

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 2 FEBRUARY 2004

APPL NO: **UTT/1656/03/FUL**
PARISH: **GREAT SAMPFORD**
DEVELOPMENT: Conversion of barns into a single dwelling house
APPLICANT: J Harrison
LOCATION: Free Roberts Farm Howe Lane
D.C. CTTE: 12 January 2004 (see copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: **Approval with conditions**
Case Officer: *Mr J Mitchell 01799 510540*
Expiry Date: 18 November 2003

APPL NO: **UTT/1973/03/FUL**
PARISH: **WENDENS AMBO**
DEVELOPMENT: Demolish existing dwelling and annex and erect replacement dwelling and garage
APPLICANT: Mr B Cole
LOCATION: The Rookery Rookery Lane
D.C. CTTE: 12 January 2004 (see copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: **Approval with conditions**
Case Officer: *Ms H Lock 01799 510486*
Expiry Date: 13 January 2004

APPL NO: **1) UTT/2011/03/FUL & 2) UTT/2012/03/LB**
PARISH: **THAXTED**
DEVELOPMENT: 1) Proposed conversion of barn to dwelling to include single-storey side extensions and two-storey rear extension. 2) Propose conversion of barn to dwelling to include single-storey side extensions and two-storey rear extension and internal alterations
APPLICANT: Mr A J Tonge
LOCATION: Dove House Farm Barn Dunmow Road
D.C. CTTE: 12 January 2004 (see copy attached)
REMARKS: Revised Report
RECOMMENDATION: **Approval with conditions**
Case Officer: *Mr N Ford 01799 510468*
Expiry Date: 16 January 2004

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.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS: CPREssex: We are most concerned at the effect the application would have on both the setting of Howses and its most and the wider very rural setting. Important historical and landscape features permanently destroyed were any residential conversion allow. In view of the long history of refusals and appeal dismissals at this site.

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 compiles 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.

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.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS: See letter dated 9 December 2003 attached at end of this Supplementary List of Representations.

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.

1) UTT/2011/03/FUL & 2) UTT/2012/03/LB - THAXTED
(Revised Report)

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 the glazing would be altered including a conservation style rooflight to the roof of the front elevation. 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: County Surveyor: 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 midstrey 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 issue to consider is whether the proposed residential conversion of this existing barn would form an appropriate conversion in the countryside in accordance with 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 generally accord with the requirements of both the adopted and emerging plans.

The barns would appear to be in sound structural condition. The barns are black tar stained weather boarded structures with metal corrugated roofing. Apart from the shallow corrugated roof the building is considered to be of traditional rural character. This conversion proposes the removal of this roof and the reinstatement of a traditional steep-pitched roof with clay tiles to replace the inappropriate shallow pitched roof that has been created in the relatively recent past. The raised pitch roof and clay tiles are considered to restore the character of the barn and provide a more sympathetic traditional appearance. The modest north-west extension and reinstatement of a midstrey are considered to be limited works of restoration/alteration. A private garden area is proposed that can be provided unobtrusively to the rear of the barn. Therefore, the alterations are considered to respect and conserve the traditional characteristics of the building in accordance with ADP Policy C6 and RDDP Policy H5 and would facilitate a sympathetic conversion in accordance with PPG7 (The Countryside, Environmental Quality and Social Development). The scheme would retain the key elements of the existing traditional character and improve its appearance (especially in relation to the replacement of an existing unsympathetic roof structure) in accordance with PPG15 (Planning and the Historic Environment).

The conversion is also considered to accord with the general thrust of Policy RE2 of the Southend-on-Sea Replacement Structure Plan Adopted April 2001 relating to the re use of rural buildings. The scheme would not involve major or complete reconstruction and is not considered to detrimentally affect the character of the countryside. It is considered that the proposed midstrey is the replacement of a previously existing feature.

The applicants have not demonstrated that there is no significant demand for business use, small-scale retail outlets, tourist accommodation or community uses, however, this site is accessed directly off the busy B184 and it is considered that a business or retail use would increase the number of vehicle movements into and out of the site and would therefore not be an appropriate use in this location. Visibility is considered to be acceptable for access and egress for this additional residential property.

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 BUILDING 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.

Background papers: see application file.

UTT/2051/03/AV – TAKELEY
(Referred at Members' request)

Erection of three internally illuminated exterior signs.
Radisson SAS Hotel Covefield Road. GR/TL 559-239. BAA Lynton.
Case Officer: Mr J Pine 01799 510460
Expiry Date: 29/01/2004

NOTATION: Within Terminal Support Area and Airport Development Boundary (Policy AIR1 of ADP and DLP relates).

DESCRIPTION OF SITE: The Radisson hotel is located to the northeast of the terminal building, on the northwest side of Terminal Road North, with vehicular access from Molehill Roundabout. The hotel is currently under construction.

DESCRIPTION OF PROPOSAL: 3 identical corporate identification signs would be erected, one on the western end of the southern elevation of the hotel, one on the western end of the north elevation (i.e. both on the end nearest the terminal) and the third on the southern end of the western elevation facing the terminal. The main part of the signs would comprise black acrylic individual lettering during daylight, changing to white when lit at night via static internal illumination because of an interior white coating. The remaining "SAS" box and brushstroke motifs would be blue, the SAS letters being transparent.

The base of each sign (the "SAS" box) would be 6m above adjacent ground level, the topmost point being 1.8m below bedroom wing roof level (4.5m below the roof level of the glazed atrium), giving an overall height of about 8.5m and a variable width of between 1-2.2m. As a further point of reference, the top of the sign would be 4.4m below the top of the terminal roof and just under 1.4m below the eaves.

APPLICANT'S CASE: The signs reflect the Radisson corporate image and are used worldwide. The technical specification refers to the brightness of the illumination that is required to make the white effect work and not to the final external appearance of the sign.

RELEVANT HISTORY: Reserved matters for 500-bedroom hotel granted in 2002 as part of expansion of the Airport to 15mppa.

PARISH COUNCIL COMMENTS: Object. Concerns re proliferation of light pollution. Recommend low level illumination.

REPRESENTATIONS: None. Notification period expired 15/1/04.

PLANNING CONSIDERATIONS: Under the Town and Country Planning (Control of Advertisements) Regulations 1992, the local planning authority can exercise its powers only in the interests of amenity and public safety, taking account of any material factors, and in particular-

- a) *In the case of amenity, the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest, disregarding, if they think fit, any advertisement being displayed there;*
- b) *In the case of public safety-*
 - i) *the safety of any person who may use any road, railway, waterway, dock harbour or aerodrome*
 - ii) *whether any display of advertisements is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway sign or aid to navigation by water or air.*

1) Amenity

The signs would relate to a hotel on an allocated site within the terminal support area, where a degree of advertisement and illumination is to be expected. Whilst the signs would be relatively large in themselves, they would consist of individually lit letters and motifs rather than one solid mass, and would be on the end of the building closest to the terminal. ADP Policy DC9 presumes against internally illuminated signs in the countryside, but it is not considered that the signs would dominate the elevations of the hotel, and their design would be in context with a modern building within an airport.

The method of internal illumination would change the signs from black to white when lit at night, and this effect has been inspected by the case officer in a light-tight room. The illumination resulted in a diffused white light rather than a garish one and, although it is acknowledged that individuals' perceptions of light will vary, it is not considered that there is a sound reason to refuse express advertisement consent on grounds of the effect on the countryside. The signs would mainly be visible from within the terminal forecourt, the short-stay car park and (more distantly) from a short section of the road from Gaunts End to Molehill Green. In all instances, the signs would be within the lit envelope of the building and would not protrude beyond it.

