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**PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 12 JANUARY 2004**

APPL NO: **UTT/0830/03/FUL**  
PARISH: **QUENDON & RICKLING**  
DEVELOPMENT: Erection of temporary marquee between the months of May and September for use associated with weddings, functions and conferences  
  
APPLICANT: Mr N Tabor  
LOCATION: Land and premises at Quendon Park  
D.C. CTTE: 15 December 2003 (see copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Refusal**  
*Case Officer:* Consultant North 01799 510469/510478  
Expiry Date: 7 October 2003

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APPL NO: **UTT/1414/03/DFO**  
PARISH: **STANSTED**  
DEVELOPMENT: 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.  
  
APPLICANT: H J Hagon  
LOCATION: Land r/o 10-20 Silver Street  
D.C. CTTE: 15 December 2003 (see copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Approval**  
*Case Officer:* Hilary Lock 01799 510486  
Expiry Date: 7 October 2003

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APPL NO: **1) UTT/1579/03/FUL & 2) UTT/1580/03/LB**  
PARISH: **MANUDEN**  
DEVELOPMENT: 1) Conversion of restaurant area to letting bedrooms. Extension to toilets Extension to patio and decking area. Entrance ramp to building. Construction of brick wall and posts.  
2) Extension to toilets. Entrance ramp to building. Alterations, including changes to internal partitions, internal doors, external doors and windows. External door lights.  
  
APPLICANT: Greene King Pub Partners Ltd.  
LOCATION: The Yew Tree Inn 36 The Street  
D.C. CTTE: 24 November 2003 (see copy attached)  
REMARKS: Deferred for more information  
*Case Officer:* Mr G Lyons 01799 510458  
Expiry Date: 14 November 2003

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APPL NO: **1) UTT/1765/03/FUL & 2) UTT/1866/03/FUL**  
PARISH: **WIMBISH**  
DEVELOPMENT: 1) Construction of barn for storage of hay and straw  
2) Erection of stables with storage and tack room  
APPLICANT: Mr L R EYERS  
LOCATION: Land in the centre of Wimbish Green Village Opposite  
Villa Clemilla  
D.C. CTTE: 15 December 2003 (see copy attached)  
REMARK: Deferred for Site Visit  
**RECOMMENDATION: 1) Refusal, 2) Approval**  
*Case Officer:* *Consultant North 01799 510469/510478*  
Expiry Date: 12 December 2003

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## **UTT/0830/03/FUL - QUENDON & RICKLING**

*(Referred at Local Member's Request)*

Erection of temporary marquee between the months of May and September for use associated with weddings, functions and conferences.

Land and premises at Quendon Park. GR/TL 515-318. Mr N Tabor.

Case Officer Consultant north 01799 510455

Expiry Date: 07/10/2003

**NOTATION:** Outside Village Development Limits/Within Area of Special Landscape Value (ADP only), Curtilage of Grade I Listed Building, Historic Parkland & Ancient Woodland.

**DESCRIPTION OF SITE:** The site is located in the Quendon Park estate to the north of the village and west of the B1383. It comprises about 40 ha of attractive undulating parkland with historic trees and woods set around Quendon Hall. The setting is of high architectural and environmental quality.

**DESCRIPTION OF PROPOSAL:** It is proposed to retain a large temporary marquee immediately to the north of the Hall for five months every year (May – September inclusive) for weddings, conferences and other social functions. The marquee measures 35m x 12.3m x 4.7m high.

**APPLICANT'S CASE:** See agent's letter dated 11 November attached at end of report.

**RELEVANT HISTORY:** Change of use of land and buildings to provide facilities for weddings, functions and conferencing approved in 2002.

**CONSULTATIONS:** English Heritage: Object - the marquee would have a significantly damaging visual impact on the setting of the listed Mansion and the appearance of the Park. There may be a case for approval of a marquee for specific functions, if the matter of servicing can be resolved.

UDC Specialist Design Advice: Object – the marquee would be an alien element within the Parkland. Its excessive size would form a prominent feature, jarring with the architectural and historic qualities of the country house, resulting in damage to the setting of this Listed Building.

**PARISH COUNCIL COMMENTS:** None received (due 12 September).

**REPRESENTATIONS:** This application has been advertised and no representations have been received. Period expired 18 September.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposed marquee would harm the setting of –

- 1) this Listed Building (ADP Policy DC5 (a) & DLP Policy ENV2) and
- 2) this Parkland (ADP Policy C3 (b) & DLP Policy ENV8).
- 3) If so, it would also be necessary to consider whether there are any exceptional circumstances to justify over-riding these Policies.

1) *The relevant Policies require that development affecting a Listed Building should be in keeping with its scale, character and surroundings. Development proposals that would adversely affect the setting of a Listed Building will not be permitted.*

The visual impact of the proposed marquee on the setting of this Listed Building would be significant, primarily due to its proximity to the north face of the Hall. Although it would be partly hidden by a brick wall immediately to the west, its roof form would be visible from the front of the Hall. Despite the temporary nature of the proposal, it is considered that five months out of twelve would be too long to accept its erection, even for a limited period of four years. Consequently, the proposal fails to comply with the Listed Building protection policies for the reason set out in the consultation replies.

2) *The relevant Policies state that development proposals likely to harm significant local historic landscapes, Parks and gardens will not be permitted unless the need for the development outweighs the historic significance of the site.*

The description of this Listed Building states that “On the north side there is an avenue of trees forming a vista with the axis of the Church of St Mary the Virgin, Newport, about 1.5 miles to the north.” The proposed marquee would intrude into this vista and damage the important relationship of the Hall with its surrounding Parkland. Consequently, the proposal also fails to comply with the Parkland protection policies for the reason set out in the consultation replies.

3) DLP Policy ENV2 does not allow any exceptions if the setting of a Listed Building would be adversely affected, so the applicant’s commercial case can be afforded little weight. No evidence has been submitted to explain why the existing accommodation within the Hall as approved last year is insufficient to meet the needs of the applicant’s clients, or that the marquee is essential to fund repairs to the Listed Building. Although DLP Policy ENV8 allows for exceptions where the need outweighs the historical significance of the site, in this case it is considered that the regional importance of this setting is so great as to prevent the applicant’s needs justifying permission being granted. The case of need is partly made on the basis that the marquee has already been used for such functions and should continue to do so. This is not considered sufficient to warrant an exception being made to the Policy in this case.

**CONCLUSIONS:** The architectural and environmental importance of this location is too great to allow the harm which would result from the retention of a large marquee for a total of 20 months over the next four years. Enforcement is also recommended to seek removal of the marquee should it be erected next summer.

**RECOMMENDATION: REFUSAL FOR THE FOLLOWING REASONS AND ENFORCEMENT**

1. The proposed erection of a large marquee in this sensitive location would harm the setting of this Grade I Listed Building by introducing a prominent alien modern element of excessive size which would have a damaging visual impact, contrary to ERSP Policy HC3, ADP Policy DC5 (a) and DLP Policy ENV2, and advice contained in PPG15.
2. The proposed erection of a large marquee in this sensitive location would harm the Parkland setting of this Grade I Listed Building and its vista to the north by introducing a prominent alien modern element of excessive size which would have a damaging visual impact, contrary to ADP Policy C3 and DLP Policy ENV8.
3. The commercial case put forward in support of this proposal is not considered to be of sufficient weight to warrant an exception to these Policies.

*Background papers: see application file.*

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## UTT/1414/03/DFO - STANSTED

### *(Revised Report & Recommendation)*

This application was deferred at the Development Control Committee Meeting on 24 November 2003 in order for officers to consider revised plans which had been submitted.

The revised plans show the following amendments:

- The mezzanine floors on the third floor are to be recessed from the western elevation to minimise overlooking of adjacent residents.
- The first and second floor balconies to units 6 & 11 would have a screen to the western boundary to prevent overlooking of the houses beyond. Their living room windows to that elevation would also be angled away from other properties.
- The first and second floor bedroom windows to units 7 & 12 would have deep reveals to minimise overlooking. The balconies to these units have been omitted.
- The living room windows to units 8 & 13 would be angled to minimise overlooking. The balconies would be screened on the western elevation.

Following further discussion with and clarification by the agent, it has now been demonstrated that the height of the proposed units would be acceptable in relation to surrounding properties. The frontage properties are either offices, or a dwelling whose aspect would be unaffected by the development behind. The amenity issues in relation to the properties on the frontage are therefore overcome, and the amenity of the flats to the north could be protected by obscure glazing to windows.

The relationship of the proposed buildings to the houses to the east would now be acceptable following the submitted amendments. The distance to the western boundary would be between 5.2m and 6.7m (landscaping in between), with minimum back-to-back distances of 26m. This is an improvement on the indicative plans considered acceptable at the grant of outline planning permission.

Although this would be an intensive development, the principle of forty flats on this site has already been accepted by the grant of outline consent. The development would have adequate amenity space and would meet the Council's parking standards. The design is considered appropriate in a Conservation Area and has the support of your Conservation Officer.

Although this is a Reserved Matters application, legal advice has been given that it is reasonable to require funding to meet the costs of providing the additional school places generated by the development. It is therefore recommended that this requirement be subject of a Section 106 legal agreement.

Neighbouring properties have been consulted on the revised plans, and the period expired on 8 December. No comments have been received.

**REVISED RECOMMENDATION: APPROVAL OF RESERVED MATTERS SUBJECT TO CONDITIONS ATTACHED TO OUTLINE PLANNING PERMISSION UTT/0576/98/REN, AND A SECTION 106 LEGAL AGREEMENT TO SECURE A CONTRIBUTION OF £40,800 FOR EDUCATION PLACES.**

The previous report follows:

## **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 car park. 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.

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS:** Revised Plans: Members wish to reiterate their previous comments.

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

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS:** Object, the proposed development would not be sympathetic to 12 Silver Street and other Grade II listed buildings in close proximity. The main road is already almost gridlocked at certain periods of the day. The development will inevitably make things worse. The developer has property on Silver Street next to mine which has been left in a derelict and dilapidated condition for many years. Should you be mindful of approving this application it should be conditional on refurbishment of the surrounding properties, and a Section 106 Agreement on a traffic relief scheme should be agreed with the developer.

**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*

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

*(Referred at Member's Request)*

- 1) 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.
  - 2) Extension to toilets. Entrance ramp to building. Alterations, including changes to internal partitions, internal doors, external doors and windows. External door lights.
- 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.*

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**1) UTT/1765/03/FUL & 2) UTT/1866/03/FUL WIMBISH**  
***(Joint Report on cases Referred at Local Member's Request)***

- 1) Construction of barn for storage of hay and straw.
  - 2) Erection of stables with storage and tack room.
- Land in the centre of Wimbish Green Village Opposite Villa Clemilla. GR/TL 606-352. Mr L R Eyers.  
*Case Officer: Consultant North telephone 01799 510469/510478*  
Expiry Date: 11/12/2003

**NOTATION:** Outside Village Development Limits & Settlement Boundaries.

**DESCRIPTION OF SITE:** The site is located in open countryside between Wimbish Green and Radwinter. It comprises a fenced paddock some 2 ha (5 acres) in extent with boundary screening to the north-east where it adjoins Warners Farm.

**DESCRIPTION OF PROPOSALS:** These are both revised applications following previous refusals. It is now proposed to erect a barn for the storage of hay & straw, and a block of 3 stables with storage, tack room, etc in the north-east corner of the site using the existing access via Top Road. The barn would be 11.1m x 5.6m x 5.25m high and be constructed of weatherboarding with a clay-tiled roof. The stable block would be L-shaped comprising the 3 stables 11.4m x 4.2m x 5.1m high, with ancillary facilities (foaling box, bath, sitting-up area, feed room & tack room) accommodated in the rest of the building 12.4m x 6.8m x 5.1m high, with a connecting toolroom.

**APPLICANT'S CASE:** 1) See applicant's letter dated 15 September attached at end of report. 2) See agent's letter dated 20 October attached at end of report.

**RELEVANT HISTORY:** Erection of stable block refused and dismissed on appeal in 2002 for reason of over-elaborate and bulky design of the stables, but the Inspector allowed a change of use of the land from agricultural to recreational grazing. Revised stable block refused after a Members' site visit and dismissed on appeal in 2003 for same reason. Barn for storage of hay & straw refused in 2003 for reasons of size and materials.

**CONSULTATIONS:** Environmental Services: Suggest conditions to prevent loss of amenity to neighbours regarding no storage of waste within 10m of boundary and no burning of waste on site.

Environment Agency: Advice to applicant.

**PARISH COUNCIL COMMENTS:** See letter dated 18 November attached at end of report.

**REPRESENTATIONS:** Cllr D Corke: Request both applications be considered by the DC Committee if they are to be recommended for approval. Concerned that the proposals are to carry out a stud farm business which may lead to a future application for a house which would be difficult to resist. Recommend both be refused.

- 1) **Storage barn:** 15 letters of objection. Notification period expired 17 November.

1. Object most strongly. Its height will be obtrusive as it will block natural light to adjacent trees and appear overly large relative to near-by buildings. Why is this required? Grazing by definition does not require storage. The proposed barn appears to be within five metres of an existing ditch and hedgerow. This foundation would subsequently change the water table in this area. It is mostly likely that the rainwater will be channeled to the adjacent

ditch with further impact on the flood situation that already exists here. The additional traffic of hay and straw wagons would be unbearable on such a narrow lane as Top Road. Very concerned about the proposal site of this barn and the lack of a hydrant in the vicinity. This is yet another attempt to start the building process in this predominately agricultural area. He has in the past stated that he will build a house on this field and I feel strongly that this application is the thin end of the wedge.

2. Barn should be smaller and less permanent. This would be only the first phase of the applicant's development.
3. See letter no 3 under **Stables** below.
4. Building would be too large in absence of stables. Clear intention to use barn for domestic purposes
5. Too large, elaborate and permanent in appearance and construction. A simple non-permanent structure would be sufficient.
6. Excessive in size and out of keeping with the area. An ordinary field shelter and hay store would be more appropriate.
7. See letter no 6 under **Stables** below.
8. Totally out of keeping with the surrounding open countryside.
9. Too permanent: at odds with other structures in area serving a similar purpose. Precedent for similar inappropriate developments. Too large for expected number of horses supported on this small field.
10. Too large.
11. Wholly out of keeping with the character of the site.
- 12-15. As above.

