

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 24 NOVEMBER 2003

APPL NO: 1) UTT/1245/03/FUL & 2) UTT/1246/03/FUL
PARISH: GREAT EASTON
DEVELOPMENT: 1) Change of dwelling and stable/store to B1(a) offices use and additional access drive 2) Change of use of rural buildings to B1(a) offices and formation of additional access drive
APPLICANT: Woleseys (Duton Hill) Ltd.
LOCATION: Woleseys Farm Duton Hill
D.C. CTTE: 3 November 2003 (see copy attached)
REMARKS: Deferred for Member Site Visit
RECOMMENDATION: Approve subject to conditions
Case Officer: Anthony Betros 01799 510471
Expiry Date: 16 September 2003

APPL NO: 1) UTT/1257/03/FUL & 2) UTT/1258/03/CA
PARISH: ARKESDEN
DEVELOPMENT: Erection of three dwellings following demolition of existing dwelling. Erection of garage and one new vehicular access
APPLICANT: Trustees of the Harding Cole
LOCATION: Merrydowns
D.C. CTTE: 3 November 2003 (see copy attached)
REMARKS: Deferred for Member Site Visit
RECOMMENDATION: Approve subject to conditions
Case Officer: Karen Hollitt 01799 510495
Expiry Date: 23 September 2003

APPL NO: UTT/1569/03/FUL
PARISH: FELSTED
DEVELOPMENT: Erection of 3 x three-storey and 1 x two-storey blocks – a total of 24 flats
APPLICANT: Felsted School
LOCATION: Land to the north of Ingrams
D.C. CTTE: 3 November 2003 (see copy attached)
REMARKS: Deferred for English Heritage views
RECOMMENDATION: Approve subject to conditions
Case Officer: Michael Ovenden 01799 510476
Expiry Date: 31 October 2003

1) UTT/1245/03/FUL & 2) UTT/1246/03/FUL - GREAT EASTON

- 1) Change of dwelling and stable/store to B1(a) offices use and additional access drive.
- 2) Change of use of rural buildings to B1(a) offices and formation of additional access drive.

Wolseys Farm Duton Hill. GR/TL 605-274. Wolseys (Duton Hill) Ltd.

Case Officer: Mr A Betros 01799 510471

Expiry Date: 16/09/2003

NOTATION: Outside development limits/ Area of Special Landscape Value/ 2 of the barns are listed (Grade 2).

DESCRIPTION OF SITE: The site is located 500 metres to the north of the main road through Duton Hill and contains a farmhouse, variety of farm buildings (some listed) and stables. There is a single road which connects the site to Duton Hill village. The total floor area of the buildings proposed for conversion is 1466 sq.m. 48 parking spaces are proposed, together with motorcycles and cycle accommodation.

DESCRIPTION OF PROPOSAL: UTT/1245/03/FUL: The proposal is for a change of use of the farmhouse and adjacent stable and store to B1 (office only) as well as the construction of a driveway and parking areas for each converted unit.

UTT/1246/03/FUL: The proposal is also for a change of use of the barns (some listed) to B1 (office only) as well as the construction of a driveway and parking areas for improved access to the converted barns.

No works to the barns, home, stable or stores are proposed in either application.

APPLICANT'S CASE: A detailed statement has been submitted, a copy of which is attached at end of the report. The statement includes:

“Our clients are considering the future of the farm and buildings in view of the downturn of the economic situation, world market prices and trends affecting the agricultural industry, and this, together with the uncertainty of major airport expansion development that may or may not be scheduled to take place affecting this locality in the future has prompted them to look to alternative uses for the buildings on site to secure the financial future of the farm.

The farm buildings area consists of the farmhouse and domestic buildings, a group of historic traditional rural buildings of environmental merit some of which are listed and other being curtilage buildings, all of which are mainly redundant from an agricultural point of view, a converted building in Class B1 use, and a little used Dutch barn type building at present housing agricultural equipment.

The object of this application is to achieve the grant of planning permission for alternative use of the historic group to provide a further planning option for the future uses of these buildings which because of their historic status have to be preserved.”

RELEVANT HISTORY: UTT/1432/00/FUL & UTT/1433/00/LB: Approval for conversion of farm buildings to 4 dwellings which involves hardening of grass tracks for access to the dwellings.

UTT/0625/03/REN & UTT/0626/03/LB: Renewal of above approval for the conversion of farm buildings to 4 dwellings.

After being advised of concerns raised by residents, businesses and the Parish Council in relation to traffic, access and noise concerns, the applicant has amended the application:

"We thank you for your time and attention given to the writer at our recent meeting and for the copies of letters of representation received from three local people and the Parish Council on the above applications.

In view of the concern expressed by the Parish Council and three locals on the possible industrial use that will doubtless result in the use of heavy goods for deliveries etc, our client is willing to change both applications to omit B1 (b) and (c) use and apply for Class B1 Business Use (a) offices only in respect of UTT/1245/03/FUL and UTT/1246/03/FUL."

CONSULTATIONS: County Surveyor: No objections raised.
Environment Agency: Standard advisory letter.

PARISH COUNCIL COMMENTS: Rejection of the proposal on the following grounds: impact on the village of Duton Hill, the main concern being the use of Wolseys Lane, which is a narrow track with no passing places or at its junction with the village street. At present there is relatively light use of this access but infrequently but regularly a large lorry requires to reach the farm. Each time manoeuvring into the lane is difficult and turning out of the lane requires several reverses. There have been occasions when it proved necessary to unload the vehicle in the village and transfer the load to a smaller vehicle. The proposed development will inevitably lead to massive congestion problems and hazards for the population of the village. At this point and for most of its length there is no footpath in the village street and the point most affected by this proposal is narrow with cottages with doors opening directly onto the road. It should be noted that the local authority were concerned over many years over heavy lorry traffic due to the business at Blamsters Hall which is on the B184. The proposed development would bring back this additional heavy traffic to this main road and in addition be a hazard and a nuisance to the residential community of Duton Hill.

REPRESENTATIONS: This application has been advertised and 3 representations have been received. Period expired 18 August 2003. The following issues were raised:

- (i) inadequate access for vehicles associated with potential light industrial uses from the village of Duton Hill to the farm may cause traffic and amenity problems
- (ii) noise impacts from potential light industrial uses

PLANNING CONSIDERATIONS: The main issues are

- 1) **Policy S2 of the UDP- Countryside beyond the Green Belt, S7 of the Draft DLP 2002- The Countryside and C5 of the Structure Plan- Rural Areas not in the Green Belt**
- 2) **Policy C5 of the UDP- Re-use of Rural Buildings, E4**
- 3) **Policy DC6 and C7 of the UDP- New uses for listed buildings and conversions of dwellings to offices.**
- 4) **Policy T1 of the UDP- New development and general highway considerations.**

1) Policy S2 states that development will not normally be given for development in the countryside beyond development limits unless the proposal relates to appropriate changes of use of suitable existing buildings compatible with a rural area. The proposed use of the dwelling, stables and store for offices is considered an appropriate use as it is considered that there will be limited alteration to the appearance of the buildings while environmental impacts should also be restricted. Traffic associated with offices is likely to be limited to cars and light vehicles which can be accommodated on the access road to and from the village of Duton Hill.

2) Policy C5 states that appropriate re-use of soundly constructed rural buildings for non-residential purposes will normally be permitted. Sites should have adequate accessibility and adequate space for associated activities, which must not impair important characteristics of the countryside. No works are associated with the subject application for change of use for offices which is in effect made at outline, however, it is envisaged that minimal alteration to the character and structural form of the buildings would be required and may require further applications. The parking areas associated with the offices would be screened by existing buildings and by new planting, thereby preserving the characteristics of the countryside. The new access drive leading from the existing driveway allows for satisfactory access and the buildings are suitably separated. Policy C7 permits the change of use of dwellings to offices in the countryside.

3) Policy DC6 states that favourable consideration may be accorded to schemes which incorporate works that represent the most practical way of preserving the building and its architectural and historic characteristics. As stated, no works are associated with the subject application, however, it is considered that the listed barns can be suitably preserved for use by offices. Therefore, the change of use is considered to satisfy the policy criteria.

4) Development proposals will normally be refused if the nature and volume of traffic to be generated creates traffic hazards, causes unreasonable delays and inconvenience to other road users, or leads to a significant reduction in the environmental quality of the locality. Prior to the amendment to the proposal (limiting the use to offices), it was considered that the light industrial uses (Classes B1(b) Research & Development and B1(c) Industrial) would be likely to generate a volume and nature of traffic that would affect the village due to the narrow access point to and from the farm. However, given that the applicant has responded to these concerns and altered the nature of the B1 use to class (a) offices, it is considered that vehicles associated with such use can utilise the access without traffic hazard or loss of amenity to the village of Duton Hill. The hardening of existing tracks and creation of new tracks are in the same form and location as previously approved in the approved scheme for residential conversions under UTT/1432/00/FUL & UTT/1433/00/LB. A condition will be imposed restricting these tracks to be limited to gravel or similar material to protect the rural character of the countryside.

COMMENTS ON REPRESENTATIONS: The amendment to the change of use to offices is considered to overcome traffic, access and noise concerns associated with potential light industrial uses on the farm.

CONCLUSIONS: The proposed change of use of the barns and rural buildings to offices is considered acceptable as it satisfies Council's relevant policies for development in the countryside, re-use of rural buildings and traffic and access. The use as offices should also not hinder the amenity of the village of Duton Hill.

RECOMMENDATIONS:

UTT/1245/03/FUL & UTT/1246/03/FUL: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
2. C.3.1. To be implemented in accordance with approved plans.
3. That the hardening of the tracks to provide access to the converted buildings be limited to gravel or similar material.
REASON: To protect the rural character of the countryside.
4. The use hereby permitted shall be limited to uses within Class B1(a) of the Town and Country Use Classes Order 1987.
REASON: To protect the rural character of the countryside.

5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. The use hereby permitted shall only operate between the hours of 0800 – 1800 Mondays – Saturdays, and not at all on Sundays, Bank or Public Holidays.
REASON: To prevent traffic movements at unreasonable hours in the interest of the rural character of the area and amenity.
8. C.9.1. No outdoor storage.
9. C.11.8. Standard vehicle parking facilities.
10. C.8.22. Control of lighting.

Background papers: see application file.

1) UTT/1257/03/FUL & 2) UTT/1258/03/CA – ARKESDEN

Erection of three dwellings following demolition of existing dwelling. Erection of garage and one new vehicular access.

Merrydowns. GR/TL 483-344. Trustees of the Harding Cole.

Case Officer: Karen Hollitt 01799 510495

Expiry Date: 23/09/2003

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

DESCRIPTION OF SITE: The site is located within the centre of the village, to the northeast of Wicken Water, almost opposite the Axe and Compasses Public House. It is accessed by an existing vehicular bridge over Wicken Water. The front boundary is densely screened by Leylandii hedging and the remaining boundaries are a mix of seasonal vegetation and close-boarded fencing. There is an existing chalet bungalow on the site together with a large outbuilding. The site has a variety of tree species within its grounds, but these are hidden by the existing Leylandii hedging to the front boundary. It has a frontage of 42m and a depth of 35m, totaling about 0.15ha (0.37 acres).

DESCRIPTION OF PROPOSAL: The application relates to the demolition of the existing dwelling and garage outbuilding and their replacement with three two-storey dwellings. In addition, it is proposed to create a new vehicular access over Wicken Water.

APPLICANT'S CASE: See supporting case (3 pages).

RELEVANT HISTORY: Planning permission was refused in March 2003 on the grounds that the erection of three identical dwellings would create a suburban development which would be detrimental to the character and setting of the conservation area. In addition, the creation of two additional vehicular accesses over Wicken Water would be visually intrusive and detrimental to the character of the conservation area. Finally, there was insufficient detail given in the application with regards to foul and surface water drainage to enable full consideration to be given to the application. Conservation Area consent for the demolition of the existing dwelling was also refused in March 2003 on the basis of prematurity.

