original proposal to place a cowl on the chimney top in order that the chimney can be used as the method of discharge for the ventilation system should be acceptable in terms of conserving the character and appearance of the listed building and the conservation area. However, this would have affected neighbours and its replacement by the insertion of a vent in the gable end behind the parapet should not be detrimental to the character and appearance of the listed building or the conservation area. (The applicant has stated that the chimney is not wide enough for the ventilation system therefore another flue would be required alongside the chimney, or a ventilation system can be routed to emerge on the gable end behind the chimney).

3) The site is located in an area of mixed commercial and residential properties and the proposal would replace an existing commercial facility in the centre of Stansted. The surrounding roads should be capable of accommodating the traffic generated by the development. There is currently on-street parking within the vicinity of the site, but with no capacity for any additional spaces. The site is within the centre of the village and there is a public car park and main line station within 3 minutes walking distance of the site. The existing premises are commercial and there are other commercial activities in the vicinity. It is considered that the absence of parking provision for customers at the proposed restaurant would not be contrary to current Government guidance in town/village centres.

**CONCLUSIONS:** Concerns regarding the impact on the listed building and conservation area have now been overcome. The proposal as revised would not now still result in material harm to residential amenity due to fumes emitted and the omission of the outdoor seating area. The low

level of available kerbside parking available in the vicinity is not considered of sufficient weight to warrant refusal on this ground.

**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.6.1. Excluding future changes of use without further permission
4. C.6.15. Restriction on sale of food
5. C.8.19. Control of odour and other effluvia 2
6. C.8.18. Control of odour and other effluvia – 1
7. C.11.7. Standard vehicle parking facilities
8. C.13.7. Hours of use
9. C.14.1. Permission personal to applicant occupant – 1
10. C.19.2. Avoidance of overlooking - 2

*Background papers: see application file.*

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## UTT/0380/03/FUL – STANSTED

Conversion of dwelling to 5 flats and erection of block of 5 flats to rear. Construction of vehicular access and parking area for fourteen vehicles.

The Limes Stables, Silver Street. GR/TL 509-246. Feeney Bros Ltd.

*Case Officer: Hilary Lock 01799 510486*

Expiry Date: 13/05/2003

This application was deferred at the last meeting at the request of the applicants' agent following the submission of revised plans. These revisions include:

- Widening of the accesses onto Silver Street to improve visibility and manoeuvring
- Reconfiguration of the access road within the site, to enable retention of more boundary planting and to improve the relationship with adjacent dwellings in Old Bell Close
- A reduction in the size of units and number of parking spaces – twelve are now proposed at the rear of the existing building (fourteen previously). The layout is also altered in an attempt to improve the relationship with dwellings in Old Bell Close
- A reduction in the depth of the new building, by reducing the size of the single storey section. This aims to improve the relationship with adjacent dwellings and provide more amenity space
- A reduction in the height of the building to 8m & 5.5m, and changes to the design to reduce the amount of windows affecting adjacent dwellings.

Although a number of changes have been incorporated into the revised plans, officer advise is that these would be insufficient to overcome the concerns set out in the report below. This would still be a large building in close proximity to adjacent properties, which would have an overbearing effect on amenity. The changes to the access and parking arrangements would not materially reduce the impact on those properties. The comments of ECC Transportation will be reported verbally at the meeting.

**NOTATION:** Within Development Limits/Adjacent Residential allocation (developed as Old Bell Close)/Adjacent listed building/Access onto Class B road

**DESCRIPTION OF SITE:** The site comprises a dwelling (former stables) with large rear garden on the eastern side of Silver Street, north of the junction with Old Bell Close. Gardens serving houses in Old Bell Close back onto the southern boundary. Access to the dwelling is in front of the building, with the remainder of the frontage enclosed by a wall with planting above. The rear garden contains mature shrubs and trees, although part of the southern and eastern boundaries at the rear have sparse screening. Dwellings in Brook Road are in an elevated position above the rear garden to the east.

**DESCRIPTION OF PROPOSAL:** There are two main elements: the existing detached three-bedroom house with one-bedroom annex would be converted to five two-bedroom flats, three at ground floor (accessed from the front of the building) and two at first floor (accessed from the rear). External changes to the building would include full glazing to ground level in place of windows to the front entrance and two front rooflights; a new first floor rear window, and replacement of one rear window with two; and on the southern side elevation a new ground floor window and three rooflights.

The second proposal would be the construction of a detached two-storey block of five flats in the rear garden. The front elevation of the building would include similar gable detailing to the main house. It would have a width of 15.4m and depth of 11.6m, with a single storey section at the rear 9.1m x 11m. It would range in height from 7.3m to 9.1m. The first floor side elevations facing dwellings in Old Bell Close and the garden of the house to the north would have secondary

windows to a dining room/lounge and bedroom (which could be obscure glazed) and the sole windows to second bedrooms. Distances to boundaries would be:

To gardens in Old Bell Close (southern boundary) – 2.9m to 5.8m

Back-to-back distance (at second floor) to dwellings in Old Bell Close – minimum 16m

To the garden to 193 Silver Street (northern boundary) – 2.6m to 5.8m

To the rear (eastern) boundary – 7.6m to 9.8m

Back-to-back distance to Lime Stables – 26m

There would be two vehicular accesses off Silver Street. The existing in front of the house would provide turning and parking for two cars. This would be separated from a new access road by a bin store. The second access would involve the demolition of part of the front wall and the construction of a block paved road 3.6m wide (4.8m at the entrance) running alongside the gardens of houses in Old Bell Close (with planting in between) and serving a fourteen space paved parking area. This would be between the converted and new block of flats. The existing hedge is to remain, but there would be removal of a number of trees within the site to accommodate the development. Amenity space for the converted building would be an area in the region of 135sqm behind the building and next to the parking area. Space would be retained around the new building, but it is considered that the only usable areas would be approximately 185sqm.

**APPLICANT'S CASE:** Due to the topography of site building sits lower than Old Bell Close and should have no adverse impact. Residents would object to any change as a matter of principle but we maintain that no overlooking would occur and should not be reason for refusal. See agent's statement regarding car parking and access attached at end of report.

It is our intention to continue to negotiate this application, incorporating all issues discussed to date and pending further comments from Brian Lee of Essex County Highways. Would you please therefore ensure that this application is not taken forward to committee until our negotiations are complete and we can reply on your recommendation.

**RELEVANT HISTORY:** change of use of existing building from stabling to dwelling approved 1978. Outline application for backland scheme of two dwellings, garages and alterations to access refused 2002, on basis of loss of amenity from two-storey houses, access and parking in close proximity to dwellings in Old Bell Close and Limes Stables itself, inadequate access and turning facilities.

**CONSULTATIONS:** ECC Transportation: Original Plans – No objection in principle, but concerned that an acceptable and workable access layout to the site could be obstructed by the existing right turn lane facility and the two centre island bollards at the junction with Old Bell Close. Revised Plans – new access could conflict with central island refuge on Silver Street, but no space available to relocate it.

**PARISH COUNCIL COMMENTS:** Object strongly on grounds of over-development and dangerous access close to other junctions.

**REPRESENTATIONS:** This application has been advertised and three representations have been received. Period expired 22 April.

1. No objection to conversion of existing property but object to development at rear on basis of inadequate access for construction vehicles, loss of amenity from parking area and use of access road close to garden of 3 Old Bell Close. Will be only 3.5m from sitting area to traffic. Inadequate width of access could result in cars queuing on Silver Street and within parking area. Vehicles from 10 flats would have greater impact than two refused houses. Overspill parking in Old Bell Close. Much new building in vicinity recently and this will add to congestion on Silver Street. Loss of security once garage to Limes Stables demolished.

2. Existing drains are in garden of 193 Silver Street and proposal will overstretch system. Query liability for maintenance, damage to hedges and trees during construction, and safety during

construction. Site is unsuitable for heavy vehicles. Pollution from car park will affect ability to use garden. Loss of privacy.

3. Excessive overdevelopment. Plenty of other properties in Stansted which could be converted to small apartments thus reducing need to squeeze buildings onto small plots. Old part of village is being ruined by development.

**PLANNING CONSIDERATIONS: The main issues are whether the proposal would**

- 1) be an appropriate form of backland development, and have an acceptable impact on residential amenity (ADP Policies H10 & DC14, and DLP Policies H3 & GEN4);**
- 2) be satisfactory in highway safety terms and provide adequate parking for the development (ERSP Policies T3 & T12, ADP Policies T1 & T2, and DLP Policies GEN1 & GEN9);**
- 3) overcome the previous reasons for refusal for the outline development of two houses on this backland site; and**
- 4) whether there are any other material considerations which would affect determination of the application.**

1) The conversion of the existing building into five flats would necessitate parking at the rear of the building, and therefore require an access road at the rear of Old Bell Close properties. However, given the urban setting, and the number of vehicles that would be generated by the proposal, it is considered that it may be unreasonable to resist the more intensive residential occupation of this building. Subject to retaining ample rear garden area to minimise the impact on adjacent residents and to provide a setting commensurate with the size of the existing building, it is considered that this element could be recommended favourably.

However, the size of the new block to the rear would result in a development which would appear cramped relative to its surroundings. Little space would be retained around the building, and at 9m high its mass and bulk could not fail to be overbearing and dominate the outlook of the properties in Old Bell Close. Although the site slopes down to the east, this would still appear as an extremely large building out of keeping with the otherwise more domestic scale of buildings in the vicinity. Although Lime stables itself is relatively large, as a frontage building, it has less impact than the proposal, and its design reduces the impact on adjoining properties.

The cumulative effect of the proposed conversion and new build, in particular the impact of the new building, are considered unacceptable. The combined proposal would result in a site dominated by car parking, and generating a significant amount of traffic in a backland location. The close proximity to adjacent residents and number of vehicles involved would produce noise, nuisance and fumes beyond levels reasonably expected by residents in this residential area.

2) Silver Street is a busy main road (B1383), and the addition of a second access point in close proximity to a road junction and island refuge is considered unacceptable. Given the relatively narrow access road width available, and the number of vehicles which could be using it, there is concern that vehicles may need to manoeuvre or wait on the main road, which would cause obstruction and interfere with the free flow of traffic. As this is a busy distributor, such potential hazards would be unacceptable in highway safety terms.

3) The proposals fail to overcome the previous reasons for refusal, and indeed it is considered that the impact of a redevelopment with ten flats would have greater adverse impact than the previously unacceptable two houses. The proposed building at the rear of the site would be excessive in height and depth relative to the dwellings and gardens of the properties in Old Bell Close, and could not fail to have an overbearing impact on those properties given their close proximity. A new access road running alongside the boundary with Old Bell Close was previously considered unacceptable in terms of noise, nuisance and fumes, but the vehicle movements connected with ten units would be greater than the three previously proposed on the site. Although

set further off the boundary and retaining more planting than previously, it is considered that this would not materially reduce the impact on residents.

4) There have other flat schemes approved along Silver Street in recent years, some of which were allowed at appeal. However, none are considered to have a similar relationship with adjacent property, and do not set a precedent for this proposal.

**COMMENTS ON REPRESENTATIONS:** Many of the issues raised are addressed in the report. Drainage rights and maintenance would be a civil matter, but the capacity of the system could be addressed in the Building Regulations application. There would inevitably be nuisance and disruption during the construction period, and a condition restricting hours of construction could reasonably be imposed.

**CONCLUSIONS:** This backland proposal and conversion would create a cramped form of development dominated by parking, and would give rise to loss of amenity to adjacent residents through noise, nuisance and pollution from use of the unacceptably close access road and parking area, and the overbearing impact of the building at the rear of the site. The creation of a second access point and the number of vehicle movements to be generated from the site could give rise to highway hazards on Silver Street. The proposal does not overcome the previous reasons for refusal for two dwellings in the rear garden. There are no objections to the proposed conversion of the dwelling to 5 flats.

#### **RECOMMENDATION: REFUSAL REASONS**

1. The proposed construction of a two storey block of flats in the rear garden of the site would create an unacceptable form of backland development, which would create significant loss of amenity to adjacent residents by virtue of the noise, disturbance and pollution caused by use of the proposed access road and parking area within close proximity. The size and bulk of the proposed building within 6m of the garden areas of properties in Old Bell Close would also create an unacceptably overbearing development which would dominate the outlook from those properties. The development would be contrary to ADP Policies, S1, H10 & DC14, and DLP Policies S1, H3 & GEN4.

2. The access arrangements to serve the development could create potential hazards and interfere with the free flow of traffic on the Class B Silver Street, Only two parking spaces are proposed at the front of the existing building, and it is considered there is potential for parking on the turning area by occupants of the three flats accessed from the front of the site. This could result in manoeuvring on the public highway, to the detriment of highway safety. The proposal would also involve the construction of a second access point in close proximity to the existing, the junction with Old Bell Close, and a right turn lane with central island refuge. Given the potential number of vehicle movements, and the proximity to the island refuge, it is considered that there could be conflict in manoeuvring movements, and therefore potential for vehicles waiting on the public highway during access and egress to and from the site. Such manoeuvres within close proximity to other junctions would introduce an unacceptable level of additional hazard on this busy stretch of B 1383 road. The development would be contrary to ERSP Policy T3, ADP Policy T1 and DLP Policy GEN1.

3. Although it may be possible to develop the site and meet the technical standards of the Council in terms of parking and amenity space, it is considered that in this backland location these minimum requirements may not always be sufficient to ensure a satisfactory scheme which respects the amenities of adjacent residents. It is considered that the construction of the block of flats at the rear of the site in close proximity to the boundary with adjacent gardens could result in a development unduly overbearing, with the outlook from surrounding dwellings and gardens dominated by close form. In addition, the significantly reduced amenity area to serve Lime Stables would appear cramped relative to the size of the building, and the development and all amenity spaces would be dominated by parking and turning areas. The proposals would therefore result in



unacceptable living conditions for all existing and future occupants, and would not respect the existing development which surrounds the site. The development would be contrary to the requirements of ADP Policies DC1 & DC14 and DLP Policies GEN2 and GEN4.

4. The proposals fails to overcome the reasons for refusal of application UTT/0759/02/OP, and given the number of units that would result from this development would exacerbate the loss of residential amenity identified from use of the proposed access road and the overbearing effect of the built form. The addition of a second access point would introduce additional hazards not previously raised.

*Background papers: see application file.*

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## **UTT/0943/03/FUL - SAFFRON WALDEN**

Demolition of garages and construction of detached chalet dwelling  
Land off Victoria Gardens. GR/TL 544-380. Mr G Bower.  
*Case Officer: Hilary Lock 01799 510486*  
Expiry Date: 12/08/2003

**NOTATION:** within Development Limits/Settlement Boundary

**DESCRIPTION OF SITE:** This application relates to a small triangular parcel of land (approximately 400m<sup>2</sup>) on a private road off Victoria Gardens. The access is between frontage housing, and serves three existing dwellings, and the application site, which houses a block of three flat roofed garages (formerly used by a local building firm and then for storing a boat and commercial vans). They have never been used by the nearby dwellings and are no longer required for business purposes.

**DESCRIPTION OF PROPOSAL:** The proposal is to demolish the garages and construct one three-bedroom chalet, with a footprint of 75.8 sqm, and height of 7m. Three parking spaces would be provided (although only two are required), but turning would rely on the adjacent access road, which has a turning head at its end. It is an irregular shaped site, but garden area in the region of 75sqm would be provided to the sides of the dwelling. The chalet would be sited 1m -1.5m from the rear boundary, with three rooflights to a bedroom and dressing room. Between 1m and 11m would be retained to the northern boundary with a public footpath beyond. A 1½ storey front gable and two dormer windows would serve two bedrooms and a bathroom.

**APPLICANT'S CASE:** Direct overlooking from first floor bedrooms into private amenity areas of adjoining properties has been designed out and back-to-back distances from the new to existing dwellings is some 40-50m. It has been designed to reduce the overall footprint on the site from that approved and to provide more sympathetic design characteristics to this area. The 3 bedrooms would not have direct overlooking aspects (the approved bungalow indicated two bedrooms). Government guidelines are that density and use of land is paramount. Proposal conforms to planning policy. Design, scale and height are acceptable. Revised plans have now been submitted.

**RELEVANT HISTORY:** Outline permission was granted earlier this year for a bungalow, with an indicative footprint similar to the current proposal. Due to the limited site size, it was subject to conditions requiring the reserved matters to be a single storey dwelling with no greater footprint than indicated. A subsequent application for a chalet was withdrawn by the applicant following officer advice that it would be recommended for refusal.

**CONSULTATIONS:** Landscape Advice: to be reported (due 28 July)

Environment Agency: Land level of proposed site is on high ground well above existing water level of The Slade (non main river) and should not constitute flooding problem. However, there should be no restrictions in the river channel to impede the flow, from this proposal. Advice to applicant.

Ramblers Association: no response received – due 6 July

Building Control: no objection subject to incorporation of domestic sprinkler system.

Environmental Services: turning head is large enough but lane very narrow for HGV access in places. 4m + width required for comfortable passing. 60m is above recommended distance to carry refuse from property to collection vehicle. Access road needs to be to highway standard to ensure collection from house. If not residents may be required to put refuse out on highway boundary with road.

**TOWN COUNCIL COMMENTS:** no objections

**REPRESENTATIONS:** Three. Notification period expired 11 July.

Concerned that during construction and afterwards access to existing dwellings should not be impeded. Issues of maintenance of access road. Previous conditions attached to outline consent should apply. Parking on site would restrict manoeuvring by large vehicles (particularly emergency vehicles). Would need to lop trees to build dwelling.

Friends of the Earth – Concerned that public footpath which runs along access road must be safeguarded, and its use should not be discouraged or inhibited. If development could be used to enhance ease and attraction of use of footpath it would be consistent with policy.

**PLANNING CONSIDERATIONS: The main issues are whether the proposed dwelling would**

- 1) be an acceptable form of development, in keeping with its setting (ADP Policies S1 & DC1, DLP Policies S1 & GEN2), and**
- 2) would enable the retention of trees surrounding the site (ADP Policy DC8 & DLP Policy ENV3).**

1) The site is within Development Limits and the principle of a dwelling here has already been accepted. In granting the outline permission, it was a finely balanced decision, but it was determined that (1) a bungalow could be constructed without causing overshadowing or loss of privacy/amenity (2) the additional traffic to be generated by a two-bedroom bungalow would not be significant, and no greater than the existing use; and (3) given the backland location of existing dwellings along this track, the redevelopment of the site would be in keeping with the existing pattern of development.