2) Public Safety

The signs would be fixed to the elevations of the hotel and would extend from the face only by the depth of the boxing. The signs would not affect any aircraft manoeuvring areas, nor would they interfere with the interpretation of any road signs. The signs should not therefore be detrimental to public safety.

COMMENTS ON REPRESENTATIONS: See Planning Considerations.

CONCLUSIONS: The erection of these signs should not be detrimental to amenity or public safety.

RECOMMENDATION: GREAT EXPRESS ADVERTISEMENT CONSENT FOR 5 YEARS

1. C.24. Advertisements: Standard conditions

Background papers: see application file.

1) UTT/1980/03/REN & 2) UTT/1983/03/LB - STANSTED

1) Renewal of planning permission UTT/0651/98/FUL for part demolition, restoration/rebuilding/extension of priory to form offices. Restoration of walled garden, garden house and grounds. Construction of vehicular access and car parking area.
2) Renewal of planning permission UTT/0652/98/LB for part demolition, restoration/rebuilding/extension of priory to form offices. Restoration of walled garden, garden house and grounds. Construction of vehicular access and car parking area.
Thremhall Priory Dunmow Road/Bury Lodge Lane. GR/TL 531-214. Jackson Management.
Case Officer: Mr J Pine 01799 510460
Expiry Date: 26/01/2004

NOTATION: Grade II listed buildings/Outside Development Limits (Settlement Boundary)/Within Countryside Protection Zone (CPZ) and 57 Leq contour re noise from aircraft using Stansted Airport. Site registered as being of archaeological interest and subject to a Tree Preservation Order. Policy AIR11 of the ADP relates. Policy AIR11 was not carried forward into the DLP because of the extant planning permission and listed building consent.

DESCRIPTION OF SITE: Thremhall Priory is located midway between the M11 and Takeley in extensive wooded grounds on the north side of the B1256 (formerly A120), west of Bury Lodge Lane and south of the main airport access road (Thremhall Avenue, now part of the new A120). The Priory is an 18th Century house with considerable later additions at the rear. It is in a derelict condition with some remedial work having been undertaken to prevent collapse. (*Note: Further details of remedial work undertaken since planning permission and listed building consent were last granted have been requested*).

Access to the site is from the A120 adjacent to the listed stables and Lodge. The site occupies an important location and forms an integral part of the CPZ, which is the open area beyond the airport's boundary.

DESCRIPTION OF PROPOSAL: The 18th Century part of the building (i.e. the front section closest to the A120) would be restored. The 19th Century sections at the rear would be demolished and replaced by a part 3-storey, part 2-storey extension. The walls to the extension would be of red brick with brick arches over openings, brick and stone courses, vertical sash windows and tiled roofs to respect the character of the retained part of the Priory. The new extension would be articulated from the restored building by a deeply recessed 2-storey link, the roof of which would be glazed. The new extension (including the link) would measure about 44.5m in depth by 22m in width at the maximum point, the 2-storey part being narrower by 4m. The 3-storey section would have a height of 12.3m, the 2-storey section 9.3m.

A total office floorspace of 2,470 sq.m would be created, with 108 car parking spaces. The new access would be provided in the revised location closer to the junction with the A120. The walled garden, garden house and grounds would also be restored, the nature and phasing of these works being as per the previous Section 106 Agreement.

APPLICANT'S CASE: The agent's letter of 5/11/03 states:

"Following our discussion, you will be aware of the reasons why there has been a delay in the implementation of the extant planning permissions and listed building consent, due to market conditions and the preference for smaller self contained office and employment space. Revised proposals for the Thremhall Priory site are currently being considered to take account of the changes in market preference, but also to accord with the agreed development principles for the site. Although the emerging local plan (the review plan) no

longer contains a specific policy on Thremhall Priory, we place reliance on the 1995 adopted local plan and Policy AIR11 (Development at Thremhall Priory).

RELEVANT HISTORY: Outline planning permission for a hotel granted by Essex County Council in 1971, the details being approved in 1974. A further outline planning permission for a new hotel and squash club and for change of use of Priory Farm from residential to offices was granted in 1978. Both these permissions have expired.

Outline planning permission for the erection of new buildings (total 9500 sq.m floorspace) for office use, with car parking and a new access was refused in 1991 for reasons of restraint policy, adverse effect on the CPZ, setting of the listed building and traffic dangers. An appeal was dismissed in 1993.

Planning permission and listed building consent for the use of the Priory as offices incorporating restoration, rebuilding, erection of a single storey linked extension within the walled garden, car parking and a new access were granted in 1993 and renewed in 1998.

Planning permission and listed building consent for restoration, part demolition and a three storey extension to the Priory to form offices (total floorspace 2700 sq.m), restoration of grounds, walled garden and garden house, formation of car parking areas and a new access along Bury Lodge Lane were refused in 1996 on grounds of inappropriate design and effect on CPZ. Appeals were dismissed in 1997. Planning permission and listed building consent were subsequently granted for revised proposals in 1999, subject to a Section 106 Agreement regarding the phasing of the restoration works. Planning permission was granted in 1999 for a variation of previously imposed conditions to allow the construction of the new access in a revised location further to the south along Bury Lodge Lane, incorporating consequential amendments to the car-parking layout. The reason for requiring the revised location was the stopping up of Bury Lodge Lane further to the north by way of a padlocked gate by an adjacent landowner to prevent trespass by travelers.

CONSULTATIONS: ECC Highways & Transportation: No objections subject to conditions.

ECC Archaeology: No development or preliminary groundworks to take place until a programme of archaeological work and recording has been carried out in accordance with an approved written scheme of investigation. *(Note: an assessment was previously carried out by the Hertfordshire Archaeological Trust and is rolled forward for consideration).*

Thames Water: No objections with regard to sewage infrastructure.

Building Control (re fire access): Modification of the internal layout and additional escape routes may be required. *(Note: these comments have been passed to the applicant).*

English Heritage: To be reported (due 17 December 2003).

Victorian Society: To be reported (due 17 December 2003).

Georgian Group: To be reported (due 17 December 2003).

Council for British Archaeology: To be reported (due 17 December 2003).

Society for the Protection of Ancient Buildings: To be reported (due 17 December 2003).

Royal Commission on Historical Monuments: To be reported (due 17 December 2003).

Ancient Monuments Society: To be reported (due 17 December 2003).

Garden History Society: No comments.

English Nature: Satisfied that the proposal will not affect the nearby SSSI. May affect Priory Wood and Flich Way, and the land could contain suitable habitats for protected species. If so, an ecological survey should be submitted prior to determination of the application.

(Note: an appropriate survey by consultant ecologists carried out in 1998 was submitted with the previous application and is rolled forward for consideration).

PARISH COUNCIL COMMENTS: No comment.

REPRESENTATIONS: These applications have been advertised and no representations have been received. Period expired 1/1/04.

PLANNING CONSIDERATIONS: The main issue is whether there have been any material changes in circumstances since planning permission and listed building consent were last granted to warrant a different decision now being made.

These proposals follow from the 1997 appeal decision when, in dismissing the appeals, the Inspector commented that:

“The scheme would provide for the comprehensive restoration of the C18 part of the main listed building and its grounds but would not have sufficient regard to the architectural and historic qualities of the building and its setting to enable it to conform to the requirements of District Plan Policies AIR11 and DC5(a)”.

As a result, the refused proposals were amended to reduce the depth of the three storey section, adopting a classical style for the upper storey opposed to the earlier “High Tec” approach, planning permission and listed building consent subsequently being granted in 1999.

Although there is no site specific policy in the DLP, these proposals would still be in accordance with ADP Policy AIR11, which encourages development of an appropriate scale and design, provided that it has special regard to the architectural and historic qualities of the building and its setting. ERSP Policies HC3, HC4, ADP Policy DC5(a) and DLP Policy ENV2 regulate the development/conversion of listed buildings by way of similar wording. The 18th Century part of the building remains capable of renovation and restoration.