2) **Stables:** This application has been advertised and 14 representations have been received. Period expired 27 November

1. No agreement has been reached in principle that stables can be erected on this land. Site is too small to breed horses. Regular/continuous supervision required for any use other than recreational grazing. Concerned about precedent for future house. Permanently damaging effect on open rural feel of the area. Excessive size and permanence.
2. The previous Inspector did not agree that there is a need for stabling on this land.
3. Overall size of building has been reduced, but the area of land would still be insufficient for grazing more than 2 horses or having a stud. Site is not suitable for breeding purposes. Stallion would be a dangerous distraction to other horses and riders passing the site. Concerned about welfare of horses. Local roads not designed for heavy traffic, e.g. to take away the manure.
4. Intention to build house on this field. Past appeals have not recognised the need for stabling. Boundary with property unclear. Existing planting on neighbouring land to be removed. Increased traffic, disposal of waste, flooding, change of water table, discharge of sewage not satisfactorily addressed.
- 5+6. As above. Overall objective is a commercial stud, but field too small. Wimbish Green is a tiny rural hamlet which should not be spoilt.
7. As above. The submission refers to a previous building on the site – this was an old pole barn which was of a temporary nature and pulled down many years ago.
8. As above. Over-utilisation of this small field would impact on the local environment in respect of traffic, drainage, lighting and pollution.
- 9-14. As above.

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS:** 1 extra objection - this type of commercial operation within the village would totally alter its nature and spoil a beautiful open area. It would also not a dangerous precedent of building on open land where there is no "footprint" as other could use this case as an argument to build anywhere within or outside the village.

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

- A) be in keeping with this rural area and overcome the previous reasons for refusal (ADP Policies S2, C4 & DC1 and DLP Policies S7, GEN2 & GEN8) and**
- B) affect the amenities of neighbours (ADP Policy DC14 & DLP Policy GEN4).**

A) *The relevant Policies state that permission will only be given for development that needs to take place in the countryside or is appropriate to a rural area. There will be strict control on new building. The design should respect the scale, form, layout, appearance and materials of surrounding buildings. Development in the countryside will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set.*

1) **Storage barn:** The only changes made to this proposal are the omission of the external staircase and opposite end first-floor window. The upper floor area remains and there has been no reduction in the size, height, design or materials. The location has been amended to accommodate the proposed stables and it is now proposed to erect the barn a further 28m south into the site away from Top Road. No evidence has been submitted to justify the essential need for this building to be erected on this site in the countryside where no horses are kept.

The barn would still be inappropriate in this area because it would not respect the scale, form, layout, appearance and materials of rural buildings in this vicinity. The proposed changes would not alter the appearance of this building in the landscape. Indeed, its resiting would make it more prominent from Top Road. In addition, there would inevitably be pressure in the future to allow access to the first floor. Therefore, it is considered that the revised proposal fails the Policy requirements and does not overcome the previous reason for refusal. If additional storage is essentially required, then the layout of the stable building should be revisited to meet this need.

2) **Stables:** The revised scheme for the stables, however, shows that a genuine attempt has now been made to meet the reasons for dismissal of the two previous appeal decisions. The scale of the building has been reduced significantly and the design would now be more sympathetic to this rural area (see agent's letter for details). The revised siting from the south-eastern corner to the north-eastern would help to screen the building in the landscape, although this would be achieved by reliance on existing planting outside the site in the garden to Warners Farm. As a result, it is suggested that additional space be left between the building and the boundary to thicken up the planting and to secure its long-term retention. The use of the existing access via Top Road would maximise the area available for the horses and reduce the need for hardstandings. Therefore, it is considered that the revised stable block is now acceptable, subject to further resiting and other conditions.

B) *The relevant Policies state that development will not be permitted if it would adversely affect the reasonable occupation and enjoyment of a residential property as a result of exposure smell or other pollutants.*

1) **Storage barn:** The building would be located 21m beyond the garden to Warners Farm from where it is considered that harm from smell or other pollutants would not be significant and could be controlled by conditions.

2) **Stables:** The building would be located only 3.1m from the common boundary with Warners Farm. The farmhouse itself is 34m from the nearest part of the site, but its garden runs for 50m along the boundary. Furthermore, the stables would be south-west of that property, making it more likely that any smells would be carried towards the house on the

prevailing wind. Whilst it is to be expected that stables would create certain odours, it is considered that they are, in principle, appropriate in a rural area. With further relocation away from the boundary to allow implementation of a heavy planting belt between the building and the boundary, as set out in A2 above, it is considered that this revised scheme would not cause sufficient harm to the amenities of neighbours to warrant refusal.

**COMMENTS ON REPRESENTATIONS:** Most of the neighbour's concerns about the barn could be overcome by imposing conditions. However, in the light of the Officers' recommendation below, this would not be appropriate at this time. Concerns about the size of the grazing area, number of horses and possible commercial uses could be overcome by conditions (see nos 8 & 9 below).

**CONCLUSIONS:** The changes to the proposed barn are insufficient to overcome the previous reasons for refusal. However, it is considered that the changes to the proposed stables have now produced an acceptable scheme, subject to conditions.

### **RECOMMENDATIONS:**

#### **1) UTT/1765/03/FUL (STORAGE BARN) – REFUSAL REASON**

The proposed storage building would be excessive in size for the storage of hay, straw and other equipment in connection with the recreational grazing of horses on the site. No evidence has been submitted to prove that the building needs to be located in a rural area. Its revised location would make the barn more prominent from Top Road, which would be damaging to the open character and appearance of this rural setting. The proposed design and materials would be out of keeping with the more utilitarian appearance of similar functional buildings in the vicinity and would exacerbate its visual impact. In addition, the provision of a first floor would unacceptably increase the height of the resultant building and it is considered that any storage needs could be accommodated in a much more modest and less visually intrusive structure, or within the stable building. The provision of a storage building on this land is not considered essential and necessary in the countryside, given the absence of any associated uses on the site. The proposal is, therefore, contrary to ADP Policies S2, C4 & DC1 and DLP Policies S7, GEN2 & GEN8.

#### **2) UTT/1866/03/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.17.1. Revised plan required – relocation of building to enable additional planting to northern and eastern boundary (A-B-C).
4. C.4.1. Scheme of landscaping to be submitted and agreed.
5. C.4.2. Implementation of landscaping.
6. C.4.8. Landscape management and maintenance plan.
7. C.5.5. Clay plain tiles.
8. C.5.9. Stained wood.
9. C.6.9. No riding school or livery use.
10. There shall be no storage of waste produced as a result of this development within 20m of any boundary of the site and no burning of waste anywhere on the site.  
REASON: In order to protect the amenities of neighbours.
11. C.8.27. Drainage Details.
12. C.9.1. No outdoor storage.
13. No floodlighting or other means of illumination shall be erected within the application site, and on or around the building hereby permitted or its perimeter, unless details have first been submitted to and approved in writing by the local planning authority.



Any lighting scheme which may be agreed shall be implemented and retained in accordance with the approved scheme.  
REASON: In order to ensure that the amenities of this rural area are preserved.

*Background papers: see application file.*

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## **1) UTT/1270/03/FUL & 2) UTT/1516/03/LB – FELSTED**

*(Revised report)*

Residential conversion of barn to form two dwellings  
Pye's Farm, Mole Hill Green. GR/TL 711-203. Mr J Hunnable.  
Case Officer: Mr N Ford 01799 510468  
Expiry Date: 27/10/2003

**NOTATION:** Outside development limits S1, Affects the setting of a listed building DC5.

**DESCRIPTION OF SITE:** The barn subject of this application lies within the curtilage of Pye's Farm located at Mole Hill Green near Felsted. The site fronts onto the corner of the road between Molehill Green and Bartholomew Green and is bounded by Pye's Farm Cottages and outbuildings to the south and west and agricultural land to the north and east.

**DESCRIPTION OF PROPOSAL:** The application proposes the conversion of an existing Grade II listed barn to form two dwellings with associated garden areas. The proposal would require the demolition of approximately 0.8 m of an existing extension to the south-east elevation. The building would provide 4 bedrooms with materials consisting of natural thatch to the roof, black stained weatherboarding to walls and black stained joinery.

**APPLICANT'S CASE:** "The barn is of little use at present. The conversion will preserve the original frame in its present form apart from one new opening, which requires the removal of two studs. The upgrading of the modern end section will enhance the barn".

**RELEVANT HISTORY:** Change of use of adjacent barn to office and store and erection of fence granted subject to conditions 17 June 2003.

**CONSULTATIONS:** UDC Specialist Design Advice: See planning considerations.  
H & B Services: None received (due 25 September 2003).  
Environment Agency: Standard Advisory letter.

**PARISH COUNCIL COMMENTS:** None received. Due 4 October 2003.

**REPRESENTATIONS:** These applications have been advertised and no representations have been received. Period expired 2 October 2003.

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

- 1) whether the conversion of the barn conserves the characteristics of the building and would not involve substantial reconstruction or extension in accordance with Policy C6 of the ADP 1995 and Policy H5 of the RDDP 2002 and
- 2) whether the conversion of the barn would involve alterations, which would not impair the special characteristics of the listed building and would preserve the buildings special architectural and historical characteristics in accordance with Policy DC5 of the ADP 1995 and Policy ENV2 of the RDDP 2002.

1) The works subject of this application predominantly entails internal alterations with some external alterations. A new window is proposed to the gable of the south-west elevation as well as a new door on this aspect. The majority of the works proposed are restricted to the north-east street facing elevation where the doors of the central wing would be replaced by new windows and doors for access to the dining room.

PPG7 (The Countryside, Environmental Quality and Economic and Social Development) considers that residential conversions can often be detrimental to the fabric and character of historic buildings. Buildings will not be suitable for conversion if extensive alterations, rebuilding and extension would be necessary to facilitate such a scheme.

It is considered that the works of conversion would adversely affect the building through significant external and internal alterations involving the sub-division of the barn and provision of two sections of 1<sup>st</sup> floor accommodation to create more than one dwelling. The partition of large areas of its currently open internal space would adversely affect this traditional character and appearance and would result in the loss of this rural asset (listed building).

2) This L shaped barn is dated C17/E.18 Century. It is timber framed and weather boarded under a thatched roof. Specialist design advice shows that the conversion of this structure to form two dwellings would require the intensive subdivision of its internal volume as well as trimming of the historical rafters on the south west side of the barn to facilitate roof space in one of the units. The proposed work is not considered to respect and conserve the fabric and character of the barn but would fundamentally change its internal agricultural and traditional character to its detriment.

PPG15 (Planning and the Historic Environment) provides specific guidance in relation to internal and external alterations in relation to new uses for listed buildings and notes that this can sometimes be key to their preservation. However, in justifying the effect of any alteration or extension it is essential to have assessed the elements that make up the special interest of the building. These elements may not only comprise obvious visual features such as a decorative façade, but the internal spaces and layout of the building, surviving structure or surfaces.

The internal space and fabric of this building is a key feature contributing to its character and is considered to be of such a value that it justifies the building being listed. Central Government guidance is very clear in terms of exemplifying just how these internal elements are just as important in simple vernacular and functional buildings.

It is considered that residential use in this building can only be considered to provide a sympathetic conversion if it were on a smaller scale, that would retain more internal space and existing features without such fundamental change as those alterations required by this proposal. However, it is considered that such works could only result in one dwelling.

**CONCLUSIONS:** The alterations proposed to facilitate the conversion of this existing barn into two residential units would require intensive internal and external alterations, which would be overly detrimental to the fabric and character of this listed building leading to the loss of the traditional appearance of this rural outbuilding.

**Officers have discussed the alterations that Members requested at Development Control Committee on 15 December 2003 with the application and revised drawings are expected to be available for the meeting on 12 January 2004. Officers' recommendation, however, remains unchanged.**

#### **RECOMMENDATIONS:**

##### **1) UTT/1270/03/FUL - REFUSAL REASON**

The conversion and sub-division of this barn to form two residential dwellings would require significant internal alterations, which would be detrimental to the existing character and

fabric of the listed building contrary to DC5 of the Adopted District Plan 1995 and Policy ENV2 of the Revised Deposit District Plan 2002.

**2) UTT/1516/03/LB - REFUSAL REASON**

The conversion and sub-division of this barn to form two residential dwellings would require significant external alterations and alteration of internal open spaces leading to a detrimental impact on the traditional character and appearance of this rural barn contrary to Policy C6 of the Adopted District Plan 1995 and Policy H5 of the Revised Deposit District Plan 2002.

*Background papers: see application file.*

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## **UTT/1495/03/OP - SAFFRON WALDEN**

Demolition of existing buildings. Change of use of land from industrial to residential, and erection of minimum of twelve dwellings. Alterations to existing access (all matters reserved for subsequent approval).

Goddards Yard Thaxted Road. GR/TL 545-382. F W Goddard Ltd.

*Case Officer: Mr G Lyon 01799 510458*

Expiry Date: 29/10/2003

**NOTATION:** ADP and DLP: Within Development Limits of Saffron Walden. Residential opportunity site and partly within area of Environmental Value (ADP Policy SW9 / DLP Policy SW2).

**DESCRIPTION OF SITE:** The site is located approximately 500 metres to west of the centre of Saffron Walden off Thaxted Road between the former railway line and Harris's Yard. The site area measures approximately 0.39 ha in size and is currently occupied by two tenants. To the front of the site facing Thaxted Road is Paxtons Conservatories. The frontage onto the road is open with parking for customers of Paxtons. Adjacent to Harris' Yard site is a wall and mature hedging/trees, which is situated close to Thaxted Road. This mature hedging continues into the rear of the site along the side boundary, next to the chalk cliff facing into Harris' Yard site. To the rear of Paxtons and up the slope is a large tarmac courtyard with a car repair business. The courtyard is covered with numerous vehicles and there are portacabins and a workshop measuring approximately 300 sqm. There are also numerous storage tanks along the northern boundary and the site could be said to have a generally untidy appearance and is possibly contaminated from its current usage. The rear boundary consists of mature landscaping and the site backs onto the cemetery.

To the south is the former railway embankment, which is classified as an area of environmental value. This site consists of mature trees and hedging and is separated from Goddards Yard site by a 1.8 m wooden fence. It measures 700 sqm in size. This area is within the blue line of the site and is therefore not to be developed as part of the application but is under the applicant's control.

The railway embankment and mature landscaping forms a visual break along this part of Thaxted Road.