The outline proposal indicated a bungalow orientated to face west, with a usable garden area to the rear. Due to the first floor windows, the current proposal has been twisted on the site to avoid overlooking of adjacent dwellings, and to reduce the impact of the increased mass of the building. In so doing, this would significantly reduce the amount of available garden area to below the Council's standards. Removing the third unnecessary parking space would not significantly increase the garden area. The other backland dwellings in this location are single storey on larger plots. It is considered that this proposal would result in a cramped form of overdevelopment, out of keeping and scale with the other dwellings off the access road. Although PPG3 and the Council's own policies seek to achieve best use of urban land, these do not promote overdevelopment of modest sites, and any new development is still required to be compatible with its setting.

2) The site is already dominated by the canopy of trees adjacent to The Slade. The outline proposal would have enabled a low-key dwelling to be constructed which would have required limited works to the overhanging trees. By moving the dwelling closer to the boundaries and increasing its height significant lopping would be required to accommodate the dwelling, which would have an adverse impact on the character and appearance of the area.

**COMMENTS ON REPRESENTATIONS:** The access issues raised were fully considered prior to granting the outline permission. Issues of maintenance of the access road are a private matter. Redevelopment of the site would not prevent use of the footpath.

**CONCLUSION:** The proposal would be overdevelopment of the site, providing limited garden area. Its siting would inevitably require significant works to mature trees which overhang the site. A chalet of the scale proposed would not be in keeping with the other dwellings in this backland location. An oral report on the revised plans will be made at the meeting.

**RECOMMENDATION: REFUSAL REASONS**

- 1) The proposal is considered to be an unacceptably cramped form of overdevelopment out of keeping with other dwellings in this location, and its two-storey design would appear out of scale with the bungalows in the vicinity. The proposal is therefore considered contrary to ADP Policies S1 and DC1, and DLP Policies S1 and GEN2.

- 2) The necessary siting of the dwelling to avoid loss of amenity and overlooking of adjacent dwellings results in a plot with limited usable garden area contrary to the Council's standards, resulting in unacceptable living conditions for future occupants. The siting and height of the building would also inevitably require significant works to mature trees which overhang the site, to the detriment of the attractive landscaped character and appearance of this part of the residential estate of which the site forms part. The proposal would therefore be contrary to ADP Policy DC8 and DLP Policy ENV3.

*Background papers: see application file.*

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**UTT/1542/02/FUL - GREAT EASTON**

***(Referred at Members' request)***

Demolition of working piggery buildings and erection of one dwelling  
Site Off Andrews Farm Lane, Mill End Green. GR/TL 620-256. Priors Hall Limited.  
*Case Officer: Michael Ovenden 01799 510476*  
Expiry Date: 26/12/2002

**NOTATION:** Outside development limit & settlement limit/Adjacent to a listed building

**DESCRIPTION OF SITE:** The site is located at Mill End Green 0.8 miles east of Great Easton village. Mill End is a scatter of dwelling centred on the Green Man PH. To the east of the PH is Andrews Farm Lane which serves three dwellings and this small group of farm buildings in current use as a piggery. In addition to the two 25 metre long low rise former poultry houses which house the pigs (approx 660), there is a small yard, an open-sided straw barn, another small store and two 7-8 m high silos.

**DESCRIPTION OF THE PROPOSAL:** This detailed application proposes to clear all of these buildings and their activities and to erect a single-storey dwelling on a piece of the arable field fronting Andrews Farm Lane. The pig farm activities would be transferred elsewhere.

**APPLICANT'S CASE:** Various submissions have been made including a letters from the agent dated 18 October 2002 & 10 July 2003 and a response from the application dated 29.12.02 attached at end of report.

**RELEVANT HISTORY:** Outline application for similar development withdrawn prior to determination January 2002.

**CONSULTATIONS:** Environmental Services: During July/August of most recent years, this section has investigated complaints of excessive numbers of houseflies at residential properties in Andrews Farm Lane. Houseflies are known to breed very successfully at housed animal units, and it is reasonable to conclude that the pig unit is responsible for the large numbers reaching houses. The legislative controls of the Environmental Protection Act 1990 can be used to remedy the problem, although to date formal action has not been considered necessary. The farmer has followed advice from ADAS on control measures, but numbers don't substantially fall until the muck is removed to land after harvest, aided by the coinciding fall in temperatures, which reduces the rate of breeding.

The success of fly control depends on meticulous hygiene at the unit and regular removal of muck from site, and the remoteness of the unit from the main farm may have a bearing on how effective this is. With the history of fly problems associated with this unit, I envisage that complaints will continue will continue to be an annual occurrence whilst the use continues.

**PARISH COUNCIL COMMENTS:** none (due 28 November 2002).

**REPRESENTATIONS:** This application has been advertised and 4 representations have been received. Period expired 19.12.02

1. CPREssex: Object the site is beyond development limits. PPG3 Annexe C specifically excludes agricultural buildings from the definition of brownfield sites for the purposes of deciding where residential development might take place. We do not consider that there is any justification. While a working livestock farm is liable to create smell, flies etc. this is clearly neither unexpected nor inappropriate in a rural situation. To permit such a change of use on these grounds would of course set an extremely worrying precedent for the entire district and beyond.

2-4. Our full support may remove the problems that are encountered every summer. It would also reduce the amount of heavy traffic.

**PLANNING CONSIDERATIONS:** The main issues are whether:

- 1) a new dwelling could be permitted in accordance with normal Development Plan policies (ADP Polict S2 & DLP Policy S7) and
- 2) there are any special circumstances that would warrant a different decision from that indicated by the Development Plan.

1) The site lies outside any development limit where as a consequence new dwellings are not normally permitted. The proposal does not relate to infill development, agricultural occupation or the conversion of an important building. The application is made in detail so that the Council is able to form a judgment on the impact of the proposal in the landscape. However notwithstanding this, in principle the erection of a dwelling in this location would be contrary to development plan policy.

2) The applicant has indicated that the pig farm is not a good neighbour to the adjacent dwellings, due to odours and flies, especially in the summer months. The applicant infers that the granting of the permission would generate the finance necessary to allow the existing pig rearing activities to be relocated permanently from the site. The case officer noted during his site visit that there is an odour and in a letter from Environmental Services flies are recognised to be a problem. Three possible solutions have been identified – retain the status quo, rebuild the unit or remove the unit as proposed in the application. Apart from a reference to use of insecticide, it is not clear from the applicant’s case what other detailed measures (chemical or physical) have been tried and failed. It is not considered that the applicant has demonstrated that an exception to planning policy is justified in this case.

**CONCLUSION:** In this instance it is not considered that the applicant has been able to demonstrate that the current circumstances are of a scale which are so overwhelming that can only be addressed by the proposed erection of a new dwelling.

**RECOMMENDATION: REFUSAL REASON**

The site is located within countryside beyond Development Limits as defined in the adopted District Plan. Policy S2 states that: *“Permission will not normally be given for development in the countryside beyond Development Limits unless the proposals relate to agriculture, forestry, appropriate outdoor recreational uses, or appropriate changes of use of suitable existing buildings compatible with a rural area.”* The proposed development is not covered by these exceptions fails comply with the above policy, as it would result in the erection of a new building outside development limit unrelated to agricultural, forestry or appropriate outdoor recreation. The erection of dwellings in such a location is tightly controlled and the proposal cannot be considered to be infill, for agricultural use or involving the conversion of an important building. The justification proposed for the dwelling is not sufficient to overcome the Policy objection. The result would be a new dwelling in the countryside, harmful to the rural amenities of the area and causing a precedent for similar proposals on the many other similar sites throughout the District. The cumulative domestication which would result would be detrimental to the character of this country location, contrary to Policy S2.

*Background papers: see application file.*

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## UTT/0352/03/FUL - HIGH EASTER

Erection of three dwellings with associated garaging and formation of new access  
Chapel Field House, High Street. GR/TL 620-148. Messrs W & R Brown.

Case Officer: Michael Ovenden 01799 510476

Expiry Date: 15/05/2003

**NOTATION:** Part within Development Limit (Settlement Boundary) & Conservation Area.

**DESCRIPTION OF SITE:** The 2.165 ha (5.3 acres) site is located in the centre of the village (opposite the site visit at the last meeting) and is predominantly covered with trees of various heights and species. The property to the east, Chapel Field House, is vacant and in some disrepair. The general character of the surrounding area is that of dwellings with small front gardens or hard surfacing onto The Street.

**DESCRIPTION OF PROPOSAL:** This revised proposal is to erect three terraced, two-storey dwellings, two with three bedrooms and one with four bedrooms (inc one in the first floor link between units A and B). To the rear would be two garages – a double to serve plot A and a shared double to serve plots B&C. These would be accessed under the link between plots A & B. It is also proposed to erect a single garage for Chapel Field Houseserved via a new access.

**APPLICANT'S CASE:** 2 letters received.

1) The report on badgers states that *'a single open, but not particularly active hole was located adjacent to the outbuildings at the rear of Chapel Field House'*. It also goes on to detail the requirement for a licence under English Nature to exclude badgers from the hole and close it prior to work commencing on the site. As you are aware, a licence should be sought once planning permission has been granted to humanely exclude badgers from the sett. The closure of this outlying hole within the application site does not constitute a reason for refusing the planning application. It should be noted that a licence will be required in connection with the extant Conservation Area consent to demolish the outbuilding (ref: UTT/1795/00/CA) in any event.

3) I can confirm that it the land to the rear of the proposed dwellings will be kept with Chapel Field House. In addition, as set out in our planning statement, the proposed development would enable the renovation of Chapel Field House. Our clients would be willing to accept a condition requiring the renovation and request that the condition states that the work will be implemented once the proposed dwellings have been completed.

**RELEVANT HISTORY:** Outline application for two and three detached dwellings and vehicular access refused 1984 for reasons of over-development, backland development and adverse effect on the character of the Conservation Area. Application for two detached dwellings refused on grounds of loss of a gap in the Conservation Area; untraditional design; loss of trees; inadequate parking and turning facilities. Appeal dismissed on grounds of inappropriate design due to dwellings being detached; having flat roofed elements and loss of trees.

**CONSULTATIONS:** Design Advice: the revised design seems to follow the Inspector's advice and is now acceptable subject to conditions.

ECC Transportation : Provide a footway 1.2m wide across the entire site frontage in accordance with details to be agreed with the Highway Authority.

**PARISH COUNCIL COMMENTS:** Any development allowed here should be of the highest quality. It must be the subject of a section 106 "planning obligation" requiring the full restoration of Chapel Field House, and the permanent retention of the undeveloped area of remaining orchard as a local site of nature conservation interest, including a management plan. All the trees on the application site should be made the subject of a Tree Preservation Order. Full details of the proposed houses (detailed internal layout, external materials, design, hard and soft landscaping, boundary fences and hedges etc), must be conditioned for subsequent approval prior to any site clearance or other

work. Concerned at the proximity of the proposed houses to the highway and feels that they should be set back to respect the variation in building line between “Maples” and Chapel Field House. The retention of the two walnut trees is very unlikely in the long term as one will completely dominate the north-facing rear garden of proposed unit B, and the other will be situated in the middle of the new vehicular access to Chapel Field House.

**REPRESENTATIONS:** This has application had been advertised and 6 representations have been received. Period expired 1 May.

1) CPREssex: contrary to Policy S1 of both the Adopted and Deposit Draft Plans and to the respective policies regarding development in Conservation Areas. It would be detrimental to the important environmental and visual characteristics of the locality.

2-6) Object on overdevelopment grounds. Would squash three homes into a tiny space creating the appearance of a tunnel on the main street. The development would be more in keeping with the village if the properties were detached with grass frontage and a garage alongside each home. Concerns about wildlife and future of old orchard to rear.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposal would :

- 1) be compatible with the character of the settlement (ADP Policy S1 & DLP Policy H2),
- 2) protect or enhance the character of the Conservation Area (ERSP Policy C2, ADP Policy DC2 & DLP Policy ENV1),
- 3) protect elements of importance for nature conservation (ERSP Policy NR6, ADP Policy C3 and DLP Policy ENV70 and
- 4) have a satisfactory impact on highway safety (ADP Policy T1 & DLP Policy GEN1).

1) The front portion of the site lies within the development limit and settlement on both the adopted and deposit plans whether there is no objection in principle to appropriate development. The Inspector at the last appeal formed the view that the character of this part of the village was of buildings enclosing the streetscape and therefore he considered that the erection of buildings, particularly if not individually detached, could improve the character of this part of the village. In summary, the Inspector's comments are considered to be reasonable and the proposal addresses his remarks on this aspect of the scheme.

2) This revised proposal now involves the erection of a linked terrace of a simple and vernacular form, rather than two detached houses, that follows the Inspector's comments. It would therefore suitably enclose the street space. By having a projecting gable the dwelling on Plot A would to some degree turn the corner of the site and partly bridge the gap to 'Maples' next door.

3) Due to the placement of the dwellings and garages about 11 trees are required to be removed. In addition 5 other trees shown on the tree survey to be within the immediate area of the dwellings are assumed to be removed, as they are not shown on the proposed block plan, with a further 5 trees to remain. A Walnut tree is to be retained and have a vehicular access and driveway constructed around it. According to the survey submitted with the application most trees on this part of the site are not in good condition. The applicant has submitted an ecological survey relating to the site. Whilst it explicitly does not cover the specimens or variety of fruit trees it concludes that many are in poor condition. The report suggests that a biodiversity action plan should be required for the management of the potentially significant old orchard site outside the immediate area of the proposed development. There is conflict between enclosing the streetscape and the retention of the existing vegetation on the site. However it appears that the development would not cause harm to biological interests of importance.

The report also concludes that licenses through wildlife legislation are likely to be required and that planning conditions may be applicable to protect reptiles etc.



4) TOPS have requested that a 1.2 m wide public footpath be provided across the width of the site, behind that a 2.4 m parallel clear to ground sight splay be provided and that pedestrian visibility splays be provided each side of the proposed vehicular access. To provide all these the dwellings would have to be set back by approx 0.5 m. This would bring the dwellings closer to the walnut and plum trees to the rear, but on balance this is considered to be a suitable arrangement

**COMMENTS ON REPRESENTATIONS:** Most of the comments in representations received on details can be addressed through conditions.

**CONCLUSIONS:** The Inspector established the principle of development on this site and this revised proposal has addressed the issues covered at the dismissed appeal last year.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development
2. C.3.1. To be implemented in accordance with approval plans
3. A post and rail fence shall be erected between point A & B, C & D, E & F and G, H and I.  
REASON: To protect the land beyond from works or activities that would prejudice the ecological qualities of the site.
4. The development hereby permitted shall not commence until a detailed ecological management plan for land cross hatched in green has been submitted to and approved in writing by the local planning authority. The management plan shall be implemented prior to the first occupation of any of the dwellings hereby permitted.  
REASON: To protect the ecology of the site at the rear.
5. C.4.1. Scheme of landscaping to be submitted and agreed
6. C.4.2. Implementation of landscaping
7. C.4.6. Retention and protection of trees and shrubs for the duration of development
8. C.5.1. Samples of materials to be submitted, agreed & implemented
9. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission
10. The development hereby permitted shall not commence until details of the surfacing of the two driveways have been submitted to and approved in writing by the local planning authority. Thereafter the driveways shall be finished in accordance with the agreed details and shall not be varied without the prior written permission of the local planning authority.  
REASON: To ensure that the surface will allow the long term survival of the trees proposed to be retained.
11. None of the dwellings hereby permitted shall be occupied until the dwelling known as Chapel Field House has been renovated and made available for residential occupation.  
REASON: To ensure that the development achieves the applicant's stated intention of enabling the reoccupation of the existing dwelling.
12. Construction of the dwellings hereby permitted shall not commence until a revised plan has been submitted showing the dwellings located to the rear of the position shown on drawing 23a to provide for 1.2 m wide public footpath along the road frontage and 2.4 m visibility splays to the rear of that. That footpath shall be completed and made available for public use before any of the dwellings hereby approved is occupied.  
REASON: In the interest of highway safety.
13. The development hereby permitted shall be set out as to provide a parallel visibility splay of 2.4m across the whole width of the site.  
REASON: In the interests of highway safety.

*Background papers: see application file.*

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## **1) UTT/0497/03/FUL 2) UTT/0498/03/LB – DEBDEN**

1) Change of use and conversion of barn to dwelling. Alterations to vehicular access.

2) Conversion of barn to residential.

Debden Hall Farm, Walden Road. GR/TL 549-333. Mrs N Fiske.

*Case Officer: Michelle Guppy 01799 510477*

Expiry Date: 03/06/2003

**NOTATION:** ADP: Outside Development Limits/Within Area of Special Landscape Value&Historic Parkland/Listed Building. DLP: Outside Settlement Boundaries/Within Historic Parkland/Listed Building.

**DESCRIPTION OF SITE:** The site is located in open countryside to the north west of Debden. The application barn is located to the south west of Debden Hall Farm farmyard and would be accessed through the farmyard. Debden Hall Farm is accessed from within the village and is to the west of the road from Debden to Saffron Walden. The site contains a C18 stable block, the building is an imposing red brick structure built on an H-plan and listed Grade II. It appears to be redundant.

**DESCRIPTION OF PROPOSAL:** The proposal is for change of use and conversion of the existing barn to a dwelling. Access would be through Debden Hall Farm and the first part through the farmyard is approx 3m wide concrete road. This gives access to the old coaching road which is an approx 2.3m wide un-made-up track that leads the rest of the way to the barn.

**APPLICANT'S CASE:** Building has no agricultural use and is deteriorating. Change of use to residential will ensure continued existence of built form. The building is extremely fine and whilst some works have been carried out to try to protect it, these have largely been in unsympathetic materials. Conversion to residential could allow significant restoration work to take place and in drawing up the proposed scheme we have taken into account your comments. Detail of the access to the property has not yet been finalised. Access to the building is possible from two directions with motor vehicles and from a third on foot. The route shown on the application uses an existing farm access which is concrete, this in turn gives access to the old coaching road which leads down to the barn. Minor modifications to the coaching road together with the introduction of a turning head at the end would meet with building control concerns. Alternatively Building Control has confirmed that a sprinkler system would be acceptable.

Clients' preference would be for a road running to the north of the existing churchyard and connection with this property and in return she was willing to negotiate with the church authorities regarding use of the adjoining fields for car parking purposes. This option has been ruled out by the Conservation Officer. I suggest that if the authority is minded to approve this application that a condition is attached requiring details of the approach road to be agreed prior to implementation of any works based on the Conservation Officers proffered option of the route as shown on the application.