CONSULTATIONS: Original Plans: Design Advice: Design is much improved. Accommodation over garage to plot 2 should be removed to reduce scale of building. Roof pitches to be no more than 50°.

ECC Transportation: No objections.

Building Surveying: No adverse comments.

Environment Agency: Advisory comments.

Revised Plans: To be reported.

PARISH COUNCIL COMMENTS: Proposed development neither preserves nor enhances the character or appearance of the Arkesden Conservation Area. No new case for demolition has been made. Existing building should be repaired. Repositioning of trees is not practical and during building work they would be damaged. Object to height of house number three – would become the tallest building in Arkesden conservation area. Pleased that existing bridge is to be rebuilt, which should alleviate flooding problem. Proposed bridges rendered unusable by cars parked opposite. To overcome this problem bridges need to be much wider or have extensive flared entrances. Consider site visit to be desirable.

See letter dated 23 August 2003 attached at end of this Supplementary List of Representations.

REPRESENTATIONS: Original Plans: These applications have been advertised and 12 representations have been received. Period expired 25 August 2003.

1. Object, three houses with service road still appear like a mini estate. House next to Waterlaide would be so tall that it would seriously affect Waterlaide, height of the building is excessive compared with the low thatched cottages opposite and any other property in the village. One more bridge will exacerbate the traffic problem for the whole village.
2. Cramped with poor design. Front wall extends well beyond out building line by 4 metres which will severely reduce daylight and block afternoon sunlight into out lounge, the ridge height is over 4 feet higher than our ridge line very imposing only to our property but the streetscape in general. Visual amenity from our property will be severely affected by the presence of this flank wall/elevation, looking out onto a mass of render/tile 4m in length beyond out frontage and some 9.60m high (31 feet). Concern over loss of trees. Consider one slightly wider and higher re-built at the existing location may be worth looking into.
3. Three houses on this small plot are too many. Building of one slightly wider and slightly wide flanged bridge would cope with house access, but above all NOT introducing any more bridges over the stream than currently exist.
4. Object. Proposal would create a row of modern houses uncomfortably close to each other in a style wholly inappropriate in a very old, very attractive village in a conservation area.
5. Objections. To crush in three houses in a relatively small space will do nothing to maintain the unique character of this lovely Essex village. Development will adversely affect the appeal of this village precedent.
6. Proposal to build three new properties represents an over-intensive use of the site. Put an additional burden on the already narrow access road through the village.
7. Object. Building of three properties on a compact site such as this, in a conservation area in the middle of the village, should not be entertained. Proportions of the most easterly property, appear, side elevation will, present a dominant roofscape as viewed from the road when approaching the centre of the village from the direction of Clavering.
8. Object. Houses much improved. Houses are too close together, roof heights are greatly extended, will look out of place. There are already problems with traffic and parked cars. Increase in parked cars will be caused by the reduction of parking space of those who have to park on the road.
9. Object. Conservation Area will be harmed rather than preserved or enhanced. Loss of an opportunity to preserve and enhance one of the few larger established family homes in the Village. Distortion of the balance between large and small dwellings and old and new dwellings along the Wicken frontage. Replacement of the natural Wicken riverbank scene by a new vehicular bridge. Houses are over-development and excessive infilling principal issue is effect on the Conservation Area. Detrimental effect on the Village's streetscape by the "terrace" of modern detached houses. Houses will stand out on account of their ridge heights significantly in excess of the neighbouring houses. Lack of accurate details in respect of tree removal. Merrydowns is of architectural merit. Scheme is defective and compromised on account of the Applicants' desire to secure three houses on the site. Statutory design considerations required by Arkesden's Conservation Area status mean that PPG3's density guidance has limited application to this site. Too many driveways. The road is not wide enough to accommodate the turning circles required for all the driveways onto the road. Existing highway does not have the capacity to absorb the new bridge accesses.
10. Concern. These houses is just too much for this plot to bear.
11. Object detrimental to the character and setting of the Arkesden Conservation Area cramped form of development. Interrupt the important linear feature of Wicken Water through the introduction of an additional bridge.

12. Three houses on so small a site are completely out of sympathy with the surroundings, severely damaging to the character of the village as a whole.

Revised Plans: To be reported. Notification period expires 20 October 2003.

6 further letters received:

1) Still falls short of what is needed in this village. 3 houses are too many, will simply be a forerunner of further active development.

2) over development of this site. Concerned at demolition in Conservation Area. Will destroy the charm and character of Arkesden. Should be two houses with one access point.

3) Strong objection. Any proposal must preserve or enhance the Conservation Area. We do not consider the revised proposals achieve this. Three houses on Merrydowns:

- Are simply too many for the plot size which results in poor design. Plan layouts are compromised, practically very tight and potentially unworkable in certain areas.
- Creates an unacceptable massing and density of development which does not exist elsewhere.
- Dangerous precedent.
- PPG3 is intended for urban and sub-urban developments and was not introduced for small rural schemes.

Two bridges is one too many considering:

- The reduction in space for parking and safe ingress/egress to existing plots.
- Parking congestion is a problem currently for residents and visitors. A further bridge will only exacerbate the issue along this narrow stretch of Wicken Road.

Agree with the rebuilding of the existing bridge at a higher level to reduce flooding potential.

Inadequate consideration appears to have been made to preservation of existing trees. Proposal to relocate mature trees would almost certainly be unsuccessful.

4) Whilst the applicants have met some of the concerns believe the overriding objection remains. Simply not possible to erect three houses on this site without damaging the visual amenities of this very attractive village in a conservation area.

5) Such concentrated development & resulting mass of building together with resulting traffic problems should not be contemplated on a prominent site in the centre of a conservation area. Proposal will certainly not preserve or enhance the character of the area. Rules for a CONSERVATION AREA should take precedence over any for high density building. The plans demonstrate the impossibility of putting 3 houses of reasonable size on this plot, still of a height which would dwarf the low thatched cottages opposite. If these were to be built the site should be well dug out to make them as low as possible. Even one more bridge will exacerbate the traffic problem for the whole village and farm vehicles passing through. THE EXIT BRIDGE is shown opposite THE OLD FORGE ENTRANCE which will cause maximum problems. The bridge (if built) could be 3 metres to the south (still retaining the last leylandii and time tree). The result of this would be no parking by The Old Forge which would improve the existing situation.

6) Objection. The Arkesden Conversation Area will be damaged rather than enhanced or preserved. The construction of 3 houses on the Site is over development and creates a

building mass in a sensitive part of the Conservation Area. The design of the houses is defective. Will create a terrace of similarly sized houses and plots thereby prejudicing the amenity of the Conservation Area. The development still imposes a new means of access on to the narrowest thoroughfare in the village; road safety remains severely prejudiced by a further three houses having vehicular access on to an already dangerous street.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) the site is suitable for residential development (ADP Policy S1, DLP Policy S1),**
- 2) the proposals would be acceptable on design grounds in this Conservation Area location (ERSP Policy HC2, ADP Policy DC2, DLP Policy ENV1),**
- 3) the access would be acceptable with regard to highway issues (ERSP Policy T8, ADP Policy T1 and DLP Policy GEN1).**

1) The site is located within the Development Limits of Arkesden and currently has a chalet style bungalow and large detached garage on it. The proposed demolition of the existing property and its replacement with new dwellings would be acceptable in principle. The previous application for 3 new dwellings was considered to be over development of the site, mainly due to the style of the dwellings, together with their detached double garages to the front of the site. This revised application shows different styles of property for each plot, and it is considered that the application has considered the spatial aspects of the conservation area and shows that three dwellings can be erected on the site, in line with current central government policy contained within PPG3 which requires the better use of land.

2) The site is located within the Arkesden Conservation Area, in the heart of the village, which has a unique character, particularly with its diverse range of properties. This is particularly the case in this part of the Conservation Area. It is considered that the demolition of the existing property and its replacement with three carefully designed properties, taking into account various design aspects from properties located within the conservation area, would be a positive contribution to the street scene. This is further supported by the fact that the revised application has been designed to consider the position of the most important trees within the site and has ensured their retention. This would ensure that the development would have a positive contribution to the setting of the conservation area, particularly if the frontage band of Leylandii trees were to be removed in the future.

The original plans showed that there would be accommodation above the proposed garage to Plot 2. Your Conservation Officer considered that this element of the proposals should be removed. The revised plans do not show this element as being removed, but it has been reduced in scale and it is considered that this amendment is now acceptable. The original plans also showed that plot 3 would have a detrimental impact on the character and setting of the conservation and also would be likely to have a detrimental impact on the residential amenity of the adjoining property due to its bulk and height. The revised plans show that the front elevation of the property has been brought back more in line with the adjoining property and furthermore, the proposed dwelling has been reduced in ridge height, thereby reducing the impact of this property on the conservation area and the adjoining property. Again, it is considered that the design elements of this proposal are acceptable.

3) The revised application indicates the provision of an additional vehicular access over Wicken Water. It is considered that this may represent additional traffic hazards, particularly at this narrow point in the village, but ECC Transportation has raised no objections to the proposal. The Environment Agency has raised no objections to the proposals in terms of flooding aspects or effect on the watercourse. It is considered that the creation of one additional access should not be severely damaging to the character and setting of the

conservation area. Therefore, it is considered that there are no justifiable reasons to refuse the application as submitted.

COMMENTS ON REPRESENTATIONS: The replacement of one dwelling with three new dwellings is considered to be the most efficient use of land, as required by PPG3. The dwellings have drawn on design aspects of the surrounding properties within the conservation area and are considered to be more in keeping with the character of the area.

CONCLUSIONS: The redevelopment of this site with three new dwellings, of different characters and designs, based in part on the design of the existing dwellings within the conservation area, together with the retention of the mature trees within the site, would be acceptable. The revised scheme has attempted to overcome all the previous reasons for refusal and it is considered that the current proposal is acceptable and should be approved.

RECOMMENDATIONS:

1) UTT/1257/03/FUL - APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. C.5.1. Samples of materials to be submitted and approved.
4. C.5.5. Clay plain tiles.
5. C.5.7. Window details.
6. C.5.9. Stained wood.
7. C.5.11. Smooth rendered walls (amended)
8. C.5.15. Side hung timber garage doors.
9. C.4.1. Scheme of landscaping to be submitted and agreed.
10. C.4.2. Implementation of landscaping.
11. C.4.6. Retention and protection of trees and shrubs for the duration of development.
12. C.6.3. Excluding permitted development extensions and erection of freestanding buildings without further permission.
13. C.6.7. Excluding conversion of garages (amended).
14. C.11.6. Standard vehicle parking facilities.
15. C.19.1. (a) Avoidance of overlooking.
16. C.19.1. (b) Avoidance of overlooking.

2) UTT/1258/03/CA - CONSERVATION AREA CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development.
2. No works of demolition shall commence more than one month prior to the implementation of an approved scheme for redevelopment of the site.
REASON: The demolition of the dwelling without its replacement within a limited period would be detrimental to the character of the Conservation Area.

Background papers: See application file.

UTT/1569/03/FUL - FELSTED

Erection of 3 x three-storey and 1 x two-storey blocks - a total of 24 flats
Land to the north of Ingrams. GR/TL 677-204. Felsted School.
Contact Officer: Mr M Ovenden 01799 510476
Expiry Date: 31/10/2003

NOTATION: Within Village Development Limits & Settlement Boundaries, Conservation Area and curtilage of Listed Building (Ingrams House) / Tree Preservation Order.

DESCRIPTION OF SITE: The site is located within the grounds of Felsted School to the north of the village centre. The existing Music School is situated to the north of the listed Ingrams building and faces School Road. Further north is the listed School Chapel and to the west a landscaped open space and pond. On the opposite side of the road are two dwellings and a small UR Church. The site measures 0.4 ha (1 acre).