**DESCRIPTION OF PROPOSAL:** The applicant is seeking outline approval for development of Goddards Yard site for the creation of a minimum of 12 residential dwellings. The applicant has indicated that they wish to reserve the siting, design, landscaping, external appearance and means of access for subsequent approval. Indicative drawings have been enclosed showing the layout of the houses but this is indicative only and need not reflect the design of the final scheme if outline consent is granted. Access into the site is indicated to be from Thaxted Road using the existing entrance.

**APPLICANT'S CASE:** The applicant has not provided a specific case for the proposed development. However, the applicant has stated that the access into this site is of a better standard than that which was recently approved for the adjacent Harris Yard site and therefore access should not be of primary concern in this instance. Extra drawings have been provided showing visibility splays from the proposed site entrance.

**RELEVANT HISTORY:** The site in question has very little previous relevant planning history. The site is included within a Design Brief produced in January 1999 by the Council, which focused on land east of Thaxted Road for residential development. This report

favoured residential development of the site in question with access preferred from either Harris's Yard, Goddards Yard (Paxtons Yard) or both, where visibility is best.

In relation to the adjoining Harris' Yard site, on 16 December 2002 Members approved a residential scheme for the "Erection of 72 dwellings (36 houses and 36 flats) with associated garages and parking areas and construction of new estate road and alteration to access onto Thaxted Road". A Section 106 Agreement was signed between Essex County Council, Uttlesford District Council and Bovis Homes Limited relating to highway improvements including footpaths and cycle ways. No provision or reference was made in the S106 with regard to access into Goddards Yard site via Harris' Yard but the design of the access road would make it possible to utilise this access once constructed. This would, however, create a "ransom strip" and would rely on the owners of the two sites agreeing to the sharing of the access.

**CONSULTATIONS:** Essex County Council Highways and Transportation Group:

The Highway Authority recommends that this application be refused as:

1. The applicant does not have sufficient land within his control to provide the required Visibility splay of 2.4 by 90m.

2. The residential layout does not comply with the Essex Design Guide.

NOTE: The visibility splay proposed for Goddards Yard is within land owned by Harris Yard. The Adopted Highway land currently ends at the edge of Thaxted Road, adjacent to land owned by Harris Yard. The applicant therefore does not have control over this land and is therefore unable to guarantee the provision of this visibility splay. The Highway Authority will reconsider their position either when the Harris Yard development is complete and the future access is dedicated as highway; or the applicant reaches an agreement with the landowners of Harris yard to provide this visibility splay. The internal estate layout would also be required to be amended to comply with the Essex design guide.

Essex County Council Schools' Service: A developer contribution of **£41,472** is required under a Section 106 agreement for the provision of educational facilities in relation to the twelve residential units proposed. (See consultation response for breakdown of educational contribution).

Environment Agency: Concern about previous contaminants on the site and recommendation that no development take place until a desktop study be undertaken to identify contaminants and how such contaminants will affect groundwater and surface water running on through and off the site. A method statement should also be produced detailing the remediation requirements of the above desktop study.

UDC Environmental Services: Concerns regarding contamination of land due to previous potentially contaminative land use. Presence of oil tanks on plans etc and nearby railway also sources of pollutants. A desktop study of the site has been carried out and it has been identified as a former industrial site for further site specific assessment under the provisions of Part IIA of the Environmental Protection Act 1990. Planning condition regarding contaminated land assessment would be required before development commences. The road access and turning points must be sufficient for 24 Tonne vehicle. Refuse collection points must be within 25m of Public Highway.

**TOWN COUNCIL COMMENTS:** No comments.

**REPRESENTATIONS:** This application has been advertised with both press and site notices and 16 neighbour consultations. Advertisement expired 09 October 2003. One letter of objection has been received from neighbour at 2 Prospect Place. Concern has been expressed about the potential for the development to overlook neighbouring properties and neighbouring properties to overlook the proposed development.

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

- 1) the site is an appropriate location for residential development (ERSP Policies H2, H3, H4, H5, BE1, ADP Policy S1, H1 and DLP Policy S1, H1 and H2),**
- 2) the number of dwellings proposed is acceptable (PPG 3, ERSP Policies H4),**
- 3) the site will have adequate access from Thaxted Road to recognised standards (ERSP Policy T7),**
- 4) other relevant issues.**

1) The site in question is located within the development limits of Saffron Walden, is previously developed land and has been identified in a Design Brief produced by the Council as an appropriate location for residential development. It is therefore considered to be an appropriate location for residential development subject to meeting other development plan policy criteria in relation to access, design, density etc.

2) Central government guidance seeks the efficient use of land and favours development in urban areas with densities of no less than 30 dwellings per hectare. The application site has an area of approximately 0.39 hectares and the applicant is proposing a minimum of 12 dwellings on this site. This gives the site an overall density of 30 dwellings per hectare. The development as proposed therefore accords with the minimum density requirements of Central Government Policy PPG3 and may actually increase its density at the reserved matters stage, particularly in view of the adjoining Harris Yard site having a density of 69 dwellings per hectare.

3) The primary issue concerning this application is the quality of the access into the site from Thaxted Road. The 1999 Design Brief considered that access should be either from Harris Yard, Goddards Yard (Paxtons Yard) or both. Residential development at Harris Yard was approved on 19 June 2003 following a Section 106 agreement relating to highways improvements. Harris Yard had the adequate visibility splay for a 30mph road of 2.4m x 90m as required by Essex County Council Highways and a new mini-roundabout will be constructed as part of a highway improvement scheme.

Although this application is in outline form with the means of access reserved for subsequent approval, it is imperative to identify how or indeed where the proposed access will be into Goddards Yard Site because this will affect the fundamental viability of the scheme in terms of highway safety and overall density requirements

There are two possible options, firstly to use and adapt the existing access from Goddards Yard directly onto Thaxted Road or secondly to take access from Harris Yard site. The applicant has indicated that they wish to use the existing Goddard Yard access point claiming that this has better visibility than the approved Harris Yard scheme. Lengthy consultation with Essex County Council Transportation has concluded that the applicant does not have sufficient land within his control to provide the required visibility splay of 2.4m x 90m. This position may change when the Harris Yard site is developed and the future access is dedicated as highway or the applicant reaches an agreement with the landowners of Harris Yard to provide this visibility splay. Until such time, Essex County Council will recommend refusal for the proposed development.

The other alternative access is off Harris Yard from the proposed new type 4 road serving this development. There is space to allow a new access road from Harris Yard into Goddards Yard but there are certain issues to be addressed before this access can be considered. As this access would be situated off another road yet to be completed, work could not start on Goddards Yard until the highway improvements and new road into Harris Yard have been completed. There is also the issue of a ransom strip between the Harris and Goddards Yard and, the owners of Harris Yard could impose a high ransom charge on the

developers of Goddards Yard, which may make the scheme financially unviable. Although this is not in itself a planning issue, it does raise an issue of the viability of this particular access arrangement.

Compounding this issue is the topography of the land. Harris Yard is considerably lower than Goddards Yard with a chalk cliff dividing the two sites. Access into the site at this point may be technically difficult and could affect the layout and overall density of the scheme at the reserved matters stage.

The easiest method of access would be directly from Thaxted Road onto Goddards Yard, but this may not be the safest until adequate visibility splays are provided in both directions.

4) As the site has previous industrial history with the presence of oil storage facilities, there is a high probability that the site is contaminated. These concerns have been raised both by the Environment Agency and internal Environmental Services consultations. No development of the site should therefore take place until such contaminants have been identified and groundwater and surface water run-off is protected from infiltration by these contaminants, which could be detrimental to future inhabitants of the site.

There has been some concern expressed about how the development of the site for residential use may result in material overlooking of neighbouring properties and the site itself may be overlooked. The issue of design and layout of the development will be addressed at the reserved matters stage.

**CONCLUSIONS:** The site is considered to be appropriate for residential use and the number of units proposed will achieve the minimum required density of 30 dwellings per hectare. The issue of contamination could be addressed by condition were permission granted. However, the site at present does not have an adequate access to recognised operable standards and it is recommended that planning permission is refused.

**RECOMMENDATION: REFUSAL REASON:**

It is the policy of Central Government Guidance (Policies PPG3), the Essex Replacement Structure Plan (Policies H2, H3, H4, BE1 and T7) the Adopted Local Plan (Policies S1 and H1) and the Draft Local Plan (Policies S1, H1 and H2) to ensure that proposals for residential development are situated in appropriate locations, are of required density and will not result in an access that will be detrimental to highway safety

The applicant does not have sufficient land within his control to provide the required visibility splay of 2.4m x 90m and the proposal would therefore be detrimental to highway safety on Thaxted Road. The proposal is for that reason contrary to the above stated policies.

*Background papers: see application file.*

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## **UTT/1512/03/DFO - TAKELEY**

**(Revised report)**

Reserved matters application for erection of 72 dwellings with garaging, parking and access road (Phase II).

Land south of A120 and west of Hawthorn Close. GR/TL 558-211. David Wilson Homes.

*Case Officer: Mr M Ovenden 01799 510476*

Expiry Date: 27/10/2003

**NOTATION:** Within Development Limits/ADP Policy TAK1: Allocated for residential redevelopment for 100 dwellings.

**DESCRIPTION OF SITE:** The site is located some 160m west of the Four Ashes crossroads on the southern side of the A120. It covers about 2.7 (6.6 acres) and slopes gently down to the south-west. A public footpath runs along the western boundary between the road and the Flitch Way.

**DESCRIPTION OF PROPOSAL:** This is a revised scheme for approval of reserved matters relating to the second phase of the residential redevelopment granted outline permission. Seventy-two dwellings are now proposed by the new owners, on land where 73 were previously approved on the western side of the site. Together with the 28 dwellings on a revised phase one it would retain the number of dwellings on the whole site at 100 units. This scheme is for a mix of detached, semi-detached and terraced houses, some with two storeys others with three storeys. This phase would contain 14 x 2 bedroom, 20 x 3-bedroom, 28 x 4 bedroom, 6 x 5 bedroom and 4 x 6 bedroom dwellings, bringing the total for the whole development to 14, 32, 41, 9 and 4 respectively. Twenty of the units would be affordable units (14 x 2 bedroom and 6 x 3 bedroom) with a housing association. Their location and design is similar to those permitted last year for Countryside PLC on the site. The road layout and position of open space, play area and the dry balancing pond are similar to those in the extant permission. The main changes from the permitted scheme relate to house types and the omission of communal parking courts in favour of mostly on curtilage parking.

**RELEVANT HISTORY:** The site was allocated for residential redevelopment in 1991 and adopted as part of the ADP in 1995. The Master Plan was agreed in 2001. 100 dwellings were approved in 2002, subject to conditions and Section 106 Agreement re financial contributions to and provision of infrastructure, 20 affordable units and no more than 80 dwellings to be occupied before new A120 opens. Permission was granted earlier this year for the erection of 28 units forming phase one of the site which was a variation to last year's permission.

The **outline planning permission** (UTT/0786/00/OP) dated 20 December 2001 was subject to 20 conditions (copy available at The Council Offices, London Road, Saffron Walden). The accompanying **Section 106 Agreement** requires the developer to:

1. transfer amenity open space land to the Council before the 50<sup>th</sup> dwelling is occupied, then laid out and completed before the 80<sup>th</sup> dwelling is occupied, with a payment of £25K to the Council for future maintenance,
2. lay out and equip the Local Area for Play (LAP) in the SW corner in accordance with an agreed timetable,
3. make a payment of £45K to the Council towards infrastructure provision and community facilities and

4. replace or add to changing room facilities at the Gordon Austin Memorial Playing Field opposite the site or any other community facilities to be agreed (This has recently been revised in response to a request from the Parish Council to have more flexibility in providing sports equipment and is triggered by the erection of the 25<sup>th</sup> house rather than 50<sup>th</sup> as originally agreed.)

The **detailed planning permission** for 100 dwellings dated 17 October 2002 was granted subject to 18 conditions (copy available at The Council Offices, London Road, Saffron Walden with the relevant Minute DCL63 ii).

**CONSULTATIONS:** ECC Transportation: Recommend 20 conditions relating to detailed matters of construction and layout of the internal road layout.).

ECC (Urban designer): The majority of these houses are detached and therefore do not present an attractive continuous street frontage. The three-storey terraces overlooking the balancing pond are badly proportioned. The corner houses do not form long enough blocks to function as a corner terrace and look odd detached from other houses.

Environment Agency: To be reported (due 3 October).

Thames Water: To be reported (due 3 October).

English Nature: Satisfied that the development is not likely to affect the SSSI.

Police Architectural Liaison: Acknowledgement letter received.

**PARISH COUNCIL COMMENTS:** Initial comments made reference to the application not containing drawings of all house types (since resolved).

**REPRESENTATIONS:** 29 local residents have been notified and 1 representation has been received. Period expired 1 October. The application has also been advertised as a major development.

High-density development should be positioned as far as possible from existing housing to prevent overlooking. There is no indication on David Wilson's plan of any intention to provide further screening. If the block of affordable units 81-86 is to remain in its proposed location it should be re-aligned through 90 degrees so that only the flank wall of one unit (with a condition requiring obscure glazing) overlooks adjoining properties. During the very wet winter of 2000/2001 when the water table was abnormally high there was frequent flooding in my garden.

**PLANNING CONSIDERATIONS:** **The main issue is whether this revised proposal is still in accordance with the approved Master Plan and outline permission.**

All the detailed requirements of the Master Plan and outline permission, with its accompanying legal agreement, continue to apply to this revised reserved matters application. The overall form of the layout, design and mix of units would be similar to that already granted. There have been some house-type changes, with overall beneficial results. The omission of communal parking courts is acceptable as is the slight move away from terraces in the centre of the scheme. The changes include the provision of two terraces of more formal three storey houses near the dry balancing pond which on balance seems acceptable as it introduces variation into the scheme and provides a focus in the site as well as greater observation over the play area. The scheme also involves utilising the roof space of about 20% of the dwellings in order to boost the number of bedrooms in some of the units, particularly the 10 dwellings having 5 or 6 bedrooms. This approach is not unreasonable and would not give rise to material overlooking. Members may recall that with the reserved matters application last year that all properties proposed were to have chimneys except the affordable units. A condition was attached requiring the affordable units to have chimneys as well. This scheme has just under half of the market housing without chimneys compared

with half of the affordable units. This seems satisfactory as having a similar proportion of the two tenure types with features like chimneys aids integration.

Members should be aware that originally the junction to the site was to be controlled by traffic lights but the applicant and highways authority have reached agreement in principle for this requirement to be waived to overcome practical problems arising from having a set of traffic lights so close to the Four Ashes crossroads. The applicant has negotiated improved visibility splays at the junction and the highways authority have agreed to this approach given that the traffic and the status of the original A120 (from 15 December when the new road open it will become the B1256) will be lower than previously experienced and to avoid a new set of lights on the main road.