**CONSULTATIONS:** Design Advice: The scheme has been negotiated. The access to the proposed conversion would now follow an existing path rather than be cut through Debden Park, therefore the fundamental concern related to the original scheme would be overcome. Because of its special architectural and historical interest and good structural condition the building fulfils the necessary criteria of the local policy and the advice contained in PPG7 relating to the conversion of rural buildings to residential use. In terms of design, the proposed scheme is acceptable in principle, aiming at utilising existing openings and retention as much as possible of the existing character of the listed building. Recommend following conditions: no elements of historic fabric to be cut or removed, all brick work to be repaired as necessary matching brick type and bonding and pointing, new windows to be painted timber, large scale details of external staircase to be

submitted for approval, sound historical roof tiles to be re-used and shortfall to be made up with exactly matching, boundary treatment to be post and rail and indigenous hedging.

Building Control: The access for Fire Brigade is not sufficient in that a 3.7m wide access road is not provided to within 45m of the dwelling with a turning head.

English Nature: No SSSI's will be affected. The presence of bats and/or barn owls using the barn should be considered.

Essex Wildlife Trust: none received (due 14 May)

County Archaeology: No archaeological recommendations made.

English Heritage: No observations regarding the detailed design of barn conversion and is happy to defer judgement to local planning authority. Concerned by the impact of the access road on historic parkland (*now overcome*).

Environment Agency: Advice regarding foul water disposal by way of private treatment plant. Advice regarding culverting works and surface water disposal.

**PARISH COUNCIL COMMENTS:** Due 14/5/03

**REPRESENTATIONS:** These applications have been advertised and no representations have been received.

Period expired 3/6/03 .

**PLANNING CONSIDERATIONS:** The main issues are whether the proposal:

- 1) **complies with the criteria relating to residential barn conversions (ADP Policy C6, ESP Policy RE2 & DLP Policy H5),**
- 2) **would have an adverse effect on the character and appearance of the countryside, Area of Special Landscape Value or Historic Parkland (ADP Policies C2 & C3 and DLP Policies GEN8 & GEN7) and**
- 3) **would enjoy satisfactory access to the site or impact on residential amenity (ADP Policies T1 & DC14 and DLP Policies GEN1 & GEN4).**

1) The barn is a listed building and therefore worthy of retention in its own right. It is in good structural condition and subject to relevant conditions its conversion would comply with ADP Policy C6 and PPG7 advice. Although the vehicular access to the barn is down a long farm track, the facilities in the village would still be accessible by foot and include a school, a shop and two public houses. Therefore, the site is not considered to be unduly isolated and the proposal complies with ESP Policy RE2 and PPG advice relating to sustainability.

2) The barn contributes to the attractive rural character and appearance of the area. The site would require sensitive landscaping to ensure that domestic paraphernalia does not impact unduly on the setting of the building. The access follows an existing path, and its increased use should not materially impact on the historic parkland.

3) The access to the site is to be from the north through Debden Hall Farm yard. The conversion of the barn enables the retention and continued use of a listed building. The nature of barn conversions is that they are likely to be located in rural areas and in proximity to working farms. The increased traffic generated by the proposal should not be detrimental to the residential amenity of the occupiers of the existing farmhouse.

**CONCLUSIONS:** The proposal complies with policy and would provide the listed building with an economically viable new use, to protect its future.

**RECOMMENDATIONS: 1) UTT/0376/03/FUL - APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development
2. C.3.1. To be implemented in accordance with approved plans

3. C.6.11. One dwelling unit only
4. C.20.2. Protection of other species (amended)
5. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission (amended)
6. C.6.13. Excluding extensions and erection of freestanding buildings and siting of chattels (amended)
7. C.6.14. Restriction on rebuilding
8. C.4.1. Scheme of landscaping to be submitted and agreed
9. C.4.2. Implementation of landscaping
10. Any existing established vegetation on the site shall be retained unless the local planning authority gives its written consent to its removal or variation. Should any of the vegetation die, be removed or become seriously damaged or diseased, it shall be replaced during the following planting season by a hedge planted in accordance with a specification previously approved in writing by the local planning authority.  
REASON: To protect and enhance the existing visual character of this attractive historic parkland setting.
11. C.4.6. Retention and protection of trees and shrubs for the duration of development
12. C.4.7. (a) Detailed landscaping survey to be submitted (amended)
13. C.4.8. Landscape management and maintenance plan
14. C.8.27. Drainage Details
15. The building conversion hereby permitted shall not be occupied until the area outlined green on the approved plan attached has been made for the parking of vehicles visiting the site. This area shall not thereafter be used for any purpose other than the parking of vehicles.  
Reason: To ensure the site has adequate undercover parking. To protect and enhance the existing visual character of this attractive historic parkland setting.
16. No development shall take place until a scheme of boundary treatment has been submitted to and approved in writing by the local planning authority. All new boundary treatment shall be post and rail fence and indigenous hedging. The boundary treatment shall be implemented in accordance with the approved scheme. Subsequently, the treatment shall not be altered without the prior written consent of the local planning authority.  
REASON: To protect and enhance the existing visual character of this attractive historic parkland setting.
17. The only vehicular access to the site shall be the route shown by the red line on the approved plans. At no time shall vehicles access the site by any other route.  
REASON: To protect and enhance the existing visual character of this attractive historic parkland setting.
18. There shall be no works to or alteration of the vehicular access to the site without the prior written consent of the local planning authority.  
REASON: To protect and enhance the existing visual character of this attractive historic parkland setting.
19. Sprinkler system (see condition 9 on 0498/03LB)

## **2) UTT/0498/03/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. C.5.1. Samples of materials to be submitted and agreed
4. C.5.16. No historic timbers to be cut (amended)
5. C.5.7. Window details
6. C.17.1. Revised plan required (amended)
7. All sound historical roof tiles shall be re-used and any shortfall shall be made up with exactly matching materials.  
REASON: To conserve and enhance the character and appearance and fabric of the listed building.
8. All brickwork to be repaired necessary shall be to match the brick type, bonding and pointing exactly.

REASON: To conserve and enhance the character and appearance and fabric of the listed building.

9. No works shall take place until a scheme for the installation of a sprinkler system has been submitted to and approved in writing by the local planning authority. The sprinkler system shall be implemented as approved as approved.

REASON: To conserve and enhance the character and appearance and fabric of the listed building. The installation of a sprinkler system in this case would need to be incorporated into the listed building consent. The site is accessed via a long track through historic parkland. This track does not meet Building Regulations requirement for fire service access. Due to the location within historic parkland the planning permission for this conversion seeks that no changes are made to the access track. Therefore in order to meet Building Regulations requirements a sprinkler system would need to be installed.

*Background papers: see application file.*

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**UTT/0636/03/FUL – STEBBING**  
***(Referred at Members' request)***

Erection of one dwelling  
Land to rear of Police House, The Downs. GR/TL 659-247. Messrs Stile & Hammond.  
*Case Officer: Anthony Betros 01799 510471*  
Expiry Date: 23/07/2003

**NOTATION:** Within Development Limits

**DESCRIPTION OF SITE:** The site is located in the land to the rear of the former Police House on the corner of The Downs and Gardenfields. The site has a frontage of 17.5 m and a depth of 19.5 m. The new house would lie behind the row of houses that have their frontage to the Downs and Gardenfields. The rear gardens of these dwellings are located to the rear of the proposed dwelling. The former Police House site would retain its frontage of 19.5 m to The Downs, but have a reduced depth of 33 m due to the subject proposal. It would have its rear garden reduced to a depth of 10-12 m and would be separated by 14 m from the living components of the new dwelling.

**DESCRIPTION OF PROPOSAL:** This revised proposal has been negotiated and is now for a 2-storey, 3-bedroom dwelling with single attached garage on the land to the rear of the former Police House. It would have driveway access from Gardenfields to an open car space in front of a single garage which is attached to the 2-storey dwelling house. The new house would have a frontage of 12 m and depth of 6 m over 2-storeys with a single-storey wing at the rear which has a width of 4.7 m and depth of 5 m. The ground floor would contain the entrance hall, living, dining, study, kitchen, bathroom and utility rooms, while the 1<sup>st</sup> floor would have 3 bedrooms, the main bathroom and an ensuite.

The house would have a setback of 3 m from Gardenfields, western side setback of 1.8 m from a public footpath and the rear of dwellings facing Gardenfields, eastern side setback of 0.9 m to the garage and 3.9 m to the dwelling from the common boundary of the former Police House. The rear setback to the single storey kitchen section is 5.4 m and 10.5 m to the 2-storey component from the common boundary with the rear garden of the neighbour to the south known as 'Alberta'. The house would have a wall height of 4.8 m and ridge of 7.4 m, with a rear garden area of approx 150 sqm. The proposal results in a reduced rear garden area to the former Police House of 220 sqm.

**RELEVANT HISTORY:** Approval of conversion of Police House office to residence in 2002.  
Refusal of 2 semi-detached dwellings on land to rear of the former Police House in 2002 on overdevelopment and loss of amenity reasons.

UTT/0095/03/FUL- Amended proposal for 2 attached dwelling houses withdrawn by applicant due to similar design and amenity impacts as the previous proposal.

The current proposal for the erection of a single dwelling was originally submitted on 28 April 2003 for a 4-bedroom dwelling with double attached garage, a rear garden of 195sqm on both the site and the Police House. Plans have subsequently been revised to the version that is under assessment in this report..

**PARISH COUNCIL COMMENTS: *Revised plans*** : This application relates to a smaller dwelling than that previously requested and one which is re-located further from the road on what seems to be a smaller plot. Whilst recognising that this revision would reduce the impact of the proposed development on the amenity of adjoining properties (especially "Alberta"), the Council remains of the view that the proposal is inappropriate and continues to represent unacceptable over-development. We continue to oppose this development and believes it to raise points of principle which should preclude it being determined other than by elected District Councillors.

**REPRESENTATIONS:** This application has been advertised and 1 representation has been received. Revised plan notification period expired 8 August 2003.

Comments from previous letter to the **original plans** :

“The proposal is for a 4 bedroom, 2 storey house with double garage, taking up virtually the same floor area as the previous proposal for 2 houses. Such a large house on a small piece of land would have an overbearing presence and would be very close to our property, overlooking our garden and resulting in a serious loss of privacy. Any development on this pocket of land would be out of character in Stebbing, which is still essentially a rural community”

The following comments to the **revised plans** include:

“I have studied the revised plans and find there is nothing to change the views expressed in my previous letter, that the house is still too big and imposing on such a small piece of land, resulting in a serious loss of privacy.”

**PLANNING CONSIDERATIONS:** The main issues are whether the proposal would have:

- 1) an acceptable design (Policy DC1 of the ADP- Design of Development and Policy GEN 2 of the Draft DLP -Design),
- 2) acceptable amenity impacts (Policy DC14 of the ADP- General Amenity and Policy GEN 4 of the Draft DLP - Good Neighbourliness) and
- 3) acceptable parking and traffic impacts (Policy T2 of the ADP and Policy GEN 2 of the Draft DLP).

1) The proposed design is considered acceptable as it is consistent with other new homes which have been approved opposite the site on the northern side of Gardenfields. The height, footprint and bulk are comparable to other dwellings in the locality and generally satisfy the policy criteria for new housing within development limits. The revision from a double garage with living space above to a single garage without living space above has reduced the bulk of the dwelling and improved its appearance in the street scene. The revised version is considered to overcome the bulk, scale and streetscape issues which were considered detrimental to the locality in the previous schemes and is now considered acceptable.

2) The revised design has addressed amenity impacts by a reduced bulk and footprint on the site. This has resulted in increased open spaces areas for the former Police House and the proposed dwelling, whilst also resulting in greater setbacks to other neighbouring properties, particularly at 1<sup>st</sup> floor level. The reduction and redesign of rear-facing windows has also addressed overlooking concerns to the rear yards of properties addressed to The Downs and in particular the adjoining neighbour, ‘Alberta’.

3) The reduction from 4 bedrooms to 3 results in a parking requirement for 2 spaces, one being garaged. The proposal provides this in a suitable layout and access arrangement which is similar to other new homes on the opposite side of Gardenfields. The road system is considered capable of accommodating the additional traffic movements associated with the new dwelling.

**COMMENTS ON REPRESENTATIONS:** It is considered that the bulk and scale of the dwelling has now been reduced to an acceptable size which will not appear out of character or have detrimental amenity impacts. The removal of windows capable of overlooking at first floor level has addressed privacy impacts to properties to the rear, including the immediate neighbour, Alberta.

**CONCLUSIONS:** This revised proposal for a 3-bedroom dwelling with single attached garage to the rear of the former Police House is now considered acceptable on design and amenity grounds.

**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.10.25. Standard Highway requirements
6. C.10.26. Standard Highway requirements
7. C.12.1. Boundary screening requirements
8. C.19.1. Avoidance of overlooking
9. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission
10. C.7.1. Slab levels to be submitted, agreed and implemented.

*Background papers: see application file.*

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**1) UTT/0670/03/FUL & 2) UTT/0671/03/LB - WENDENS AMBO**

**(Revised Report)**

1) Change of use and conversion of barns to dwelling. Alterations to vehicular access. Construction of walls and fencing.

2) Alterations and conversion of barns to residential use.

Westbury Barn, Royston Road. GR/TL 508-363. Rt Honourable Lord Braybrooke.

Case Officer: Geoff Lyon 01799 510458

Expiry Date: 08/07/2003

**NOTATION:** ADP and DLP: Outside Development Limits/Listed Building (Grade II), located adjacent to flood plain and within 50 m of M11 re Pollution.

**DESCRIPTION OF SITE:** The site is located approximately 200 m west of the village and immediately adjacent the embankment of the M11 motorway which passes the site at grade to the west. Access to the site is gained from the west of the barn, adjacent to M11, via an open frontage. The barn to be converted is a detached structure with additional outbuildings and forms part of the Audley End Estate. The barn dates from around 1600 AD and is a single aisle timber framed and plastered structure with external weatherboarding. The roof is corrugated iron and there have been several 19<sup>th</sup> century gabled and lean to access points inserted. Internally the frame is virtually complete. The barn is currently used as a riding school and is beginning to show signs of wear and tear and general deterioration with some sheeting added to the rear and side elevations to prevent further damage by weather etc. Surrounding land is used as a paddock in connection with the riding school at the barn.

**DESCRIPTION OF PROPOSAL:** These revised applications seek to convert the main barn and additional linked outbuildings into residential use with an attached garage, stable and private amenity space. There is no significant new build proposed on the site and therefore most work is related to the renovation of the existing structure, which is generally in sound structural condition. The walls would be made good with new weatherboarding and brick and flint where necessary and the roof would be re-clad with clay tiles. New fully glazed two-storey gables would be inserted in the front and rear elevations and additional windows inserted throughout, between the timber studs.

The property would have three bedrooms with a further linked bedroom and bathroom at ground-floor level for visitors. The property would have four covered parking spaces with space for the turning of cars to enable them to leave in a forward gear. The new access would sweep into the rear of the site and join Royston Road adjacent to the M11 underpass. Visibility is good to the west under the overpass, but there is a bend looking towards Wendens Ambo, which is obscured by the existing barn. The speed limit is 30 mph, which commences the other side of the M11 underpass. A new post and wire fence would be erected at the front of the site next to the entrance and the current wide gravelled entrance would be grassed with additional trees planted. Private amenity space is available in the walled garden to the east and in the courtyard

**APPLICANT'S CASE:** Traffic movements generated by the proposed dwelling would be less than the existing riding school and, with the movement of the access closer towards the M11 underpass, there would be an improvement in visibility in the easterly direction. The applicants have contacted ECC Transportation (TOPS) who appear to be happy with the proposed highway improvements.

**RELEVANT HISTORY:** Conversion and change of use of agricultural barn to B1 Business use and associated internal and external works to building withdrawn following Officers' recommendation of refusal solely on highway safety grounds.

**CONSULTATIONS:** ECC Transportation – No objections to the revised proposal. Adequate car parking and turning facilities to be provided within the curtilage of the site.

Environment Agency – Advisory comments relating to need for private means of foul effluent disposal.

UDC Specialist Design Advice - The barn has lost its original roof but its reinstatement could be worthwhile and serve a greater good. In principle and subject to a satisfactory structural report, I find the proposal in accord with the aims of the local policies and the advice contain in PPG7.

Highways Agency – The London Road to South Midlands Multi Modal Study recommended that this length of the M11 be widened to three lanes. (Awaiting further information in relation to the extent and timing of proposed widening).

**PARISH COUNCIL COMMENTS:** No objection

**REPRESENTATIONS:** This application has been advertised with both press and site notices and three neighbour notifications. Periods expired 19 June 2003. No letters of objection have been received.

**PLANNING CONSIDERATIONS:** The main issues are whether:-

- 1) **the proposal meets with the environmental, historic and architectural quality criteria relating to the residential conversion of rural buildings (ERSP POLICY RE2, ADP Policy C6 and DLP Policy H5),**
- 2) **the impact of the development on the countryside would be acceptable (ERSP Policies CS2 & C5, ADP Policy S2 and DLP Policy S7),**
- 3) **a satisfactory residential environment can be created with regard in particular to traffic noise and air quality (ADP Policy N2 (a) and DLP Policies ENV10 (a) & ENV12) and**
- 4) **there are any other relevant material considerations.**

1) The Development Plan policies allow the residential conversion of suitable rural buildings subject to certain criteria being met. The buildings have to be of sound construction capable of conversion, their form should enhance the appearance of the area and the private gardens should be provided unobtrusively. The buildings indicated for conversion as part of this application appear to be in sound structural condition, their traditional appearance enhances the character and appearance of the area. The conversion works would respect and conserve the characteristics of the building, especially as the amount of new build has been kept to a minimum. Amenity space would be provided within a walled garden and courtyard, partially screened from view with brick and flint walls. It should be noted that the Grade II listed building is considered to be a Building at Risk.

2) The proposed development would potentially secure the long-term future of the Grade II listed building and involve the tidying up of the site. The proposal would have limited impact on the open countryside and the extent of amenity associated with the development would be contained within existing walled areas. There is an existing paddock where horses are currently stabled within Westbury Barn and this land would not be affected by the proposal. The area contains significant numbers of trees and hedges and the proposal should not affect long-distant views across the countryside.

3) Westbury Barn is within 100 m of the central reservation of the M11 motorway and therefore consideration must be made with regard to noise from traffic together with the associated pollution produced from the process of combustion and how this would affect the creation of a satisfactory residential environment. It is unclear at this stage as to the type and nature of any proposed sound insulation for the property to be converted and indeed how such sound insulation would affect the historic fabric of the Listed Building. Inappropriate insulation that would damage the historic fabric of the building would not be considered acceptable and would be contrary to the requirements of ADP Policy C6 and DLP Policy H5. The historic character of the building, i.e. the timber framing, may be damaged beyond acceptable limits.