DESCRIPTION OF PROPOSAL: This revised proposal seeks to erect four blocks of flats as before, three of which would be 3-storeys and one 2-storeys also as previously. Blocks A & B would be 3-storeys and have 6x2 bed flats in each, Block C would also be 3-storeys and have 6x2 bed and 2x3 bed flats and Block D would be 2-storeys with 4x2 bed flats. However, there are two main changes, firstly the size of them has been reduced so that the total number of units would drop from 29 to 24 and secondly their location has been altered so that blocks C & D would not extend so far towards the Chapel. Block C to the northwest has been relocated 15m further from the Chapel than before, level with the cedar tree. Block D would now be a similar distance back, no closer than the footprint of the Music School. The gap between block C and the Chapel would now be 30m compared with 18m previously and the revised layout would increase this gap by 4m from the end of the existing single-storey outbuilding to be demolished. The designs are broadly as before. All existing trees would be retained. A 34 space car park would be constructed in the centre of the complex to serve the 24 flats.

APPLICANT'S CASE: See agent's letter dated 2 September attached at end of report.

RELEVANT HISTORY: Change of use of Ingrams from educational to sheltered housing, conversion of building to six 2-bed apartments with warden's accommodation, demolition of outbuildings and erection of 3-storey block of 18 apartments, single-storey rear extension, glazed link and sun room with car parking approved in 2002 following a Members' site visit.

29 flats in 4 blocks refused in July for reason of visual intrusion by blocks C & D into open gap between Music School and Chapel causing harm to the character and appearance of the Conservation Area, and adverse effect on cedar tree, contrary to Officers' advice following a Members' site visit. Demolition of Music School and outbuildings to rear of Ingrams and erection of replacement Music School opposite Lord Riche Hall approved in July.

CONSULTATIONS: ECC Transportation: No objections subject to conditions.

ECC Archaeology: No recommendation.

ECC Learning Services: Requests contribution of £41,472 towards educational infrastructure.

Environment Agency: No objections subject to conditions.

Anglian Water Authority: No objections subject to conditions.

Essex Wildlife Trust (re newts in the pond to the NW): To be reported (due 21 October).

UDC Specialist Design Advice: No objections subject to conditions.

UDC Specialist Landscape Advice: No objections subject to conditions.

UDC Specialist Local Plans Advice: No objections in principle. The development of sites like these make an important contribution to meeting the District's housing requirement. Density acceptable. Car parking provision not up to Council's standards.

UDC Environmental Services: Need to make provision for communal refuse and recycling facilities.

Landscape Advice: There are a number of trees on the site, however, these are shown to be retained within the proposed development.

I recommend that any approval is subject to conditions requiring protective measures to be put in place in order to safeguard existing vegetation to be retained during the course of the construction period. In addition, a fully detailed scheme of both soft and landscaping that should be submitted for approval.

PARISH COUNCIL COMMENTS: No comments but would expect some consideration of on-street parking restrictions in Stebbing Road if scheme implemented. (*Officers' comment : this would be a matter for ECC Transportation*).

REPRESENTATIONS: This application has been advertised and 7 representations have been received. Period expired 9 October

1. Object as before. Inappropriate use of site in terms of scale and purpose in context of village environment. Likely to exacerbate a traffic/parking problem which is already severe at times. Urge refusal and suggest revised scheme for two-storey development.
2. Support. Sympathetic and appropriate design and choice of materials. Help maintain school.
3. Urge that new buildings do not encroach beyond footprint of existing Music School in order to maintain sight lines across open space. More reasonable than the earlier application. However, it still seems an inappropriate development for the centre of a village which, has "... a unique character distinct from any other village in Uttlesford ... ". Hardly the location for 4 blocks of flats, especially as 3 of the 4 will be 3-storey blocks, competing with the listed building and out of scale with adjacent 2-storey Stocks boarding house. Detrimental effect of the added traffic on what is already a problem area.
4. Add to the congestion problem. Force residents to yet again endure disruption. The appearance of the proposed flats is not in keeping with the location. The centre of the village should retain its unique character. It would be totally spoilt by the aesthetically displeasing proposed development.
5. Revised proposals are certainly an improvement on the 'horror' mooted previously, BUT still concerned by the prospect of even more cars in this vehicle-infested village.
6. Aesthetically the plan now submitted is a considerable advance on the previous plan since the siting of the blocks of flats causes significantly less impact on this beautifully landscaped area. In particular views of the School Chapel from the Stebbing Road and the vista from the road through to the Bury Pond and Garden suffer far less interruption. However, Block D – the 2-storey block is not, as claimed in this application, within the area at present occupied by the Music School. Roughly one third of it is outside that area on the east side which does affect the view of the Chapel and the impact on the house opposite. Still have some reservations with regard to change of use from academic/communal to residential/private and change of character from 'village' to 'suburban/urban'. However, I feel the architects and Felsted School have gone a very considerable way towards producing a good design that would have far less negative impact than the previous scheme. This still leaves the problem of the closeness of Block D to the Stebbing Road.
7. Increased number of cars will be very much more of a problem – a terrible accident waiting to happen.

3 further letters received:

1) The proposed for development is more reasonable than the earlier application. However, it still seems an inappropriate development for the centre village. The distinct character of this Conservation Area would seem to be under threat. Our main objection to the plan is the detrimental effect of the added traffic on what is already a problem area.

2) The new plans place the two storey block adjacent to the road a few metres further forward than the present Music School. If permission is to be granted for this development, I would urge the Committee not to allow the flats to encroach beyond the limits of the present building. The extra height will, of course, have the effect of dominating the existing open space but at least the sight lines will not be substantially altered.

3) I am strongly opposed to the proposed development. The proposed development is completely unsuited to and out of keeping with this attractive area. The four proposed blocks of 4 flats are too tall, too close together and would hugely over fill and overdominate the area in a way that the present music school does not. Two of the blocks are too close to the road and would mar the view of the Chapel and the Bury garden from the road. The resultant change of use for this area, would greatly increase the noise pollution and disturbance levels. Traffic congestion and parking problems. There is insufficient parking for second cars of flat owners, cars of visitors to flats, visitors to Aubrey Cottage and White Gable, users of United Reform Church and its faculties not to mention the cars of those attending services, rehearsals and concerts in the school chapel. At pupil delivery and collection times there is already a logjam situation in the village and the Braintree and Stebbing roads. The flat occupants would have difficulty getting into and out of their car park at peak times. We really have reached saturation point.

PLANNING CONSIDERATIONS: The main issues are whether the revised proposal would overcome the previous reasons for refusal, i.e.

- 1) the loss of part of the attractive open space and its effect on the character and appearance of the Conservation Area (ADP Policies DC2 & DC8 and DLP Policies ENV1 & ENV8),**
- 2) the adverse effect on the health of the cedar tree (ADP Policy DC8 & DLP Policy ENV8) and**
- 3) whether there are any other material considerations to be taken into account.**

1) Blocks A & B closest to Ingrams were considered acceptable on the original scheme and remain largely unchanged, although block B would now be nearer to the listed building. It was agreed previously that they would create an attractive courtyard which would enhance the setting of Ingrams. Permission to demolish the existing Music School and outbuildings to Ingrams has already been granted and their replacement with a three-storey block of 18 apartments has already been granted and can still be implemented. Block C would be a 3-storey building, as was that approved, but of considerably higher design quality. Whilst it would extend the built form 13m further north compared with the scheme approved last year, it would be 15m further away from the Chapel compared with the refused scheme and 4m further from the Chapel than the existing outbuildings which will be demolished. Furthermore, by being a detached building from block B, unlike the approved scheme, a gap would be created through the development which would enhance the appearance of the Conservation Area from in front of the small UR Church in School Road.

The 2-storey block D has been significantly reduced in size and angled to the road, so that its effect on the open space has been lessened. It would have a frontage of 15m compared with 26m before and would now be mainly on the footprint of the Music School. (At its nearest corner would be 15m away from the front garden of the nearest dwelling opposite, compared with 14m and the proposed angle would also reduce its effect on the amenities of

neighbours opposite. This is assisted by the relocation of living room windows away from the front elevation as previously negotiated).

On balance, therefore, it is considered that the revised proposal has more merit than the previously approved scheme and the first reason for refusal has been overcome.

2) Block C would now be 9m from the trunk of the cedar tree compared with 7m on the refused layout. This would be sufficient to avoid any material harm to its health, subject to a condition ensuring its protection during construction. It is, therefore, also considered that the second reason for refusal has been overcome.

3) The **setting of the listed Ingrams building** has been carefully assessed and it is considered that it would be enhanced by the revised proposal, particularly due to the improved layout and design compared with the previous approved development. It is also considered that the **setting of the listed Chapel** would be preserved by retaining sufficient distance between it and the new development and the retention of all the existing trees.

The issue of **car parking** should be considered in the light of Government advice on sustainability. 34 spaces to serve 24 flats (1.4 spaces per flat) is considered reasonable and bears favourable comparison with the previous scheme (36 for 29 or 1.25 spaces per flat) where it was not a reason for refusal.

The issue of **affordable housing** also needs to be considered. The applicant now proposes 24 new-build flats compared with 18 approved last year. Although this is just below the minimum required for affordable units to be needed, the scheme is an integral part of the conversion of Ingrams where six sheltered units and a warden's flat are to be provided. This would take the comprehensive redevelopment to 30 units and it is Government advice to look at such schemes as a whole rather than in isolated parts. In principle, therefore, affordable accommodation is still required and the approved conversion of Ingrams to sheltered accommodation (or key-worker teaching staff) would meet this requirement.

CONCLUSION: The revised proposal has been extensively renegotiated and is now considered acceptable, subject to conditions and a Section 106 Agreement.

RECOMMENDATION: APPROVAL WITH CONDITIONS & SECTION 106 AGREEMENT

1. C.2.1. Time Limit for commencement of development.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.4.4. Retention/replacement of trees.
6. C.4.6. Retention and protection of trees during development.
7. C.4.7. Detailed landscaping survey to be carried out.
8. C.4.8. Landscape management and maintenance plan to be submitted, agreed and implemented.
9. C.5.2. Details of materials to be submitted agreed and implemented.
10. C.5.5. Clay plain tiles.
11. C.7.1. Slab levels to be submitted, agreed and implemented.
12. C.8.26. Internal sound insulation to flats.
13. C.8.27. Drainage details to be submitted agreed and implemented.
14. C.11.6. Provision of car parking facilities.
15. C.15.1. Superseding previous permission.
16. C.25.3 No airport-related parking.

SECTION 106 AGREEMENT:

1. Educational infrastructure contribution
2. Inclusion of six affordable, sheltered or key worker units

Background papers: see application file.

UTT/1399/03/FUL - HIGH EASTER

(Revised report)

Change of use of land from agricultural to seasonal ice rink.

Easter Hall. GR/TL 611-151. Ambershire Ltd.

Case Officer *Richard Aston 01799 510464*

Expiry Date: 06/10/2003

NOTATION: Outside Development Limits/Special roadside verge.

DESCRIPTION OF SITE: Easter Hall Farm is a c.350ha arable farm located between the villages of High Easter and Aythorpe Roding. The main farmyard comprises five modern agricultural style buildings used for farming purposes and also for seasonal Christmas sales as approved pursuant to UTT/0774/02/FUL. The land on which the proposed ice rink would be sited, is to the western side of unit 3, which is located in the south western corner of the yard.

DESCRIPTION OF PROPOSAL: The proposal details the change of use of land approximately 200m² to the rear of Barn 3 (the Christmas Retail Sales building previously approved under UTT/0774/02/FUL from Agricultural to a seasonal ice rink (D2) 30 November – 7 January.

APPLICANT'S CASE: See supporting statement dated August 2003, received 11 August 2003 attached at end of the report.

RELEVANT HISTORY: Proposed erection of agricultural building, approved 1977, 1978, 1980. Part change of use of land and buildings from agricultural to seasonal Christmas retail sales, approved 2002.

CONSULTATIONS: Environmental Services: No adverse comments.

ECC Highways: Having regard to the existing traffic use and the additional traffic which this proposal is likely to generate or attract, the road which connects the proposed access to the nearest traffic distributor is considered to be inadequate to cater for the proposal while providing reasonable safety and efficiency for all road users owing to its unsatisfactory width, alignment and construction.