**CONCLUSION:** The proposal represents an acceptable development of this allocated residential site.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.3.1. To be implemented in accordance with approved plans.
2. C.4.1. Scheme of landscaping to be submitted and agreed.
3. C.4.2. Implementation of landscaping.
4. C.4.5. Retention of hedges.
5. C.4.6. Retention and protection of trees and shrubs during development.
6. C.4.8. Landscape management and maintenance plan to be submitted, agreed and implemented.
7. C.5.2. Details of materials to be submitted agreed and implemented.
8. Excluding Permitted Development for alterations to the roofs of dwellings.  
REASON: To avoid material overlooking of adjacent properties.
9. C.8.13. Restriction on hours of construction: Mondays – Fridays: 0730 – 1800; Saturdays: 0800 – 1300 and not at all on Sundays or Bank/Public Holidays.
10. C.8.27. Drainage details to be submitted agreed and implemented.
11. C.11.6. Car parking to be provided.
- 12&13. C.12.1 & 4. Boundary screening requirements.
14. C.15.1. Superseding previous permission UTT/0614/02/DFO.
15. C.16.2. Archaeological investigation to be carried out.
16. The ten units of house type SH21 shall all have chimneys (shown on the approved drawing SH21).  
REASON: To aid integration of the design of the affordable housing units.
17. Nature conservation and management survey to be carried out, agreed and implemented.
18. Contaminated land survey to be carried out, agreed and implemented.
19. Submission and agreement of details of junction with A120 and internal traffic calming measures to be implemented.
20. A120 (B1256) road cleaning measures to be carried out during construction.
21. Scheme for protecting neighbours from noise during construction to be submitted, agreed and implemented.
22. Scheme for suppressing dust during construction to be submitted, agreed and implemented.
23. Details of footpath link to Flich Way to be submitted agreed and implemented.
- 24 & 25. Submission of scheme to ensure provision of 20 affordable dwellings (details and implementation of scheme) prior to occupation of total of \* units of the total of 80 open market dwellings approved on phases 1 & 2.

*Background papers: see application file.*

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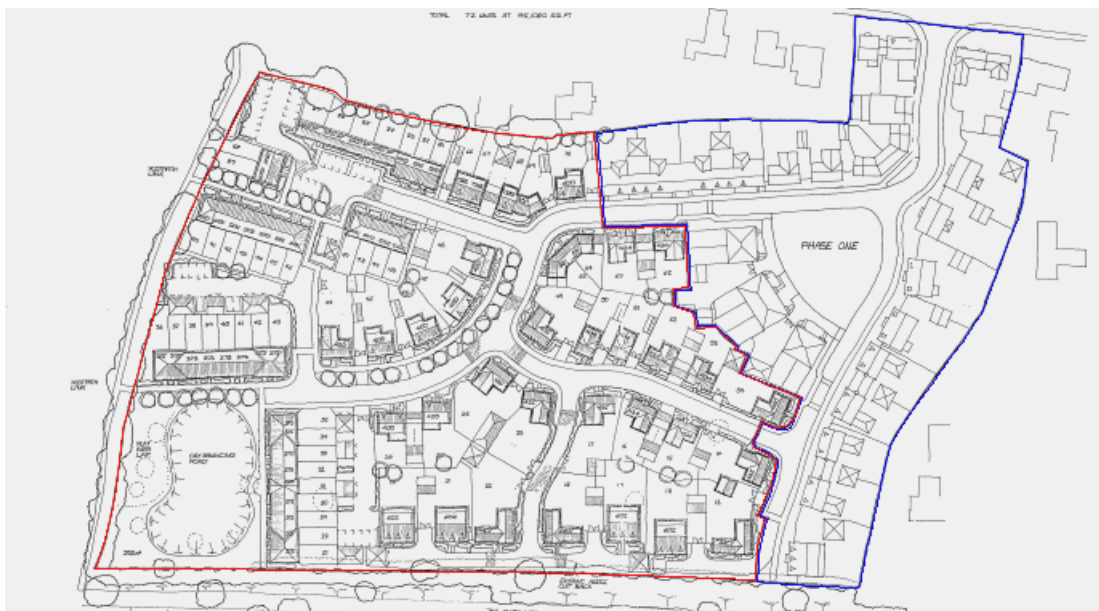
### Addendum:

At the committee on 15 December 2003 Members raised a number of points and the application was deferred to allow officers to explore them with the applicant.

- Increasing the numbers of affordable houses from 20 (ie 20% of the total) to either 25% or 40% (ie 25-40 unit out of 100 dwellings).
- Breaking the single group of affordable houses into smaller groups to aid integration
- Resiting one of the terraces of affordable units away from the northern boundary
- Revising the design of the three storey town houses following comments from the County Council
- Linking together of some of the detached and semi detached dwellings to reflect the advice given in the Essex Design Guide
- Further landscaping along the boundaries
- Local flooding
- Low water pressure in the local area

All of these issues have been raised with the applicant who is considering the matters and further information will be given at the meeting. *However Members should be fully aware that this application relates to variation of details of the already approved scheme (UTT/0614/02/DFO approved 17 October 2002) that could be implemented forthwith. It does not raise fundamentally new issues.* The layout of these two schemes is very similar and is shown below.

UTT/1512/03/DFO Reserved matters application David Wilson Holmes



Extant planning permission UTT/0614/02/DFO



## UTT/1656/03/FUL – GREAT SAMPFORD

Conversion of barns into a single dwelling house  
Free Roberts Farm Howe Lane. GR/TL 639-365. J Harrison.  
*Case Officer: John Mitchell 01799 510540*  
Expiry Date: 18/11/2003

**NOTATION:** ADP and DLP: Outside Development Limits, Adjacent to a Listed Building, "Howses," close to an Archaeological site and within an Area of Special Landscape Value.

**DESCRIPTION OF SITE:** The site is located to the north of Great Sampford approximately 1km along Howe Lane, which is a narrow single-track road. The access passes by four dwellings on Howe Lane, one of which is Free Roberts Farm, to which the barn belongs. Adjacent the barn is "Howses," a large Grade II Listed residential dwelling with a moat, which is a Scheduled Ancient Monument. "Howses" is the last dwelling on this section of Howe Lane and originally was the principle farmhouse to which the barn once belonged.

The building the subject of this application is a late nineteenth century, early twentieth century timber framed barn with red brick single-storey additions to the rear/side. The barn appears to be structurally sound, although it is showing signs of decay, especially to the outer timber boarding of the main barn. The barn is redundant for modern farming purposes and currently lies vacant.

**DESCRIPTION OF PROPOSAL:** Permission is sought to convert the main timber framed barn and single-storey brick range into one single dwelling. The proposed property would have five bedrooms, three of which would have en-suite facilities. There would be a drawing room, kitchen/dining room, living room and three of the proposed bedrooms on the ground floor with bedrooms four and five and a home office situated on a new internal floor within the main barn. There would be two voided areas over each of the existing porches in the main barn. The existing wooden doors to the porches would be replaced with full height glazing, the eastern porch forming the entrance to the property. The existing single storey range at the front would be converted into a double garage with new side hung timber doors. There would be a new ground floor window to the north-east elevation serving bedroom 4. The wooden porch doors to the south-west elevation would be glazed with three new windows within the main barn. Within the single-storey brick range, three new windows would be inserted, relating to the position of former openings. A new glazed section would be inserted within the roof of the lean-to adjacent to the barn, providing light into the proposed lobby.

A garden of approximately 650 square metres would be provided within the existing walled garden to the south-east of the barn. The applicant has proposed to remove the existing modern agricultural buildings to the north of the barns. This land is owned by the applicant but not within the red line of the application site.

**APPLICANT'S CASE:** The applicant has provided a supporting statement for the proposed development in the form of a report written by Ian Dieffenthaler which highlights the history of the site and examines the potential for conversion of the barn for residential use. Also included is a report by the applicant's agent referring to previous Planning Inspectorate decisions and the way that these concerns have been overcome. The reports can be viewed at the Council Offices, Saffron Walden.

**RELEVANT HISTORY:** The barns have been the subject of three previous applications to convert the barns into two dwellings. The first application in 1995 was refused by the council

and dismissed at appeal due to it being an unacceptable form of residential conversion based on the excessive number of new openings and a failure to preserve the setting of the adjacent listed building, Howses.

The second application in 2001 was also refused by the council and dismissed at appeal due to poorly conceived detailing of the conversion and a failure to preserve the setting of Howses.

The third application, submitted in February 2003, was refused by the Council on 10 June 2003 because of its harm to the character of the countryside, the inappropriate use of fenestration including type of window openings and a failure to preserve the setting of the adjacent Listed and scheduled ancient monument of Howses and the surrounding moat.

**CONSULTATIONS:** Environment Agency: Advisory comments relating to private means of foul effluent disposal.

UDC Specialist Design Advice: The proposed residential conversion relates to an unlisted timber framed barn to which is attached a single-storey red brick range. The group is not listed and therefore has been assessed to be of no special architectural or historical interest. Because of the unattractive appearance of some other concrete outbuildings nearby, the whole group does not positively contribute to the character of the countryside.

The site is accessed by a single track leading from Howe Lane and is located a considerable distance away from it. Immediately to the west is the Scheduled Ancient Monument and moated site of 'Howses', which is a Grade II listed building. The setting of this listed building is defined by its remoteness from residential neighbours and location in the heart of farmland.

The buildings subject of this application are unremarkable and utilitarian and like many of this sort are a commonplace element in the countryside. Because of their insignificance they do not compete with the listed farmhouse but provide a fitting backdrop to its setting. These buildings have been a subject of 3 refused planning applications for residential conversion and 2 dismissed planning appeals.

The present proposal only marginally differs from the previous schemes. It is my view that the principle issue in this case is that any change from an agricultural to a residential appearance would give the structures a more dominant character. The unavoidable glazed screens and number of new windows together with the new weatherboarding and other materials would result in the loss of the existing patina of age and functional character. The procurement of a new economically viable life for this unremarkable structure by turning it to a new house would not outweigh the damage caused to the countryside and the pleasant rural environment of the listed building.

In conclusion I consider that the proposed development would not preserve the setting of the listed building or protect the countryside for its own right and should be refused.

UDC Environmental Health: No adverse comments.

**PARISH COUNCIL COMMENTS:** This application has been refused three times and the Parish Council would urge that permission is refused again.

**REPRESENTATIONS:** This application has been advertised with both press and site notices and two neighbour notifications. Advertisement expired 30 October 2003. 29 letters of objection and 1 petition with 35 signatures has been received to date. Summary of comments (in no particular order): -

Damaging effect on the character and appearance of the rural area, the previous reasons for refusal have not been overcome or addressed by the applicant, the increase in vehicular traffic would create a highway danger especially to horse riders in the area, poorly conceived detailing would create pressure for further window openings within the barn due to lack of natural daylight, the concentration of activity in the rear walled garden area would affect the setting of Howses, the proposed new dwelling would dominate Howses with possible overlooking, the barns could be converted to two dwellings in the near future, the barns are of little architectural or historical merit and they make little contribution to the rural landscape, the barns should not be preserved by a scheme that damages the setting of Howses and its moat and the rural landscape, the report by the applicants is factually inaccurate, the owners of Howses have inadequate agricultural buildings and wish to use the barns for their original intended purpose, there would be significant light pollution from the proposal, the proposed conversion could not be effectively controlled by planning condition, the plethora of windows in no way preserves the character of these barns, bats are believed to live in the barn, the plans are of poor quality as windows are missing on elevation drawings, the proposal is for profit purposes only, lack of car parking, the proposal would debase the historical integrity of the site

CPREssex: The proposed drawings are confusing and relate to two dwellings, the proposal would result in a large dwelling that would adversely affect its rural surroundings, the proposal would damage the setting of Howses, which is a Grade II listed building with a pond that is a scheduled ancient monument, the proposal should not be approved in line with Policy C6 of the adopted local plan.

**PLANNING CONSIDERATIONS:** The previous planning history relating to the barns and the subsequent two dismissed appeals means that consideration must be made to the recommendations of the Planning Inspectorates decisions at that time, particularly in view of the similar nature of this proposal to those that have gone before. Although the proposal will be judged on its own merit in accordance with the development plan unless material circumstances indicate otherwise. The application will need to overcome the concerns raised by the previous Inspectors,

**The main issues are whether: -**

- 1) the proposal meets with the environmental, historic and architectural quality criteria relating to the residential conversion of rural buildings (PPG7, ERSP POLICY RE2, ADP Policy C6 and DLP Policy H5),**
- 2) the impact of the development on the countryside would be acceptable (ERSP Policies CS2 & C5, ADP Policy S2, C2 and DLP Policy S7),**
- 3) the proposed conversion would affect the setting of Howses and its surrounding moat, which is a Scheduled Ancient Monument. (PPG15, PPG16, ERSP POLICY HC3, HC5, ADP Policy DC5, DC10 and DLP Policy ENV2**
- 4) comparison with previous refused applications and other relevant issues other relevant issues.**

1) The Development Plan policies allow the residential conversion of suitable rural buildings subject to certain criteria being met. The buildings have to be of sound construction capable of conversion, their form should enhance the character and appearance of rural areas and the private gardens should be provided unobtrusively.

The barn is not listed and is utilitarian in character. It is subservient to Howses and because of its insignificance, does not compete with the listed farmhouse, thus providing a fitting backdrop to its setting. The Inspector in the 1996 appeal stated that "the appeal barns, together with the workshop, stables and walled gardens do to my mind make an attractive group of buildings, and I consider that they have environmental merit." The Inspector in 2002 concurred with this view, although both agreed that nearby modern concrete barns



detract from their setting. The more recent appeal decision did not question the suitability of the barn for conversion but rather the detailing. The barn is considered to be suitable for conversion in principle.

A further requirement of policy C6 is whether the proposal will enhance the character and appearance of the rural area. The character of the group is one of principle farmhouse with adjacent barn. Such a relationship is evident on many other sites throughout the district and residential conversion could therefore be repeated too easily unless only appropriate agricultural buildings are considered for conversion. Previous proposals have been for a conversion to two dwellings when it was considered that the proposed alterations to the buildings would fundamentally change the relationship between barn and farmhouse. This is because the barn is larger than Howses and the activity and character of the barn, if converted into two dwellings, could result in the barn becoming the dominant element of the group and consequently debasing the historical integrity of the site.