Externally, the grounds around the property would suffer the impact of traffic noise from the elevated motorway. Such noise may potentially increase as the M11 may be widened to three lanes. It is not yet clear as to the extent of the road alterations and whether this would require extra banking either side or just one side of the M11. Existing vegetation, which currently provides a natural barrier for sound, may be lost and the impact of the motorway increased until such vegetation regrows.

In terms of air quality, emerging policy ENV12 of the Draft Local Plan considers the impact of poor air quality. It states that *“development that would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground level will not be permitted. A zone 100 m on either side of the central reservation of the M11 has been identified on the proposals map as a particular area to which this policy applies”*. The issue of air quality cannot therefore be ignored and is a concern that will override most other policies. Residential use would therefore be considered an exposure to pollution on a long-term basis, especially as the site is downwind of the motorway given the prevailing westerlies, and should be resisted in line with the Policy ENV12.

4) The only issue that has not been demonstrated by the applicants is whether there is significant demand for business use, small-scale retail outlets, tourist accommodation or community uses. The site accesses directly onto the busy B1039 and a business or retail use could increase the number of vehicle movements into and out of the site. Visibility is generally good to the west when entering or leaving the site, but easterly visibility is partially obscured by a bend in the road and the existing barn, and a highways report may be required to determine whether such use would have any safety implications. In terms of Policy ENV12 of the Deposit Local Plan as discussed in section 3) above, a business use would not be considered an exposure to pollution on a long-term basis due to limited hours of operation and probably non or limited weekend use. A community use on the site would be inappropriate due to limited accessibility for local people without a car or bicycle, especially as there is no footpath direct to the site. Tourist accommodation does exist in the area but it may be difficult to prove a general need for such facilities, especially within such a large structure as this.

**CONCLUSIONS:** Although the barn is of sound structural condition, seems capable of conversion for residential use without significant detriment to the character and appearance of the countryside and is at risk, the issue of the close proximity of the building to the M11 and its location with the 100 m air quality protection zone is an overriding factor when determining the application. Additionally, the associated noise from the motorway would prevent the creation of a satisfactory residential environment. Further consideration would be given to a revised proposal for commercial re-use of the buildings, as originally proposed, now that the previous concern about access visibility may have been overcome.

## **RECOMMENDATIONS:**

### **1) UTT/0670/03/FUL: REFUSAL REASON**

It is the policy of the Adopted Local Plan (Policies S2, C6, DC5 and N2 (a) and the Draft Local Plan (Policies S2, H5, ENV2, ENV10 and ENV12) to prevent development within a 100 m wide protection zone either side of the central reservation of M11. It is considered that land within this zone has a probable exposure to pollution on a long-term basis. In this instance, the barn to be converted to residential use is situated within that zone and it is considered that residential use of the site would be inappropriate, contrary to the above stated policies.

### **2) UTT/0671/03/LB: REFUSAL REASON**

It is the policy of the Adopted Local Plan (Policies S2, C6, DC5 and N2 (a)) and the Draft Local Plan (Policies S2, H5, ENV2, ENV10 and ENV12) to ensure that residential conversions of listed

buildings will not impair the special characteristics of a building. In this instance, the requirement of sound insulation within the existing fabric of the building may result in the reduction of the special characteristics for which it has been recognised, contrary to the above policies.

*Background papers: see application file.*

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## UTT/0683/03/FUL – CLAVERING

Change of use from dwelling to children's nursery school. Use garage for storage. Erection of 2m high boundary fence and gates

The Small House, High Street. GR/TL 475-319. Miss H Moyer.

Case Officer: Michelle Guppy 01799 510477

Expiry Date: 15/07/2003

**NOTATION:** ADP: Outside Development Limits/Within Conservation Area/Area of Special Landscape Value/Public ROW along southern side of site. DLP: Outside Settlement Boundaries/Within Conservation Area/PROW.

**DESCRIPTION OF SITE:** The site is located on the eastern side of the B1038 / High Street. To the northeast of the site is the Fox and Hounds Public House and to the south and east is the pub car park. To the west on the opposite side of the road are residential properties. The existing building is a two-storey dwelling with detached garage and garden to the south. Apart from part of the north and west sides the house is surrounded by approx 2m high fencing.

**DESCRIPTION OF PROPOSAL:** The proposal is for conversion of the existing building to children's nursery school for 16 pupils and 3 staff, with use of the existing garage for storage and new boundary fence and gates. It is intended to use the existing car park at the Fox & Hounds Public House as parking/dropping off area for the school.

**APPLICANT'S CASE:** See Supporting Statements attached at end of report. (Copies of the letters referred to in letter dated 28<sup>th</sup> June 2003 are available to view at Council Offices).

**CONSULTATIONS:** ECC Transportation: No objections in principle subject to adequate facilities being provided clear of the limits of the public highway for the parking of staff and parents' vehicles whilst dropping off and picking up children.

Environment Agency: None received (due 6/6/03).

Ramblers Association: To be reported (due 23 July).

Environmental Services: Concerns over introducing a potentially noisy use into an area with low background noise levels i.e. quiet residential.

ECC Learning Services: to be reported (due 5 August)

Social Services: to be reported (due 5 August)

**PARISH COUNCIL COMMENTS:** To be reported (due 25/7/03).

**REPRESENTATIONS:** This application has been advertised and no representations have been received. Periods expired 19/6/03 and 17 /07/03.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) the impact of the loss of a dwelling in this location and its replacement with a school (ADP Policy C4),
- 2) the effects on residential amenity (ADP Policy DC14 & DLP Policy GEN4) and
- 3) the provision of parking (ADP Policy T2 & DLP Policy GEN9).

1) The loss of a dwelling in this location and its replacement with a school would diversify the rural economy. The location of the school next to the local pub and in proximity to dwellings would be in character with its surroundings. The loss of one dwelling would not have an adverse impact on the character of the area.

2) Although schools are a potentially noisy activity, this one would have a maximum of only 16 pupils. The site is located between a public house and an area of open land, with dwellings opposite. It is considered that any increased impact on residential amenity would not be so great as to warrant refusal in this case.

3) The school would use the existing pub car park for staff parking and as a dropping off and picking up area for parents/pupils. There would be 3 staff. The parking requirement for the school would be two car parking spaces with consideration to be given to waiting facilities. Shared use of the pub car park is considered to be adequate for the limited number of staff and would provide an appropriate off-road waiting area for parents. This would need to be covered by a Sec 106 Agreement.

**CONCLUSIONS:** Proposal complies with relevant policies. The proposed works to the listed building will require Listed Building Consent. The applicant has been informed.

**RECOMMENDATIONS: APPROVAL WITH CONDITIONS AND SEC 106 AGREEMENT**

1. C.2.1. Time limit for commencement of development
2. C.3.2. To be implemented in accordance with revised plans
3. Not more than 16 children shall be in the school conversion hereby permitted and/or the curtilage thereof at any time.  
REASON: To avoid more intensive use which could give rise to loss of amenity and traffic problems.
4. No development shall take place until details of the boundary treatment hereby approved have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be implemented as approved and shall subsequently not be altered without the prior written consent of the local planning authority.  
REASON: Inadequate details were supplied with the application.
5. C.13.7. Hours of use: 0830 – 1600 weekdays only
6. C.11.7. Standard vehicle parking facilities (2 spaces on site)
7. C.6.1. Excluding future changes of use without further permission (restrict to children's day nursery and no other use in Class D1 of the UCO)

*Background papers: see application file.*

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## UTT/0699/03/OP – TAKELEY

Outline application for erection of 4 chalet bungalows and alteration to access Land to rear of Brookside, The Street. GR/TL 549-211. Mr Jenkins.

Case Officer: Michael Ovenden 01799 510476

Expiry Date: 08/07/2003

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

**DESCRIPTION OF SITE:** The site is located on the southern side of the A120 at the eastern end of Takeley Street. It forms part of the garden to a dwelling known as Brookside. There is the Flitch Way footpath on the embankment to the rear (south); to the west (separated by the garden to one dwelling) is a site that has a valid permission for a total of 6 dwellings following a Members' site visit, and to the east on the opposite side of Pincey Brook is an area of overgrown land. The site measures about 0.3 ha (0.75 acre).

**DESCRIPTION OF PROPOSAL:** It is proposed to erect four dwellings and garages at the rear in addition to the one dwelling along the frontage permitted earlier this year. These dwellings would all be served from a modified access to the current A120.

**RELEVANT HISTORY:** One new dwelling approved on frontage in 2003. Five new dwellings (total 6) approved on similar site to west earlier this year following a Members' site visit, subject to no start before new A120 between M11 & Dunmow West opens.

**CONSULTATIONS:** ECC Transportation (TOPS): Object but would reconsider after the new A120 opens.

Environment Agency & Thames Water: advisory comments only.

English Nature: advisory comments only.

**PARISH COUNCIL COMMENTS:** none received (due 14 June)

**REPRESENTATIONS:** One letter received

CPREssex: The layout of the site does not respect the grain of development in this part of Takeley which is characterised by frontage development. This application, in contrast, seek to develop the site in depth right to the rear boundary and to the boundary with the adjacent Area of Special Landscape Value where the addition of built development visible on entering the settlement from the west and from the Flitch Way would be visually harmful. No occupation should be permitted prior to the opening of the new A120.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposal would -

- 1) be an appropriate form of development for this mainly backland site wholly within Development Limits (ADP Policies S1, DC1 & H10 and DLP Policies GEN2 & H3) and
- 2) be premature in terms of highway safety pending the opening of the new A120 (ADP Policies T1 & AIR10 and DLP Policy GEN1).

1) The relevant Policies require new development to be in keeping with its surroundings and not to cause materially detrimental effects on neighbouring residents. The site is 87m deep and is capable of accommodating development in depth. It would be preferable to take access to this site through the almost immediately adjacent site to the west – and this hope was raised at the time of dealing with that site last year - but this is not possible because the two sites are separated by another property. Although the general grain of Takeley Street is frontage development, the four dwellings to the rear would not be particularly prominent, would not materially affect this character and would be similar to the site recently approved to the west. An indicative layout has

been submitted and this would involve the construction of a dwelling permitted earlier this year but not yet erected, with the access passing between it and the existing dwelling. That dwelling would have its parking provided at the front and be provided with a small rear garden.

2) TOPS have objected to the application but stated that it would reconsider following the opening of the new A120. The relevant Policies require that there should be not be a significant amount of additional traffic movements onto and off the existing A120 until the new one is open. Given that the new road is timetabled to open in approximately 4 months time and that construction on this site would not commence until a reserved matters application has been submitted and approved, that recommendation is considered to be unreasonable. It is suggested that a Grampian condition be imposed preventing any start on implementing the permission until that occurs. This follows the approach taken earlier this year on the almost immediately adjacent site.

**COMMENTS ON REPRESENTATIONS:** The only issue not covered above is drainage, which is required to be provided by conditions.

**CONCLUSION:** The proposed redevelopment of this site within the development limit is appropriate, subject to restrictions.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement
2. C.3.1. To be implemented in accordance with approved plans (except condition 16)
3. C.4.1. Scheme of landscaping to be submitted and agreed
4. C.4.2. Implementation of landscaping
5. C.5.2. Details of materials to be submitted agreed and implemented
6. C.6.4. Excluding extensions without further permission
7. C.7.1. Slab levels to be submitted, agreed and implemented
8. C.8.13. Restriction on hours of deliveries and construction: 0800 – 1800 Monday – Friday, 0900 – 1300 Saturday, not at all on Sundays or Bank & Public Holidays
9. C.8.27. Drainage details to be submitted, agreed and implemented
10. Surface water source control measures to be submitted, agreed and implemented
11. No development shall be commenced on site (except in relation to condition 15) until a) details of the proposed access have been submitted to and approved in writing by the local planning authority and b) the new A120 has been opened to the public.  
REASON: in the interests of highway safety.
12. C.11.5. Standard parking requirements.
13. C.6.7. Excluding conversions of garages.
14. C.12.1. Boundary screening requirements.
15. C.16.1. Watching archaeological brief.
16. C 25.3. Ban on Airport-related car parking.

Background papers: see application file.

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## **UTT/0705/03/FUL – TAKELEY**

Use of land for stationing of an additional 17 mobile homes and removal of condition 8 attached to permission UTT/541/81 (limiting number of mobile homes to 125)

Takeley Mobile Home Park, Hatfield Broad Oak Road. GR/TL 562-207. G Cory Wright.

Case Officer: Michael Ovenden 01799 510476

Expiry Date: 09/07/2003

**NOTATION:** Outside development limit / settlement boundary, Area subject to Policy TAK4 in both adopted and draft deposit plans.

**DESCRIPTION OF SITE:** The site lies at the northern end of the existing mobile home site, to the south and west of the Flich Way and football ground respectively. It is currently an undeveloped grassed area. Access to the site is gained through the rest of the site.

**DESCRIPTION OF PROPOSAL:** This application relates to the provision of an additional 17 mobile homes on the site and the removal of condition 8 attached to permission UTT/0541/81 which states that the caravan site shall have no more than 125 mobile homes located on it at any time. No details are proposed and therefore the application is effectively an outline application.

**APPLICANT'S CASE:** See letter dated 1 May attached at end of report.

**RELEVANT HISTORY:** Use of land as a mobile home park conditionally approved 1985. Detailed application for vehicular and pedestrian access and proposed community building in relation to approved residential mobile home park conditionally approved 1986. Proposed on site sewage works conditionally approved 1986. Application for amendment of condition 8 to allow 140 mobile homes in place of 125 withdrawn by applicant in 1990.

**CONSULTATIONS:** Thames Water: No objection.

Environment Agency: none received (due 11 June.)

**PARISH COUNCIL COMMENTS:** No objections but have concerns regarding issues of water supply.

**REPRESENTATIONS:** 6 letters received – 4 of which object. Notification period expired 2 July. 1-2. The existing park is not being maintained as it should trees and bushes are not being cut back and overhang the roadways.

3-6. Lack of water pressure the agreement between the occupier and Takeley Park Homes specifies 10% the total are to be laid to recreational areas. Proposed scheme swallows up the only practical recreational space left. There are other grass areas which inadequate parking and it has been proposed that these areas are to be reduced to provide car places thus reducing even further green areas.

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

- 1) the site specific policy regarding the proposed extension of this caravan park in the adopted and second draft deposit local plans (Policy TAK 4 in both plans) and
- 2) issues of residential amenity and highway safety (ADP Policies DC1, DC14 & T1 and DLP Policies GEN2, GEN4 & GEN1).

1) The adopted plan and the original draft deposit plan precluded the provision of additional mobile homes on the site. Following the submission of objections during the local plan review, the second draft deposit plan has removed the objection to additional mobile homes, requiring instead that any additional homes respect the existing layout, open space and quality of landscaping.

Whilst the adopted plan carries statutory weight in planning considerations, the second draft deposit plan is now a material consideration. As the revised draft policy has been amended from its original wording in the first deposit version, this alteration will be included in a document of all the changes made to the plan since the first deposit version. At that point the revised policy could still be subject to objections and therefore it cannot be assumed at this stage that the current wording of the policy will survive unaltered into the adopted version of the plan. However rather than reject the proposal on the grounds of prematurity, it is Officers' view that the proposal should be considered on normal Development Control grounds.

2) Whilst no details have been submitted, it would appear that 17 additional mobile homes could be provided in a form that is similar to the character of the rest of the development. The existing park is laid out with small groups of mobile homes together with small groups of car parking all set in a heavily landscaped environment. If the extra mobile homes were provided in a similar manner then no material loss of amenity would occur. It is considered that traffic calming measures could be taken to provide an acceptable standard of safety.

**COMMENTS ON REPRESENTATIONS:** It appears that the site is used for informal recreation although there are specific sports facilities to the west and south of the site. Conditions are recommended to address issues of drainage, water provision and road safety. The existence of other requirements in other legislation concerning open space etc is not material to the determination of this application.

**CONCLUSIONS:** Subject to the submission of details of layout, siting and parking etc, it is considered that the proposal is acceptable.

**RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO REFERENCE TO GO-EAST AS A DEPARTURE FROM THE ADP**

1. C.1.1. Submission of reserved matter: 1
2. C.1.2. Submission of reserved matter: 2
3. C.2.1. Time limit for commencement of development
4. The reserved matters shall relate to the layout of the plots in a similar arrangement of small groups, with car parking and interspersed with planting as is the characteristic of the rest of the development.  
REASON: To protect the character of the Park
5. C.11.8. Standard vehicle parking facilities
6. No development shall commence until a detailed road layout including methods of traffic calming has been submitted to and approved in writing by the local planning authority. Futhermore no mobile home shall be occupied until the approved details are fully implemented.  
REASON: In the interests of vehicular and pedestrian safety.
7. The development hereby permitted shall not commence until details of the disposal of both surface water and foul drainage have been submitted to and approved in writing by the local planning authority. Subsequently the approved means of disposal shall be fully implemented prior to the first occupation of any of the mobile homes hereby permitted.  
REASON: To ensure that there are adequate facilities made available for the amenity and safety of residents.
8. The development hereby permitted shall not commence until details of the provision of clean water have been submitted to and approved in writing by the local planning authority. Subsequently the approved means of clean water provision shall be fully implemented prior to the first occupation of any of the mobile homes hereby permitted.  
REASON: To ensure that there are adequate facilities made available for the amenity of residents.

*Background papers: see application file*

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## UTT/0787/03/FUL – STANSTED

Change of use and conversion from class B1 offices to eleven residential flats. Alterations to parking area and provision of turning head.

Braemar House, Water Lane. GR/TL 512-247. The Oakhall Group.

Case Officer: Geoff Lyon 01799 510458

Expiry Date: 23/07/2003

**NOTATION:** ADP: Within Development Limits. DLP: Within Settlement Boundary

**DESCRIPTION OF SITE:** This site is located close to the centre of the village immediately to the northwest of the Mainline Railway operating between London and Cambridge. It is accessed from Station Road along a single-track road known as Water Lane. The building is currently used as an office with 9 parking spaces at the front and 14 to the rear (when the barrier is raised). Nearby are eight dwellings (Nos 1-8 Water Lane). The Railway Station is approximately 150 northeast of the site with station parking visible adjacent to Braemar House running between the railway line and the existing building.