The Inspector also commented in 1997 that the car parking areas would involve extensive ground disturbance in an area considered by English Heritage to be of national archaeological importance. An assessment by the Hertfordshire Archaeological Trust was carried out before planning permission and listed building consent were granted in 1999, indicating those parts of the site where it was most likely that remains would be found. As before, a safeguarding condition is recommended in line with advice in PPG16 (Archaeology and Planning).

Since planning permission was granted in 1999, the section of the new A120 between the M11 and Dunmow West has now opened. This should result in these proposals causing appreciably less conflict with east to west traffic at the signal controlled junction of Bury Lodge Lane and the (now) B1256 than would earlier have been the case.

CONCLUSIONS: Any changes in circumstances since 1999 are insufficient to warrant a different decision now being made.

RECOMMENDATIONS:

1) UTT/1980/03/REN - APPROVAL WITH CONDITIONS AND SUBJECT TO THE PROVISIONS OF THE EXISTING, UPDATED SECTION 106 AGREEMENT REGARDING THE PHASING OF THE RESTORATION WORKS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. No development shall be carried out until a landscaping scheme for the car parking and access areas has been submitted to and approved in writing by the local planning authority. The scheme shall include the planting of suitable trees and shrubs, and of hedges where appropriate, together with details of positions and species, and the exact location of all drainage runs, power supplies etc which could interfere with tree routes. The approved scheme shall be completely implemented during the first planting season following the completion of the development of the site or that part of the site to which

the landscaping relates (whichever is the sooner), or in accordance with an agreed phasing scheme. Any trees, shrubs or hedges comprising the agreed scheme which die, become severely damaged or seriously diseased within 5 years of the date of planting shall be replaced with trees, shrubs and hedges of similar size and species to those originally planted.

REASON: To retain the pleasant rural character of the site and the area.

4. A scheme for the restoration, landscaping and subsequent maintenance of the lawned and wooded area on the southern side of the Priory building and also for the restoration and subsequent maintenance of the moat shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced. The scheme shall indicate the existing trees, shrubs and hedges which are to be retained and shall provide for the planting of additional trees, shrubs and hedges where appropriate. The approved scheme shall be fully implemented during the first planting season following the completion of the development or in accordance with a phasing scheme approved by the local planning authority. The subsequent maintenance of these areas and the moat shall thereafter be carried out in accordance with the terms of the approved scheme.
REASON: To retain the pleasant rural character of the site and the area.
5. No development shall take place until a floorscaping scheme, including details of the finish of the car parking and access areas have been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to the first use of the site as offices.
REASON: To retain the pleasant rural character of the site and the area.
6. C.5.1. Samples of materials to be submitted and agreed.
7. Details of external ground and internal floor levels to be submitted and agreed.
REASON: To ensure that the proposed development does not have an adverse effect on the character and setting of the listed building.
8. Prior to the first use of the building as offices, it shall have been insulated against airborne noise in accordance with a scheme which shall previously have been submitted to and approved in writing by the local planning authority.
REASON: The site lies within the area seriously affected by noise from aircraft using Stansted Airport.
9. The new vehicular access onto Bury Lane shown on drawing 5007 - 120E shall be constructed to at least road base level and made available for use prior to the commencement of any other construction works on the site. Thereafter the final surface dressing shall be applied prior to the first use of the site as offices.
REASON: In the interests of highway safety.
10. Once the new access onto Bury Lane has been made available for use in accordance with the previous condition, the existing access shown on drawing 5007 - 120E shall, except in an emergency, be used solely for vehicular and pedestrian access to the Gate house and the associated garage shown on the same drawing.
REASON: In the interests of highway safety.
11. Prior to the first use of the new vehicular access onto Bury Lodge Lane, it shall be provided with a visibility band to the south east of 2m in depth measured back from the edge of the metalled section of the road, to the junction with the A120 (B1256). Within the area of the band, there shall be no obstruction above 600mm in height.
REASON: In the interests of highway safety.
12. The car parking spaces shown on drawing 5007 - 120E shall be properly hardened and laid out and made available prior to the first use of the site as offices. Subsequently, all the approved spaces shall be available all the time that any part of the building is open to staff or persons visiting this building.
REASON: To enable vehicles calling at the site to park clear of the highway in the interests of highway safety.
13. Prior to the first use of the site as offices, provision of secure parking for powered two wheelers and secure and covered parking for bicycles shall be provided in accordance with the Essex Planning Officers Association Vehicle Parking Standards dated August

2001. Subsequently, all the provided parking shall be available all the time that any part of the building is open to staff or persons visiting the building.

REASON: In the interests of accessibility.

- 14. Prior to the first use of the site as offices, a staff travel plan shall be submitted to and approved in writing by the local planning authority. Subsequently, the approved plan shall be made available to all employees on the site.

REASON: In the interests of sustainability.

- 15. No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

REASON: To ensure the proposed development does not prejudice the archaeological importance of the site.

- 16. Prior to the commencement of any development on site, a scheme of ecological management measures (including any phasing of implementation) for the protection during construction works of any reptiles, badgers, bat and birds found to be resident on the site shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details.

REASON: To ensure that the proposed development does not have an adverse effect on wildlife.

2) UTT/1983/03/LB - LISTED BUILDING CONSENT CONDITIONS AND SUBJECT TO THE PROVISIONS OF THE EXISTING, UPDATED SECTION 106 AGREEMENT REGARDING THE PHASING OF THE RESTORATION WORKS

- 1. C.2.2. Time limit for commencement of development.
- 2. C.3.1. To be implemented in accordance with approved plans.
- 3. C.5.1. Samples of materials to be submitted and agreed.

REASON: To ensure that the proposed development does not prejudice the architectural merits of the listed building.

Background papers: see application file.

UTT/1692/03/FUL - TAKELEY

Conversion of two barns to two dwellings including replacement of derelict outbuilding for carport

Barns at Parkers Farm, Smith Green. GR/TL 570-219. Messrs M C & P Coleman.

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 04/12/2003

NOTATION: Within Stansted Airport Countryside Protection Zone.

DESCRIPTION OF SITE: The site is located between the B1256 and the A120 approximately 1km northeast of the Four Ashes in Takeley and north of Smiths Green. The barns are located either side of the access to the farm, to the west and northwest of the main farmhouse. To the east of the barns and the farmhouse, are a number of modern agricultural buildings which are currently in use. Although neither of the barns nor the farmhouse is listed, the frames of the barns date from the 17th century.

DESCRIPTION OF PROPOSAL: This application relates to planning permission for the conversion of two unlisted barns to two dwellings and the replacement of a derelict outbuilding for use as a carport.

APPLICANT'S CASE: See statement and structural survey attached at end of report.

RELEVANT HISTORY: Change of use of agricultural machinery store to agricultural machinery repairs and sales, welding and fabricating, commercial vehicle repairs and spare parts sales conditionally approved 1987. No objections to County Council application for construction of two earth banked slurry lagoons in 1992.

CONSULTATIONS: ECC Archaeology: No archaeological recommendations are being made on this application.

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

Thames Water: No objections.

Environmental Services: No objection to the proposals.

Design Advice: Parker's Farm consists of a farmhouse, two timber framed barns and a selection of modern farm buildings. None of the buildings within this site are listed. The farmstead is set away from the main road. From a distance the traditional grouping with the mellow patina of age results in the farmstead being viewed as a pleasant rural landmark within an open countryside of Smiths Green.

At close quarters, the outbuildings subject of this application appear to be of C17 origins but in a poor state of repair. Much of the C17 fabric has been lost and replaced with modern materials, which has also deteriorated.