It is now considered that a single dwelling conversion as now proposed would overcome this difficulty.

Members should be aware that the advice of the Conservation Officer is that the unavoidable glazed screens and number of new windows together with the new weatherboarding and other materials would result in the loss of the existing patina of age and functional character. The procurement of a new economically viable life for this unremarkable structure by turning it to a new house would not outweigh the damage caused to the countryside and the pleasant rural environment of the listed building.

However, it is considered that a decision has to be taken in the light of all relevant policies, and weight given accordingly. Government policy encourages the conversion of redundant rural buildings, ideally to a commercial use. It is considered that such a use would be unacceptably detrimental to amenity, particularly to the occupants of Howses through noise and disturbance, but also to the occupiers of other dwellings adjoining the access road from the passing and re-passing of traffic. The alternative is to do nothing and let the buildings decay. This is not a feasible option, nor one that would enhance the setting of the listed building and ancient monument. A single residential conversion is reasonable.

In reaching her conclusion the inspector in the more recent appeal decision accepted the principle of conversion. She was however concerned about the activity created by conversion to two houses and the detailing of fenestration. The first concern has been overcome by the proposed use as one single dwelling. Details have now been submitted of the proposed design of windows to address the second concern. These would replicate the existing design of windows where they exist, and would occupy locations where windows existed originally but have now been blocked up. These are unusual in that they are hinged so as to open in different directions to catch the prevailing winds at the time, ensuring ventilation. Advice from the Council's Building Surveyors is that the number of openings is sufficient to meet ventilation, fire escape and lighting standards, so there would be no justification for further openings.

Amenity space would be provided within a walled garden and courtyard, which will both be partially screened from view with brick and flint walls. Overall the scheme complies with the recommendations of ADP Policy C6.

2) The proposed development is located in the countryside beyond development limits where permission is not normally given unless the proposal relates to agriculture, forestry, appropriate outdoor recreational uses, or appropriate changes of use of suitable existing buildings compatible with a rural area. It is considered that the proposed residential conversion of the barn is appropriate change of use of an existing building.

3) Understanding the relationship between the barn and the adjacent Grade II Listed "Howses," with its Scheduled Ancient Monument surrounding moat, is fundamental to the application. Howses and the adjacent barns were part of the same site before they were sold to Free Roberts Farm. Howses was originally a seventeenth century timber-framed and plastered house surrounded by a moat. The listing description confirms that and although the property has been much altered and added to the original structure remains. The barn is a much later addition and has been altered to suit functional needs of the time. The original farm buildings may in fact lie beneath the existing barns. The relationship between Howses and the barn is one of dominant Principal farmhouse with a moated enclosure that demonstrates the property's high status. The barn served a functional purpose for the farming activity taking place on the site.

Preserving the setting of listed buildings is an important function. PPG15 Para2.16 states that "the setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function." Para2.17 goes on to say, "the setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of the spaces created between them." The historical relationship between Howses and the barns is fundamental. Taking away the modern concrete barns, Howses and the barn would be viewed as one distinct group in a rural setting. Inappropriate changes to the barn could therefore have the consequence of adversely affecting the setting of the buildings as a whole, including Howses and therefore any such changes should be appropriate so as not to unduly harm or damage its setting in any way.

It is considered that the proposal as now submitted overcomes the previous objections, and the relationship is now satisfactory.

4) Unlike previous schemes, this application is to convert the barn into one single dwelling. The previous schemes were for two dwellings. In terms of highway issues, one dwelling would create materially less traffic than two dwellings and the degree of impact in terms of traffic and noise would be minimal. There would also be minimal overlooking of Howses due to the distance apart from each other and the domestic ephemera, such as washing lines, associated with residential properties would be contained within the walled garden, and considerably reduced.

Concern has been expressed that there is no market demand for large converted barns. Although not strictly a planning matter, a lack of market interest in a large five-bedroom barn conversion may create commercial pressures to subdivide the property into possibly two or more units. This could have adverse consequences, not only on the barn but on the setting of Howses, opposite. However, the strong appeal record on the effect of a conversion to two dwellings would not be weakened by a decision to approve a conversion to one.

**COMMENTS ON REPRESENTATIONS:** These have been covered in the report.

**CONCLUSIONS:** If a strict conservation approach is taken then it is arguable that permission should be refused on the basis that conversion would be detrimental to the setting of the listed building, and the character and appearance of the countryside. It is considered however, having regard to the appeal decisions, that the use of the barn as a single dwelling and the small changes to the fenestration overcome previous objections and render the proposal acceptable.

**RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Sample of materials to be submitted and agreed.
4. C.5.4. Natural Slate.
5. C.5.8. Joinery details.
6. C.5.9. Stained wood.
7. C.4.1. Scheme of landscaping to be submitted and agreed
8. C.4.2. Implementation of landscaping
9. C.6.2. Excluding all rights of permitted development with the curtilage of a dwellinghouse without further permission
10. C.6.5. Excluding fences and walls without further permission

*Background papers: see application file.*

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## **1) UTT/1759/03/FUL & 2) UTT/1760/03/LB - GREAT DUNMOW**

1) & 2) Conversion of barn to dwelling, erection of 3-bay garage and construction of section of driveway.

Folly Farm. GR/TL 617-218. Siemans.

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 01/01/2004

**NOTATION:** Outside Development Limits/Grade II Listed Buildings.

**DESCRIPTION OF SITE:** Folly Farm is a mixed group of historic farm buildings located to the south of the A120 on the western edge of Great Dunmow, opposite Tesco's. The farmstead consists of a Grade II listed farmhouse and a number of Grade II listed barns grouped around a historic courtyard. In addition, there are a number of working farm buildings to the south. The Grade II listed Folly Farm House is located to the north but is separate from the main farm buildings and courtyard and is not related to the application site.

**DESCRIPTION OF PROPOSAL:** These applications relate to planning permission and listed building consent for the conversion of one large Grade II listed barn to a dwelling, the erection of a three bay garage and the construction of a new access. It is also proposed that three existing modern agricultural buildings to the south of the barn would be removed and the proposed garage would be located on part of the footprint of the largest building.

The proposed three bay garage would be a timber framed and weather boarded building with the roof clad using clay plain tiles. It would cover an area of approximately 58m<sup>2</sup> and would have a maximum ridge height of 4.5m.

Access to the site would be via the existing access to Folly Farm but would also use part of a new access which was permitted under an agricultural determination.

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

**RELEVANT HISTORY:** Conversion of buildings to form three dwellings and erection of garages and fencing conditionally approved 2002.

**CONSULTATIONS:** ECC Archaeology: The Essex Heritage Conservation Record shows that the proposed conversion lies in a highly sensitive area of archaeological deposits. The barn itself is listed as being of 15<sup>th</sup> to 16<sup>th</sup> century date and would have been part of a large farm complex as it is today. Folly Farm lies within an extensive cropmark complex which is known to date from the Late Iron Age through to the Saxon period (EHCR 13088-13091). A Saxon coin was found in the field immediately to the east of the barn (EHCR 9963). Both the conversion of the barn and any groundworks associated with it and the construction of a new garage will have an impact on the archaeological deposits of this area. It is recommended that the barn should be fully recorded and all groundworks monitored by archaeologists, with area excavation undertaken on the garage and in the barn if ground reduction is required. Recommendation: Building Recording and excavation.

Environment Agency: Provides guidance relating to small residential development with private treatment plants.

ECC TOPS: No objections.

Environmental Services: No objection to the proposals.

Building Surveying: No adverse comments.

**Design Advice:** The barn subject of this application is a C15 or C16, timber framed and part plastered, part weather boarded structure with half hipped red plain tile roof and two half hipped midstreys. The building is listed Grade II.

Clearly the building fulfils the criteria of Policy C6 and the emerging policy H5, and its conversion to residential use is likely to be acceptable in principle.

The proposed scheme is in my view outstanding in design terms. It intelligently makes use of the lesser areas of the building to create bedrooms and bathrooms, which require greater degree of subdivision. Four out of six bays of the structure remain void and open to the rafters, thus protecting the cathedral like character of the internal volume. The level of the new fenestration is also limited. In conclusion this low-key scheme if implemented, is likely to be a fine example of how to imaginatively endow a historical building with new economically viable future while preserving most of its character.

I suggest approval subject to conditions.

**TOWN COUNCIL COMMENTS:** Supports the application.

**REPRESENTATIONS:** These applications have been advertised and no representations have been received. Advertisement expired 11 December.

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

- 1) the proposals would be acceptable as a residential barn conversion in the countryside (ADP Policy C6, ERSP Policy RE2, DLP Policy H5) and
- 2) the conversion would protect and enhance the character and setting of the listed barn and the surrounding listed buildings (ADP Policy DC5, ERSP HC3, DLP ENV2).

1) The supporting information submitted with the application states that the barn is no longer suitable for modern farming practices and is therefore redundant, so in line with PPG 7 and ADP Policy C6 it is important to find an economically viable use for it. The barn is in sound structural condition and in addition to the previously approved scheme to convert the other listed farm buildings, the proposal not only maintains the historic form and layout of the farm complex, but also respects and conserves the historic characteristics of the farmstead yard. Accordingly the principle of residential conversion would meet the policy provisions.

2) In the opinion of the Council's Conservation Officer the proposed conversion is "outstanding in design terms". This scheme to convert and reuse the barn as a dwelling would retain the character of the original building by keeping the internal sense of space and by having a limited level of fenestration. This is the only remaining listed agricultural building that does not have permission for a residential conversion and it is not considered that the proposed conversion or the erection of a three bay garage building would be detrimental to either the barn or the surrounding listed buildings.

**CONCLUSIONS:** The proposal is considered to meet the policy requirements and is considered to preserve and respect the historic character and appearance of the barn and would not materially harm the setting of the listed buildings.

**RECOMMENDATIONS:**

- 1) **UTT/1759/03/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.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
- 6 C.16.2.Full archaeological excavation and evaluation.
- 7. The garage hereby permitted shall be clad with feather-edged boarding painted black and handmade plain clay tiles. Samples of the tiles shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.  
REASON: In order to protect and enhance the character and setting of the listed building.

**2) UTT/1760/03/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. C.5.9. Stained wood.
- 4 C.5.16.No historic timbers to be cut or removed.
- 5 All elements of the historical timber frame shall be repaired as necessary in matching timber and cross sections.
- 6 All indicated new windows shall be located without damaging the timber frame of the building.
- 7 All sound existing hand made plain clay tiles shall be re-used and any shortfall shall be made up by exactly matching materials. Samples of any additional tiles to be used shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.
- 8 The existing brick plinth shall be repaired using matching brick types, bonding and pointing.
- 9 All render to be used in the conversion shall be lime based.  
REASON 5-9: In order to protect and enhance the character and appearance of the listed building.

*Background papers: see application file.*

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## **1) UTT/1776/03/FUL & 2) UTT/1854/03/LB - UGLEY**

- 1) Conversion of buildings to form four dwellings and garaging/stores.
- 2) Restoration, part demolition, and conversion of outbuildings to form four dwellings and garaging/stores.

North Hall Farm. GR/TL 523-303. Mr M Carney.

*Case Officer: Mrs K Hollitt 01799 510495*

Expiry Date: 23/12/2003

**NOTATION:** ADP & DLP: Outside Development Limits and Settlement Boundaries/Within Area of Special Landscape Value (ADP Policy only) and complex of buildings Listed Grade II and associated ancillary buildings.

**DESCRIPTION OF SITE:** The site is located in open countryside north of Elsenham at the end of an access track on the western side of North Hall Road, over which the M11 passes. The farmhouse is located on the southern side of the access with a series of farm buildings to the north. The buildings include a timber-framed barn listed in its own right, which is currently being converted into a residential unit as part of an approved scheme. The remaining buildings are arranged around a courtyard. The majority of the buildings are weather-boarded and slate-roofed. They are used either in connection with the applicant's marble business or as unlawful guest accommodation.

**DESCRIPTION OF PROPOSAL:** This revised proposal seeks to cease the existing stone cutting use and B&B and to convert the buildings so that including the already approved barn (unit 2), a total of 5 residential units would be formed, the existing farmhouse (unit 1) making six units in total. The range of buildings to the western side of the site would be converted into three units (5, 6 and 7). To the western side of the site a building referred to as a mill is also proposed to be converted (unit 3). It is proposed to retain the building in the middle of the courtyard, and a further building to the northern end of the site in order to provide garaging and storage for the proposed new dwellings. It is proposed that each unit would have two garages and a store, except for unit 7 which would have 1 garage and a parking space. No new buildings are proposed.

**APPLICANT'S CASE:** See letter dated 17 November 2003 attached at end of report.

**RELEVANT HISTORY:** The conversion of the main barn into a dwelling was first approved in 1988, but the current works being undertaken are in accordance with a revised scheme approved in 2001. Refusal of conversion to 4 units following Members Site Visit in September 2002 for 2 reasons:

1. The residential conversion of these barns as proposed would result in a large proportion of the historic merit of the site being eroded by the subdivision of the farmyard and allocated between individual dwellings, the subdivision of the larger building into 2 units resulting in the need for excessive fenestration and the introduction of a long terrace of new-build garages and car parks with perimeter access, contrary to ERSP Policies RE2 and HC3, ADP Policies C6 and DC5 and DLP Policies H5 and ENV2.
2. The introduction of dwellings in such close proximity to the M11 motorway would result in harm to the amenities of future residents by virtue of the high ambient noise and pollution levels generated by traffic, notwithstanding the proposed mound, garages and car ports, contrary to ADP Policy N2(a) and DLP Policy ENV10(a).

Members also resolved to refuse a subsequent application in February 2003 on similar grounds following an appeal against non-determination. This appeal was subsequently dismissed. The Inspector considered that the proposals would “*radically alter the inward looking nature of the existing complex to something that looked outwards, removing much of its intrinsic functional, agricultural character of the former farmyard. This would, in my view, be harmful to the special architectural and historic interest of the listed buildings themselves and, also, the spread of the complex into the countryside would harm the setting of the group.*”

**CONSULTATIONS:** Design Advice: Principle objection to previously refused scheme was the subdivision of the historical yard, excessive fenestration, new dwelling and new set of garages within the site. Present submission overcomes these concerns and I find it acceptable subject to conditions.

Archaeology: No archaeological recommendations.

ECC Transportation: Deminimus application.

Environmental Services: None received. Due 14 November 2003.

Environment Agency: Advisory comments.