**DESCRIPTION OF PROPOSAL:** The application seeks approval for full planning permission to change the use of the existing building from B1 (offices) to eleven 1-bedroom residential flats. Also included are alterations to the existing parking area and provision of a turning head.

**RELEVANT HISTORY:** Proposed conversion of old mill to 10 no 1 bedroom flats refused 1984. Change of use to car park with approximately 10 spaces for use by tenants of property formerly known as Gnome Works approved 1986. Change of use of attic space from B1 light industrial to 2 dwellings refused 1999.

**CONSULTATIONS:** Network Rail - object. Major concerns: the area of land for the proposed car park and turning head is not owned by the applicant, and is only on a short-term lease from ourselves and to this date the applicants have failed to inform us that they wish to change its current use which would have significant changes to any new lease which the applicant would need to negotiate with ourselves.

UDC Environmental Services – Is the bin store of sufficient size to hold three containers? This suggests that the refuse collection vehicle does not have access to the turning head as this is a private road. The distance of 'pull' from bin to highway should not exceed 20 m.

**PARISH COUNCIL COMMENTS:** object strongly on grounds of highway safety. Water Lane, between the cottages and its junction with Station Road, is single track and visibility is extremely limited. There is no footway for pedestrians. As this lane is earmarked for pedestrian and cycle links to the proposed Rochford Nursery development, we object strongly to an increase in the number of vehicles. Request Members' site visit if to be considered for approval.

**REPRESENTATIONS:** The application has been advertised with both press and site notices. 15 neighbours have been notified and the period for return of comments expired 26 June 2003. 12 representations have been received (two from same address).

Summary of comments: -

1. There is only one single-track lane leading to these premises, which is already in a poor state of repair. If conversion goes ahead there is a potential for an extra 11+ cars using the lane depending on a one or two car family residing and this will further worsen the condition of the road.

2. The lane is also used by a large number of pedestrians and cyclists. However, the road is not wide enough to accommodate vehicles, cyclists and pedestrians easily and as a consequence there will be increased potential for conflict between these differing users of the road.
3. Some of the pedestrians using the road include children travelling either to school or to the Scout Hut in Water Lane. Other pedestrians include those going to the nearby railway station
4. Parking is a real problem in the area. Currently there is an informal arrangement for dwellings on Water Lane to use the existing front parking spaces at Braemar House after 6pm. With the proposed conversion, these spaces will go and there will be nowhere for existing residents to park.
5. Cars cannot be parked along Water Lane as the road will be blocked and therefore residents often park or will have to park on Waterside. There are a limited number of private garages on Waterside but illegally parked cars could prevent the turning of refuse lorries in Waterside with the potential to restrict or indeed prevent collection of domestic refuse. Standard vehicles also find it difficult to turn around in the area.
6. Access from Station Road is very poor and there is conflict between other users both from the station car park and parked cars generally along the road in connection with the various takeaway food outlets in the immediate vicinity. A further eleven flats will only serve to increase the potential for conflicts in the area.
7. Along with refuse vehicles, access is difficult for fire engines and indeed, during the fire at Braemar House, parked vehicles prevented access for emergency vehicles to the site. This has obvious safety concerns.
8. I understand that the applicants do not wholly own the rear parking area, which is leased from Network Rail. If this lease ends, where will the parking be and indeed, where will the private amenity space be located.
9. Offers have been submitted to lease the office units, but have been turned down. There is a commercial viability of the site for office purposes as there is limited other available units in Stansted. The proposal will therefore lead to a loss of potential local employment opportunities.
10. The physical size of Braemar House is not suitable for 11 residential units, suggesting over development of the site. This is a visible ploy on the applicant's part to appear reasonable when reducing the number of residential units, knowing they are applying for too many in the first place.
11. The close proximity of the mainline railway to the property, which carries night freight, would have a detrimental impact on the quality of life of the residents of this timber-framed building.
12. There are issues relating to potential overlooking of neighbouring properties from the rear amenity area, which is raised above nearby dwellings.

**PLANNING CONSIDERATIONS: The main issues are whether**

- 1) **the use would be appropriate within the development limits (ADP Policy S1 and DLP Policies S1 & H1),**
- 2) **the design and layout would be appropriate and residential amenity would be protected (ADP Policies DC1 & DC14, DLP Policies GEN2 & GEN4 and Essex Design Guide),**
- 3) **the access from Station Road along Water Lane and on-site parking would meet established standards (ADP Policies T2 & SM8 and DLP Policies GEN1 & GEN9),**

- 4) **the proposed residential use would be exposed to excessive noise beyond published standards in view of the close proximity of the mainline railway (ADP Policy N2 and DLP Policy ENV10) and**
- 5) **there are any other relevant material considerations.**

1) This proposal involves the conversion of an existing office building into 11 flats. The site is located within established settlement limits of Stansted Mountfitchet and therefore conforms to the requirements of Policy S1 of both the Adopted and Draft Local Plan. This policy allows development within the existing built areas if compatible with the character of the settlement. The issue of compatibility is therefore of primary concern.

2) The external appearance of the building would not alter significantly following conversion. The front elevation would see a window replacing existing doors at ground floor level. The southeast elevation (LH side elevation) would have three additional windows at ground floor level, the northwest elevation (RH side elevation) would see the existing door replaced with a window and a new door inserted along the central axis. One of the windows would also be enlarged. The rear elevation would see a door removed at second-floor level and replaced with a window. Internally the changes are more significant with a total redesign of the internal space. There would be four one-bedroom apartments on both the ground and first floors, with a further three one-bedroom apartments on the second floor, bringing the total number of units to eleven.

In terms of private amenity space for the proposed flats, the Essex Design Guide recommends 25 sqm per unit. This gives a total amenity requirement of 275 sqm for the proposal. This is clearly not met on site and in fact there is virtually no private amenity space due to the rear parking area. There would be approx 140 sqm of soft landscaping, but this is not fenced off from view. The Essex Design Guide does suggest that amenity standards can be relaxed in certain circumstances, such as with smaller units where the applicants may wish to forgo the amenity, if there is access to other local open space. In this instance the closest local open space is approximately 350 m away at the recreation ground. It is considered that this is too far and indirect a route to be considered local to Braemar House and therefore the proposal does not accord with the principles of the Adopted Local Plan Policy DC1, Draft Local Plan Policy GEN2 and the Essex Design Guide in terms of the lack of available private amenity space.

3) Access to the site from Station Road is an issue that has caused most concern from existing residents in the area and is the point most commonly mentioned in representations. Policy SM8 of the Adopted Local Plan recommends a general presumption against additional residential or other development attracting extra vehicles into the area which would lead to a loss of any existing or off-street parking. This policy has not been carried forward into the Draft Local Plan but the issue of parking congestion in the area remains valid and can be addressed through other policies.

Braemar House currently has 9 spaces at the front with an additional 14 spaces at the rear if the gate is opened. The building is not currently operating at full capacity and some of the office space is vacant. The proposed development would provide 14 parking spaces (7 at the front and 7 at the rear). The number of spaces has been reduced to allow for the front turning area (which would appear only large enough to turn cars) as well as to provide the limited amenity area. The applicant would provide 1 space per dwelling with three spaces for visitors. This is below published standards of 1.5 spaces per unit, but the applicant has stated that most residents would not have a car. Given the type of housing proposed, it would seem reasonable to suggest that the dwellings will be occupied by either individuals or couples without children. The site is very close to the railway station, but it is considered that the applicant's suggestion that most residents would not have a car is unrealistic. The site is not so close to other facilities that car ownership is likely to be lower than usual in this District. Whilst residents could easily travel to work at Stansted Airport, Cambridge or London by rail, the dispersal of service facilities in the district would realistically mean that most residents of the development would have at least one car.

The issue of whether the new residential use will be more or less intensive than the existing office use is not clear-cut. The current use has predictable traffic patterns of workers arriving in the morning and leaving in the early evening with some daytime deliveries or visitors. A residential use will be less predictable and traffic may arrive at any time either day or night. This would make it harder for existing residents to predict the availability of parking spaces, which are informally used at the front of the site. This could also create traffic movement conflicts at busy times of the day. The access to the property off Station Road is single track with no footpath for pedestrians or cyclists to use. There is already considerable conflict between the differing users of Water Lane and it would seem difficult to see how the road could be adequately widened in view of both sides being bound by Stansted Brook and the station car park. There is also concern about how larger vehicles would be able to enter and turn once reaching Water Lane. Existing refuse collection lorries turn around in Water Side, which is a private road, but problems of parked cars can restrict turning in the immediate area. This also has an impact should emergency vehicles need to reach the site. Water Lane is not wide enough to allow vehicles to park on the road because there is not enough room to pass. This creates considerable pressure on available parking spaces, of which there are very few.

4) The close proximity of Braemar House to the mainline railway (10 m approx) raises concerns about how noise from passing trains would affect the reasonable occupation of these dwellings once converted. The internal arrangement of the dwellings does not clearly demonstrate that this issue has been addressed. Planning Policy Guidance (PPG) Note no 24: Planning and Noise considers the issues associated with noise. This proposal would fall under Noise Exposure Category B for residential development. This states that *“Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise”*. In this instance the applicant needs to demonstrate that the existing railway line and its associated traffic will not affect the reasonable occupation of the dwellings by way of excessive noise or vibration. Annex 1 of PPG24 contains the recommended maximum levels of noise exposure measured as  $L_{Aeq,T}$  dB. The applicant has been advised to submit a Sound Test Report, but this has not yet been produced. This report would form a vital aid as to the suitability of the site for residential conversion. It would be unreasonable therefore to grant consent without the benefit of such Sound Test Report.

5) Following consultation advice with Network Rail it has emerged that the applicant is not in complete long-term control of the entire site. It is understood that the applicant leases part of the land designated for parking and turning from Network Rail and therefore the long-term future of this land cannot be guaranteed. Although land ownership and boundary disputes fall outside the realms of planning, the fact that part of the site could be separated from Braemar House raises questions as to how parking or amenity space on site could be met if such land becomes unavailable in the future. The basis for any planning consent could be undermined by such a change in land ownership and the problems of access and parking exacerbated beyond acceptable levels.

**CONCLUSIONS:** The principle of residential use of the site could be considered acceptable as it falls within the established settlement limits of Stansted Mountfitchet, but this acceptance is subject to other key criteria. Firstly, the issue of railway noise has not been fully addressed and an appropriate Sound Test Report needs to be completed by the applicant to determine the suitability of the building for residential use. Secondly, the amount of private amenity space is inadequate due to there being limited “local” amenity space within immediate walking distance. Thirdly, although it is accepted that one parking space per unit is acceptable the issue of accessibility of the site along Water Lane remains one of immediate concern in view of the conflicting traffic users and the narrowness of the roadway. It is not guaranteed that a residential use will be less intensive from a traffic perspective than the existing office use. Finally the concern about land ownership needs to be addressed to ensure the long-term viability of the site as a whole.

**RECOMMENDATION: REFUSAL REASONS**

It is the policy of the Adopted Local Plan (Policies S1, T2, DC1, DC14, N2 and SM8) and the Draft Local Plan (Policies S1, GEN1, GEN2, GEN4, GEN9, ENV10 and H1) to ensure that proposed conversions of existing buildings for residential purposes within established settlement limits are appropriate. In this case there are fundamental shortcomings with the proposal for the following reasons:

- a) There would be inadequate private amenity open space and parking facilities to meet the needs of future occupants,
- b) the proposal would lead to intensification of an already busy access to the detriment of highway safety and reasonable occupation of existing dwellings in the area and
- c) no evidence has been submitted to demonstrate that the building can be adequately sound insulated to protect the reasonable occupation of such dwellings and
- d) doubt exists regarding the long-term control the applicants have over part of the site, contrary to the above Policies.

*Background papers: see application file.*

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## **UTT/0790/03/REN - SAFFRON WALDEN**

***(Referred at Members' request)***

Renewal of outline permission UTT/1414/98/OP for the change of use of part of the playing field to residential and public open space, provision of two sports pitches and multi-use games area together with changing facilities. Provision of car parking and creation of new access and roundabout junction.

Land to the east of Bell College, Peaslands Road. GR/TL 544-376. Countryside Properties,

*Case Officer: Jeremy Pine 01799 510460*

Expiry Date: 23/07/2003

**NOTATION:** ADP: Within Town Development Limits/Protected Open Space. DLP: Within Town Development Limits/Protected Open Space/1.4ha allocated for residential development, including the public open space (Policy SW2 – minimum number of dwellings given as 23).

**DESCRIPTION OF SITE:** This grassed site, which is just under 3ha (7.4 acres) in area, is located to the north of Peaslands Road in the southern part of the town and currently forms part of the playing field to Bell College. The college buildings lie to the west beyond the rest of the playing field and a flat-roofed 3-4 storey residential block which fronts Peaslands Road, whilst there is housing to the north, east and along part of the southern boundary, which is shared with allotments. The site falls from west to east in the direction of The Slade, which runs down the eastern boundary. There is substantial hedge and tree screening along the north and east boundaries and along part of the southern boundary, but there are views through chain link fencing to the Bromfield estate which lies immediately to the south. A tall post and chain link fence has been erected along the western boundary of the site to separate it from the rest of the College grounds. Access to the site is currently possible via a break in the chain link fence near to the residential block and also from a point in the northeastern corner via a footpath which runs parallel with The Slade before turning eastwards to join the B184 Thaxted Road just south of the petrol garage.

**DESCRIPTION OF PROPOSAL:** This is an application for renewal of outline planning permission and, as before, the means of access onto Peaslands Road is not a reserved matter. The means of access would consist of a mini-roundabout (the drawings of which have passed initial safety audit) with a new arm extending northeastwards to the site between the College residential block and Bromfields.

The application does not specify the number of dwellings which would be erected, and that is therefore a matter that will be determined at the reserved matters stage, principally guided by Government advice in PPG3. The officers' report on the original outline application did refer to between 30 – 35 dwellings being able to be accommodated, but the appeal Inspector did not impose any limiting conditions in his decision letter, nor referred in the text of his letter to any indicative number of dwellings.

**APPLICANT'S CASE:** Intend to submit the reserved matters application before the expiry of the outline planning permission, but this application for renewal is submitted in the event of failure to do that. *(Note: the reserved matters application was submitted before the expiry date and will be reported to the next meeting of the Committee when Members may wish to visit the site In any event, this renewal application is now for determination.)*

**RELEVANT HISTORY:** Conditional outline planning permission granted on appeal in 2000 for residential development, public open space, playing fields and access from Peaslands Road, subject to a Section 106 Agreement. The agreement required:

- 1) The laying out of a senior size football pitch and a multi-use games area, and the construction of changing facilities and a parking area, all at the developer's expense, and their subsequent transfer to the Council



- 2) The laying out of an area of public open space (including a Local Area for Play) at the developer's expense, and its subsequent transfer to the Council
- 3) The transfer to the Council of sums for the maintenance of the facilities and a contribution to sports development funding
- 4) The laying out of a senior size football pitch adjacent to but outside the application site, to remain in the ownership of Bell College.

The location of the football pitches, multi-use games area and play areas were included on a plan forming part of the Section 106 Agreement. However, these can be varied to suit any future layout. The details of the access onto Peaslands Road were not reserved for subsequent approval, but a condition requires the submission of a safety-audited scheme, which is to be implemented prior to the commencement of the development.

**CONSULTATIONS:** ECC Transportation: To be reported (due 18/6)

Sport England: In view of the planning history, no objections subject to the specific requirements detailed in its previous letter of 12/11/99 (withdrawing its objection to UTT/1414/98/OP) being met via an S106 Obligation.

**TOWN COUNCIL COMMENTS:** Strongly object to the renewal, which clearly contravenes PPG17.

**REPRESENTATIONS:** This application has been advertised and 7 representations have been received. Period expired 17/7/03.

#### *Access/Highway*

Concerned at construction of a roundabout, affecting access to Nos 30 & 32 Peaslands Road. Entry and exit from the driveways will become more dangerous, especially for larger vehicles. Worsening of traffic congestion and accompanying pollution and noise.

Any highway alterations must be carefully and thoroughly worked through.

Access drawings are not complete (*officers' note: see Relevant History section for explanation*).

Safety issues for schoolchildren who walk along Peaslands Road. Any traffic calming proposed?

Provision for non-car transport should be made in accordance with Para 40 of PPG3, i.e. access for pedestrians, cyclists and invalid carriages from the NE corner of the site, and keeping open the access to the west from South Road.

#### *Other*

Lopping and felling of trees will remove the screen to the south and west of the site.

Construction of town houses will affect views and privacy. Loss of amenity for adjoining residents.

Application goes against the spirit of the provision of this land for the use of the wider community.

Loss of open space/playing field area.

Further overload of the town's schools, medical and social services.

**PLANNING CONSIDERATIONS: The single issue is whether there have been any material changes in circumstances since outline planning permission was originally granted in 2000 that now warrant refusal of this renewal application.**

1. Since the granting of outline planning permission, the use of the application site for mixed residential and playing field/facility purposes has been re-affirmed by the allocations of land contained in the emerging Local Plan. This renewal application would be in accordance with those allocations. The renewal application proposes the same arrangements for access that were considered by the Inspector, and which were subject to an initial safety audit prior to the public inquiry.

The submission of a reserved matters application for 76 dwellings is not a material consideration to be taken into account in determining whether the outline planning permission ought to be renewed. This is because the renewal outline application does no more than to continue to

establish the principle of residential and recreational development, whereas the reserved matters application deals with the subsequent details. Granting a renewal of outline planning permission does not commit Members to approving any set of reserved matters if they consider that they are inappropriate in planning terms for any planning reason.

2. Following the adoption by Essex County Council of its School Organisation Plan 2002-7, the developer has agreed to pay a proportionate contribution towards new local Primary and/or Secondary School places to meet part of any shortfall identified in the Plan. The payment can be secured by way of an additional clause or clauses in the Section 106 Agreement. The developer has also agreed to facilitate public access by foot into the site from the NE corner in the interests of sustainability. This can be secured by condition. The issue of further access by foot from the west via South Road has also been raised, but it is unclear how this could be obtained other than over land not in the applicant's control. However, at the reserved matters stage it would be possible to ensure that the layout does not prevent future access by foot from the west should that prove possible.

**COMMENTS ON REPRESENTATIONS:** The comments made by the Town Council and by neighbours have been taken into account, but the issues raised were either dealt with at the inquiry, relate to the determination of the reserved matters application or are covered by extra conditions or a clause or clauses in the Section 106 Agreement.