Local Plans: The proposed use is temporary and appears to be relatively low key. In policy terms there is no objection to this proposal providing there is no adverse impact on the character of the countryside.

ECC Archaeology: No archaeological recommendations.

Environment Agency: No objections.

PARISH COUNCIL COMMENTS: No objections in principal, provided the dates of use are adhered too and that no music is played during use.

REPRESENTATIONS: Four representations have been received. Notification period expired.

Summary – The level of traffic generated during the last Christmas period was more than sufficient to compromise amenity. Because there are varying width restrictions affecting the three lanes that approach the property there has been noticeable damage to roadside verges. Should you however decide to grant planning permission I would personally prefer this to be of a temporary nature with Uttlesford District Council taking active steps to monitor traffic density. Objection on the grounds the local road network cannot cope with any

increased traffic levels and the extra traffic that would be generated would be excessive for the location and environment. Given the proximity of the development to our cottage we are concerned about its potential impact, however given the position of the rink and the conditions stipulated, no objections are raised.

I wish to lodge an objection this application would affect an Uttlesford Special Roadside Verge. Special verges are listed in the forthcoming Uttlesford Local Plan as 'other landscape elements of importance for nature conservation'. Planning policy ENV7 refers. An increase in the volume of traffic along this road due to the above application will result in erosion and damage to the verges and the plants (and seed reservoirs) that are found there. In the Uttlesford Futures Community Plan (2003) Uttlesford undertakes to 'maintain the number of viable roadside verges that are managed for the benefit of crested cow wheat, Lesser calamint and **sulphur clover**'. Therefore this application should be refused.

Uttlesford Special Roadside verge representative.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the intensification of the Christmas related activities at Easter Hall could be accommodated by the adjoining road network in accordance with ERSP LRT3 and ADP T1, DLP E3 and GEN1**
- 2) whether the formation of an ice rink in this location is an appropriate use in this rural area and whether the proposal would have a detrimental impact on rural amenity and the residential amenity of adjoining occupiers (ADP C4, E3, REC6, DC1, DC14 and DLP LC4, GEN8, GEN4)**
- 3) whether the activities would lead to a level of traffic travelling along local road that would be likely to adversely affect the roadside verges which are recognised in the local plan as being of importance to nature conservation (ERSP NR6, UDP C3 & DDP ENV7)**

1) During the opening retail sales period, visitors are directed to the site from the B184 Great Dunmow Road at the Axe and Compasses public house and from the A1060 Chelmsford Road via Leaden Roding. As stated in the supporting documentation signage is provided by the RAC each year under a joint agreement between the RAC and Essex County Council. The site however is not served by any public transport which means that all movements would have to be by private car which is unsustainable and encourages private car use. Although it is acknowledged that the rink will only be used for a relatively short period, (between 30 November and 7 January) Essex County Council Highways have recommended refusal of the application because the road which connects the proposed access to the nearest traffic distributor road is considered to be inadequate to cater for the proposal and the amount of traffic it is likely to generate whilst still providing reasonable safety and efficiency for all road users, owing to its unsatisfactory width, alignment and construction. It is considered that no material considerations exist that could warrant setting aside this fundamental objection to the proposal.

2) The use of the land as an ice rink is supported by Policy C4 of the ADP which seeks to promote enterprise and development which diversifies and enhances the rural economy, in line with National Planning Policy Guidance Note 7 and the Rural White Paper. However this guidance makes it quite clear that whilst diversification should be encouraged, it should conserve planning interests in the countryside. It is acknowledged that the change of use of land from agricultural to a D2 use is in principle acceptable, therefore the main issue is whether or not this particular change of use is acceptable in this location. Under the current planning permission (UTT/0774/02/FUL), the use of part of the land and buildings for the seasonal sale of Christmas goods is restricted between 31 October and 24 December with a further restriction that no member of the public be present on site before 9:00am and after

18:00pm on Mondays to Sundays. The application proposes that the new facility will be open to members of the public between 30 November and 7 January with operating hours of 9:00am and 21:00pm Mondays to Saturdays and 9:00am to 18:00 on Sundays. The facility will therefore not open until one month after the start of the seasonal retail period, but would continue for a further period of 14 days after the sales period ends. The estimated vehicular flow to the site is stated as being an average of 100 per day. If permission were to be granted for the ice rink, which would operate for an extra 3hrs each evening it has the potential to create a minimum of 18 – 30 extra vehicular movements to the site beyond the current opening hours, based on the applicants supporting information. However this is a conservative estimate and it is considered that the facility which if fully utilised can hold up to 60 skaters at any one time, given its location, together with the lack of similar facilities in the surrounding area has the potential to generate considerably more vehicular movements to and from the site above and beyond the current estimate. Furthermore, the supporting information states that the rink it is *'expected that the main users of the proposed ice rink during retail sales opening hours will be children, who will be able to skate for half an hour while their parents visit the main sales areas'*. Officers do not concur with this view as it is considered that because of the lack of similar facilities in the area, the ice rink has the potential to become a stand-alone attraction in its own right.

As stated in (1), because of the nature of the local road network together with the rural location of the site, it is considered that the proposal would intensify the current uses on the site to a level that would be detrimental to rural amenity and the residential amenity of adjoining occupiers because of the potential level of traffic it would potentially create, especially during the dark evenings and between the period of 24 December and 7 January when the seasonal retail sales cease. It is also worth noting that this period would also allow children to use the facility as it is the Christmas holiday period for schools, potentially giving rise to greater vehicle movements during the day.

3) The roads in the local area are narrow and one of the two principal means of reaching the site, identified in the applicant's case, is identified in the adopted local plan and the deposit local plan as being of significance to nature conservation. These verges represent uncultivated areas in intensively farmed areas where rare plants may still be found. There are few identified verges within the district and therefore they represent a rare resource. Notwithstanding the applicant's comments that the rink would be used by people already attending the retail activities on site, it is likely to represent a draw in its own right, especially as it is proposed to continue operating later in the evening than the retail activities and for a longer period of the year. As a result of this there is likely to be a greater volume of traffic and a commensurate greater likelihood of damage to the verges.

COMMENTS ON REPRESENTATIONS: It is considered that although a temporary condition could be imposed restricting the period of use, it would be unreasonable to impose restrictions on hours of operation as the agents statement of support states that *'any reduction of the proposed hours of operation for the ice rink would be resisted, as the project would simply not be financially viable'*.

CONCLUSIONS: Although National Planning Guidance and Local Plan Policies seek to encourage diversification of existing rural farms, it is clear that this should not be to the detriment of rural character or residential amenity. Whilst in principle the provision of an ice rink is acceptable, the intensification of the existing 'Christmas in the Easters' could not be supported by the local road network and would be detrimental to rural amenity and the residential amenity of adjoining occupiers. Furthermore, it is considered that no other material considerations exist to warrant setting aside the fundamental objection from Essex County Council to this intensification.

RECOMMENDATION: REFUSAL REASONS

1. The proposal would be unacceptable because, having regard to the existing traffic generation that 'Christmas in the Easters' creates and the additional traffic which this proposal is likely to attract, the road which connects the proposed access to the nearest traffic distributor is considered to be inadequate to cater for the proposal whilst providing reasonable safety and efficiency for all road users owing to its unsatisfactory width, alignment and construction, contrary to Policy LRT3 of the Essex Replacement Structure Plan 2001, Policy T1 of the 1995 Adopted District Plan and Policy E3 and GEN1 of the Uttlesford Local Plan Revised Deposit Draft October 2002.
2. The proposal would be unacceptable because the intensification of the existing 'Christmas in the Easters' business would have a detrimental impact on rural amenity and the quality of life currently enjoyed by local residents, by virtue of traffic generation and associated noise and disturbance, contrary to Policies C4, REC6 and DC14 of the 1995 Adopted District Plan and Policy GEN4 of the Uttlesford Local Plan Revised Deposit Draft 2002.
3. The proposal would be unacceptable because the related increase in the traffic travelling to and from the site would be likely to adversely affect a special roadside verge contrary to Policy NR6 of the Essex Replacement Structure Plan 2001, Policy C3 of the 1995 Adopted District Plan and Policy ENV7 of the Uttlesford Local Plan Revised Deposit Draft October 2002.

Background papers: see application file.

UTT/0785/03/FUL – LANGLEY

Change of use of agricultural land to rally driving school for eighty days per year.
Langley Lawn Langley Lower Green. GR/TL 425-350. Langley Park Rally School.
Case Officer: Mr G Lyons 01799 510458
Expiry Date: 23/07/2003

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

DESCRIPTION OF SITE: The site is located at the edge of the district to the west of Langley Lower Green on farmland associated with Langley Lawn. The track to be used is situated approximately 250 metres east of Langley Lawn and is accessed along a rough track from the farm. The track, used as part of the existing rally school, is approximately 450 metres in length and is located between two agricultural fields. The site is quite open in character with some trees to the south and east providing screening. Nearby is Nuthampstead airfield.

DESCRIPTION OF PROPOSAL: The applicant wishes to extend the use of the rally school from the present 14 days per year (as permitted for temporary uses of land for rallying purposes) to 80 days per year. 60 of these days will be for private/corporate courses with 20 of the days used to provide pre-event testing facilities. There would be no competition at the site and the courses are under driving instruction at all times using the rally school cars. Ten parking spaces are available for visitors at the farm. Corporate bookings are intended for 12 people maximum. There are no corporate facilities proposed at the site apart from tea and coffee and clients are encouraged to use the local public house for refreshments during the break between morning and afternoon sessions. The testing would be under the applicant's supervision and would be on average 2/3 hours, one car at a time and up to current scrutaneering standards supervision. There will be no practice racing when testing; it is simply a monitored facility to test the performance and safety of vehicles prior to an event.

APPLICANT'S CASE: See supporting letter and statement covering general details of the proposal attached at end of report. The applicant is using up most of the 14 days allowed under permitted development and feels that they need to extend the time that they can operate in view of the increase in demand for their services. It is intended that only one vehicle will be used at any given time for driver instruction and only one car is to be used at any given time for vehicle testing.

CONSULTATIONS: Essex County Council Specialist Archaeological Advice - No archaeological recommendations are being made on this application.

UDC Environmental Services – No adverse comments.

North Hertfordshire District Council – Concerned about the possibility of noisy vehicles entering the site in view of the noise standards for rally cars probably being irrelevant for this application. A time limit of 12-24 months should be put in place to enable a review of the situation at that time. Hours of use should be restricted between 8 am to 7pm with a different finishing time in the winter months when the amount of daylight is less.

The number of vehicles able to be used on the site at any one time should also be restricted i.e., no more than two vehicles under instruction and one vehicle under testing.

East Hertfordshire District Council – No comments received.

PARISH COUNCIL COMMENTS: No objections but the council would like you to consider the potential noise and increased traffic impact upon the community at large. They ask you that no rally activities should be permitted on a Sunday.

REPRESENTATIONS: Three letters have been received. Advertisement expired 20 June 2003.

Summary: Concerned about the potential noise and disturbance if the rally school is used extensively at weekends, particularly from traffic travelling through the village to get to the site. The open days are the events that cause the most disturbance and these should be limited. Appropriate conditions should be used. The proposal conflicts with the leisure activities of many people living in Langley.

PLANNING CONSIDERATIONS: The main issue is whether the proposed development

- 1) will affect the amenities of local residents in Langley Lower Green and**
- 2) is an appropriate form of development in the countryside. (ADP Policies C1, C2, DC14 and DLP Policies ENV4, GEN4)**

1) The proposed use of the land as a rally school raises issues associated with noise spillage from vehicles used on the track. The land is already being used for 14 days of the year for rallying purposes and there does not appear to be significant concern from local residents or complaints received to Environmental Health in connection with noise disturbance. It is worth noting that the applicant has been using the land for 28 days for rallying purposes without consent but the interpretation of the Class B.2 (b) in the General Permitted Development Order 1995 Schedule 2 Part 4 restricts this kind of use to 14 days maximum before consent is required.