Although I have no objections in principle to the proposed detail design, I am sceptical that it can be implemented without substantial reconstruction and renewal.

In conclusion I consider that unless a structural report can prove otherwise, these buildings would not fulfill the aims of the local policies and the advice contained in PPG7.

(The Conservation Officer's objection was withdrawn following receipt of a structural report and conditions are now suggested.)

Building Control: No adverse comments. The new proposed track will greatly improve fire brigade access and manoeuvring

PARISH 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 issue is whether the proposals would be acceptable as a residential barn conversion in the countryside (ADP Policy C6, ERSP Policy RE2, DLP Policy H5).

ADP Policy C6 requires buildings suitable for conversion to be in sound structural condition which through their historic, traditional or vernacular form enhance the character and appearance of the rural area. The applicant has submitted a structural survey which confirms that the two barns that this application relates to are suitable for conversion without requiring substantial reconstruction or extension.

Although the barns are not listed, the frames of both barns date from the 17th Century and make an important contribution to the rural landscape. Despite previous alterations made to the buildings, the character and form of the barns when viewed in association with the farmhouse and the farmyard setting enhance the character of the rural area. The Council's Conservation Officer has no objections in principle to the proposed conversions but had reservations that the barns were capable of being converted. This aspect has been addressed by the applicant's structural survey and subject to conditions relating to materials and boundary treatment, there is no objection from the Conservation Officer.

The existing access through the middle of the two barns is not ideal. However, it has been suggested by the applicant that a new access may be constructed to the north of the barns on land owned by Essex County Council and may not require planning permission. It is considered that overall the location of the existing yard driveway is not so detrimental to the proposed conversions that it would warrant refusal of the application.

CONCLUSIONS: The barns, in conjunction with the farmhouse, form a traditional grouping which is visible from some distance across agricultural land. Although the barns are not listed, they do make a positive contribution to the countryside and are capable of being converted in line with the requirements of ADP Policy C6, DLP Policy H5 and ERSP Policy RE2.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.1. Samples of materials to be submitted agreed and implemented.
6. The roofs to the converted barns shall be clad with hand made clay plain or pan tiles or natural slate as indicated on the approved plans.
7. C.5.8. Joinery details.
8. All weatherboarding shall be feather-edged and black painted timber.
9. The brick plinths to the barns shall be repaired using exactly matching bricks, bonding and pointing.
10. All repairs to the timber frames shall be carried out using matching timber type and cross sections.
11. All rooflights shall be of conservation range.
REASON 6-11: In order to achieve a satisfactory finish to the converted barns.
12. All new boundary treatment shall be post and rail and hedging.
REASON: The landscaping of this site is essential in order to protect and enhance the existing visual character of this attractive rural area.
13. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission

Background papers: see application file.

UTT/1823/03/FUL - STEBBING

Application for personal and retrospective permission for change of use of building from B8 to storage and retail of animal feeds and retention of ancillary office building.

Hornsea Farm, Bran End. GR/TL 655-255. Mr D Hills.

Case Officer: Mr R Aston 01799 510464

Expiry Date: 18/12/2003

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

DESCRIPTION OF SITE: Hornsea Farm is located 240m north of the crossroads at Bran End, Stebbing. The site extends to c. 350 acres and is predominantly arable with a small number of livestock. The buildings on the site comprise a Nissen hut occupying a ground area of 14.7 x 9.5m, which is currently used for the storage and retail sales of animal feeds. There is also an existing mobile hut which is of a permanent nature, currently used as an office in association with the A1 use. In addition there is an existing farm building to the south used in connection with the agricultural use of Hornsea Farm.

DESCRIPTION OF PROPOSAL: The proposal is for the retrospective change of use of the agricultural building to A1 retail for the storage and retail of animal feeds. In addition, permission is also sought for the retention of the office building.

APPLICANT'S CASE: See supporting statement dated October 2003 attached at end of this report.

RELEVANT HISTORY: Outline application for the erection of a dwelling Refused and dismissed on appeal, 1992. Retention of use of building 2 to B8 storage and associated car parking, approved 2001.

CONSULTATIONS: ECC Highways: No objections to the proposal.

PARISH COUNCIL COMMENTS: Concern that the approval of this application may create a precedent for further development of this site. It notes the assertion that the business as currently foreseen would not generate significant traffic onto the site, but believes that if consent is given, such traffic movements could not be prevented or restricted in future. Would like a legal Agreement, ensuring that the use is strictly limited solely to that structure for which B8 consent currently exists.

REPRESENTATIONS: None. Notification period expired.

PLANNING CONSIDERATIONS: The main issues is whether the use is appropriate in this rural area and whether the use or any possible future intensification would have a detrimental impact on rural and residential amenity (ADP S2, C5, DC14 and DLP S7).

Given the location of Hornsea Farm and the low scale nature of the retail use, the current movements to the site are generally from passing trade as most of the horse feed is delivered to clients by the owner on a regular basis. The previous use as a B8 use was considered acceptable and it is also considered that the use for storage and retail of animal feeds does not have a detrimental impact on rural amenity. It is considered that noise and disturbance to neighbours is negligible and not sufficiently detrimental to warrant refusal. Turning to the impact on the local road network and highway safety, the limited movements to and from the site do not result in traffic generation to the detriment of adjoining occupiers and the existing access and visibility is considered acceptable. However it is imperative that the use is kept under strict control due to its location and conditions need to be imposed limiting the hours of delivery, use of the building and restricting it to its current activity. The

retention of the building to the front, currently being used as an office is considered acceptable and does not have a material impact on visual amenity.

COMMENTS ON REPRESENTATIONS: Conditions can overcome the concerns raised by Stebbing Parish Council.

CONCLUSIONS: The proposed retention of the use of the building for the storage and retail of animal feeds to visiting members of the public would not have a detrimental impact on rural amenity and is in accordance with the relevant development plan policies as outlined above. Furthermore, the retention of the office building, which is of a low scale would not be detrimental to visual amenity and is considered appropriate.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.6.1. Excluding future changes of use without further permission.
2. There shall be no open storage of refuse, goods or materials other than in compounds or areas specifically set aside for this purpose and shown on a plan submitted to and approved by the local planning authority in writing prior to the commencement of development.
REASON: To safeguard the appearance of the site in the interests of visual amenity.
3. Unless otherwise agreed in writing by the local planning authority, the use of the premises for the purposes hereby permitted shall operate only between the hours of 08:00am and 18:00pm Mondays to Saturdays, with no working on Sundays, Public or Bank Holidays.
REASON: To protect rural amenity and character.
4. No deliveries shall be taken to or dispatched from the site before 8am on Mondays to Fridays and 9am on Saturdays, nor after 5pm Mondays to Fridays and 12pm on Saturdays, nor at any times on Sundays or Bank Holidays.
REASON: To avoid disturbance to neighbouring properties.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of approved landscaping scheme.
7. Personal to applicant.

Background papers: see application file.

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 three tenants, although only two of these uses are clearly evident on site. 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.

There is a haulage company operating on site registered under the name of F W Goddard Ltd. This license is currently valid and expires on 31/10/2007. However, at the time of the site visit this haulage use was not clearly apparent on site and the level of activity of this company is not clear.

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 provided a supporting statement for the application stating why, in their opinion, the development should be approved. 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. (A copy of the supporting statement is attached at the end of this report). The applicant advises that pre-application advice from the Highway Authority indicated that direct access to Thaxted Road would be acceptable.