**CONCLUSIONS:** These proposals would conform to the Inspector's appeal decision and the Local Plan.

**RECOMMENDATION: APPROVAL WITH CONDITIONS AND SECTION 106 AGREEMENT RE PROVISION OF RECREATION FACILITIES AND NEW SCHOOL PLACES**

1. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.
2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto, the landscaping of the site and the details of foul and surface water drainage (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.  
Reason: The outline application as submitted does not give particulars sufficient for consideration of the reserved matters.
3. Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.  
Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.
4. All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with a programme agreed with the local planning authority. These details shall include:
  - a) Details of the finished levels and contours
  - b) Means of enclosure
  - c) Details of the car parking layout associated with the sports pavilion and dwellings
  - d) Hard surface materials
  - e) Planting matrix including specification of species, sizes, number and percentage of mix
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any of the

buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development 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 4 and 5: The landscaping of the site is required in order to soften the impact of the residential development in the street scene.

6. Details of any floodlighting for the multi-use games area shall be submitted to and approved in writing by the local planning authority before the use of that area commences. The development shall be carried out in accordance with the approved details, and there shall be no subsequent alteration to the lighting without the prior written consent of the local planning authority.
7. The floodlighting of the multi-use games area shall not be illuminated for any purpose other than between 0800 hours and 2130 hours on Monday to Saturday and at no time, unless previously agreed in writing by the local planning authority, on Sundays, Bank or Public Holidays.
8. The sports pavilion shall not be open to the public other than between the following times:
  - a) 0800 and 2200 hours on Monday to Friday
  - b) 0800 and 2100 hours on Saturday
  - c) 0800 and 1800 hours on Sunday

and at no time, unless previously agreed in writing by the local planning authority, on Bank or Public Holidays.

9. The football pitch hereby permitted on the application site shall not be used for formal play other than between 0830 and 2100 hours on Monday to Saturday, and between 0900 and 1800 hours on Sunday.

Reason for 6 to 9: To protect the amenity of the residents of adjoining dwellings.
10. The development shall not be carried out until an Affordable Housing Scheme has been submitted to and approved in writing by the local planning authority. For the purpose of this condition, an Affordable Housing Scheme is one which:
  - a) ensures the provision of 25% of the permitted housing units as affordable housing which shall be occupied by persons in need as defined in the Affordable Housing Scheme; and
  - b) secures the involvement of a Registered Social Landlord (as defined in the Housing Act 1996); and
  - c) identifies a specified alternative arrangement (such as low cost market housing) in the event that funding for the affordable housing has not been secured within 18 months of the development beginning.

11. The affordable housing shall not be used for any purpose other than the provision of housing accommodation which meets the objectives of the Registered Social Landlord provided that if, within eighteen months of the date development begins, funding for the affordable housing has not been secured, the affordable housing may be used for the specified alternative set out in the approved Affordable Housing Scheme.

Reason for 10 and 11: To ensure that the residential development hereby permitted makes an appropriate contribution to local housing needs.

12. The individual dwellings shall not be occupied until the parking provision for the particular dwelling has been provided in accordance with the details submitted to and approved by the local planning authority, and that parking provision shall not thereafter be used for any purpose other than the parking of vehicles

Reason: To reduce the likelihood of on-street parking.

13. Each internal estate road junction shall be provided with sightlines on both sides, in accordance with the details submitted to and approved by the local planning authority. Such sightlines shall be provided before the road is first used by vehicular traffic and thereafter retained free of obstruction.

14. The development hereby permitted shall not commence until there has first been submitted to and approved by the local planning authority a scheme covering works to the public highway (Peaslands Road) in the form shown in the Stage 2 Safety Audit. This scheme shall be implemented prior to the commencement of the development.

Reason for 13 and 14: In the interests of highway safety.

15. The sports pavilion shall be used only for purposes ancillary to the sports activities undertaken on the approved pitch and multi-use games area and for no other purpose (including any other purposes in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) unless approved in writing by the local planning authority.

16. No work relating to the construction of the development hereby approved, including works of preparation prior to operations, shall take place other than between 0800 and 1800 hours Monday to Friday, and between 0800 and 1300 hours on Saturday, unless otherwise agreed in writing by the local planning authority.

Reason for 15 and 16: To protect the amenity of the residents of adjoining dwellings.

17. Details of measures to prevent spoil/mud from vehicles leaving the site during the construction works being deposited on the public highway shall be submitted to and approved by the local planning authority in writing, and shall be implemented before the development commences. Such measures shall be retained for the duration of the construction period.

Reason: In the interests of highway safety.

18. No works of construction shall take place which relate to the construction, laying out and landscaping of the playing field or multi-use games area unless a system for dust suppression has been submitted to and approved by the local planning authority in writing. The dust suppression system shall be implemented before that part of the development commences and shall be retained for the duration of the construction period.

Reason: To protect the amenity of the residents of adjoining dwellings.

19. The reserved matters submitted under Conditions 2 and 3 shall include a footpath link to the northeastern corner of the site to the fullest extent of the land within the applicant's control. This link shall be provided and made available for public use prior to the first occupation of the last dwelling to be occupied on the site, and shall thereafter be retained in perpetuity.

Reason: To encourage journeys to the site by means other than by car in the interests of sustainability.

*Background papers: see application file.*

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**UTT/0838/03/FUL – NEWPORT**  
***(Officer's Application)***

Demolish existing garage and erect detached double garage and boundary wall  
The Toll House, Belmont Hill. GR/TL 521-343. Mrs D Poole.  
*Case Officer: Michelle Guppy 01799 510477*  
Expiry Date: 29/07/2003

**NOTATION:** ADP: Within Development Limits, Conservation Area, Area of Special Landscape Value (ADP only) and curtilage of listed building:

**DESCRIPTION OF SITE:** The site is located to the south of Newport Free Grammar School on the eastern side of Belmont Hill in Newport.

**DESCRIPTION OF PROPOSAL:** The proposal is for replacement of the existing monopitch-roofed garage with a pitched-roof double garage and erection of 1.3m brick wall to part of the south boundary of the site. The garage would be on the same footprint as the existing .

**CONSULTATIONS:**

Design Advice: No objection in principle subject to roof to be natural slate and retaining wall to be soft clay brick to LA approval laid in Flemish or English Garden Bond with double bull nose or half round coping.

**PARISH COUNCIL COMMENTS:** No comment.

**REPRESENTATIONS:** This application has been advertised and no representations have been received. Period expired 8/7/03.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposal would:

- 1) affect residential amenity (ADP Policy DC14 and DLP Policy GEN4) or
- 2) harm the setting of listed building or the character and appearance of conservation area (ADP Policies DC2 & DC5 and DLP Policies ENV1 & ENV2).

1) Due to the orientation of the buildings the proposed garage would not have a detrimental effect on neighbouring residential amenity.

2) The existing garage has been demolished and according to the applicant's figures had a volume of approx. 20 cubic metres and was constructed post 1948. Therefore neither planning permission nor listed building consent for its demolition was required. Subject to appropriate materials the garage and wall should respect the character and appearance of the conservation area and the setting of the listed building.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development
2. C.3.1. To be implemented in accordance with approved plans
3. C.5.1. Samples of materials to be submitted and agreed
4. C.5.4. Natural Slate
5. The retaining wall shall be constructed in soft clay brick laid in Flemish or English Garden Bond with Double Bull Nose or Half Round Coping.

REASON: To conserve and enhance the character and appearance of the conservation area and the setting of the listed building.

*Background papers: see application file.*

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**1) UTT/0963/03/FUL & 2) UTT/0964/03/CA - GREAT DUNMOW**

- 1) Erection of one 1.5-storey dwelling
  - 2) Demolition of stables
- 71 The Causeway. GR/TL 562-226. Mr A Macbride.  
*Case Officer: Michael Ovenden 01799 510476*  
Expiry Date: 22/08/2003

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

**SITE HISTORY:** Application for conversion and extension of stable to form 6 bedroom dwelling and construction of new access refused July 2002 following Members' site visit on grounds of adverse effects on setting of listed building and character of conservation area with disruption to street frontage resulting from provision of additional vehicular access.

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

**DESCRIPTION OF PROPOSAL:** This revised scheme proposes to demolish the former stable building, excavate the site by about 1.6 m and erect a two-storey 4/5-bedroom dwelling with integral garage on the footprint of the existing stable building towards the front of the site with its garden to the rear. A new vehicular access would be created from The Causeway with a driveway running up the northern edge of the site.

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

**CONSULTATIONS:** ECC Transportation: No objections subject to conditions.

**TOWN COUNCIL COMMENTS:** due 6 August.

**REPRESENTATIONS:** This application has been advertised and no representation has been received. Period expired 29 July.

**PLANNING CONSIDERATIONS:** The main issues are whether this revised proposal would be satisfactory in terms of:

- 1) location outside development limits (ERSP Policy C5, ADP Policy S2 and DLP Policy S7),
- 2) backland development (ADP Policy H10 and DLP Policy H3),
- 3) setting of Conservation Area and nearby Listed Buildings (ERSP Policy HC2, ADP Policy DC2 and DLP Policy ENV1) and
- 4) addressing the reasons for the refusal of the last application.

1) The relevant Policies state that new development outside settlement limits will be strictly controlled in order to protect the countryside and its character for its own sake and the erection of a new dwelling on this site would be contrary to these Policies in principle. It is necessary, therefore, to consider whether there are any other material considerations which would outweigh that Policy presumption in favour of refusal. The site abuts the Development Limit along its

southern boundary which defines a line between the more densely developed land to the south, which forms the start of the residential estate at Godfrey Way, and the lower density housing to the northwest which stretches up Beaumont Hill to Parsonage Downs.

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

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

The second appeal was only dismissed on matters of detail and a follow up application was approved. That dwelling has recently been built. These appeal decisions indicate that this area just beyond the Development Limits is not countryside in the sense that it should be strictly protected from new development. It is more an area of low density development which links The Causeway with Parsonage Downs and has some depth on this south western side of Beaumont Hill. Consequently, there are gaps which previous Inspectors have seen fit to infill. As a result, it is considered that there may be grounds for allowing an exception to the Policy presumption in this case.

2) The relevant Policies indicate that backland development will be permitted if there is significant under-use of land where comprehensive redevelopment would make better use of it and there would be no material overlooking, overshadowing or overbearing effects on nearby properties, or disturbance from use of the access. The building appears to be used for low key ancillary domestic storage with the land at the rear being unused and overgrown. The next three criteria would be acceptable by virtue of layout and design. The new access would run along the length of the southern boundary to no. 75 The Causeway, which at that point has a similar access and driveway leading to garaging. The boundary hedge would be retained and the existing dwelling itself is no closer than 12 m from its side boundary. A yew hedge would be planted between the drive and the existing garden of no. 71, which would protect the amenities of that property. In the circumstances, therefore, it is considered that the passage of domestic traffic to the new dwelling should not unduly affect the amenities of existing residents.

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

4) The proposal has been negotiated and revised following the refusal last year. The scheme is now for a new building rather than a conversion and extension. This is in part dictated by the poor structural condition of the existing building, but has allowed the design to involve

excavation of the site by up to 1.6 m, in order to reduce the effective height of the new dwelling. The design would be of some visual interest incorporating plain clay tiles, brickwork and weatherboarding. Material overlooking and overshadowing have been avoided by design and could be protected against in the future by condition.

The position of the access remains and shown on the refused scheme – Members were concerned about the loss of trees and disruption to the frontage caused by the new access. It is the view of Officers that the loss of an immature Yew tree (the only one proposed to be removed) would not materially affect the character of the area. The loss of part of the existing front boundary wall and fence would enhance the area as it is an unremarkable modern structure especially given that the next property to the north (number 75) has its access and driveway along the common boundary. A condition could be attached to require construction traffic to use the existing access in order to avoid damage to the Copper beech tree by large vehicles.

**CONCLUSION:** Although strictly contrary to Development Limits Policy, this revised proposal has been negotiated and improved to overcome Members' previous concerns. It is considered that it would now outweigh the Policy presumption in favour of refusal by positively enhancing the character of the Conservation Area. There are no objections to the demolition of the stables.

**RECOMMENDATIONS : 1) UTT/0963/03/FUL - APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development
2. C.3.1. To be implemented in accordance with approved plans
3. C.4.1. Scheme of landscaping to be submitted and agreed
4. C.4.2. Implementation of landscaping
5. C.4.5. Retention of hedges
6. Implementation of hedge and fence along southern edge of new access way.
7. C.5.1. Samples of materials to be submitted and agreed
8. C.5.5. Clay plain tiles
9. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission
10. The new access permitted as part of this scheme shall not be created or used prior to completion of the works to erect the dwelling. Furthermore for the avoidance of doubt all construction vehicles shall use the existing vehicular access.  
REASON: To avoid damaging or removing the Copper Beech tree.
11. C.7.1. Details of external ground and internal floor levels to be submitted and agreed
12. Details of drainage works to be submitted, agreed and implemented.
13. Standard access requirements
14. Standard access requirements.
15. C.11.7. Standard vehicle parking facilities
16. C.12.1. Boundary screening requirements
17. C.19.1. Avoidance of overlooking - 1

**2) UTT/0964/03/CA : UNCONDITIONAL CONSERVATION AREA CONSENT**

*Background papers: see application file.*

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## UTT/1002/03/OP - LITTLE CANFIELD

Outline application for erection of dwelling  
The Homestead. GR/TL 573-212. Ms C Cox.  
Case Officer: Anthony Betros 01799 510471  
Expiry Date: 18/08/2003

**NOTATION:** ADP-Takeley Local Policy 1- Land at East Takeley/DLP- Takeley/Little Canfield Local Policy 3- Priors Green.

**DESCRIPTION OF SITE:** The site is located on the northern side of the A120 and has a frontage of approximately 17 m and a depth of 42 m. The site is used as the side garden to a two-storey detached dwelling to its western side. The site is relatively flat, mostly laid to grass with vegetation along its front, rear and eastern side boundaries. The site is one of several "island sites" within the Prior's Green site which lie outside the outline planning application site for 650 dwellings, but within the Takeley/Little Canfield policy area.

**DESCRIPTION OF PROPOSAL:** This is an outline application with all matters reserved except means of access which is proposed to be from the A120. The plot would have similar dimensions to that which would be retained by the existing dwelling. The applicant has indicated that a single four-bedroom detached dwelling is envisaged.

**APPLICANT'S CASE:** (As previously submitted) "The applicant is aware that a major new residential development is in hand to the north of the Homestead and that the new A120 by-pass works are due to be completed next year.

We understand that this will lead to an extension of the Little Canfield 40mph speed limit to cover the highway outside the site in question thus making a new access acceptable.

We accept that any consent may involve a Condition to the effect that the new dwelling may only be constructed/ occupied once the speed limit has been instated. I confirm that the applicant has no objection to such Condition."

**RELEVANT HISTORY:** Refusal of outline application for a new dwelling last year for the following reason: "*the proposal would not satisfy the criteria within Takeley Local Policy 1 of the Adopted UDP and Takeley Local Policy 3- Priors Green, thereby potentially setting an undesirable precedent and 'piecemeal' planning approach*".

**CONSULTATIONS:** Environment Agency: No objection.

Thames Water: No objection.

ECC Transportation : No objections raised subject to a vehicular turning space being provided within the curtilage of the site so as to enable a vehicle to turn and approach the highway in a forward gear.

**PARISH COUNCIL COMMENTS:** The Council has no objections to raise to the actual proposals. However, it is presumed that the application will be considered together with others similar in the area as part of the overall development of Priors Green, and receive similar treatment.

**REPRESENTATIONS:** This application has been advertised and no representations have been received. Period expired 17 July 2003

**PLANNING CONSIDERATIONS:** The main issues are whether the development would:

- 1) be compatible with the Master Plan and the Council's Supplementary Planning Guidance ( ADP Takeley Local Policy 1 and DLP Local Policy 3) and
- 2) provide the necessary social, amenity and infrastructure contributions (DLP Policy GEN6).

1) The Development Plan policies do not permit development of this site in isolation. Development of this site is however acceptable in principle provided it is contiguous with the development of the Prior's Green site overall. Supplementary Planning Guidance (SPG) emphasises that the principle of development of this and the other "island sites" is acceptable; that new development should gain access from the approved internal road network; that financial contributions should be made towards education, transport, sports, community and landscaping facilities; that affordable housing should be provided; and that no permissions should be granted on the island sites until UTT/0816/00/OP has outline planning permission. However, given the location of this site, which is adjacent to other dwellings that would retain access onto the A120, it is considered that access to the site should be from the A120.

2) SPG requires that all the island sites other than the land adjacent to Takeley Nurseries should make appropriate and proportionate contributions to social, amenity and infrastructure requirements. These are based on an assessment of the costs of primary and secondary education, a contribution to transport enhancement and a contribution to the enhancement of local sports and/or community facilities, a contribution to fitting out, equipping and furnishing the on-site community centre and a financial contribution to structural landscaping and a 15-year landscape sum for its proper maintenance. The total basic financial contribution for wider and longer-term benefits excluding affordable housing and any associated additional educational payments and landscape contributions totals £5,969 per dwelling at January 2003 prices. Because this site is outside the Master Plan area these contributions will need to be made in full.

**CONCLUSIONS:** The development of this site is acceptable in principle provided it is developed contiguously with planning permission UTT/0816/00/OP and not in isolation. A Section 106 agreement will be necessary to ensure contributions to social, amenity and infrastructure requirements as set out above and to link the timing of construction on this site with the larger development, preventing its piecemeal implementation.

**RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO A SECTION 106 OBLIGATION REQUIRING CONTRIBUTIONS IN ACCORDANCE WITH THE TAKELEY/LITTLE CANFIELD SPG AND ALSO COVERING THE ISSUES DETAILED ABOVE.**

1. C.1.1. Submission of reserved matters: 1
2. C.1.2. Submission of reserved matter: 2
3. C.1.3. Time limit for submission of reserved matters
4. C.1.4. Time limit for commencement of development
5. The land the subject of this planning permission shall not be developed other than contiguous with planning permission UTT/0816/00/OP. The site shall be included within the approval of phasing and development densities set out in condition 7 of planning permission UTT/0816/00/OP.  
REASON: To secure appropriate phasing and densities in a comprehensive manner.
6. The development hereby permitted shall be carried out in accordance with the Master Plan, drawing no. 1071MP/6/Rev A dated 10.08.00 unless otherwise agreed in writing by the local planning authority.  
REASON: To ensure development proceeds in broad accordance with the principles set out in the approved Master Plan.
7. C.5.2. Details of materials
8. C.4.1. Scheme of landscaping
9. C.4.2. Implementation of landscaping
10. C.4.6. Retention of trees and shrubs
11. Noise construction levels/hours to be submitted & agreed.
12. No development shall take place until the new A120 has been completed and open to traffic between the M11 and Great Dunmow.