The additional 66 days of use brings the total number to 80, which is the equivalent to 1¹/₂ days per week throughout the year. The applicant has stated that they will not be using the facility on Sundays but there is an annual open weekend to raise funding for a local charity. The nearest residential neighbour is approximately 650 metres to the east of the farm and is nearly 1 km away from the area used for rally instruction. There are approximately 20 residential dwellings in Langley Lower Green that are within 800 metres of the farm and 1.1 km away from the area used for rally instruction. Environmental Health Legislation will deal with any possible noise disturbance under Statutory Nuisance, but so far, there have been no complaints received regarding the current use of the site. The inclusion of appropriate conditions will enable the use of the land to be controlled in the interest of local amenity and prevent any future conflict from occurring.

2) Motor sport uses, for which there will be no competitive racing in this instance, are best suited in locations well away from residential dwellings. This inevitably will be in the countryside with old airfields providing the necessary terrain to undertake such activities without significant investment required for hard surfacing. The proposed rally school, on the edge of Nuthampstead airfield is at least 1km away from the nearest residential dwelling and the prevailing wind would take the noise of vehicles away to the south west of the site. The impact on the countryside setting will be negligible in terms of physical alteration to the landscape and the land could be returned to its original condition very quickly once the use ceases. It is not expected that large numbers of vehicles will arrive at the site at the same time in view of the maximum number for corporate bookings being 12. Therefore, it would be hard to argue significant disturbance to residents living in Langley Lower Green and surrounding, particularly as there will be only 20 days for testing purposes and hence only 20 days where rally vehicles will actually be transported to the site, and even then, they will not be driven direct but arrive on a trailer.

It is difficult, therefore to justify why the location is not suitable for a rally school in view of the minimal impact on the countryside and residential amenity as discussed above

CONCLUSIONS: The use of the land as a rally school would seem acceptable provided that it is used at sensible hours of the day and not for competitive purposes. The impact on adjoining neighbours would seem to be minimal for its present temporary use and, with appropriate conditions; additional use of the facility could be acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. The use hereby permitted shall be discontinued on or before 30 November 2005 and the site returned to its original condition unless an application has been received in writing by the local planning authority before this date for its renewal.
REASON: To allow the impact of the proposed development to be assessed in terms of disturbance to local residents and allow any future request to use the site to be assessed on this basis at the time.
2. C.3.1. To be implemented in accordance with approved plans.
3. The Rally School hereby permitted shall not be used before 8am on Mondays to Saturdays nor after 7pm Mondays to Saturday and at no time on a Sundays or Public and Bank Holidays.
REASON: The use of this site outside these hours would be likely to cause nuisance and disturbance to adjacent residents.
4. C.14.1. Permission personal to applicant.
5. The Rally School hereby permitted shall be used by no more than one vehicle at any given time for the purposes of driver instruction and shall not be used for competitive racing of any type. Only one vehicle shall be used at any given time for the purpose of vehicle testing.
REASON: The site is situated in a sensitive rural location and is not appropriate for use as a competitive track in the interest of local amenity.
6. The use of the site for rally driving and pre-event vehicle testing for more than eighty days per year, excluding Sundays and Bank and Public holidays.
7. No more than twelve visiting members of the public at any one time shall attend the rally events hereby permitted.
REASON 6+7: In the interests of the appearance a character of the countryside.
8. Within one month of the date of this permission, details of visitor, staff and rally car parking areas shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details within three months of the date of approval. Such areas shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: To ensure adequate parking spaces are available and in the interests of the appearance and character of the countryside.
9. At no time shall the application site be used for the servicing and general repair of rally and event vehicles.
REASON: In the interests of the appearance and character of the countryside.

Background papers: see application file.

UTT/0814/03/FUL - ELSENHAM

Construction of new health facility, swimming pool, reception, café extension, 5 new bays, 40 car parking spaces and ancillary works

Elsenham Golf Centre Glebe Field Road. GR/TL 546-264. Elsenham Golf Centre.

Contact Officer: Mr J Mitchell 01799 510450

Expiry Date: 01/08/2003

NOTATION: Countryside Protection Zone.

DESCRIPTION OF SITE: The site adjoins the clubhouse of the Elsenham Golf Course. This is located between Elsenham and Molehill Green. Buildings on site comprise the clubhouse, pro shop and driving bays together with a greenkeepers store, and are located in the northwest corner of the course. There is parking for 94 cars. The premises provide for golf, golf tuition, keeping fit, changing rooms, beauty therapy, shop and café bar. The 9 hole golf course has been laid out on a restored former sand quarry and is being remodelled to provide 18 holes.

DESCRIPTION OF PROPOSAL: It is proposed to extend and remodel the clubhouse to provide a new swimming pool, dance area and gymnasium. The new floor area would be 930 sq m, and the extension would be low rise, having a height of 5m with a shallow curved roof. Materials would be a combination of aluminium panels and the roof, because of its wide span, would be raised seam sheeting. The car park would be extended to accommodate 138 vehicles.

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

RELEVANT HISTORY: Permission was granted for the change of use of the restored land to a golf course in 1987, and amended subsequently.

CONSULTATIONS: Essex CC Highways: No objections.

Environment Agency: Require conditions relating to landfill gas and drainage.

Anglian Water: None received (due 19/07/03).

PARISH COUNCIL COMMENTS: None received (due 10/07/03).

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the proposed development is acceptable in the countryside protection zone (Policy S4 ADP, Policy S8 DLP, Policy C5 E&SRSP)
- 2) whether the proposed development complies with the Council's policies for leisure and cultural provision (Policy REC 6 ADP, Policies LC2 and LC4 DLP, Policy LRT 3 E&SRSP) and the aims of PPG17
- 3) parking and access.

1) The Council's policies seek to protect the countryside for its own sake. The purpose of the countryside protection zone (CPZ) is to maintain a local belt of countryside around the airport that will not be eroded by coalescing developments. Permission will only be granted for development that is required to be there or is appropriate to a rural area. The golf course is relatively isolated and while the proposed extension of the clubhouse would be substantial in relation to the existing buildings it is considered that it would not be out of place in the context of existing built development at the golf course. The proposed building would be low-rise and constructed of high quality materials. It could be argued that the development

would strictly be contrary to the CPZ policies but given the existing uses on the site it is considered, exceptionally, that the proposed development would not harm the objectives of planning policies.

2) The Councils policies encourage the provision of outdoor sport and recreational facilities, including club houses. The proposed development would extend the range of facilities provided at the Golf Club and the intention of the applicants is that these uses will be compatible with the facilities already available, thus enabling families to use different facilities on the site simultaneously. This would be compatible with the aims of the policies, PPG17 and the Council's own leisure strategy.

3) Car Parking and access would be adequate, and no changes would be required to the access. The number of trips would not increase significantly because the development would enable family use of the site, encouraging shared journeys.

CONCLUSIONS: The proposed development while strictly contrary to the policies applying in the CPZ would not harm their objectives. It would enhance the range of facilities on the site and be compatible with the aims of the Council's and national policies for sport and recreation.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1 Time limit for commencement of development.
2. C.3.1 To be implemented in accordance with approved plans.
3. C.4.1 Scheme of landscaping to be submitted and agreed.
4. C.4.2 Implementation of landscaping.
5. C.4.8 Landscape management and maintenance plan.
6. C.8.22 Control of lighting.
7. C.9.1 No outdoor storage.
8. C.11.7 Standard vehicles parking facilities.
9. C.25.1 Airport related parking conditions.
10. No development approved by this permission shall be commenced until a landfill gas risk assessment has been submitted to and approved in writing by the Local Planning Authority. Where a risk from migrating gas is identified, appropriate works to mitigate the effects of gas shall be incorporated in detailed plans to be approved by the Local Planning Authority.
REASON: To protect people on or close to site from the risks associated with migrating landfill gas.
11. No soakaways shall be constructed in contaminated ground.
REASON: To prevent pollution of groundwater.
12. The construction of the surface and foul drainage system shall be carried out in accordance with details submitted to and approved in writing by the Planning Authority before the development commences.
REASON: To prevent pollution of the water environment.

Background papers: see application file.

UTT/1414/03/DFO - STANSTED

Erection of 3 blocks of residential accommodation with associated basement car parking to create 6 no. one-bed units, 34 no. two-bed units and 57 no. car parking spaces.

Land r/o 10-20 Silver Street. GR/TL 509-250. H J Hagon.

Case Officer: *Hilary Lock 01799 510486*

Expiry Date: 07/10/2003

NOTATION: ADP: Within Development Limits/Conservation Area/Village Centre/adjacent to Listed Building

DLP: Within Settlement Boundary/Conservation Area/Residential Land (Policy SM2)

DESCRIPTION OF SITE: This is a 0.24ha site in the middle of Stansted, within the defined Village Centre in the Adopted District Plan. It is located on the western side of Silver Street approximately 70m south of the junction with Bentfield Road and Chapel Hill. The site slopes down from north to south, but also from the road back into the site. It contains a two-storey slate and rendered building used for offices. The building is of no architectural merit and consent for its demolition has been granted. To the south of the site is a public house and carpark. The rear (western) section of the site is open and used for car parking, and there is a single-storey building in the southwestern corner. Along the back boundary is a rear access to properties in Cannons Mead. The northern boundary is defined by the rear wall of a residential block, and windows from these flats overlook the site.

DESCRIPTION OF PROPOSAL: This is a Reserved matters application in respect of UTT/0626/01/OP, for the erection of 40 flats comprising six one-bed units and thirty-four two-bed units. These will be in the form of three blocks, which would be three and four stories high. The proposal includes provision of sixty-one car parking spaces, all to be accommodated in a basement.

The frontage building would have three storeys and a height of 11m. It would accommodate six two-bedroom units. The second and third floor units would all have small balconies. A distance of 8.5m is proposed to 'Block B' behind, created by a communal amenity area.

The rear blocks ('B and C') would be four storeys, 14m high, and of the same design. Each unit would have a patio or balcony, slightly larger than the frontage block. Block B would be positioned between 3m and 4.8m from the boundary with the public house and its car park. The distance to the rear boundary would range from 5.2m to 7.2m. The two-storey houses beyond have rear garden depths in the region of 21m.

Block C would be set 6.5m – 7.8m from the rear boundary, but the closest house would be only 13.5m away. Distances to the frontage buildings would be 6.4m – 13.3m, and 3.2m from the northern boundary at the point closest to the windows of the adjacent flats. There would be habitable windows and/or balconies looking towards\ all of the adjacent properties.

Landscaped boundaries are indicated on the plans but little screening is afforded at present by planting.

APPLICANT'S CASE: Have made amendments following discussion with Officer earlier this year. See agent's letters dated 6 August 2003 and letter from Barker Parry dated 6 August 2003 attached at end of report.

RELEVANT HISTORY: Outline planning permission granted in 1995 for erection of 40 flats and alteration to access. This was renewed in 1998 and 2001. Conservation Area consent

was granted in 1993 for demolition of 18 & 20 Silver street and building at rear. This was renewed in 1997, 2001 and 2003.

CONSULTATIONS: Environmental Services: Query provision for refuse storage. Refuse bin stores are to be no further than 20m from public highway.

ECC Schools Service: Based on latest School Organisation Plan November 2002, there will be sufficient primary places at a local school serving this development. In the case of secondary provision it is forecast that there will be a deficit of 274 places by January 2007 at the local school. Estimate the development would result in four additional secondary places being required. Request developer contribution of £40,800.

Thames Water: No objection with respect to sewerage. Advice regarding surface water disposal.

Environment Agency: No objection. Advice for applicant.

UDC Policy: Application falls within the criteria where affordable housing can be sought (i.e. over 25 units), but it was not a condition on the outline permission.

ECC Transportation: No objections.

Design Advice: Proposed design is likely to positively contribute to the character of the conservation area, subject to conditions.

Landscaping: To be reported.

PARISH COUNCIL COMMENTS: To be reported - Due 12/9/03.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 11/9/03.