RELEVANT HISTORY: The site in question has very little previous relevant planning history. The site has been allocated for residential development in both the current Adopted Plan and the new Deposit Local Plan and 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, but 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: The Town Council strongly objects to this application. When the Harris Yard development was granted permission, the Town Council warned that

the whole of the Thaxted Road site would be developed in a piece-meal manner. As a result of that decision the applicants on the Goddards Yard site now wish to put yet another access onto the busiest road in Saffron Walden. Further applications from other land developers in this area will exacerbate the problems even more. Even at this late stage, the Town Council would urge Uttlesford District Council to attempt to find an overall plan for redevelopment of Goddards Yard, Harris's Yard, Jossaumes and the former gasworks and use this opportunity to provide a new roundabout and access to this valuable brown site land. The Council feel this application as it stands should be refused because of the inability to provide a safe access onto a congested road.

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, SW9 and DLP Policy S1, H1, H2 and SW2),**
- 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. Local Plan Policies, both Adopted and Deposit indicate the site as being suitable 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, but where visibility is best. Residential development at Harris Yard was approved on 19 June 2003 following a Section 106 agreement relating to highways improvements. Harris Yard had adequate visibility splay for Essex County Council Highways to raise no objections although this was slightly below the standard for a 30mph road of 2.4m x 90m. A new mini-roundabout will be constructed as part of a highway improvement scheme for Harris Yard with anti-skid surfacing and grey backed signage to ameliorate safety concerns.

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 in both directions although visibility looking south along Thaxted Road is acceptable. 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. No provision was made in the Section 106 Agreement to prevent a ransom strip situation from occurring because this would have been beyond the reasonable powers of the council and would have interfered with the open market. However, the Council did ensure that access could be taken from Harris Yard into Goddards Yard and has therefore fulfilled its obligations. The ransom strip situation is something for the developers of both Goddards Yard and Harris Yard to discuss between themselves and the Council should not be held accountable for the inability of the two parties to reach agreement. The applicant has not provided any evidence of negotiation with the adjoining landowners regarding the ransom strip situation and again this is not a planning matter

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. Essex County Council Highways have stated that the access into Goddards Yard from Thaxted Road may be acceptable once the Harris Yard development is completed but at present their objection to the development would remain.

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.

The applicant has suggested in their supporting statement that removing the existing commercial uses on the Goddards Yard site and replacing them with 12 residential dwellings would “represent an improvement in highway safety.” This claim is not backed-up by any substantial evidence. The current use of the site does not necessarily create a constant stream of vehicles and most of the cars associated with the repair business are stationary and not able to be moved. The Paxtons conservatory business does create some traffic with both commercial vans visiting the site each day prior to starting work and some customer visits to the site by car. The haulage operation is not apparent on the site nor is it evident in the aerial photograph of the site provided by the applicant dated 2000 and it is therefore unclear as to the extent of large vehicular movements to and from the site that would affect highway safety. The applicant is applying for a minimum of 12 dwellings on this site but, if the density is to be similar to Harris Yard site then this could rise to at least 25 dwellings given density of housing on the neighbouring site was 69 dwellings per hectare. There could therefore be a doubling of the number of dwellings on this site and the traffic generated may in fact be greater than currently exists on the site and this of course may generate affordable housing requirements on the site.

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. However, Essex County Council Highways have stated that access direct from Goddards Yard onto Thaxted road is unsafe as it does not have an adequate visibility splay to recognised operable standards in **both** directions and it is recommended that planning permission be refused. There is an alternative access possible from Harris Yard, which would meet with visibility standards.

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, H1 and SW9) and the Draft Local Plan (Policies S1, H1, H2 and SW2) 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 in both directions 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.

UTT/1945/03/FUL - STEBBING

(Member's interest: Cllr Flack)

Erection of two detached dwellings with garaging.
Brookside Garden Centre. GR/TL 656-249. East Anglia & London Prop. Ltd.
Case Officer: Mr M Ovenden 01799 510476
Expiry Date: 08/01/2004

NOTATION: Outside development limit and within area of special landscape value (adopted plan) & outside settlement boundary (second draft deposit plan).

DESCRIPTION OF SITE: The site lies in the gap between the two parts of Stebbing village – Marshalls Piece to the east and Brookfields at Bran End to the west. Between the site and the highway is Brook House, a reasonably large modern dwelling. To the south is open countryside. The adjacent land to the north, east and west is at a significantly higher level. Currently on the site is a range of former nursery/agricultural buildings including greenhouses and storage buildings of traditional form although none are of environmental value. At least one of which is used for non-agricultural purposes e.g. a costume higher store. There is a rough surfaced car park along the western edge. The site has the air of being slightly run down and the uses appear to be fairly low key. Until recently the access had an 'in and out' arrangement with two driveways although the easternmost access is proposed to be retained for use solely by the existing dwelling at the front of the site which is to remain.

DESCRIPTION OF PROPOSAL: The proposal is to remove all the buildings on the site (measuring 0.64 ha) plus the rough surfaced car park, extinguish all existing uses and erect two dwellings with linked garages each having an L-shaped planform. One would have five bedrooms, the other would have six. The dwellings would be 22 and 24 metres wide respectively and be approximately 9.5 metres tall. The exterior would be clad with a mix of clay plain tiles and slate with rendered and weatherboarded walls above brick plinths. The dwellings would be contained within the spread of the existing buildings east-west but encroach slightly further south. Part of the site would become gardens to the proposed two units; part would be added to the garden of the property to the front, with the land to the south being a wildlife garden.

APPLICANT'S CASE: See pages 2-5 of letter dated 7 November 2003 attached at end of report.

RELEVANT HISTORY: Application for 8 dwellings refused 1965. Application for use of building as vehicle maintenance workshop refused 1983. Personal permission for retention of builders store and funeral directors within buildings 1984. Revised application for use of building as vehicle maintenance workshop refused 1984. Personal permission for retention of carpet finishing use 1995. Retention of change of use of land and buildings from nursery to garden centre 1995. *This permission was tied to occupation of the dwelling on the site, the range of items sold from the site was restricted as was the buildings from which they could be sold and the hours of operation with no deliveries from the site on Saturdays, Sundays and bank/public holidays.*

CONSULTATIONS: Highway authority: Under the terms of the deminimis agreement, this application is one where the highway aspects are for determination by your authority.

Environmental Services: No contaminated land comments.

Water Authority: To be reported (due 30 November 2003).

PARISH COUNCIL COMMENTS: To be reported (due 14 December 2003).

REPRESENTATIONS: Seven. Notification period expired 5.12.03.

1. The proposed houses seem rather large for the site. The mains drainage sewer for the Brookfields estate apparently crosses Brookside Garden Centre, possibly directly underneath one or both of the proposed houses. If planning permission is granted, I trust that the Council will make provisions for the protection of the sewer.
 2. I cannot see how this can be passed.
 3. This is not land identified or designated for residential development. Wildlife Garden, is currently used to hold deer. Will this development then extend further into open countryside.
 4. There is currently a barn situate on the development site, but this is only a single storey barn and consequently does not impair either the visual outlook from or the access of daylight to my property. I strongly object to the current positioning of the properties, particularly that positioned on plot 2. Believe that when the land was granted use as a garden centre, the area to the rear of my garden was for car turning only and not for the erection of any shed or outbuilding. It is also of great concern that the entrance and exit to and from the site is not only of narrow proportions but also on a blind bend.
- 5-7. No new comments.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the proposal complies with the requirements of the development plan (ERSP policy C5, UDP S2).**
- 2) whether there are material considerations (including emerging policy DDP S7) which justify a decision contrary to the development plan.**

1) The site lies outside the development limit in the local plan and therefore in accordance with the Structure and local plans is in countryside where new development is not normally permitted. The proposal does not relate to any of the exceptions in the policy – agriculture, forestry etc. The development plan would therefore indicate that the proposal is unacceptable.