English Heritage: None. Due 11 December 2003.

Highways Agency: Secretary of State does not intend to issue a direction. The M11 between junctions 8 and 9 is currently the subject to a TR111 Route Protection Order. The Order gives notice that the Secretary of State proposes to widen the motorway between junctions 8 and 9 at some stage in the future. Such a scheme would have implications for traffic noise and air quality in the vicinity.

**PARISH COUNCIL COMMENTS:** None received (due 9 December 2003).

**REPRESENTATIONS:** These applications have been advertised and no representations have been received. Period expired 27 November 2003.

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

- 1) the proposal meets the environmental, historic and architectural quality criteria relating to the residential conversion of rural buildings (ERSP Policy RE2, ADP Policy C6 and DLP Policy H5),
- 2) the effect of the proposals on the historic buildings and their setting would be acceptable (ERSP Policy HC3, ADP Policy DC5 and DLP Policy ENV2)
- 3) the impact of the development on the countryside would be acceptable (ERSP Policies CS2 and C5, ADP Policy S2 and DLP Policy S7),
- 4) a satisfactory residential environment can be created with regard in particular to traffic noise (ADP Policy N2(a) and DLP Policy ENV10(a) and
- 5) the access and service arrangements for the site would be satisfactory (ERSP Policy T12, ADP Policy T1 and DLP Policy GEN1).

1) The Development Plan policies allow the residential conversion of suitable rural buildings, subject to certain criteria being met. The buildings have to be of sound construction capable of conversion, their form should enhance the appearance of the area and the private gardens should be provided unobtrusively. Most of the buildings subject of this application are in sound condition and require minimum alterations to the original fabric to convert. The building requiring the most work is the “mill” which would have modern alterations removed to utilise the original fabric of the structure. The barn shown to be demolished and replaced by a new dwelling in the previous application is now shown to be converted and used as garaging/storage for units 3 and 5. The Inspector stated in his decision:



“However, there seems to me no good reason why this needs to be a new dwelling rather than ancillary accommodation such as garaging. Indeed, there seems to me to be no reason why the existing outbuilding could not fulfill this function, with alteration, and maintain the existing sense of enclosure.”

*Therefore, it would appear that the proposals now comply with the relevant policies and are in line with the Inspector’s decision.*

2 & 3) The farmhouse and the main barn are listed in their own right and the other buildings provide an important context to these. The structures to be converted are all pre-1948 and are therefore ancillary to the main buildings. The works now proposed have overcome the previous objections of the Design Advisor, who now raises no objections to the proposals.

4) The units are located close to the motorway and it is proposed to secure sound attenuation measures to ensure the noise levels within the dwellings would be acceptable, in accordance with advice from Environmental Services. The external areas of the buildings would be subject to noise from traffic on the motorway. The Inspector in considering the previous application stated:

*“The Noise Assessment submitted by the Appellants confirms that, with alterations to the arrangement and detailing of fenestration, (shown on revised drawings 28402.02B, 03B and 16), to units 5, 6 and 7, and constructional changes, the proposal would fall within an acceptable PPG24 Noise Exposure Category. I agree that, on this basis, with suitably applied conditions, an adequate living environment for prospective occupiers could be achieved in accordance with District Plan Policy N2(a) and advice in PPG24.”*

Notwithstanding this, the previous application proposed a new bund and garaging to form a barrier to the motorway. These proposals have been removed from the current scheme. It is proposed that the motorway would be resurfaced in 2005 with a noise reduction surface, and this would reduce the noise to the complex. However, the Highways Agency have advised that the area between junctions 8 and 9 are subject to future widening proposals, which are likely to have an impact through traffic noise and air quality. Members would need to consider whether this revised proposal, with gardens located to the east of the barns and to the west of the motorway would provide amenity space suitable for residential accommodation, especially in light of the new information from the Highways Agency.

5) The current authorised industrial use of the site includes large vehicles making deliveries to the site. The proposed alternative residential use would reduce this activity and the adverse effects on the neighbours’ amenities. Adequate on-site parking provision can be made.

**CONCLUSIONS:** This revised proposal has overcome the previous design objections by turning the scheme to be “inward looking”. The existing buildings within the site would be reused to provide ancillary garaging and storage and complete the enclosure of the site. The Inspector has considered that an adequate living environment can be created within the barns, but the main concern now is whether the provision of the gardens for units 5, 6 and 7 between the complex and the motorway would be detrimental to the residential amenities of these properties, particularly in view of the new information from the Highways Agency. Should Members consider that this would be acceptable, then it is considered that the previous reasons for refusal have been overcome and that this application should be approved. The letter received from the Highways Agency is purely advisory at this stage and an informative should be added to the decision notice with this regard.

**RECOMMENDATIONS:**

**1) UTT/1776/03/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.5.1. Samples of materials to be submitted and agreed.
4. C.4.1. Scheme of landscaping to be submitted and agreed.
5. C.4.2. Implementation of landscaping.
6. No physical vertical boundary treatment shall be erected or grown between the units within the historical yard.
7. All boundary treatment shall be of post and rail fencing and indigenous hedging, details of which shall be submitted to and approved by the local planning authority as required by condition C.4.1. above.  
REASON 6 & 7: To ensure the boundary treatment of the site does not detract from the character and setting of the historic buildings.
8. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
9. C.6.7. Excluding conversion of garages.  
REASON: To ensure sufficient parking provision is made for the properties and to prevent parking within the courtyard, which would have a detrimental impact on the setting.
10. C.6.13. Excluding extensions and erection of freestanding buildings and siting of chattels.
11. C.6.14. Restriction on rebuilding.
12. C.8.26. Internal sound insulation to dwellings.
13. C.8.27. Drainage details.
14. C.11.6. Standard vehicle parking facilities.
15. Prior to the commencement of the development hereby permitted, the marble cutting business shall cease to operate at the site, and all material removed from the site, to the satisfaction of the local planning authority.  
REASON: It is considered that the business would be detrimental to the residential amenity of the occupiers of the dwellings hereby permitted.

**2) UTT/1856/03/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.5.4. Natural slate.
5. C.5.5. Clay plain tiles.
6. C.5.8. Joinery details.
7. C.5.9. Stained wood.
8. C.6.14. Restriction on rebuilding.

*Background papers: See application file.*

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## **1) UTT/1949/03/FUL & 2) UTT/1950/03/LB – TILTY**

1) Change of use of building to holiday let accommodation.

2) Internal alterations.

Coldarbour Barn. GR/TL 587-273. Mr & Mrs T D Thompson.

*Case Officer: Mr N Ford 01799 510468*

Expiry Date: 08/01/2004

**NOTATION:** Outside development limits S2, Area of Special Landscape Value C2, Affects the setting of a listed building DC5.

**DESCRIPTION OF SITE:** This application relates to a barn located approximately 1.1km west of Tilty Grange and 0.8km east of Church End, Broxted. This farmstead group of buildings is located approximately 400m from the road, accessed by a single-track hard surfaced lane. Adjacent to the application site is a listed building converted for residential use named Coldarbour Barn and Lower Barn, which is physically linked to the application building and has planning and listed building consent granted 17 June 2002 for change of use and conversion of barn to form two self-catering holiday apartments.

**DESCRIPTION OF PROPOSAL:** The development would consist of the conversion of this single-storey listed rural building physically attached to Lower Barn. The tourist accommodation would provide two-bedrooms, a living room, a bathroom and a kitchen for self-catering purposes. It is proposed to provide two car parking spaces within the curtilage for the specific use of the holiday apartments.

**APPLICANT'S CASE:** The applicant has provided an extensive supporting letter, the following is an abbreviated version of salient matters: "The building is soundly built...and can simply accommodate a two bedroom unit with living room, kitchen and associated bathroom, with little alteration to the structure and insignificant change to the character of the building group or setting of the listed buildings. The self-catering accommodation is required to be run by the applicants and remain as part of and within the curtilage of the main house, Coldarbour Barn...The proposal can be carried out without significant reconstruction of the building and the intended use is to serve tourism."

**RELEVANT HISTORY:** Change of use and conversion of barn to form 2 self-catering holiday apartments approved 2002. Erection of detached 3-car garage approved 2000. Conversion of barn to dwelling approved 2000.

**CONSULTATIONS:** UDC Specialist Design Advice: The proposed conversion is acceptable in design terms subject to conditions.

County Planner (Archaeology): The Essex Heritage Conservation Record shows that the proposed development lays outside any area of known archaeological deposits. On our current knowledge therefore, no archaeological recommendations are being made on this application.

**PARISH COUNCIL COMMENTS:** None received. Due 14 December 2003.

**REPRESENTATIONS:** These applications have been advertised and no representations have been received. Period expired 11 December 2003.

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

- 1) **whether the proposal complies with policy on the provision of tourist accommodation in the countryside through ADP Policy REC3 and RDDP LC6 and**
- 2) **whether the conversion of this listed rural barn is acceptable in relation to ADP Policies C5 and DC6 and RDDP Policies E4 and ENV2.**

1) Tourist accommodation is generally directed by policy to be located within settlement boundaries. Outside of these areas, however, suitability of such uses will be dependant upon their scale, appearance and impact upon surrounding area.

In this particular case the provision of a further unit of tourist accommodation is not considered to detrimentally affect the rural character of the area and would be consistent with the appearance of the curtilage of this site and bear close relationship to the attached Lower Barn, which also has permission for tourist accommodation.

2) **The building subject of this application is soundly built with timber framing, a masonry plinth and clay pantile to the roof. It is considered that the building can accommodate the accommodation proposed with little external and internal alterations in accordance with Policy C5, DC6 and ENV2. No extension to the property is proposed.**

In relation to Policy E4 of the DDP, the proposal would provide tourist accommodation within a soundly built structure capable of conversion without causing unacceptable pressure on the countryside or the rural road network.

**CONCLUSIONS:** This proposal is considered to be an acceptable use within a soundly built listed building in the open countryside that will complement the existing residential and tourist accommodation uses within the curtilage of this site. In addition, it is not considered to be a use, which would cause unacceptable pressure on rural amenity. Subject to appropriate conditions the proposal is considered to form an acceptable conversion scheme.

**RECOMMENDATIONS:**

**1) UTT/1949/03/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.13.6. Short stay holiday lets.
4. C.11.7. Standard parking requirements.
5. C.21.1. No airport related parking.
6. C.25.1. Parking for use only by tourist accommodation.

**2) UTT/1950/03/LB – LISTED BUILDING CONSENT WITH CONDITIONS**

1. C.2.2. Time limit for commencement of development – listed buildings.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. C.5.8. Joinery details.
4. C.5.9. Stained wood.

*Background papers: see application file.*

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## **UTT/1795/03/FUL – CHRISHALL**

Conversion and change of use of farm building into one agriculturally tied residential unit.  
Wire Farm, Crawley End. GR/TL 446-396. F A Rogers & Son Ltd.  
*Case Officer: Mr G Lyon 01799 510458*  
Expiry Date: 17/12/2003

**NOTATION:** ADP and DLP: Outside Development Limits of Crawley End, Chrishall, Area of Special Landscape Value.

**DESCRIPTION OF SITE:** The site is located in between the two settlement limits of Chrishall on Crawley End. Wire Farm forms a group of seven buildings and the main farmhouse is situated approximately 40 metres away from the barn in question and fronts onto Crawley End. The barn and land to be converted is located on the southern side of the farm and occupies 0.103 ha. The barn itself is single-storey with black-stained weather boarded walls and corrugated iron roof. The building appears to be in sound structural condition and appears to be redundant for agricultural purposes. The farm itself comprises 61 ha of land, has an additional 6 ha held on a Farm Business Tenancy for the past 15 years and 40.5 ha held on a grazing/mowing agreement, rented annually. This gives a total land area of 107.5 ha.

**DESCRIPTION OF PROPOSAL:** The applicant is seeking full approval for the conversion of the southern barn into one two-bedroom agriculturally tied dwelling with garden area on the south side. The barn would be repaired and made good with new black stained weatherboarding and slate roof. A new pitched roof would be inserted over the link building between the barn and garage. To the northern elevation, existing window and door patterns would be retained with the existing timber doors tied back. The southern elevation would have four new window sections inserted, again with tied back shutters and a row of high level windows would be inserted above the utility/study and parking area. One new window would be inserted on the western elevation but the eastern elevation would remain the same. The property would remain single-storey in height.

**APPLICANT'S CASE:** The applicant has provided a supporting statement for the proposed development focusing on the agricultural need for the tied dwelling (Statement available on file). The dwelling is for agricultural purposes only and will not be sold on the open market, which can be safeguarded by condition.

**RELEVANT HISTORY:** The farm has very little planning history, the last application being for the erection of Dutch barn for hay and straw storage in 1994, which was deemed to be permitted development.

**CONSULTATIONS:** Environment Agency: Advisory Comments regarding private means of foul effluent disposal.

Environmental Services: No comments received.

Building Surveying: No adverse comments.

**PARISH COUNCIL COMMENTS:** No objections to the proposal to convert a barn into a two-bedroom bungalow provided:

- a) an agricultural tied is attached to the property
- b) it is the only development allowed within the curtilage of the farmyard.

**REPRESENTATIONS:** 4 neighbours surrounding the proposed development were notified. Advertisement expired 18 November 2003. No letters of objection were received.

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

- 1) this is an appropriate form of development to be taking place in the countryside beyond settlement limits (ERSP Policy C5, ADP Policies S2, C8 and DLP Policies S7 and H11),**
- 2) it can be demonstrated that there is an essential need for someone to live permanently on site for agricultural purposes and the scale of the proposed agricultural dwelling is commensurate with the size of the agricultural holding (PPG 7, ERSP Policies RE2, ADP Policies C8, C4, DC1, DLP Policies H11, E4 GEN2),**
- 3) other relevant issues.**

1) Policy C5 of the Essex Replacement Structure Plan (ERSP) refers to rural areas not in the Green Belt and states that the countryside will be protected for its own sake by ensuring that only development takes place that needs to be there. This is reinforced by Policy S2 of the Adopted Local Plan, which relates to development in the countryside beyond established settlement limits. It states "Permission will not normally be given for development in the countryside beyond Development Limits unless the proposals relate to agriculture, forestry, appropriate outdoor recreational uses, or appropriate changes of use of suitable existing buildings compatible with a rural area". Policy S7 of the Deposit Local Plan continues this policy theme.