PLANNING CONSIDERATIONS: The main issues are

- 1) the effect on the character and appearance of the Conservation Area (ERSP Policy HC2, ADP Policy DC2 & DLP Policy ENV1).
- 2) the effect on residential amenity (ADP Policy DC14 & DLP Policy GEN4).
- 3) whether the operational layout of site meets standards for parking, amenity space and access and circulation. (ADP Policy DC1 & DLP Policy GEN2) and
- 4) whether there is any material reason why the proposal need not make provision for affordable housing and a contribution to school places in the area.

1) The design of the proposed buildings is considered appropriate in this location and is likely to positively contribute to the character of the conservation area, subject to appropriate materials and details. These matters could be addressed by conditions.

2) The outline permission showed an indicative scheme for forty units with the buildings being no more than 2 ½ - three storeys, and 11m high. Although this proposal improves slightly the distances from the rear boundary, it provides a poorer relationship with the frontage buildings, and increases the impact on all adjacent properties due to the increased height of buildings and the introduction of balconies. The effect of Block A should not be unreasonably detrimental to residential amenity, but the proximity of Blocks B & C to the houses at the rear, the flats to the north east, and the single two storey house on the frontage would be unacceptably close. The proposals would give rise to significant levels of overlooking and overshadowing, and would generally have an unacceptably overbearing impact due to their excessive height.

3) ECC Transportation has no objection to the proposal. Most of the units have individual balconies or patios, and the development provides adequate communal amenity space. No space has been indicated for bin stores, but provision could be made within the communal areas.

The outline permission required the provision of eighty parking spaces. Since that time, government guidance has changed, resulting in lower parking requirements. The outline approval requiring 2 spaces per dwelling is considered to be excessive in light of current guidance, considering the central location of the site and the proximity to public transport. The current parking requirement would be 1.5 spaces per dwelling resulting in a need for 60 spaces. The proposal would meet current parking requirements and this is considered to be adequate in this central location.

4) Although the original permission was granted in 1995, it was renewed in 1998 and 2001 without a requirement for affordable housing being sought, there being no policy in the adopted Plan to support such action at that time. It is not considered appropriate or reasonable to impose such a requirement on a Reserved Matters application. However, the requirement for a Developer Contribution to school places is considered reasonable, as it is the type of accommodation now proposed which has driven the need for such contribution.

COMMENTS ON REPRESENTATIONS: In order for affordable housing to form part of the development, it would need to have been sought at outline stage. This was not the case and as planning permission for open market housing has already been granted, a request for affordable housing cannot now be made.

CONCLUSIONS: Although the principle of the number of units has been accepted on this site, the size and positioning of the rear blocks could give rise to significant loss of amenity to surrounding residents. .

RECOMMENDATION: REFUSAL

The proposed construction of the two four-storey blocks of flats at the rear of the site could give rise to significant loss of amenity to surrounding residents, by virtue of overshadowing, overlooking and an unacceptably overbearing form. This dominant impact would be due to the excessive height combined with the unacceptably close positioning to site boundaries and the properties beyond. The loss of privacy would result from the position of windows serving habitable rooms, and the use of balconies throughout the development. The proposal is therefore considered contrary to ADP Policies DC1 and DC14 and DLP Policies GEN2 and GEN4.

The proposals fail to include provision of a Developer Contribution to secondary school places of £40,800, and as such would fail to meet the requirements for education services generated by the Development, contrary to Policy BE5 of the E&SRSP.

Background papers: see application file.

1) UTT/1519/03/FUL & 2) UTT/1520/03/LB - GREAT DUNMOW

Conversion of outbuilding to form 7 additional bedroom units
The Saracen's Head Hotel High Street. GR/TL 626-219. Mr Pierce Campion.
Contact: Mr M Ovenden 01799 510476
Expiry Date: 07/11/2003

NOTATION: Within Town Centre/ Adjacent to listed building/Conservation Area.

DESCRIPTION OF SITE: The Saracen's Head Hotel is located on the southern side of the High Street in Great Dunmow, opposite Market Place. The barn to be converted lies behind the hotel and is adjacent to existing hotel accommodation (24 rooms) and parking areas for the hotel and accommodation. The parking area and subject building can be accessed from the rear via Chequers Lane.

DESCRIPTION OF PROPOSAL: The proposal involves conversion of an existing barn to 7 units for additional hotel accommodation. Four single and 3 double rooms are proposed. A total of 31 car spaces are shown in the car park immediately to the rear of the hotel to cater for the 31 rooms in total as a result of this application. Another car park exists in the same ownership to the east of the barn to be converted. The existing barn is used for car parking and storage in association with the hotel.

APPLICANT'S CASE: "The existing outbuildings are at present used for garaging, storage and workshop and are not in the best of condition. The proposed conversion into bedrooms would make better use of the building and provide the opportunities to repair and improve the buildings".

RELEVANT HISTORY: UTT/0462/99/FUL & UTT/0463/99/LB- Application for the erection of 2-storey extensions to provide 24 hotel rooms with associated car parking withdrawn by the applicant.

CONSULTATIONS: Specialist Design Advice: The barn subject of this application in the curtilage of the Saracen's Head Hotel a C16 timber framed and plastered building listed Grade II. The barn is of early C19 origins and therefore considered to be listed. It is an attractive structure under an impressive hand made plain clay tiled roof, which greatly contributes, to the setting of the listed hotel.

The proposal subject of this application is the conversion of this building to a further hotel accommodation. In principle it appears to be good use for this historical structure subject to conditions.

ECC Transportation: No objections.

Water Authority: No reply by due date.

ECC: No reply by due date.

H & B Services: Units will need to meet building regulation sound insulation requirements but this can be dealt with at the building regulation submission stage.

TOWN COUNCIL COMMENTS: Support with a condition that adequate parking spaces (minimum 10 spaces) are allocated and clearly marked in the car park for staff and casual customers.

Comment: The proposal complies with Council's parking standard (adopted and draft) for hotel accommodation by providing 1 space per room and the standards represent maximum requirements. Given the nature of the accommodation and the public transport available in

the Town Centre, the parking standards are considered adequate to meet the demands of this proposal.

REPRESENTATIONS: This application has been advertised and 1 representation has been received. The Dunmow Society raised the concern over the provision of 2 car spaces in relation to the approval for 2 flats across the road at 7 High Street. Period expired 7 October 2003.

PLANNING CONSIDERATIONS: The main issues are whether the proposal

- 1) **is consistent with Council's Policies for Tourist Accommodation: REC2 of the ADP 1995- Tourist Facilities within Settlements and LC6 of the Revised Draft DLP 2002- Hotels and B & B Accommodation.**
- 2) **conforms with design guidelines in a conservation area and adjacent to a listed building under Policy DC5 of the ADP 1995- Development Affecting Listed Buildings and Policy DC7- Unlisted Buildings in Conservation Areas and ENV1 and ENV2 of the Revised Draft DLP 2002.**
- 3) **will affect the amenity of surrounding properties under Policies DC14 of the ADP 1995- General Amenity and GEN4 of the Revised Draft DLP 2002- Good Neighbourliness**

1) The principle of the proposed conversion of the barn to hotel accommodation is generally acceptable provided that nearby residents would not be affected by noise, traffic or parking nuisance. The proposal is considered to conform with the policy as the building to be converted is significantly separated from nearby residents, has satisfactory access from Chequers Lane and complies with Council's parking requirement of 1 space per room. Adequate parking will also be available for the hotel component of the site in the south-eastern car parking area.

2) The proposal has been negotiated with Council's Conservation Officer and has been endorsed as having a satisfactory relationship to the conservation area and nearby listed hotel premises. The works involved to convert the building are mainly confined to internal fittings with no new built area which preserves the setting of the nearby listed hotel building. Conditions to ensure a sympathetic conversion have been imposed.

3) As stated above, the building to be converted is sufficiently separated from surrounding residential premises to avoid aural and visual privacy impacts. The nature of the use is also unlikely to be responsible to affect other uses in the Town Centre.

COMMENTS ON REPRESENTATIONS: The applicant submitted an amended plan allowing for the provision of two car spaces in relation with the two new units at 7 High Street in the car park in the south-eastern parking area.

CONCLUSIONS: The proposal satisfies the requirements for the conversion of buildings to Tourist accommodation within Town Centres, in a Conservation Area and nearby to a Listed Building. The nature of the use is considered appropriate in the Town Centre and is acceptable in relation to traffic and parking issues.

RECOMMENDATIONS:

1) UTT/1519/03/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.11.1. Standard vehicle parking facilities

2) UTT/1388/03/LB – LISTED BUILDING CONSENT WITH CONDITIONS

- 1. C.2.2. Time limit for commencement of development.
- 2. C.3.1. To be implemented in accordance with approved plans.
- 3. All existing sound hand made plain clay tiles shall be re-used and any shortfall shall be made up with matching materials.
REASON: To protect the structural integrity and appearance of the subject building.
- 4. All weatherboarding shall be featheredged and painted black.
REASON: To ensure an appropriate external appearance of the subject building in its setting.
- 5. All external joinery shall be timber and painted black to match the boarding.
REASON: To ensure an appropriate external appearance of the subject building in its setting.
- 6. No elements of the historic timber frame to be cut and removed without inspection and consent.
REASON: To protect the setting of the group of buildings.
- 7. All internal subdivisions shall be constructed in timber and not masonry.
REASON: To protect the internal fabric of the listed building.
- 8. The rooflights shown on application drawings shall be omitted to avoid damage to the fabric and the historic character of this outbuilding.
REASON: To ensure an appropriate external appearance of the subject building in its setting.

Background papers: see application file.

1) UTT/1579/03/FUL & 2) UTT/1580/03/LB – MANUDEN

(Referred at Member's Request)

Conversion of restaurant area to letting bedrooms. Extension to toilets Extension to patio and decking area. Entrance ramp to building. Constuction of brick wall and posts. The Yew Tree Inn 36 The Street. GR/TL 491-267. Greene King Pub Partners Ltd.
Case Officer: Mr G Lyons 01799 510458
Expiry Date: 14/11/2003

NOTATION: ADP and DLP: Listed Building within development limits, Conservation Area and within Area of Special Landscape Value. Within Floodplain

DESCRIPTION OF SITE: The site is located towards the centre of Manuden on the outside of a bend, opposite St Mary's Church. The character of the area is a mixture of residential buildings, most of which are listed, with the church and a garage opposite. The River Stort runs along the eastern side of the application site.

DESCRIPTION OF PROPOSAL: The applicant is seeking to make several alterations to the Grade II listed Yew Tree Inn. Externally these changes include a larger patio area with decking and ramps to the front and side of the building with new windows and doors. Internal changes include a change in use from restaurant to four letting bedrooms and an enlargement of toilets with a new internal ramp to meet the requirements of disability legislation.

RELEVANT HISTORY: Numerous applications submitted on this site with single-storey extension approved 1988. Garages opposite were converted to residential use in 1987.

CONSULTATIONS: Environment Agency - No comments received – (due 10 October)
UDC Design Advice – The proposed alteration relates mostly to the modern parts of this site and are acceptable in terms of design. No objections to the indicated brick wall and balustrading subject to conditions.

PARISH COUNCIL COMMENTS:

1. The extension to the patio and construction of a decking area are out of keeping with the Conservation Area.
2. The change of use from restaurant to small hotel would have a major impact on the village and create traffic and parking problems.
3. There is concern about potential for flooding, as storm water is now to be re-directed to enter the river just north of the Yew Tree Inn.
4. listed building consent is required.
5. New lighting should not be halogen lighting.
6. The council requests that a site visit be made by planning committee.

REPRESENTATIONS: The application has been advertised with press and site notices and five neighbour notifications. Advertisement expired 23 October 2003. No response has been received.

PLANNING CONSIDERATIONS: The main issues are:

- 1) whether the proposed development is appropriate in terms of its impact on the listed building and

2) whether it is an appropriate form of development in a Conservation Area, and in relation to residential amenity (ADP Policies DC2, DC5, DC14 and DLP Policies ENV1, ENV2, GEN4).