2) The applicant has drawn attention to the condition of the existing buildings on the site and the activities currently associated with them, stating that the buildings are not of environmental merit and suggesting that the local environment would be enhanced by their removal. However the buildings – greenhouse and various outbuildings of traditional form are not out of place with their surroundings and are not prominently located. Furthermore the carpet finishing activity was granted personally to a named operator and the permitted garden centre is a very low-key activity and can only occur whilst its operator resides in the dwelling at the front of the site. It is understood that the current occupier of the dwelling may not be the keeper or operator of the garden centre and therefore this activity should cease. On balance therefore it is not considered that the removal of the buildings or residual activities is a gain of the required significance that would justify a decision to grant permission that would be so clearly contrary to policy. It could be argued that having a mixture of small commercial units associated with quasi-agricultural and other small scale uses offers benefits to the local area. The provision of two large – five and six bedroom houses with generous gardens does not seem to meet any demonstrated local need.

3) Given the existing personal permission that appear to have expired - as the original beneficiaries are no longer present - the lawful use of the site would appear to be a nursery (which falls within the definition of agriculture) and is therefore specifically excluded from the definition of previously developed land in PPG3. Even if this were not the case the draft deposit plan was compiled in the full knowledge of PPG3 (March 2000) and therefore the local policy takes preference. Consequently issues relating to using previously developed land do not justify permission here.

COMMENTS ON REPRESENTATIONS: Apart from those issues referred to above, officers have not sought to negotiate issues relating to location of sewers etc because the proposal is fundamentally unacceptable.

CONCLUSIONS: The proposal is contrary to the requirements of the development plan and any advantages involved in the removal of existing buildings and activities are not so great as to justify a breach in planning policy.

RECOMMENDATION: REFUSAL REASON

The proposal would result in the erection of two large dwellings in the countryside outside of any development limit unrelated to agriculture or other appropriate rural uses forestry to the detriment of the appearance and character of the countryside and would therefore be contrary to Essex Structure Plan Policy C5 and Uttlesford District Plan Policy S2.

Background papers: see application file.

UTT/2144/03/DC - WHITE RODING
(District Council application)

Erection of single storey side extension and porch.
10 St. Martins Close. GR/TL 562-134. Uttlesford District Council.
Case Officer: Mr N Ford 01799 510468
Expiry Date: 09/02/2004

NOTATION: Outside Development Limits S1.

DESCRIPTION OF SITE: This proposal relates to an existing two storey semi-detached dwelling located in St. Martins Close White Roding, which forms a cul-de-sac location of 14 dwellings north west of St. Martin's Church.

DESCRIPTION OF PROPOSAL: The proposed development comprises a single storey side extension and front porch. The floor area of the side extension would be approximately 16 sqm and additionally the porch would be approximately 5 sqm. The height of the side (west elevation) extension would be 4.7m to ridge and 2.2m to eaves. The porch would be 3.6m to ridge and 2.2m to eaves.

APPLICANT'S CASE: Following a housing tenure assessment on the applicant who is registered as physically disabled, difficulties were identified consisting of not being able to access the shower and toilet and difficulties with access to the home. To overcome these difficulties the following works consisting of a shower room, porch and ramp to the front of the house were identified.

PARISH COUNCIL COMMENTS: No objection.

REPRESENTATIONS: None. Notification period expired 6 January 2004.

PLANNING CONSIDERATIONS: The main issues are:

- 1) **that the proposal accords with the aims of ADP Policy S2 and RDDP Policy S7 by ensuring that the extension is consistent with the character and setting of its countryside location;**
- 2) **that the proposal accords with the aims of ADP Policies H7, DC1 and DC14 and RDDP Policy H7, GEN2 and GEN4 by ensuring that the extension is consistent in design and scale with the parent dwelling and that there would be no detrimental impact on residential amenity.**

1) St. Martins Close lies outside designated development limits but appears as an integral residential development within White Roding. It is considered that the proposed single storey side extension and porch would be a consistent feature in this location. No.10 St.Martins Close also has a single storey addition on its side elevation and given this, the extension would appear as a characteristic feature in the street scene and is not considered to have any detrimental impact upon its designated countryside location.

2) The proposal would provide a subservient single storey addition to the side elevation of the existing dwelling that is considered to be of consistent design and scale. Additionally, the resultant extension would not appear uncharacteristic in the street scene. The use of matching materials would provide a development in character with the parent dwelling. Subject to an appropriate condition requiring an obscure glazed window in the bathroom it is considered that there would be no impact upon residential amenity.

CONCLUSIONS: It is considered that the scale and design of the extension is considered acceptable in this location and additionally there would be no detrimental impact on character and amenity.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.19.1.Avoidance of overlooking.
REASON: To prevent overlooking in the interests of residential amenity.

Background papers: see application file.

UTT/1487/03/FUL - STANSTED

Erection of gate and fencing 1.8m high. Retention of footpath and bollard light. Erection of 1.2m high fence and hedge. Insertion of new low level light.

The Presbytery, St. Theresa's Church, High Lane. GR/TL 514-258. Father J White.

Case Officer: Mr G Lyon 01799 510458

Expiry Date: 03/11/2003

NOTATION: ADP and DLP: Outside but adjacent to Development Limits and residential dwellings.

DESCRIPTION OF SITE: The site is located to the north of Stansted Mountfitchet between the B1383 Cambridge Road and B1351 High Lane, adjacent to the development limits of the village. To the south of the site is the residential development of Five Acres along with frontage residential development along High Lane. To the north of the site is agricultural land Along Cambridge Road next to the Church, the character of the area is predominantly one of a corridor of mature trees with developed interspersed either side. There is however, a gap of approximately 25 metres where the pedestrian entrance to the Church is on Cambridge Road. The site slopes down from the B1383 to High Lane and the Church sits lower than Cambridge Road.

DESCRIPTION OF PROPOSAL: The application consists of three parts.

Firstly it is proposed to erect a 1.8 metre fence along the frontage with Cambridge Road set back approximately 7 metres from the carriageway edge. This would include a 1.8-metre wide entrance gate and low-level light to the footpath. It has also been agreed to plant a native hedge in front of the fence to continue the hedging/tree cover as currently exists along this part of Cambridge Road.

Secondly it is proposed to erect a 1.2 metre high fence and beech hedge around the presbytery from the sacristy door and continuing from the garage to the boundary with Five Acres.

Thirdly it is proposed to retain an existing footpath to the sacristy door of the Church along with associated bollard light.

APPLICANT'S CASE: Two letters have been provided, one by Father J White dated 10 December 2003 and one from James Boutwood dated 8 December 2003, outlining the reasons why the 1.8m high fence in particular is required. See copies attached at the end of this report.

RELEVANT HISTORY: The new Church, Church Hall and Presbytery was approved in December 2000 (UTT/1003/00/FUL) following three previous outline applications. In May 2002 a variation to the footpath from Cambridge Road was refused and also dismissed at appeal in March 2003. A retrospective application was approved in December 2002 for a revised footpath. Enforcement remains a possibility with regard to the footpaths, some matters of which are to be dealt with as part of this application.

CONSULTATIONS: Essex County Council Highways and Transportation: There is no highway objection to the erection of a fence and the provision of a new pedestrian access on to the Cambridge Road.

It has also been agreed that a new native hedge in line with the existing hedging that fronts Cambridge Road would also be acceptable subject to approval from Essex County Council with regard to its exact position. This should be secured by condition.

PARISH COUNCIL COMMENTS: No comments received (due 28 October 2003).

REPRESENTATIONS: This application has been advertised with 10 neighbour consultations and re-advertised following amendments to the proposed development. Advertisement expired 28 October 2003. Three neighbours have commented on both the original and revised schemes and there is a comment from Cllr Alan Dean.