The proposed development relates to an agriculturally tied dwelling and as such this use would comply with the policy requirements of the Structure Plan Policy C5, Adopted Local Plan S2 and Deposit Local Plan Policy S7 in terms of being a land-use that would need to take place in the countryside. However, any such proposal would need to meet with all the other policy requirements relating to agriculturally tied dwellings and the re-use of rural buildings.

2) Policy C8 of the Adopted Local Plan and Policy H11 of the Deposit Local Plan both relate to agricultural workers dwellings. Both policies state that dwellings will only be approved where it can be demonstrated that there is an essential need for someone to live permanently on site to provide essential care to animals or processes or property at short notice. Such dwellings will normally be of modest proportions and in relation to the needs of the agricultural enterprise.

According to the attached supporting statement, rotation and cropping in 2003 comprises wheat, barley, oats and beans. In addition the farm business comprises 150 beef cattle and 55 hectares of grass. The duties of the farm manager are such that he is permanently involved in the farm operations and needs to be on site to undertake his duties, and for reasons of animal welfare and security. He is required to be available at all times to take delivery of the fertilizer's etc and to manage livestock.

The farm has both arable land and cattle and is therefore finely balanced between requiring an agricultural dwelling to be located on site. The 150 cattle do not, according to the report, require milking, but will require feeding whilst in store during the winter months etc. The applicant has stated that they wish to increase the size of the herd to 250 and this will obviously require additional care. The applicants however are concerned about security and would not increase the herd size without the agricultural dwelling, which would provide extra security for the farm, especially following previous break-ins on the site.

The essential issue therefore is the level of care required for the farm to function effectively. The main farmhouse is currently occupied by Mr Rogers (senior), who presently runs the farm but is set to retire in 2004. The farm has been in the family and operated successfully

since the 1930s. His son will take over the running of the business and therefore needs to be located close to the farm to provide the essential care needed. As there is no room for Mr Rogers (junior) to be housed within the main farmhouse, an agriculturally tied dwelling is required to house him and his family. There are no plans to sell the house. It would be envisaged that Mr Rogers (junior) would eventually move into the main farmhouse.

On balance it would appear that there is a need for someone to be located permanently on the farm to provide essential care to animals and provide security and this need will arise for the medium term.

The proposed dwelling involves the re-use of an existing farm building to create a two-bedroom property for Mr Rogers (junior). The property is not listed but appears to be in sound structural condition although will require re-roofing and insulating to residential standards. The property would have adequate parking and amenity space and is of a size commensurate with the size of the agricultural holding, being a modest two-bedroom dwelling. An appropriately worded condition would prevent its sale on the open market.

The proposal therefore meets both the requirements for agricultural dwellings, being essential to provide care to animals and being of a size commensurate with the size of the agricultural enterprise.

3) One other issue to consider is the impact of the proposed dwelling on the surrounding countryside. The site is contained within the farm complex and would be viewed in this context from surrounding land. The garden area would be contained within existing hedging and field boundaries and therefore any residential trappings would be hidden behind this.

The impact on the countryside would therefore be minimal.

Access into the site is good.

Finally it is important to ensure that the existing farmhouse is not sold as free market housing, consequently a legal agreement is proposed to retain the house for agricultural occupation.

**CONCLUSIONS:** An agriculturally tied dwelling would be acceptable in this location because there is an essential need to provide care to animals at short notice and the proposed conversion of an existing barn would be of a size commensurate with the size of the agricultural enterprise. There would be minimal impact on the countryside.

**RECOMMENDATION: APPROVAL SUBJECT TO A SECTION 106 AGREEMENT TO ENSURE THE EXISTING FARMHOUSE REMAINS IN AGRICULTURAL OCCUPATION AND SUBJECT TO THE FOLLOWING 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.18.1. Agricultural occupancy.
4. C.5.1. Samples of materials to be submitted and agreed.
5. The principle roof to the conversion scheme hereby permitted shall be clad with natural slate.  
REASON: To ensure that appropriate materials are used for the approved works.
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission
7. C.6.7. Excluding conversion of garages.
8. C.11.7. Standard Vehicle Parking Facilities.
9. C.5.9. Stained wood.

- 10. C.4.1. Scheme of landscaping to be submitted and agreed
- 11. C.4.2. Implementation of landscaping.

*Background papers: see application file.*

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## **UTT/1988/03/OP - LITTLE CANFIELD**

Outline application for erection of two detached dwellings.  
Land adjacent 4 Hamilton Road. GR/TL 576-213. Mrs S M Griffiths.  
*Case Officer: Miss K Benjafield 01799 510494*  
Expiry Date: 23/01/2004

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

**DESCRIPTION OF SITE:** This 23m long and 18m wide site is located approximately 1.5km east of the Four Ashes junction in Takeley, on the northern side of the A120. Hamilton Road is an unmade private lane serving a mixture of detached bungalows and semi-detached two-storey dwellings. The site is located between nos. 4 and 6 Hamilton Road and is overgrown with mature vegetation along the boundaries.

The site is one of several “island sites” within the Prior’s Green site which lie outside the outline planning application site for 650 dwellings but within the Takeley/Little Canfield policy area.

**DESCRIPTION OF PROPOSAL:** The outline application is for the erection of two detached dwellings. The siting, design, landscaping, external appearance and means of access would all be determined at the reserved matters stage.

**CONSULTATIONS:** ECC Archaeology: Recommendation: Watching Brief.  
Environment Agency: Makes advisory comments for the applicant regarding development within 250m of a current or former waste disposal site (copy of letter to go with decision notice).  
ECC TOPS: No objections.  
Environmental Services: None received.  
Water Authority: No objections.

**PARISH COUNCIL COMMENTS:** None received (due 28 December).

**REPRESENTATIONS:** One. Notification period expired 19 December. Main points:  
1. The form says that no hedges or trees are to be cut however the land is full of fruit trees and a 100 year old walnut tree, there is no way the tree could remain and the only way on to the site is through a very small gate.  
2. The forms also state that there is mains sewerage however, this is privately owned by nos. 4 and 6 Hamilton Road and cannot be used by any further developments.

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

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

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

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

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

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

**COMMENTS ON REPRESENTATIONS:** The application is in outline form and the impact on vegetation and trees cannot be assessed at this stage. It is proposed to impose conditions relating to landscaping including the retention of trees or shrubs which are worth retaining however there are no Tree Preservation Orders on any trees on the site. It is also proposed to impose a condition relating to foul and surface water drainage to ensure that adequate provision is made for the development.

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

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

1. C.1.1. Submission of reserved matter: 1.
2. C.1.2. Submission of reserved matter: 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. The land the subject of this planning permission shall not be developed other than contiguous with planning permission UTT/0816/00/OP. The site shall be included within the approval of phasing and development densities set out in condition 7 of planning permission UTT/0816/00/OP.

REASON: To secure appropriate phasing and densities in a comprehensive manner.

6. The development hereby permitted shall be carried out in accordance with the Master Plan, drawing no. 1071/MP/6 Rev A dated 10.08.00 unless otherwise agreed in writing by the local planning authority.  
REASON: To ensure development proceeds in broad accordance with the principles set out in the approved Master Plan.
5. C.5.2. Details of materials
6. C.4.1. Scheme of landscaping
7. C.4.2. Implementation of landscaping
8. C.4.6. Retention of trees and shrubs
9. C.16.1. Watching Brief
10. The land the subject of this planning permission shall not be developed other than contiguous with planning permission UTT/0816/00/OP. The site shall be included within the approval of phasing and development densities set out in condition 7 of planning permission UTT/0816/00/OP.  
REASON: To secure appropriate phasing and densities in a comprehensive manner.
11. The development hereby permitted shall be carried out in accordance with the Master Plan, drawing no. 1071/MP/6 Rev A dated 10.08.00 unless otherwise agreed in writing by the local planning authority.  
REASON: To ensure development proceeds in broad accordance with the principles set out in the approved Master Plan.
12. Noise construction levels/hours.
13. No development shall take place until the new A120 has been completed and open to traffic between the M11 and Great Dunmow.  
REASON: In the interests of highway safety.
14. No development shall take place until a programme of works for the provision of foul and surface water drainage has been submitted to and approved in writing by the local planning authority, following consultation with Thames water. Subsequently the works shall be implemented as approved, including any phasing in relation to the occupation of buildings.  
REASON: To ensure there adequate surface and foul drainage systems are provided for the development and there are no adverse effects on the wider community.

*Background papers: see application file.*

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## **UTT/1868/03/FUL - RADWINTER**

Lifting of condition C.90.A attached to planning permission UTT/0968/96/FUL restricting use of 1 & 2 The Mews to allow permanent residential use.

1 & 2 The Mews, Newhouse Farm. GR/TL 594-375. Mr & Mrs N Redcliffe.

*Case Officer: Consultant North telephone 01799 510469/510478*

Expiry Date: 24/12/2003

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

**DESCRIPTION OF SITE:** The site is located in open countryside one mile west of Radwinter. It forms part of a complex of seven dwellings, mainly converted barns of which one is listed (Reedings) grouped to the west of the farmhouse (New House Farm).

**DESCRIPTION OF PROPOSAL:** It is proposed to remove a condition which restricts occupation to an annexe, holiday lets or agricultural worker.

**RELEVANT HISTORY:** Conversion of two barns to provide two dwellings for agricultural workers' accommodation approved in 1981. Variation of 1981 condition to also allow holiday lets approved in 1997 subject to also allowing occupation as an annexe. This consent applied to four dwellings, i.e. two in each barn. The Mews has since been converted to one dwelling (no permission required). The other dwelling (The Granary) has also been converted to one unit and is not affected by this proposal. Four other barns in this complex have also been converted to dwellings over the last 20 years.

**APPLICANT'S CASE:** See 8-page supporting statement and photographs available at the Council Offices, Saffron Walden.

**PARISH COUNCIL COMMENTS:** No objections to details, but concern regarding vehicle entrance to site. Matter raised with ECC who are to do road marking. PC has recommended it combines with the applicant regarding informatory signs warning of a concealed access.

**REPRESENTATIONS:** None. Revised notification period expired 18 December.

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

- 1) appropriate in this rural location,
- 2) have any highway implications and
- 3) respect neighbours' amenities (ESP Policy C5, ADP Policies S2, C8 and DLP Policies S7 & H11).

1) The separate residential occupation of this unit as a permanent dwelling would not alter the character or appearance of the property or the surrounding complex. The structure complies with the relevant policy criteria for barn conversions. It is in sound condition, is worthy of retention in this attractive group and its conversion would conserve the building. No alternative commercial use would be appropriate in this residential complex. There is no farming need for the building to remain as potential agricultural accommodation and The Granary would meet this need if it arose in the future. There would be no additional domestication of the setting, since that has already occurred and the rear garden is enclosed and out of sight from the front courtyard. There would be no physical changes, either to the building or in its curtilage. The continued residential occupation of this building would help to

retain the attractive group which is of environmental value. It is considered, therefore, that the proposal would be appropriate in this rural location.

2) There should be little increase in the number of traffic movements compared to its current use as holiday accommodation. Despite visibility being restricted when exiting the courtyard, this access already serves three properties and it is not considered that any additional use would so increase the existing dangers to warrant refusal on highway grounds. The PC's comments are helpful and should be suggested to the applicant in a note on the Decision Notice.

3) It is considered that the continued residential occupation of this barn, albeit of a separate and permanent nature as opposed to short-term holiday lets, would improve neighbours' amenities by virtue of a reduction in comings and goings. The building has sufficient parking facilities in the open at the front within the courtyard and the continuation of this arrangement would not materially harm neighbours' amenities. The garden at the rear is well enclosed by brick walls and its continued use as amenity space would not affect neighbours.

**RECOMMENDATION: APPROVAL WITH CONDITION**

C.2.1. Standard time limit.

*Background papers: see application file.*

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## **1) UTT/2011/03/FUL & 2) UTT/2012/03/LB - THAXTED**

1) Proposed conversion of barn to dwelling to include single-storey side extensions and two-storey rear extension.

2) Proposed conversion of barn to dwelling to include single-storey side extensions and two-storey rear extension and internal alterations.

Dove House Farm Barn, Dunmow Road. GR/TL 615-293. Mr A J Tonge.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 16/01/2004

**NOTATION:** Outside development limits S2, Area of Special Landscape Value C2, affects the setting of a listed building DC5.

**DESCRIPTION OF SITE:** This site is located on land within the curtilage of Dovehouse Farm on the eastern side of the B184, 1 mile (1km) south of Thaxted. The barn to be converted is sited adjacent the main farmhouse with a courtyard between the two buildings. It is 1.5 storeys in height with associated single-storey outbuildings within the courtyard. There are existing brick and flint walls to the front and rear.

**DESCRIPTION OF PROPOSAL:** It is proposed to link and extend the existing barns. A double bay garage would be created within the northern barn by extending the barn northwest by 2.1m. This scheme is materially different from the previous approvals in so far as an extension north west of the lower barn is proposed with full height glazing. Additionally a chimney is to be added to the side elevation southern barn and the glazing would be altered including a conservation style roof light to its front elevation roof. The existing lower barn is 6.7 m to ridge height. It is proposed to extend this to 8m to facilitate roof space.

**RELEVANT HISTORY:** In April 2003 planning permission and listed building consent was granted for a similar scheme to that now proposed consisting of the conversion of a barn to a dwelling, alterations including the raising of the roof and change of use of agricultural land to residential.

**CONSULTATIONS:** ECC Highways: No objection. Adequate parking and turning facilities to be provided within the curtilage of the site.

Water Authority: None received (due 10 December 2003).

Environment Agency: Standard advisory letter.

Essex Bat Group: Request a bat survey be conducted. If the presence of bats were proven, then A DEFRA licence would be required before redevelopment could continue.

Building Surveying: None received (due 8 December 2003).

UDC Specialist Design Advice: This alternative proposal to a previously approved scheme has been negotiated. The reinstatement of the midstray and other amendments are considered acceptable subject to all previous conditions.

**PARISH COUNCIL COMMENTS:** None received (due 24 December 2003).

**REPRESENTATIONS:** These applications have been advertised and no representations have been received. Advertisement expired 25 December 2003.

**PLANNING CONSIDERATIONS:** The main issues to consider relating to this detailed application are whether the proposed conversion of the existing barn would meet with the requirements of the current local plan and is also an appropriate form of development for the

countryside, outside of development limits (ADP Policies C6, DC5, DC6 and RDDP Policies H5 and ENV4).

The principle of conversion of the barns remains the same as the previous approvals. The scheme would accord with the requirements of both the adopted and emerging plans. The barns would appear to be in sound structural condition. The conversion works would respect and conserve the traditional character of the building. Visibility is considered to be acceptable for access and egress.