1) The proposed alterations relate mostly to the modern single-storey element of the listed building and, in view of this, are deemed to be acceptable in their scale, character and appearance subject to the use of appropriate materials, as guided by Listed Building advice. Essentially, the older two-storey element will have minimal alteration.

2) Concern has been expressed by Manuden Parish Council regarding the impact of the proposal on the Conservation Area, in particular the patio and decking area. There is already an outdoor seating area at the pub and provided quality materials are used, the proposal may actually improve the appearance of the front part of the pub in view of the current sporadic layout of seating and chain link fencing. The proposal will create a more formal outdoor seating area that is contained by fencing and walls.

Outdoor seating brings additional concerns about noise. This will only occur during the warmer months because patrons would not realistically sit outside in winter but it is considered that the impact on amenity would not be significantly greater than exists at present. Concern has also been expressed regarding external lighting with a request to prevent the use of halogen lighting. This can be controlled by condition.

The use of the former restaurant area for four letting bedrooms is similar in character to the three rooms already used for letting in the garage conversion opposite. Car parking is readily available on site to cater for more than 50 cars with an in/out driveway either side of the existing letting rooms.

CONCLUSIONS: The alterations to the Listed Building are in themselves acceptable as is the proposal for an outdoor seating area. It is something to be expected at a public house and is therefore not out of character nor indeed will it detract from the character and appearance of the conservation area.

RECOMMENDATIONS:

1) UTT/1579/03/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 four bedrooms hereby approved shall remain ancillary to the main premises as edged red on the location plan, and shall not at any time be sold away or occupied independently from the premises to which they relate.
REASON: To avoid over development of the site.
4. C.5.1. Samples of materials to be submitted and agreed.
5. C.5.8. Joinery details.
6. The new external wall around the patio area shall be constructed in hand made clay bricks samples of which shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.
REASON: To ensure that appropriate materials are used for the approved works in a Conservation Area.
7. No development shall take place until details of external lighting, including method of illumination, luminance levels, and means of directing and shielding light spillage, have been submitted to the local planning authority for approval in writing. The lighting shall

be installed in accordance with the approved details, and shall not thereafter be altered without the prior written consent of the local planning authority.

REASON: In the interest of private amenity and to prevent light spillage into neighbouring properties.

- 8. C.13.6. Short stay holiday lets.
- 9. C.25.1. Airport related parking.

2) UTT/1580/03/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.5.8. Joinery details.
- 5. The new external wall around the patio area shall be constructed in hand made clay bricks samples of which shall be submitted to and approved in writing by the local planning authority. The works shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure that appropriate materials are used for the approved works in a Conservation Area.

Background papers: see application file.

UTT/1596/03/FUL – THAXTED

Erection of free range poultry house
Field No. 0841 Sibleys Green. GR/TL 620-285. Mr A J Saville.
Case Officer: Mr R Aston 01799 510464
Expiry Date: 07/11/2003

NOTATION: Outside Development Limits/Settlement Boundaries

DESCRIPTION OF SITE: Sibleys Green Farm is located at the end of Sibleys Lane, in open countryside 3km south of Thaxted. Agricultural land associated with the application site is approximately 8 hectares (20 acres).

DESCRIPTION OF PROPOSAL: Permission is sought to erect a free range egg production building, which would accommodate 8000 birds, and feed hopper with associated turning/loading facilities on part of a field, approximately 165m east of the farm complex. The building, measuring 62m long, 18.3m wide and 5.2m high would be clad in teak stained timber under a profiled steel sheet roof, its colour indicated as being Goosewing Grey. It would be positioned along the eastern field boundary with some mature landscaping to the west and to the south west the field opens out with views across the open countryside. Access would be via an existing unmade track, which leads off the end of Sibleys Lane. The proposed shed would be located 60m to the south of a similar existing unit which was approved under UTT/0630/01/FUL and provides the model on which this unit would be based. The hopper would be 7m in height and the hens would be ranged on a paddock rotation system, defined by light fencing to prevent degradation of grass pasture and build up of detritus.

APPLICANT'S CASE: A supporting statement pursuant to UTT/0630/01/FUL, received 2nd May 2001 is available for inspection at the Council Offices, Saffron Walden. The applicant was granted permission for a free range egg production unit and this unit has now been operating for some time and has proved a success. The existing unit is served by 8ha of land and the application now seeks approval for a similar unit to the south of the existing. In terms of the effect of the second unit:

1. The proposed second unit would operate in the same way as the first.
2. The proposed unit is located to minimise any impact on the surroundings and additional planting is proposed.
3. The unit would be serviced by the same egg collection lorries that visit the farm at present, the only additional commercial traffic would be for birds in/out.
4. The proposed location is overlooked by the applicants dwelling
5. The existing rights of way will be unaffected.

RELEVANT HISTORY: Erection of 8000 bird free range egg production unit to RSPCA Freedom Foods Specification, approved 2001.

CONSULTATIONS: Environment Agency – No comments.

Environmental Services – Although no residential properties (other than the applicants) lie in separate ownership border the site, there is potential for loss of amenity for properties further field due to odours. Recommend a scheme for waste management and drainage is approved and implemented to overcome this.

MAFF – None received, due 28th September 2003.

Water Authority – None received due 28th September 2003.

PARISH COUNCIL COMMENTS: No objections to the application

REPRESENTATIONS: This application has been advertised and 1 representation has been received. Period Expired.

General Summary – I am surprised you are bothering to ask for comments as this is a farming application which will almost certainly be agreed no matter what anybody says. The lane has received damage as a result of the previous application due to additional lorries and additional weight, I have complained but I was overridden by your so called experts. Your own guidelines heavily favour farmers with buildings for conversion, repair or refurbishment but appear to preclude normal members of the public.

PLANNING CONSIDERATIONS: The main issues are:

- 1) **whether the erection of an additional shed and hopper would be detrimental to the visual interests and character of this rural area (ADP S2, C10, DLP S7 and ERSF Policies CS2 and C5)**
- 2) **whether the intensification of the existing use by the erection of one more unit would have a detrimental impact on traffic generation and highway safety (ADP T1, DLP GEN2)**
- 3) **whether the erection of a further unit would give rise to unacceptable levels of odour/pollution which would be detrimental to rural amenity (ADP Policy DC14, DLP GEN4).**

1) The proposal relates to agriculture, which in principle accords with ADP Policy S2 and DLP Policy S7 and is appropriate to a rural area. The building, due to its modest height and positioning along the eastern boundary of the field and its distance from neighbouring residential properties despite its floor area, would not have a material impact on the character and appearance of the surrounding rural area. Furthermore, although this is the second unit proposed on Sibleys Farm, the intensification would not be detrimental to the visual interests of its surroundings due to the separation of the two units and the landscaping that exists to the south of the existing unit.

2) Access would be via Sibleys Lane which is a tarmac-surfaced single-track road approximately 800m in length. The unit will have the same method of operation as the existing unit and would use the same egg collection. The unit at present generates 2 egg collections per week and one once fortnightly feed delivery (totalling approximately 120 visits per year), a level of activity which is commensurate with normal agricultural use. The only extra movements as a result of the intensification would amount to one extra lorry per fortnight for additional feed and birds in/out. Residents living along the lane have cited it as being unsuitable for carrying the additional regular heavy goods traffic that would be associated with the proposal, due to its restricted width. Whilst officers share similar concerns, it is considered that the low number of vehicular movements that would be associated with the intensification, as compared with other agricultural activities, would not be so harmful to the surrounding amenities of the area or to highway safety to warrant refusal of a second unit.

3) Environmental objections have not been raised by officers due to separation distance between the building and nearest residential properties not associated with Sibleys Farm. The range for the chickens would extend to the south of Sibleys and Cornfields which is occupied by the applicant and the unit would be located c. 180m to the east of the nearest independent residential property. Planning permission is not required in itself, for the use of

the agricultural land for the ranging of chickens. Given the separation from adjoining residential properties and the fact that a condition shall be imposed for details of waste management and drainage, it is considered that a second unit on the farm would not give rise to a material impact on the residential amenity of adjoining occupiers and the rural amenity of the surrounding area.

COMMENTS ON REPRESENTATIONS: No evidence has been submitted or substantiated on site to prove that the existing unit is having a material impact on Sibleys Lane, which would warrant refusal of the application. There will be no material increase in the use of the lane by lorries associated with the sheds as the only new movements will be for birds in/out and feed deliveries, amounting to no more than one extra lorry per fortnight. The unit will be served by the existing lorries used for the collection of eggs.

CONCLUSIONS: The proposal accords with the relevant Local and Structure plan policies and other material considerations do not warrant refusal of this application.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development
2. C.3.1. To be implemented in accordance with approved plans
3. C.4.1. Scheme of landscaping to be submitted and agreed
4. C.4.2. Implementation of landscaping
5. The feed hopper and building hereby permitted shall not be used until it has been painted in a colour, details of which shall have previously been submitted to and agreed in writing by local planning authority.
REASON: To ensure that the appearance these structures is satisfactory and in keeping with the character of the area.
6. C.7.1. Details of external ground and internal floor levels to be submitted and agreed
7. No development shall take place until a scheme for the provision and implementation of surface water drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved prior to the first use of the permitted building.
REASON: To ensure a satisfactory method of surface water drainage
8. The egg production unit hereby permitted shall only be used for free range chickens as defined in Appendix D to the MAFF publication 'The Farm Animal Welfare Council Report on the Welfare of Lying Hens' July 1997.
REASON: To prevent intensification of the use of the egg production unit in order to protect the amenities of the area
9. Within seven days of the date of which the proposed building is substantially completed, this fact shall be confirmed in writing to the Local Planning Authority.
REASON: To be consistent with the requirement placed upon agricultural buildings erected under the General Permitted Development Order 1995.
10. Unless otherwise agreed in writing by the local planning authority, the building hereby permitted shall be removed from the land and the land shall so far as is practicable be restored to its condition before the development took place if its uses for the purposes of agriculture within the unit permanently ceases within ten years from the date on which the development was substantially completed and planning permission has not been granted for development for purposes other than agriculture within 3 years from date on which the use of the building for the purposes of agriculture within the unit permanently ceased.
REASON: These buildings are only permitted on the basis of their proposed agricultural use and to be consistent with the requirements placed upon agricultural buildings erected under the General Permitted Development Order 1995.
11. Prior to the commencement of the development hereby permitted, a scheme detailing the provision of waste management for the unit shall be submitted to and agreed in

writing by the local planning authority. The activities shall operate in accordance with the approved management scheme.

REASON: In the interests of rural amenity.

12. The development hereby permitted shall operate in accordance with the details submitted in 'Information In Support of Application for Free Range Egg Unit' received May 2 2001 submitted pursuant to UTT/0630/01/FUL and the letter in support of UTT/1596/03/FUL, dated 3 September 2003, received 12 September 2003, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory standard of development as it is the applicants intention to operate the proposed unit in the same manner as the existing unit.

Background papers: see application file.

UTT/1604/03/FUL - NEWPORT

Change of use from residential to childrens nursery
Wonderville London Road. GR/TL 521-331. Mr N Luscombe.
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 01/12/2003

NOTATION: Within Development Limits and Area of Special Landscape Value (ADP only).

DESCRIPTION OF SITE: This application relates to a bungalow located on the western side of the B1383 at the southern end of Newport. The property is set back off the highway by approximately 10m, part of this area being laid to lawn and the remainder as hard surface for the parking of vehicles. To the south of the application site is residential property and to the north is an access driveway serving two properties to the rear (west). The properties to the rear of the site are on ground which is approximately level with the ridge of the property on the application site. There are close-boarded fences to the side boundaries and the site contains some mature vegetation. The parking area to the front of the property is capable of accommodating a maximum of 4 cars.

DESCRIPTION OF PROPOSAL: The proposal relates to the change of use of the existing bungalow to a children's nursery. It is proposed that the nursery would accommodate a maximum of 20 children between the ages of 2 and 5 and would operate between 8am to 5.30pm. The nursery would not operate at weekends or Bank Holidays. It is proposed that 3 members of staff would be required. No major alterations are proposed to the building.