Summary of comments (Revised Scheme only): The sacristy path should only be approved if the presbytery garden is fully enclosed and all lighting should be shielded to protect the amenities of residents living on adjacent five acres. Concern about the continuous breach of planning conditions on this site, particularly with regard to the footpath and lighting. The fence between Five Acres and the Church building should not be removed as it prevents pedestrian access from the Church entrance directly to Cambridge Road exit, which would cause disturbance to local residents.

Cllr Alan Dean was concerned about the urban character of the fence along Cambridge Road. [This issue has been addressed with the proposed planting and continuation of the existing native hedge along Cambridge Road to soften the visual impact of the wooden fence.]

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) **the proposed works are visually acceptable (ADP Policy DC1, DLP Policy GEN2)**
- 2) **the proposed works are acceptable in terms of their impact to neighbouring properties (ADP Policy DC14, DLP Policy GEN4)**
- 3) **there are any other issues**

1) As mentioned in the development description, the application is split into three distinct parts:

i) The 1.8 metre high fence with gate and footpath light on Cambridge Road. There has been some concern regarding this element, particularly the urban character of the fence in relation to the surrounding hedging but following a site meeting this matter has been resolved with the proposed planting of a native hedge in front of the fence fronting onto Cambridge Road. (The need for the fence will be considered in part 3). Cambridge Road sits higher than the Church building and the fence would appear lower than its height suggests. There is an existing hedge behind the proposed fence and a native hedge in front would soften the impact of the closed-boarded fence. In time, once the hedge has matured, it is considered this will become an attractive feature and provided a visually interesting entrance to the Church for pedestrians through the 1.8 metre wide double gates. The new footpath light would need to be designed so as not to spill light onto neighbouring residential properties.

ii) The 1.2 metre high fence and beech hedge from the sacristy door around the Presbytery. It is considered that this will prevent any pedestrian short-cut to Cambridge Road, although this is already secured by the 1.8 metre high fence from the Church to the boundary with Five Acres. There is no supporting statement as to the need for this particular structure but it may help visitors to the Church unfamiliar with the layout to identify that there is no through route to Cambridge Road past the sacristy door of the Church. Visually the proposal is therefore acceptable.

iii) The retention of the footpath to the sacristy door and the retention of the bollard light. This in itself is considered satisfactory provided that the bollard lighting does not cause a nuisance to local residents. This can be achieved by appropriate cowling to prevent upwards spillage of light. The path to the sacristy does not provide a through route to Cambridge Road and would only be used by the priest. There would not be a large number of people

using this entrance/exit and therefore it is considered would cause little or no disturbance to local residents. The path and light are visually acceptable.

2) The history of the development of the Church and the subsequent appeal hearing focused predominantly on the impact of the use of the Church and associated footpaths on the residential amenity of occupiers of the Five Acres development. A footpath, which passed the sacristy door of the Church up to Cambridge Road, was refused partly on the grounds of disturbance to residential neighbours from pedestrian noise etc. This was backed up at appeal. A 1.8 metre high fence has since been erected from the corner of the Church to Five Acres boundary preventing pedestrian access directly to Cambridge Road from the Church. Instead pedestrian access has been routed the long way round the Church and away from Five Acres. These proposals would further prevent pedestrian access from the sacristy side of the Church direct to Cambridge Road and the retention of the footpath to the sacristy door would not result in excessive noise or disturbance as it provides only limited access for the priest. It would be difficult therefore to object to the retention of the footpath from a residential amenity perspective. The two lights can be adequately cowled to prevent light spillage, again making them acceptable in terms of residential amenity.

3) When the application was initially submitted there was no supporting statement for the proposals, particularly regarding the need for 1.8 metre high closed boarded fencing fronting onto Cambridge Road. Concern was expressed in representations about the urban appearance of the fence and officers generally agreed with these concerns. A subsequent meeting with all parties, including Cllr Dean was held on site in December to consider the 1.8 metre fence in particular. Inside the Church, which sits lower than Cambridge Road, it is possible to clearly see vehicles passing by on Cambridge Road, which distracts the eye. The acoustics of the building also means that the sound of traffic is clearly evident within the building. This is therefore not acceptable during Church services and proves to be a distraction to all within. The fence would not only screen the passing traffic but also act as a baffle to prevent sound reaching the Church. Ideally, an earth bund would have been the best solution to reduce noise, but there is inadequate space to provide such a feature. To overcome the urban appearance of the fence it has been agreed to plant a hedge in front to continue the line of landscaping already present along this section of Cambridge Road. Essex County Council have been verbally contacted regarding this proposal and they have considered that this will be acceptable provided that the final position of the hedge is agreed with them prior to planting. This can be secured by condition. Objections to the proposed fencing have therefore been withdrawn following the on site meeting.

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

CONCLUSIONS: The proposed fencing and retention of footpath and lighting is acceptable provided that sufficient landscaping is carried out, as discussed above, and all steps are taken to ensure that no light spillage will occur onto neighbouring land.

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

1. C.2.1. Time limit for commencement of development
2. C.3.3. To be implemented in accordance with original and revised plans
3. A new hedge shall be planted in front of the closed boarded fence adjacent to Cambridge Road in the area roughly marked in green on the approved plan No 391/1A. No development shall take place until the exact location of the hedge has been agreed in writing with Mr M Felgate of Essex County Council Highways and Transportation Group, North West Area Office 3 Twyford Court 81 High Street Great Dunmow Essex CM6 1AE Tel: 01371 872888. A plan showing the agreed position of the hedge and type and mix of species to be planted shall be submitted to the local planning authority for approval in writing before any development commences on site and the approved scheme be implemented in the first planting season following

approval. Should any part of the hedge die, be removed or become seriously damaged or diseased, it shall be replaced during the following planting season by similar species as agreed in the original specification.

REASON: A hedge is required in this location to reduce the urban appearance of the proposed closed boarded fence in the interest of visual amenity.

4. No development shall take place until details of the lighting for both the existing lighting bollard and proposed new footpath light to Cambridge Road have been submitted to and approved in writing by the local planning authority. These plans shall show how the lights will be cowled to prevent light spillage onto neighbouring land. The lights shall be built or adapted in accordance with the approved details and retained thereafter.

REASON: Details of the proposed lighting are required to ensure that there is no light spillage onto adjoining land in the interest of residential amenity.

Background papers: see application file.

1) UTT/1887/03/FUL & 2) UTT/1982/03/LB - ELSENHAM

- 1) Change of use of barn to 11 short-term let/holiday accommodation.
- 2) Internal alterations.

Tye Green Farm. GR/TL 541-245. J S Pimblett.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 08/01/2004

NOTATION: Area of Special Landscape Value C2, Countryside Protection Zone S4, setting of a listed building DC5.

DESCRIPTION OF SITE: Tye Green Farm is located to the south of Elsenham and to the north of Stansted Airport within the open countryside. The farm is located off a single track cul-de-sac from Tye Green Road, which terminates near Moat Cottage. Tye Green is a hamlet of predominantly detached dwellings and cottages. The application site is located behind Tye Green Farmhouse. Tye Green Farm envelops this building and various working farm sheds and redundant stables. Barn A, B and C and three other outbuildings relate to this application. Barns A and C are Grade II listed with other buildings listed by virtue of their curtilage value. In terms of residential neighbours, Barn C is located 51m north west of Tye Green Farmhouse which in itself is Grade II listed and Barn A is located 40m west of Moat Farm which is also Grade II listed. Tye Green cottage to the south west of Tye Green Farm House is also Grade II listed.

DESCRIPTION OF PROPOSAL: The application details the removal of a dilapidated barn, stables and part of an existing modern shed named New Barn. Barns A, B and C would be converted to form 11 holiday let accommodation in total. Barn C is Grade II listed. Its outbuildings are listed by virtue of the curtilage of the barn. Barn B would have two bedrooms and is attached to Barn C where a games room, dining area and kitchen would be provided at ground level. At first floor level three further bedrooms and associated en-suites are proposed. Barn A would incorporate six bedrooms, associated en-suites and a store.