In the interests of highway safety along the heavily trafficked current A120.13. No development shall take place until a programme of works for the provision of foul and surface water drainage

has been submitted to and approved in writing by the local planning authority, following construction with Thames water. Subsequently the works shall be implemented as approved, including any phasing in relation to the occupation of buildings.

REASON: To ensure there adequate surface and foul drainage systems are provided for the development and there are no adverse effects on the wider community.

*Background papers: see application file.*

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## **1) UTT/1005/03/DC & 2) UTT/1012/03/DC - QUENDON & RICKLING**

### ***(Joint Report on Council applications)***

1) Erection of 2 bedroom detached cottage. Construction of vehicular access.  
2) Erection of two storey dwelling.  
Land at Woodside, Rickling Green. GR/TL 511-300. Uttlesford District Council.  
*Case Officer: Karen Hollitt 01799 510495*  
Expiry Date: 19/08/2003

**NOTATION:** ADP: Within development limits/area of special landscape value/Conservation Area.  
DLP: Within Settlement Boundary/Conservation Area.

**DESCRIPTION OF SITES:** These sites are located on the western side of the road running up to Rickling Green. The sites were formerly the side gardens to the two Council properties, 5 and 6 Woodside. Site 1 currently has a hedge to the road frontage and Site 2 has a vehicular access which provided a parking area to 6 Woodside. The plots back onto the allotments.

**DESCRIPTION OF PROPOSALS:** These proposals relate to the erection of a two bedroom cottage on each site. It is also proposed to create a vehicular access to serve Site 1, which would necessitate the removal of some of the frontage hedge. The proposals relate to properties of matching design, which would have red brick ground floors, rendered first floors and slate roofs. They would have frontages of 9m and depths of 5.35m. It is proposed to provide a parking area for each property which would be capable of accommodating a minimum of two vehicles.

**RELEVANT HISTORY:** Previous applications withdrawn. These related to proposals for new dwellings which would have had a dominant effect on the neighbouring properties, appeared out of character with the area and had a detrimental impact on the setting and character of the conservation area.

**CONSULTATIONS:** ECC Transportation: No objections.

Design Advice: Introduction of modest dwellings acceptable in principle. Proposed designs are bland, unimaginative and with specifically untraditional windows. Such designs would not protect or enhance the character of the conservation area.

**PARISH COUNCIL COMMENTS:** To be reported. (due 1 August 2003).

**REPRESENTATIONS:** These applications have been advertised and one representation has been received. Period expired 29 July 2003.

Concerned about the visual and road safety aspects of over development along Green Road. Any development at Woodside should be in sympathy with the houses in the area and retain natural features such as boundary hedges. Plans show little imagination as far as design is concerned. Effect of the current plans will be that 6 Woodside will lose its off road parking facility.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposal would

- 1) be appropriate within development limits and appropriate use of land (ERSP Policies CS2 & C5, ADP Policies S2 & DC1 and DLP Policies S3 & GEN2,
- 2) meet the design criteria for development within a conservation area (ERSP Policy HC2, ADP Policy DC2& DLP Policy ENV1) and
- 3) have an adverse impact on the residential amenity of the adjoining properties (ADP Policy DC14 and DLP Policy GEN4).

- 1) The sites are located within the development limits and form small gaps between existing frontage housing. The proposed infilling would be acceptable in principle and would not adversely affect the character of the area. The proposals meet the stated criteria in relation to parking provision. In addition, the units would be two bedroom properties, which would contribute towards the requirement for affordable housing within the village. It is also considered that the use of the land for residential development would meet the criteria for best use of land as required by PPG3. The parking provision for both 5 and 6 Woodside has been previously considered and planning permission for new vehicular accesses and two parking spaces was approved in May 2001.
- 2) The properties have been designed to be low-key buildings, which should not have an adverse impact on the character of the area. Whilst the elevational treatment in both cases is considered to be unimaginative it is considered that they could be improved by extending the render down to a red-brick plinth, which would add to the character of the conservation area. In principle, it is not considered that the design of the properties is sufficiently poor to warrant a refusal of planning permission.
- 3) The siting of the proposed dwellings is considered acceptable. The dwelling on site 1 would be located adjacent to the boundary with 6 Woodside, but there would be a gap of approximately 3.5m between its flank elevation and the boundary. It is considered unlikely that the position of this dwelling would have a materially adverse impact on the residential amenity of this property. There would be a gap of 3m to the boundary with The Old Post Office, and approximately 5m from the flank wall of that property. Whilst there is a window in the flank elevation of The Old Post Office it is not considered that the siting of the new dwelling would result in a material loss of residential amenity to that property. With regard to site 2, the dwelling would be located approximately 1m from the side boundary and approximately 2m from the flank wall of 5 Woodside. There would also be approximately 2m gap to the property to the south east. It is considered that the siting of this dwelling should not have an adverse impact on either adjoining properties. No overlooking or overshadowing issues are raised in respect of the proposals on either site.

**CONCLUSION:** On balance the proposals are acceptable, subject to the design improvements.

**RECOMMENDATIONS:**

**1 & 2) UTT/1005 & 1012/03/DC - APPROVALS WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development
2. C.3.1. To be implemented in accordance with approved plans
3. C.5.1. Samples of materials to be submitted and approved
4. C.5.7. Window details
5. C.17.1. Revised plan required re design amendment
6. C.6.3. Removal of permitted development rights
7. C.7.1. Details of external ground and internal floor levels to be submitted and agreed
8. C.4.1. Scheme of landscaping to be submitted and agreed
9. C.4.2. Implementation of landscaping
10. C.11.7. Standard parking requirements
11. C.19.1. Avoidance of overlooking

*Background papers: see application files.*

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**1) UTT/1020/03/FUL & 2) UTT/1195/03/FUL - FELSTED**  
***(Revised joint report)***

1) Erection of floodlights for new astro turf pitch  
2) Extended hours to existing pitch  
Land at Stebbing Road, Felsted School. GR/TL 677-208. Paul Watkinson.  
*Case Officer: John Grayson 01799 510455*  
Expiry Date: 20/08/2003

**NOTATION:** Outside Development Limits & Conservation Area

**DESCRIPTION OF SITE:** The sites lie to the north of the School close to open countryside. The land slopes gently down to the north towards Stebbing.

**DESCRIPTION OF PROPOSALS:** 1) It is proposed to erect floodlights to the north of the existing Philips pitch and tennis/netball courts to light the second artificial pitch approved last month. There would be 8 lighting columns 12m high. Additional landscaping would be provided to the west and north. 2) It is also proposed to extend the hours of use of the existing lights which illuminate the Philips pitch. 1 & 2) Both pitches are proposed to be lit until:

- a) 2100 on 2 weekdays per week (including Saturdays),
- b) 2215 on the other 4 weekdays and
- c) not at all on Sundays or Bank/Public Holidays.

**APPLICANT'S CASE:** See agents' letters dated 19 June, 10 & 28 July and 6 August 2003, together with the accompanying supporting statement, all attached at end of report.

**RELEVANT HISTORY:** Permission granted in 1996 for erection of 8 masts 14m high for floodlighting the Philips Pitch, subject to maximum lux of 290 and hours of use of lights restricted to 2100 on only any four evenings per week Mondays – Saturdays and not at all on the other two weekday evenings or on Sundays & Bank/Public Holidays. Extended use until 10.15pm also on any four evenings per week approved in 1999 for temporary period of 12 months.

**CONSULTATIONS:** Environmental Services: 1 & 2) no evidence of complaints received. No objections.

Local Plans: The floodlights are some distance from the nearest houses. They do state that the floodlights are "low spill" but we need to be satisfied that the impact on the countryside is minimised. Some further information on the technical specification of the lights may be required to enable a full assessment to be made. Provided the criteria in Policy GEN5 are satisfied through specification and/or condition – approve.

**PARISH COUNCIL COMMENTS:** 1) Residents have complained that the conditions imposed on the existing astro turf pitch and hard courts are not being adhered to and these insinuations should be investigated before considering this application. 2) to be reported (due 22/8).

**REPRESENTATIONS:** Both applications have been advertised and three representations have been received. Period expired 21 August.

- 1. Stebbing Society: object - see letter dated 15 July attached at end of report.
- 2. CPRESsex: object – see letters dated 24 & 29 July attached at end of report.
- 3. Local resident: object – see letter dated 9 July attached at end of report.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposals would

**1) be detrimental to this attractive area close to open countryside (ADP Policy REC6 & DLP Policy LC4: Provision of outdoor sport and recreational facilities outside development limits) or**

**2) be harmful to the amenities of local residents (ADP Policy DC14 and DLP Policy GEN4: General amenity and good neighbourliness).**

1 & 2) The Policies state that outdoor sports and recreational facilities will normally be permitted if they are of an appropriate scale and design in harmony with the rural and visual interests of the locality. The pitch would be between 1-2m lower than the existing and the floodlight pylons 2m lower, totalling between 3-4m. The lighting of this second pitch would have an impact on the character of the adjacent countryside and the amenities of neighbours. However, the site is well screened at present to all sides, but additional planting would help to reduce spillage of light, especially towards Stebbing. There is an open area immediately north of the new pitch which could be heavily planted to form a copse, with mounding to the sides to reduce glare from the surface of the pitch. The only dwelling outside School ownership in close proximity is the new Bury Farmhouse about 200m to the southwest. Most other properties in the village are screened by the complex of School buildings.

The extended hours approved temporarily in 1999 lengthened the time during which the lights were able to be used by 3 hours per week. It is now proposed to use both sets of lights for these longer periods. Members expressed the view at the last meeting that it would be helpful if there was the same cut-off time each evening. However, this is not proposed due to the need for pupils to train after prep finishes at 9pm.

The applicants propose to use the latest technologically advanced "Ultra Low Glare" lighting on both pitches and to reduce the existing poles to 13m. It is considered that the additional effect would not be noticeable. The existing lights have now been in place for over 6 years and their effects can be seen from Stebbing. In the circumstances, it is proposed to include a condition requiring that they be replaced with modern lighting to the same standard as the new ones. This should reduce the overall effect and impact on both the countryside and local residents' amenities to a reasonable level.

**COMMENTS ON REPRESENTATIONS:** The improvements to the quality of lighting to the existing pitch would adequately compensate for the additional lights proposed for the new pitch.

**CONCLUSIONS:** The proposals are acceptable, subject to the controls set out below.

### **RECOMMENDATIONS: APPROVALS 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, agreed & implemented
4. C.4.2. Implementation of landscaping
5. C.4.6. Retention & protection of trees & shrubs during development
6. C.4.8. Landscape management & maintenance plan to be submitted, agreed and implemented
7. Before the lighting hereby approved on the new pitch is first used, the lighting to the existing pitch shall be replaced with the same standard of facilities as hereby approved and the height of the existing poles shall be reduced to 13m..
8. The floodlights on both pitches shall not be used after 21.00 on at least four evenings per week Mondays – Saturdays, or after 22.15 on the other two evenings and not at all on Sundays, Bank and Public Holidays. There shall be no carry forward of these extended hours from one week to any others in the future.  
Reason 7 & 8: in order to help protect the rural character of the area and neighbouring residents' amenities.

*Background papers: see application files.*

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## **UTT/1039/03/FUL – ELSENHAM**

Removal of condition 2 of UTT/857/74 relating to agricultural occupancy  
Gilders, Tye Green. GR/TL 540-243. John Stewart Pimblett.  
Case Officer: Anthony Betros 01799 510471  
Expiry Date: 22/08/2003

**NOTATION:** Outside Development/ Settlement Limits/ Within Countryside Protection Zone/ Area of Special Landscape Value

**DESCRIPTION OF SITE:** The site is located in the village of Tye Green, 2.5km east of Stansted Mountfitchet and 500 m north-west of the Stansted Airport boundary. The site, known as Gilders, contains a 2-storey, 4-bedroom home on 2700sqm of land. The dwelling is a converted barn dating back to the 17<sup>th</sup> century. A detached double garage also exists on the site.

**DESCRIPTION OF PROPOSAL:** The proposal is to remove an agricultural occupancy condition from the dwelling house. No alterations or additions are proposed to the dwelling.

**APPLICANT'S CASE:** A detailed statement has been submitted, a copy of which is on file. A summary is provided below:

- 1) Gilders has been widely marketed at a substantial discounted price (60% of its unrestricted value), reflecting its occupancy restriction, for over 6 months without a purchaser being found.
- 2) It has been demonstrated that Gilders is genuinely surplus to current and foreseen future agricultural needs of the holding, neighbouring locality and local farmers.
- 3) The level and type of agricultural activity at the farm has dramatically changed since the dwelling was approved and present circumstances no longer justify the retention of the agricultural occupancy condition”.

**RELEVANT HISTORY:** The property was originally a timberframed barn, believed to date back to the 17<sup>th</sup> century, and was converted in 1976 into an individual family home. under UTT/0857/74. There was also a Sec 52 Agreement which tied the dwelling to the land. Despite, the property not being a new build, a condition was attached to the planning consent to ensure that:

*“The occupation of the dwelling hereby permitted shall be limited to a person or persons solely employed or last employed full time locally in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971 or in forestry and any dependents of such a person residing with him or her including any widow or widower of such a person.”*

**CONSULTATIONS:** Policy: The property appears to have been well advertised- meeting criteria of the relevant policy while the fact that there has been little interest would suggest that the dwelling is surplus to requirements.

**PARISH COUNCIL COMMENTS:** No reply received (due 8 August 2003).

**REPRESENTATIONS:** None. Notification period expired 30 July 2003.

**PLANNING CONSIDERATIONS:** The main issue is whether the proposal is consistent with

**Policy C9 of the ADP and Policy H12 of the Revised Draft DLP 2002- Removal of Agricultural Occupancy Conditions.**

Applications for the removal of agricultural occupancy conditions will not normally be granted unless:

- (a) the dwelling is genuinely surplus to the current and foreseen future agricultural needs of the holding, neighbouring locality and local farmers and
- (b) it has been widely advertised for at least six months on terms reflecting its occupancy condition.

The applicant has submitted a detailed statement which addresses the subject policy. The statement includes a satisfactory justification of issues relating to:

- changes in agricultural practices and employment requirements
- isolated location of the dwelling in relation to current farm operations
- evidence of advertising of the property at a reduced value due to the restrictive condition for 6 months (Nov 2002- April 2003) and
- evidence of an agricultural community survey to gauge interest in the property with the restrictive condition.

The applicant has demonstrated sufficient evidence which satisfies all the relevant criteria.

**CONCLUSION:** It is recommended that the agricultural occupancy condition be removed as the applicant has addressed the relevant policy criteria. The Sec 52 agreement would need to be cancelled.

**RECOMMENDATION: UNCONDITIONAL SUBJECT TO CANCELLATION OF SEC 52 AGREEMENT**

*Background papers: see application file.*

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**1) UTT/1052/03/FUL, 2) UTT/1053/03/FUL & 3) UTT/1055/03/LB – ARKESDEN**

*(Joint report, referred at Members' request)*

- 1) Erection of double garage
  - 2) Conversion & alteration of barn to form dwelling (alternative to previous permission)
  - 3) Conversion & alteration of barn to form dwelling (alternative to previous consent)
- Barn & Land adjacent to Byrnes Cottage, Wicken Road. GR/TL 485-342. M & L M Kinnard.  
Case Officer: Karen Hollitt 01799 510495  
Expiry Date: 26/08/2003

**NOTATION:** Outside Development Limits & Settlement Boundaries/Within Curtilage of Grade II Listed Building, Conservation Area & Area of Special Landscape Value (ADP only).

**DESCRIPTION OF SITE:** The site is located towards the south-eastern edge of the village on the eastern side of the road which leads to Wicken Bonhunt. The site has a mature hedge to the road frontage and a large brick building in the southern corner. The remainder is planted with various trees and shrubs, including mature specimens of Yew and Holly.

**DESCRIPTION OF PROPOSAL:** These revised proposals relate to the conversion and extension of the existing large brick building to a dwelling and the erection of a new garage. They show an alternative design to that previously approved, including a separate access for the converted building.

**RELEVANT HISTORY:** Planning permission and listed building consent for the conversion and smaller extension of this building were originally granted in 1992 and renewed in 1997 and 2002.

**CONSULTATIONS:** Design Advice: No objections in principle.

Landscaping Advice: Extension to rear of existing barn would necessitate a number of trees to be felled, including holly and yew which are prominent from the road frontage and contribute to the setting of the listed building, the adjacent listed building and the conservation area.

**PARISH COUNCIL COMMENTS:** 1) UTT/1052/03/FUL: The addition of such a large double garage would be out of proportion with the original barn and would be virtually the same height as the listed building itself (Byrnes Cottage). Such development would be prejudicial to the architectural merits of a listed building in a conservation area.  
2 & 3) UTT/1053/03/FUL & UTT/1055/03/LB: The addition of a 3.2m double storey extension to the end of the barn conversion would be out of proportion with the original barn and in contravention of the original planning conditions. Existing approval allows for shared access with Byrnes Cottage and retention of the considerable hedge bordering Wicken Road. Reducing the hedge to 1m height and introducing an extra access would all but remove hedge completely. With the approved additional access for Byrnes Cottage there would be a total of 3 entry points onto the Wicken Road within a few yards, creating an unnecessary road hazard.

**REPRESENTATIONS:** These applications have been advertised and 5 representations have been received. Period expires 26 August 2003.

1. With the recent approval of UTT/0075/03 there could now be 3 vehicular accesses within the curtilage of Byrnes Cottage. Possible excessive destruction of mature hedgerow. For conservation purposes it would be preferable that the whole development be refused on the grounds that Byrnes Cottage is probably the prettiest house and garden. Proposals improve situation somewhat over the original application by reducing the number of windows on the west elevation and slightly reducing the roof height.

2. Believe the new scheme to be an improvement over the previous plan. Object to any windows overlooking our property. We would not have any objection to the overlooking windows if permission were granted on the basis that they are non-opening and fitted with opaque glass.

3. Fully support. Think a most attractive house is proposed. Would enhance this locality. Also visually improve this area of Wicken Road.

4. Support. Do not agree with Parish Council views. Development would be beneficial to the locality since it would make the area where the barn walls currently adjoins the road more attractive once conversion take place. Do not believe that the loss of some landscaped garden is detrimental nor that the buildings are too large. We would have no objections to the access since it seems a sensible and practical method of usage by the owner's vehicles.