APPLICANT'S CASE: See dated 28 August 2003 attached at end of report.

CONSULTATIONS: Social Services: Not responsibility of Social Services.
ECC Education Department: None received. Expired 1 November 2003.
ECC Transportation: Would give rise to short-term parking taking place on carriageway thereby impeding the free flow of traffic to the detriment of highway safety.
Building Surveying: No adverse comments.
Environmental Services: None received. Expired 28 October 2003.

PARISH COUNCIL COMMENTS: None received. (due 11 November 2003).

REPRESENTATIONS: 12. Notification period expired 4 November 2003.

1. London Road is very busy at peak periods parking/safety for loading/unloading children from vehicles should be considered.
2. Next to a very busy road and the time of dropping kids off roads will be very busy. Strongly feel that this is not the right place for a Nursery.
3. The B1383 is an extremely busy road and the dropping off and picking up of children would be hazardous and dangerous for the children. And through traffic. Would staff take up the parking space in the grounds?, if so no access would be available for parents.
4. Main concern is the large volume of traffic along London Road particularly from 7.30am to 9.30am and again from 3.30pm onwards through to about 7pm, with at least 15 cars dropping off each days, the continuous hold up of traffic will cause chaos and prove to be very dangerous. With cars picked up with a stop of at least 5 minutes dropping off young children we would be unable to get off our driveway due to the hold up of a continuous flow

of traffic, especially at the time we leave for work between 8am and 8.30am. Wonderville itself has limited parking of four cars which will be taken up by employees. The driveway itself is very restricted for turning of vehicles. The previous owner always had problems backing out of his driveway, which resulted with him on numerous occasions driving up on the pavement in an effort to get traffic to stop to let him out.

5. No parking for safe drop off and pick up for the children congestion of vehicle having to park on main road
6. Strongly disagree, London Road is constantly busy and it poses a very dangerous threat to young children.
7. This proposal would create a lot more traffic at peak times. It can also be quite a difficult road to get out onto, traffic obstruction.
8. A main road, which has blind spots and parked cars already on it, which is extremely busy, particularly at the time of parents taking their children to school. I am quite sure this will almost certainly result in accidents.
9. Strongly object, Newport already has adequate provision for nursery/pre school places. London Road is very busy and would be dangerous for parents and children. Traffic jams would be created by parents parking/waiting at peak times on London Road as there will not be adequate parking and turning facilities provided on the premises.
10. London Road is not a safe place for children to be in a Nursery. Also 4 car parking spaces would cause a problem with taking and collecting children as staff need parking.
11. Situated on a busy main road and parking is very limited, cars obstructing the road as parents drop of their young children.
12. Little Butterflies is currently adequately serving the needs of 2 ½ - 5 yr olds in Newport, located adjacent to the primary school and has very good links with the school. The majority of the children feeding into Newport Primary School come from Little Butterflies so they have a sound friendship (familiarity) with the majority of their first classmates which aids settling in. It is a 'safe' environment away from a busy road which would not be the case for a nursery on a busy main road.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the use of the premises as a nursery school would be acceptable on highway grounds (ERSP Policy T3, ADP Policy T1, DLP Policy GEN1) and**
- 2) **whether the use would cause loss of residential amenity to the adjoining properties (ADP Policy DC14, DLP Policy GEN4)**

1) The application site is located on the western side of the B1383, the main through road from Bishop's Stortford to the M11 junction at Stump Cross. This road is a main county highway, its main purpose being for the free flow of traffic. The proposed use of the premises as a nursery school would increase the numbers of vehicles calling at the premises, the majority of which would be likely to visit the site during the main rush hours at the beginning and end of the day. Due to the restricted parking provision within the site of 4 parking spaces, there would be insufficient space for vehicles calling at the site to park clear of the highway. This would result in vehicles parking within the highway, thereby impeding the free flow of traffic, to the detriment of highway safety. Furthermore, due to the restricted parking area within the site, there is no provision for on-site turning space. This would require vehicles to either enter or leave the site in reverse gear, again to the detriment of

highway safety. In addition, the parking area would be required for use by the members of staff and therefore there would be minimal space available for people calling at the site and it is therefore considered that the parking provision would not meet the required standards for this proposed use. Again, this would be detrimental to highway safety. This makes the proposal contrary to the provisions of ERSP Policy T3, ADP Policy T1 and DLP Policy GEN1. The applicant states in their supporting case that Newport is served by a main line station and that the premises could serve the needs of people without access to a car. However, this station is serviced twice an hour during rush hour and once an hour outside of the rush hour and therefore it is considered unlikely that users of the service would be arriving by train.

2) The property is located within a residential area and it is considered that the proposed use of the building as a children's nursery would result in loss of residential amenity to the adjoining property through noise, both by children playing and through vehicles calling at the site. This would be contrary to the provisions of ADP Policy DC14 and DLP Policy GEN4.

CONCLUSIONS: The proposed use would be detrimental to highway safety and would result in loss of residential amenity.

RECOMMENDATION: REFUSAL REASONS

1. The proposed premises would have a minimal parking area, sufficient for 4 vehicles and which would be required for use by members of staff. This would be likely to result in the parking of vehicles in the highway which would impede the free flow of traffic to the detriment of highway safety. In addition, no on-site turning space is available and the commercial use of the premises would result in a larger number of vehicles either reversing off of or into the highway, to the detriment of highway safety. This would be contrary to the provisions of ERPS Policy T3, ADP Policy T1 and DLP Policy GEN1.
2. The property is located within an area of residential properties and the commercial use of the premises would result in an increase in vehicles calling at the site, which would lead to loss of residential amenity to the adjoining property through noise and fumes. In addition, the adjoining property would suffer a loss of amenity through noise caused by children playing at the site. This would be contrary to the provisions of ADP Policy DC14 and DLP Policy GEN4.

Background papers: see application file.

UTT/1718/03/FUL – THAXTED

Retention of wind tower in lieu of chimney

Mill Gates next to Mill Cottage Fishmarket Street. GR/TL 610-308. Mr & Mrs J Hobbs.

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 27/11/2003

NOTATION: Adjacent to listed building / within conservation area.

DESCRIPTION OF SITE: The site is located at the end of Fishmarket Street near the burial ground adjacent to the footpath that leads to the Windmill. On the site is a new thatched dwelling currently under construction following a permission granted last year.

DESCRIPTION OF PROPOSAL: This application seeks permission for the retention of a wind tower that has been erected on this new dwelling in place of the chimney shown on the approved drawings. This tower is wider and taller than the approved chimney. With regard to width, the original chimney scales off the submitted drawings as approximately 500 mm x 500 mm. The wind tower is 1000 mm x 750 mm wide. According to the applicant's written submission the height of the completed tower is 965 mm greater than the permitted chimney.

APPLICANT'S CASE: Two x two page explanatory letters explaining the circumstances of the deviation from the approved plans and making a case for permitting its retention and a number of photos is attached at end of report.

RELEVANT HISTORY: Permission granted on appeal for erection of new house 2002.

CONSULTATIONS: Design Advice: This application is for the retention of a wind tower, which has been constructed contrary to the approved plans. The approved drawings indicated a traditional brick chimney 0.5m x 0.5m wide, extending some 1.4m above the finished level of the slope of the thatched roof. The wind tower as built, appears to be 1m x 0.75m wide extending some 2.7m from the base and the point of contact with the thatch (as measured on the submitted drawings).

When approving the new dwelling (UTT/1785/00/FUL), the Inspector based his decision on the design merits of the proposal. He stated that 'the design is of an intrinsically high quality, in policy terms the details and materials are well suited to the conservation area and cannot be faulted'. One of the elements of this design was a traditional chimney of domestic proportions, constructed in brick. Such chimneys are a common and important feature of many listed and unlisted buildings within the conservation area.

Construction of a high wind tower in a modern man made materials lends the contraption an air of prominence jarring with the picturesque and traditional character of the roofscape in Thaxted Conservation Area. I suggest refusal of this application.

PARISH COUNCIL COMMENTS: The cottage lies within Thaxted's conservation area, and in the most sensitive position within that area, on the footpath between the church and windmill used by all the visitors and tourists to the town. And is positively offensive to this beautiful part of Thaxted. There are many thatched cottages in Thaxted, which do not seem to need a monstrous roof addition to attract cool air in summer. The photographs attaching to the application. Are totally irrelevant to the environmentally important site in Thaxted. When the original application was allowed, the Inspector took into consideration the site characteristics, the conservation area, and the way the cottage might complement existing structures. The present application would seem to negate his consideration of these

valuable points. There have been many complaints that stick-on synthetic bricks are being used, with straight vertical joints, which could lead to weakness of construction and therefore undesirable in such an important position.

REPRESENTATIONS: This application has been advertised and 7 representations have been received. Period expired 24.10.

1. It is quite out of proportion to the overall height of the building.
- 2-4. It is totally out of place in such a beautiful and historically important place of our town.
5. Thaxted Windmill Management Committee: The type of chimney currently constructed appears to be precast and is an absolute eyesore, totally out of keeping with a thatched property and not in accord with a conservation area, it will seriously compromise photographers views when the church or the Windmill is being photographed by the many visitors to the Town and it will intrude on the natural beauty of the local landscape.
6. I personally have no objections to said chimney.
7. No objection, I find it pleasing to look at and reassuring that it is environmentally friendly, using sustainable energy methods in its design.

PLANNING CONSIDERATIONS: The main issues are

- 1) **affect on the character of the conservation area (ESP Policy HC2; UDP DC2; DDP ENV1),**
- 2) **affect on the setting of adjacent listed buildings (ESP Policy HC3; UDP DC5; DDP ENV2) and**
- 3) **whether other material considerations merit a decision contrary to the development plan.**

1) The Development Plan and emerging Local Plan all require that development preserves or enhances the character or appearance of the conservation area. The character of this part of the village is of a dense grouping of traditional dwellings, mostly of older properties some of which are listed. Each dwelling makes a modest contribution to this overall character rather than standing out or dominating its surroundings. Due to the height of the tower it is visible from various points of Fishmarket Street, including some points where there are views through gaps between buildings to the windmill, and from the burial ground. The building is located in a very prominent location at the end of Mill Row which means that it is at the termination of a 70 metre long vista from the footpath which passes The Almshouses. This is a well used public footpath from the Church to the Windmill. Consequently not only is the wind tower out of character with adjacent buildings it is also very visible. The proposal therefore fails to protect or enhance the character of the conservation area and fails to comply with relevant policies.

2) The immediately adjacent dwelling (Mill Cottage) is a grade II listed building. It is considered that the wind tower does have an adverse impact on the setting of this listed building due to its height, design and use of adhesive brick tiles, laid vertically rather than in conventional bonding. Further a field are Mill House, The Almshouses and Windmill that are 40, 65 and 80 metres away respectively. Given the separation of the application building from them it is not considered that the tower has a material impact on the setting of these other listed buildings.

3) The applicant has raised the issue of sustainability, explaining that the tower acts to cool the building in summer without using conventional carbon dioxide generating equipment

but to function it has needs to be wider and taller than the chimney originally proposed. It is not considered that this justification out weighs the harm to the conservation area and listed building described above.

COMMENTS ON REPRESENTATIONS: The points raised in the representations are covered above.

CONCLUSIONS: It is considered that the retention of the wind tower would be harmful to the character of the conservation area and therefore the application should be refused and enforcement action and if necessary legal action authorised to remove the unauthorised wind tower.

RECOMMENDATION: REFUSAL AND ENFORCEMENT ACTION AND IF NECESSARY LEGAL ACTION TO REMOVE THE UNAUTHORISED WIND TOWER.

The retention of the wind tower is unacceptable because due to its design and size it is detrimental to the character of the conservation area, in which it is very prominently located, and adversely affects the setting of the adjacent listed building, contrary to development plan policies HC2, HC3, DC2 and DC5 and draft deposit plan policies DC5 and ENV2.

Background papers: see application file.