**CONCLUSION:** The proposal should help to secure the long-term future of this historic and prominent building, which forms part of an attractive grouping of buildings in this location and subject to appropriate conditions, should also respect and conserve the traditional character and appearance of this listed rural barn.

### **RECOMMENDATIONS:**

#### **1) UTT/2011/03/FUL - APPROVAL WITH CONDITIONS**

1. C.2.1. Time Limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.5.1. Samples of materials to be submitted and agreed.
4. C.6.4. Excluding extensions without further permission.  
REASON: The dwelling shown on approved plans Nos. DH/01/02/03/04/05/06 is considered to be the maximum size capable of being accommodated in this sensitive site without detriment to the rural character of the area and any further applications for enlargement or other buildings will be considered in this context.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.15.1. Superseding previous permission.
7. C.20.2. Protection of other species.  
REASON: This vacant rural barn may be home to bat roosts, protection of which is required in accordance with the Wildlife and Countryside Act 1981.
8. All existing brick walls within the application site shall be retained in perpetuity, unless first agreed in writing with the local authority.  
REASON: To ensure that the historic fabric of the site is maintained.
9. The courtyard between the farmhouse and the barn to be converted shall be left open and finished in gravel or similar material.  
REASON: To ensure that the historic relationship between the two buildings is maintained.
10. All new boundary treatment shall be post and rail and planted with indigenous species.  
REASON: To ensure that the fencing is appropriate in relation to the open countryside.

#### **2) UTT/2012/03/LB – LISTED BUILDNG CONSENT WITH CONDITIONS**

1. C.2.1. Time Limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.5.1. Samples of materials to be submitted.
4. The new roof sections indicated in green on the approved plans hereby permitted shall be clad using hand-made clay plain tiles, samples of which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.  
REASON: To ensure that appropriate materials are used for the approved development.
5. C.5.6. Clay pantile roof samples.

6. C.5.16. No historic timbers to be cut or removed.
7. The necessary repairs to the building shall be carried out in timber of matching type and cross sections.

REASON: To ensure the appropriate materials are used for the approved development.

8. C.5.8. External joinery to be painted timber.
9. C.5.9. Weatherboarding to be painted black and feather edged.
10. C.5.14. Rainwater goods to be black cast iron.
11. C.5.17. Window and door detailing to be submitted.
12. The main entrance door on the front elevation shall be glazed instead of solid timber, details of which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

REASON: To ensure that the door details are appropriate in appearance and match with the glazed screening that surrounds it.

REASON: To ensure that the window details are appropriate in appearance.

*Background papers: see application file.*

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## **UTT/1973/03/FUL - WENDENS AMBO**

Demolish existing dwelling and annex and erect replacement dwelling and garage.  
The Rookery Rookery Lane. GR/TL 516-359. Mr B Cole.  
*Case Officer: Ms H Lock 01799 510486*  
Expiry Date: 13/01/2004

**NOTATION:** Outside Development Limits/Settlement Boundary; in ASLV (ADP only); part in Floodplain.

**DESCRIPTION OF SITE:** The site is located to the south of Wendens Ambo, west of the railway line, and some 90m north of the level crossing in Rookery Lane. It is occupied by a dwelling in a poor state of repair, and an annex which is now the main residence. There is mature planting to the east and south, and a commercial unit is on land to the north. The site is prominent when viewed from the road, on approach from the west.

**DESCRIPTION OF PROPOSAL:** The proposal is to replace the existing dwelling and annex with one detached five-bedroom dwelling. It would have a footprint of 140sqm. The width would be 13m and depth 10.6m, and height 8.3m. Materials would be brick plinth and render with a clay plain tile roof. A detached garage is proposed 10.5m to the south of the dwelling. The dwelling would be sited to the south of the existing dwelling and annex, although revised plans are anticipated to move the house further north.

**RELEVANT HISTORY:** Single-storey extension to provide annex approved 1998. Demolition of dwelling and replacement house granted outline permission 2000, and replacement dwelling refused July 2003.

**CONSULTATIONS:** Building Surveying: No objection to revised plans for fire brigade access.

ECC Archaeology: Recommend condition for the recording of building (example of upstanding brick kiln) prior to demolition.

Design Advice: The existing building is not of listable quality but must be recorded prior to demolition.

**PARISH COUNCIL COMMENTS:** Objection – see letter attached at end of report.

**REPRESENTATIONS:** None received. Notification period expired 12 December 2003.

**PLANNING CONSIDERATIONS:** **The main issues are whether the size of the replacement dwelling would be acceptable in relation to residential amenity and the rural setting (ADP Policies H8, DC14, S2 & C2; and DLP Policies H6, GEN4, S7 & GEN8).**

The existing two storey building and annex have a footprint of approximately 210 sqm, and in granting the outline permission in 2000, the report to Committee stated that although a replacement dwelling would be larger in height and bulk, the size of the site is capable of accommodating a larger property without significant impact on its rural setting. The existing property is in a backland location, on a site which slopes down from Rookery Lane. The other properties in the vicinity are two storey and relatively substantial. Although the new dwelling would be visible from the west, it is not considered that its size and scale would be out of keeping with its surroundings. The replacement dwelling would be approximately 19m from the boundary with the closest dwelling (although revised plans are anticipated to move it further away), with a back-to-back distance in the region of 75m. The railway line runs

along the eastern boundary and a commercial building is at the rear. The proposal would not therefore have any significant impact on residential or rural amenity.

**COMMENTS ON REPRESENTATIONS:** Discussion between the Council's Conservation Officer and ECC Archaeology at the time of the outline application confirmed that the structure is not of listable quality, and a condition relating to the recording of the building during demolition would suffice.

The design and size of the proposed building is considered to be far more sympathetic to its setting than the refused scheme, which was for a dwelling with the same footprint but ridge height of 9m. Although the footprint is similar, the form has been broken into a series of elements to reduce the monolithic elevations and the bulk of the overall building. The spans and roof pitches of the proposed building would be of far more traditional proportions. It should be noted that the indicative dwelling at outline stage had a footprint of 164 sqm, and siting was agreed at that stage. Legal opinion is that 'siting' refers to the footprint of the building and not just the location of the new building.

The proposed siting shows a gap of 4m to the western side boundary, which would be sufficient to provide some screen planting to soften the impact of the dwelling.

**CONCLUSIONS:** The proposal would accord with the Council's replacement dwelling policy. The principle of replacement with a larger dwelling has already been established by the grant of outline planning permission in 2000.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.3. To be implemented in accordance with approved revised plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.2. Details of materials to be submitted and agreed.
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
7. C.6.7. Excluding conversion of garages.
8. C.7.1. Slab levels.
9. C.8.27. Drainage Details.
10. C.23. Demolition of existing dwelling.
11. No demolition or groundworks of any kind shall take place until the applicant or his successor in title has secured the implementation of a programme of archaeological recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the local planning authority.  
REASON: The Essex Heritage Conservation Record shows that one of the buildings on site is a rare example of an upstanding brick kiln, constructed around 1845 to provide bricks for the railway line, and it is considered necessary for the structure to be fully recorded prior to demolition.
12. No development shall take place until there have been submitted to and approved by the local planning authority in writing details of sound insulation measures to be undertaken to insulate from noise the dwelling hereby permitted. The dwelling shall not be occupied until the approved scheme has been completed. These sound insulation measures shall thereafter be maintained to the same standard of attenuation.  
REASON: In view of the proximity to the railway line, in the interest of amenity.

*Background papers: see application file.*

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## **UTT/2064/03/FUL - GREAT DUNMOW**

Installation of 3 x 1.7m antennae, 1 x 0.3m transmission dish, 2 x 0.6m transmission dishes on existing water tower and equipment cabinet.

Gussets Water Tower Homeley Chase. GR/TL 648-223. Hutchison 3G UK Ltd.

Case Officer: Consultant South telephone: 01799 510452/510471

Expiry Date: 26/01/2004

**NOTATION:** Outside Town Development Limits & Settlement Boundaries.

**DESCRIPTION OF SITE:** The site is located on the northern side of the A120 one mile east of Great Dunmow. It comprises a water tower 18m high surrounded by evergreen trees set back from the road on an elevated plateau surrounded by farmland. There is a complex of farm buildings, five dwellings and B&B tourist accommodation to the north. The tower is already adorned with various antennae and other telecommunications equipment of four mobile operators: Orange, O2, T-Mobile and Dolphin.

**DESCRIPTION OF PROPOSAL:** It is proposed to install additional telecom equipment on top of the tower comprising three 1.7m antennae, one 0.3m dish and two 0.6m dishes. A small service cabin would be located at the base of the tower.

**APPLICANT'S CASE:** See 10-page supporting statement available for inspection at the Council Offices.

**RELEVANT HISTORY:** Ten proposals for telecom equipment approved on water tower since 1986. Two alternative proposals for mast in Station Road, Great Dunmow refused on grounds of proximity to housing and attractive landscape during last 3 years.

**TOWN & PARISH COUNCIL COMMENTS:** Great Dunmow: No objections.  
Little Dunmow: None received (due 31 December).

**REPRESENTATIONS:** Two. Notification period expired 22 December.

1. The Water Tower has already sprouted more than enough appendages on its top and enough is enough. Whether the fact that a member of each of the cottage households and myself have had some form of cancer may have something to do with the micro/radio waves emitting from these antennae is a debatable question. Have problems with my up and over garage door, I have to reset my indoor portable TV aerial and a friend cannot lock his car by remote control. Strongly disagree from an ecological viewpoint with any further antennae.
2. Objection. Yet another dish would diminish still further the appearance of this striking piece of architecture.

**PLANNING CONSIDERATIONS:** The main issue is whether the proposal would meet the criteria set out in the relevant Government Advice Notes and Development Plan Policies relating to Telecommunications (i.e. PPG8, ERSP BE8, ADP DC13 & DLP T4).

The relevant advice and policy guidance indicates that telecommunications equipment will be permitted if the following four criteria are all met:

### **1) preference for site sharing**

All guidance and policy indicates that existing telecom facilities, buildings and other structures should be considered prior to progressing any stand-alone installations. All the alternative sites considered suitable in this area of search would have required a new stand-

alone mast. The existing water tower is already a shared site which could be more fully utilised.

**2) the technical requirement outweighs its visual impact**

Hutchison 3G is constructing its network from scratch and has no existing coverage in this area. The proposed height of the antennas in this case is the lowest feasible to ensure full cell coverage. The spacing between the proposed installation and other planned sites in the vicinity would be such that the overall coverage to the A120 and surrounding areas would be contiguous. The visual impact of the proposal would be masked by the existing equipment around the edge of the tower, which would not be exceeded in height by the new antennae.

**3) the equipment is located so as to reduce its impact as far as possible**

The proposed antennae would be a maximum of 20m above ground level and their impact on the surrounding countryside would be minimal. The service cabinet would be unobtrusively located at the base of the tower, well screened by existing screening.

**4) there would be no material harm to the amenities of residential areas or community facilities**

There are six dwellings within 250m of the tower, four of which are within 100m. The power of the beam of each antenna where it strikes the ground would be several thousand times less than the current safe exposure limit agreed by ICNIRP. The addition of a fifth operator would not increase this level materially in the context of safety guidance standards. There are no primary schools within the area to be covered, and the young children's play barn at Ford Farm on the edge of Dunmow would be 1.15km (0.7 miles) away.

**CONCLUSION:** The proposal meets the criteria set out in Government Guidance and contained within Development Plan Policies.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

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

*Background papers: see application file.*

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**UTT/2025/03/FUL - SAFFRON WALDEN**  
**(Officer's Application)**

One-and-a-half-storey side extension and insertion of two front dormer windows.  
6 Victoria Gardens. GR/TL 544-379. D & J Gibsone.  
Case Officer: Mrs K Hollitt 01799 510495  
Expiry Date: 21/01/2004

**NOTATION:** Within Development Limits and Settlement Boundary.

**DESCRIPTION OF SITE:** The property is located in Victoria Gardens, which fronts onto the area of open space around which these houses are set. The plot has a frontage of 11.5m and opens up to 32m on the rear boundary, and is 36m deep, and is set on land which falls away to the east. This property is located on land which is significantly higher than the properties located to the rear in a backland location off Victoria Avenue, adjacent to The Slade.

**DESCRIPTION OF PROPOSAL:** This proposal relates to the erection of a 1½ storey side extension, to replace an existing single storey side extension. The extension would provide a new entrance hall and reception room at ground floor level and a new bedroom with en-suite bathroom over.

**RELEVANT HISTORY:** Extensions approved 1975 and 1988.

**CONSULTATIONS:** Environmental Services: None received. Expired 10 December 2003.

**TOWN COUNCIL COMMENTS:** To be reported (due 26 December 2003).  
Revised Plans: To be reported (due 30 December 2003).

**REPRESENTATIONS:** None. Notification period expired 18 December 2003.  
Revised Plans: To be reported. Expired 30 December 2003.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) whether this proposal would have an adverse impact on the residential amenity of the properties to the east (ADP Policy DC14, DLP Policy GEN4) and
- 2) whether the proposal is considered to be a proportionate extension to the property and is of a suitable design for this location (ADP Policies H7 and DC1, DLP Policy H7 and GEN2)

1) The proposed extension, being 1 ½ storey with windows to the rear elevation would result in some overlooking to the properties to the east. However, one window would serve a bathroom and the other would be a secondary window to a bedroom. The privacy of properties to the east is already affected due to the elevated nature of this property, but this loss is restricted to times when the occupiers of this property are in the rear garden. There are no windows to the rear elevation of the property at present. As the windows proposed are secondary or would serve a bathroom, the applicant has no objections to these being obscure glazed in order to protect the residential amenities of the properties to the east. Although the property most affected by the proposal would have a 25m back to back distance from this property, and there is 15m to the boundary from the proposed extension, it is considered that in order to maintain the residential amenity of this property, that the windows in the proposed rear elevation should be obscure glazed in order for the proposals to meet the policy requirements.

2) The proposed extension would be in keeping with the character of the property, and no objections are raised on design grounds.

**CONCLUSIONS:** It is considered that this proposal is acceptable, subject to the obscure glazing of the windows to the rear elevation.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.19.1. Avoidance of overlooking.
4. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building, unless otherwise agreed in writing by the local planning authority.  
REASON: To ensure the development does not detract from the setting of the property.

*Background papers: See application file.*

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