5. Do not wish to share access as was originally proposed. If access has to be through the existing front gate it will mean that all vehicles must pass within 3-4 feet of my study window. The volume of traffic movement along Wicken Road is so low that there would be little potential danger.

**PLANNING CONSIDERATIONS: The main issues are whether the proposals would**

**A) be detrimental to the character and setting of the Conservation Area and Listed Building (ADP Policies DC2 and DC5, DLP Policies ENV1 and ENV2 and ERSP Policies HC2 and HC3); and**

**B) have any effect on the mature trees which contribute to the Conservation Area (ADP Policy DC8 & DLP Policy ENV3).**

A) (UTT/1053/03/FUL & UTT/1055/03/LB) The principle of the residential development of this site has previously been considered, with the application for the conversion and extension of the existing outbuilding in 1992 and its subsequent renewal in 1997 and 2002. Therefore, the only issues which can be considered as part of the current application are whether the revised design would be appropriate and whether the creation of a further access would be detrimental to the character and setting of the Conservation Area and Listed Building.

The design of the proposed extension has been carefully considered and negotiated prior to the submission of the application. Some of the alterations to the design relate to amendments required by the previous grant of planning permission. In principle, there are no objections to the alterations to the scheme in relation to the parts of the development which already have the benefit of planning permission.

With regard to the creation of a further access point, it is considered that the removal of the existing hedge, which adds to the character and setting of the conservation area, and creation of a third point of vehicular access within a short distance would be detrimental to this character and setting.

Although considered unacceptable in terms of impact on the Conservation Area, there is no reason to refuse listed building consent, as the proposal would not have any adverse impact on the historic fabric or character of the listed building. The listed building consent cannot be implemented if all necessary permissions have not been obtained.

(UTT/1052/03/FUL) This application relates to the erection of a new garage to serve the barn conversion. The garage is well designed and should not have an adverse impact on the character and setting of the conservation area. It is considered regrettable that the application for the conversion of the existing outbuilding has resulted in the application for a new garage to serve the existing dwelling and a new garage to serve the new dwelling. However, it is considered that the cumulative impact of the proposals would not be sufficiently harmful to the setting of the listed building or the Conservation Area to warrant refusal in this instance.

B) It is proposed to add a further 2.7m long single-storey extension to the end of the building and it is considered that this element would have an adverse impact on the setting of the Conservation Area due to the removal of mature holly and yew trees. Whilst the yew tree may be affected by the previous proposals to some degree, the current proposals would require its complete removal, which would be detrimental to the character and setting of the conservation area. It has been recommended that both the holly and yew tree are made subject to a Tree Preservation Order to ensure their long-term retention.

**CONCLUSIONS:** The proposed further extension of the converted outbuilding would have a detrimental impact on the setting of the Conservation area due to the removal of two mature specimens of trees which add to the character of the area. The creation of a further access point would also have a detrimental impact on the character of the conservation area due to the removal of an existing hedge. The application for the garage is considered acceptable.

**RECOMMENDATIONS:**

**1) UTT/1052/03/FUL – APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. The permission hereby granted does not relate to the creation of the new access as shown on drawing no. 20603/03.  
REASON: The creation of a further access point would be detrimental to the character and setting of the conservation area.
4. C.5.1. Samples of materials to be submitted and agreed.
5. C.6.7. Excluding conversion of garages (amended)  
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the garage hereby permitted shall be used for the parking of vehicles and for no other use.  
REASON: To protect the setting of the conservation area and the adjacent listed building.

**2) UTT/1053/03/FUL – REFUSAL REASON**

The further extension of the converted building would result in the removal of mature trees, the loss of which would have a detrimental impact on the character and setting of the Conservation Area. This would be contrary to the provisions of ERSP Policy HC2, ADP Policies DC2 & DC8 and DLP Policies ENV2 & ENV3.

**3) UTT/1055/03/LB – LISTED BUILDING CONSENT WITH CONDITIONS**

1. C.2.2. Time limit for commencement of development - listed buildings conservation areas
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.5.4. Natural Slate
5. C.5.8. Joinery details
6. C.5.9. Black Painted wood & featheredged weatherboarding

*Background papers: see application file.*

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## UTT/1084/03/OP - LITTLE CANFIELD

Outline application for erection of two dwellings  
Plot 1, Hamilton Road. GR/TL 575-212. Mr & Mrs T Boswell.  
*Case Officer: Katherine Benjafield 01799 510494*  
Expiry Date: 29/08/2003

**NOTATION:** Within Takeley Local Policy 1 Area in Adopted District Plan (ADP) and within Takeley / Little Canfield Local Policy 3 – Prior's Green Site in the Deposit Draft Local Plan (DLP). The site is also within the area subject to Supplementary Planning Guidance for existing small areas within Prior's Green, Takeley/Little Canfield approved by the Environment and Transport Committee on 11<sup>th</sup> March 2003.

**DESCRIPTION OF SITE:** This 48m long and 23m wide site is located approximately 1.5km east of the Four Ashes junction in Takeley, on the northern side of the A120. Hamilton Road is an unmade private lane serving a mixture of detached bungalows and semi-detached two-storey dwellings. The site has a small permanent building and a mobile home located on it and is bordered by hedging and fencing of various heights along all four boundaries. The site is one of several "island sites" within the Prior's Green site which lie outside the outline planning application site for 650 dwellings but within the Takeley/Little Canfield policy area.

**DESCRIPTION OF PROPOSAL:** This outline application is for the erection of two detached dwellings. All details relating to the dwellings are to be determined at the reserved matters stage.

**RELEVANT HISTORY:** Erection of dwelling house and double garage refused 1975. Residential caravan pitch for one gypsy family refused 1983 and allowed on appeal. Utility block to serve two caravans conditionally approved 1985. Retention of residential caravan refused 1988. Erection of detached double garage refused 1996. Erection of double garage conditionally approved 1997.

**CONSULTATIONS:** Policy: SPG for island sites approved March 2003. New development within island sites acceptable in principle. New development will gain access from the approved internal road network however, it clearly makes more sense that a small development of two houses faces onto and gets access from Hamilton Road. Financial contributions will be required and secured through S106 agreement - £5,969 per dwelling. In relation to 'timing of development', no planning application should be approved until UTT/0816/00/OP has outline planning permission.  
Environment Agency: Makes advisory comments relating to residential development requiring private treatment plants and sites within 250m of a current or former waste disposal site.  
ECC Transportation: to be reported (due 24 July).

**PARISH COUNCIL COMMENTS:** No particular objections and presume that this will be treated similarly to others on these "island" sites..

**REPRESENTATIONS:** None. Notification period expired 29 July.

**PLANNING CONSIDERATIONS:** The main issues are whether

- 1) the development would be compatible with the Master Plan and the Council's Supplementary Planning Guidance (PPG3, ADP Takeley Local Policy 1 and DLP Local Policy 3) and
- 2) social, amenity and infrastructure contributions are required (DLP Policy GEN6).

1) The Development Plan policies do not permit development of this site in isolation. Development of this site is however acceptable in principle provided it is contiguous with the development of the Prior's Green site overall.

Supplementary Planning Guidance (SPG) emphasises that the principle of development of this and the other “island sites” is acceptable; that new development should gain access from the approved internal road network; that financial contributions should be made towards education, transport, sports, community and landscaping facilities; that affordable housing should be provided; and that no permissions should be granted on the island sites until UTT/0816/00/OP has outline planning permission.

Given the location of this site, which is adjacent to other dwellings that would remain serviced by Hamilton Road, it is considered that access to the site should be from Hamilton Road. Access for two dwellings would not result in a significant increase in the volume of traffic along the road to the detriment of the existing residents.

2) SPG requires that all the island sites other than the land adjacent to Takeley Nurseries should make appropriate and proportionate contributions to social, amenity and infrastructure requirements. These are based on an assessment of the costs of primary and secondary education, a contribution to transport enhancement and a contribution to the enhancement of local sports and/or community facilities, a contribution to fitting out, equipping and furnishing the on-site community centre and a financial contribution to structural landscaping and a 15-year landscape sum for its proper maintenance. The total basic financial contribution for wider and longer-term benefits excluding affordable housing and any associated additional educational payments and landscape contributions totals £5,969 per dwelling at current prices. Because this site is outside the Master Plan area these contributions will need to be made in full.

**CONCLUSION:** The development of this site is acceptable in principle provided it is developed contiguously with planning permission UTT/0816/00/OP and not in isolation. A Section 106 agreement will be necessary to ensure contributions to social, amenity and infrastructure requirements as set out above and to link this site with the larger development, preventing its development in isolation.

**RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO A SECTION 106 OBLIGATION REQUIRING CONTRIBUTIONS IN ACCORDANCE WITH THE TAKELEY/LITTLE CANFIELD SPG AND ALSO COVERING THE ISSUES DETAILED ABOVE.**

1. C.1.1. Submission of reserved matters: 1
2. C.1.2. Submission of reserved matters: 2
3. C.1.3. Time limit for submission of reserved matters
4. C.1.4. Time limit for commencement of development
5. The land the subject of this planning permission shall not be developed other than contiguous with planning permission UTT/0816/00/OP. The site shall be included within the approval of phasing and development densities set out in condition 7 of planning permission UTT/0816/00/OP.  
REASON: to secure appropriate phasing and densities in a comprehensive manner
6. The development hereby permitted shall be carried out in accordance with the Master Plan, drawing no. 1071/MP/6 Rev A dated 10.08.00 unless otherwise agreed in writing by the local planning authority.  
REASON: to ensure development proceeds in broad accordance with the principles set out in the approved Master Plan.
7. C.5.2. Details of materials
8. C.4.1. Scheme of landscaping
9. C.4.2. Implementation of landscaping
10. C.4.6. Retention of trees and shrubs
11. C.16.2. Full archaeological excavation and evaluation.
12. Noise construction levels / hours to be agreed
13. No development shall take place until the new A120 has been completed and open to traffic between the M11 and Great Dunmow.

14. No development/works shall take place until a programme of works for the provision of foul and surface water drainage has been submitted to and approved in writing by the local planning authority, following consultation with Thames Water. Subsequently the works shall be implemented as approved, including any phasing in relation to the occupation of buildings  
REASON: to ensure there adequate surface and foul drainage systems are provided for the development and there are no adverse effects on the wider community.

*Background papers: see application file.*

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**UTT/1092/03/FUL - TAKELEY**  
***(Referred at Member's request)***

Erection of replacement dwelling  
Darley Dale, Canfield Road. GR/TL 571-203. Mr & Mrs P R Kiddie.  
*Case Officer: Anthony Betros 01799 510471*  
Expiry Date: 29/08/2003

**NOTATION:** Outside development and settlement limits under ADP 1995 and Draft DLP 2002

**DESCRIPTION OF SITE:** The site is located on the southern side of the road which runs through Hope End Green, approximately ½ a mile south of the A120, via Great Canfield Road, Takeley. The L-shape site has northern frontage to the road which runs east-west to Hope End Green and western frontage to Great Canfield Road. The site measures 54 m wide by 40 m in depth and forms part of a property known as Darley Dale. At the south-western corner is a 2-storey garage with studio dwelling above (stated to be formerly a chauffeur's residence ancillary to Darley Dale). The studio/ garage measures 6m x 9m over 2 storeys. Both Darley Dale and the studio/garage have access from Great Canfield Road.

There are a pair of 2/3 storey dwellings (with attic rooms) located to the west on the corner of Great Canfield Road and the road east to Hope End Green while there are bungalows located approximately 60 m to the east. The site formerly had a large barn in between the two groups of dwellings but has since been demolished. Countryside is located immediately to the south and north of the site. The character of the area is of a small loosely-knit hamlet with modest dwellings interspersed with gaps.

**DESCRIPTION OF PROPOSAL:** It is proposed to demolish the studio/garage and replace it with a new 2-3 storey dwelling house with detached triple garage. The new house would have a northern frontage to the road to Hope End Green. The new dwelling would be 18.5m wide, up to 12.5m deep and its highest ridge would be 10.5m high. A detached triple garage is also proposed measuring 9m x 6m and 5.5m in height. The new dwelling is proposed to contain the following:

Ground floor: Living, dining, family, kitchen, study, breakfast, bathroom, utility rooms, gallery/hall  
First floor: Main bedroom + 4 further bedrooms, 4 bathrooms  
Second floor: Bedroom 6 and 7, 6<sup>th</sup> bathroom

The existing studio/garage is setback approx 40 m from the northern road frontage and has a very limited impact in the rural street scene, while the proposed replacement dwelling would be sited 10 m from the road. The garage is proposed to the east and in front of the dwelling, 5 m from the road.

**RELEVANT HISTORY:** Refusal in 1999 of an application for a pair of linked 3 bedroom detached dwellings attached by garages on grounds of being outside development limits (Policy S2), not being a bone fide infill plot (Policy H6) and poor design (DC1).

Withdrawal of application earlier this year for a replacement dwelling containing 7 bedrooms, 6 bathrooms and a detached triple garage. During the assessment, the agent was requested to establish that the studio/dwelling to be demolished was a separate dwelling to Darley Dale by submitting an application for a Certificate of Lawful Use Development (CLUD). The agent was also advised that, subject to approval of the CLUD, the size of the replacement dwelling would need to be reduced significantly in any future application. The floor space, height and width of the new dwelling + triple garage are much greater than the intended structure to be replaced. The application was subsequently withdrawn on 9 May 2003.

The proposed dwelling subject of the current application has not been altered and no Certificate of Lawful Use Development application has been submitted.

**CONSULTATIONS:** Water Authority: No objections.

Environment Agency: Standard advisory letter.

Archaeology: Full archaeological condition should be imposed if approved.

**PARISH COUNCIL COMMENTS:** No comments received by due date. (Objected to previous proposal with same design.)

**REPRESENTATIONS:** None. Notification period expired 5 August 2003.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposal conforms with

- 1) Policies H8 of the ADP 1995 and H6 of the Draft DLP2002 - Replacement Dwellings,
- 2) Policies H6 of the ADP 1995, H2 of the Draft DLP 2002 - Infilling and
- 3) Policies S2 of the ADP 1995, S7 of the Draft DLP 2002 and C5 of the Structure Plan - Development in the Countryside/ Rural Area beyond the Green Belt.

1) The applicant and agent have failed to provide the necessary information to establish that the structure to be demolished was ever a separate residential dwelling from Darley Dale. Therefore, the proposal cannot be considered as a replacement dwelling. During the determination of an application in 1999, the site was visited and the building was not occupied at that time. It looked as if it had not been occupied for a very significant period or prior to that date. Notwithstanding, the lack of evidence to support the applicant's claim that there is a dwelling to replace, the proposed dwelling would be totally out of proportion to the structure to be demolished and is not in its proximity. Such a design by itself is contrary to Policy H8.

2) It is considered that the proposed dwelling cannot be assessed as acceptable infilling due to the significant between the nearest dwellings east and west. This 60 m gap does not meet the definition of "a small gap within a small group of dwellings." The size and bulk of the proposed house would have an adverse effect on the character of the low-key rural appearance of the local countryside and that of the nearby housing. A refusal on such grounds would be consistent with the 1999 decision (same applicant) and no further development has not occurred since that time to alter the relevant planning considerations.

3) Given that it has been established that the proposal cannot be considered either as a replacement or infill dwelling, the application must be assessed as a new dwelling in the countryside outside development and settlement limits. New housing is not normally permitted in such locations and there are no valid planning reasons to warrant an exception being made in this case. .

**CONCLUSION:** The proposed dwelling outside development limits cannot be considered as either a replacement or infill dwelling.

### **RECOMMENDATION: REFUSAL REASONS**

1. The proposed development lies outside development limits and does not satisfy the criteria for development which may be permitted in such areas. No arguments have been put forward to justify an exception to this Policy. It would set an undesirable precedent for similar development on other sites throughout the District which cumulatively would harm the pleasant rural character of the area. Therefore, the proposal is contrary to Policy S2 of the Adopted District Plan 1995 - Development in the Countryside.

2) The proposed structure to be demolished has not been established to be a separate dwelling from Darley Dale and therefore does not satisfy the criteria for Replacement Dwellings.

Furthermore, the proposed dwelling would be totally out of scale with the structure to be demolished and not in its proximity. The design of the dwelling and garage would dominate the rural street scene. The proposal is therefore contrary to Policy H8 of the Adopted District Plan 1995 - Replacement Dwellings.

3) The site is 60 m wide and therefore does not satisfy the criteria for Infill Housing. Therefore, the proposal is contrary to Policy H6 of the Adopted District Plan 1995 - Infill Housing.

*Background papers: see application file.*

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**UTT/1217/03/DC - HIGH RODING**  
***(District Council proposal)***

Erection of 1.8m high fence and gate  
1 New Cottages. GR/TL 603-173. Uttlesford DC  
Case Officer: Katherine Benjafield 01799 510494  
Expiry Date: 15/09/2003

**NOTATION:** Within Development Limits & Conservation Area/Grade II Listed Building

**DESCRIPTION OF SITE:** The site is located in the centre of High Roding on the eastern side of The Street. The dwelling is the end property in a row of three terraced Grade II listed dwellings. To the north of the dwelling facing the road and parallel to the dwelling, there is a gravelled area. To the rear of this, the site is grassed with a boundary fence and planting forming the rear boundary.

**DESCRIPTION OF PROPOSAL:** The proposal relates to the erection of a 1.8m high fence and 1.5m high gate between 1 New Cottage and 2 New Cottage to the rear of the properties. The fence would be constructed using oak posts and woven wood panels and would be approximately 9m long. The erection of the fence would result in existing shrubbery between the two dwellings being removed.

**CONSULTATIONS:** Design Advice: no objections.

**PARISH COUNCIL COMMENTS:** to be reported (due 27 August).

**REPRESENTATIONS:** This application has been advertised and no representations have been received. Period expired 28 August.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposal would:

- 1) be appropriate within the curtilage of a Listed Building and the Conservation Area (ADP Policy DC5, DLP Policy HC3 & ERSP Policy ENV 2) and
- 2) affect neighbours' amenities (ADP Policy DC14 & (DLP Policy GEN4).

1) The materials and design would be acceptable for this location within the curtilage of a listed building within the Conservation Area.

2) The erection of a 1.8m high boundary fence and 1.5m high gate between Nos. 1 and 2 New Cottages would have no adverse impact on the amenity of neighbouring properties.

**CONCLUSION:** The proposed materials and design of the fence and gate would have no adverse impact on the setting or character of the listed buildings, Conservation Area or on the amenity of neighbouring properties.

**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

*Background papers: see application file.*

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