APPLICANT'S CASE: Having considered the site and the requirements of the client it is considered that the most suitable use of these buildings would be for a tourism use. In regard to planning policy the proposal appears to meet with all relevant planning policy for Uttlesford District Council and therefore it is my opinion that the application should be met with a favourable response and consent should be granted. Full supporting statement available at the Council Offices, London Road, Saffron Walden.

RELEVANT HISTORY: 25m replacement telecommunication antennae mast and equipment cabins approved 2000. 20m telecommunication tower, 6 antennae and 3 microwave dishes and equipment cabin approved 1998. Part change of use/part retention of use of agricultural land to leisure purposes refused 1998, change of use of agricultural land to leisure and retention of reception building and 3 field shelters refused 1997, retrospective application for change of agricultural land to nursery for the storage of plants and shrubs approved 1996. Formation of amenity lake for fishing with landscape improvement approved 1989.

CONSULTATIONS: Water Authority: No objections.

Highway Authority: To be determined by UDC under deminimus agreement.

UDC Environmental Services: Use of barns B and C as a function room and restaurant may cause loss of amenity to residential properties, however, conditions can prevent this.

County Archaeology: The Essex Heritage Conservation Record shows that the proposed conversion lies to the south of a moated site (EHCR 4560). As the proposed development lies some distance from the area of the moat, it is unlikely to affect archaeological deposits.

On our current knowledge therefore, no archaeological recommendations are being made on this application.

UDC Building Surveying: No comments.

UDC Specialist Design Advice: See planning considerations.

UDC Policy: See planning considerations.

Environment Agency: Standard Advisory letter.

English Heritage: To be reported (due 14 January 2004).

PARISH COUNCIL COMMENTS: States that the restaurant should not be open to outsiders but only provide facilities for residents of the holiday let accommodation. Traffic should not go onto Tye Green and should use the existing access to Tye Green Farm. Concern relating to overlooking of adjacent properties.

REPRESENTATIONS: This application has been advertised and 3 representations have been received. Period expired 11 December 2003.

1. Concern relating to overlooking, restaurant fumes, boundary screening and traffic.
2. No objections in principle. Access to the site should be from the main access to Tye Green Farm as proposed and not from Tye Green House. Concern relating to surface water drainage.
3. Objections relating to disturbance to local residents. Concern relating to development in the Countryside Protection Zone. Concern relating to traffic and number of parking spaces. Restaurant should be ancillary to holiday accommodation should be for tourist purposes only.

PLANNING CONSIDERATIONS: The main issues are:

- 1) **whether the development accords with the positive approach to the provision of tourist accommodation in the countryside in accordance with ADP Policy REC3 and DDP Policy LC6 and whether the proposal would adversely affect the open characteristics of the Countryside Protection Zone (ADP Policy S4 and DDP Policy S8).**
- 2) **whether the holiday accommodation proposed is a suitable use for these listed rural buildings in accordance with central Government guidance notes PPG7, and PPG15, Policy RE2 and HC4 of the Essex and Southend-on-Sea Replacement Structure Plan 2001 as well as ADP Policy C5, DC5, DC6 and DDP Policy ENV2.**
- 3) **whether the development proposed is likely to be detrimental to residential amenity through overlooking, noise and traffic contrary to ADP Policy DC14 and DDP Policy GEN4.**

1) This application proposes 11 units of holiday let accommodation. It is considered that this use is appropriate in the countryside in accordance with ADP Policy REC3 as the conversion of rural buildings to provide tourist accommodation is acceptable in principle. However, the development should be such that it does not impinge upon the open rural characteristics of the countryside or the Countryside Protection Zone and its character. Development should also be of a nature that does not lead to coalescence.

The development utilises existing rural buildings entirely within the curtilage of an existing farm and off the road to Tye Green set back behind Tye Green Farm House. Following negotiation the site area has also been reduced, with the proposed office and summer room being bought closer to Barn A, B and C. The visual impact of the scheme upon the open countryside and the CPZ is therefore considered to be limited as existing buildings predominantly screen the site. Additional boundary screening can be secured by condition to require an appropriate form of landscaping. It is therefore considered that the

proposal would not lead to coalescence or detrimentally affect the Countryside Protection Zone.

2) The application proposes the demolition of part of New Barn, a utilitarian building located to the north west of Barn C as well as an existing stable block located to the south east of Barn B in order to facilitate the scheme. These structures were constructed post-1948 and are not deemed to be curtilage listed and worthy of retention. The application includes the demolition of a cart lodge to the south west of Barn B. This structure is in a very poor state of repair and has lost virtually all of its original fabric and external materials that distinguished the character and appearance. It is, however, a pre-1948 structure and is therefore listed by virtue of its curtilage value. The comments of English Heritage will therefore be sought.

The proposal has been negotiated. It is considered that as the buildings are now redundant it is essential to find a new economically viable use for them so that their survival can be assured. Specialist design advice shows that the scheme is low key and the agricultural character of the buildings has been maintained as much as possible. Subject to appropriate conditions the scheme is acceptable.

The conversion would respect the fabric and character of these historic buildings in accordance with PPG7 (The Countryside, Environmental Quality and Economic and Social Development). The buildings are suitable for conversion as the scheme proposes low-key alterations in order to facilitate the proposal. The alterations would retain the key elements that are necessary to preserve the special interest of the building in accordance with PPG15 (Planning and the Historic Environment). Visual features of interest would be retained as well as internal spaces, such as the large volume being a feature of Barn C (The restaurant area).

Policy RE2 of the Essex and Southend-on-Sea Replacement Structure Plan Adopted April 2001 supports the promotion of rural enterprise where, as in this instance, the buildings are of sound construction capable of conversion without substantial reconstruction. It is also considered that their conversion would not prejudice the vitality of the village or adversely affect the amenity and character of the countryside. Additionally, this scheme is considered to be an appropriate way of preserving these listed buildings special character and architectural qualities in accordance with Policy HC4.

3) Any impact upon residential amenity is only possible to the north-west elevations of Barns A and C toward Moat Farm. Firstly, the elevation of Barn C proposes a frosted window at first floor level, which would prevent overlooking of the curtilage of the adjacent property. Additionally, a scheme of landscaping would prevent any impact upon amenity from the ground floor window on this elevation. In terms of Barn A, there are roof lights proposed to the north-west roof elevation however, these are approximately 40m from the nearest residential dwelling at Moat Farm and are set at an angle into the roof plane. It is considered that the potential for overlooking on this elevation is limited. Additionally, given the distance of 51m to Tye Green Farm House from the front elevation of Barn C, it is considered that there would be no overlooking from this vista.

The proposed development is located in close proximity to Stansted Airport and lies within the 57-66B(A)Leq noise contour. In these circumstances it is necessary that new habitable noise sensitive accommodation is adequately soundproofed. This element can be secured by an appropriate condition.

In regard to any potential detrimental impact resulting from the proposed restaurant, this can be controlled by conditions. A scheme odour control to be approved and the restaurant to be for the sole use of the holiday accommodation occupants.

In relation to traffic and parking, it is considered that the current access proposed off Tye Green is satisfactory. This route will avoid conflict with farm vehicles that serve Tye Green Farm from the access to the south west off Tye Green Road and will separate the development from the working farm. The number of parking spaces has been reduced to 17 following negotiation, which provides one space per unit with provision for adequate operational parking. Parking provision is therefore considered to be sufficient and the likely traffic generation not considered of a level likely to be detrimental to amenity given 11 units proposed. Parking can be restricted by condition to ensure that it endures for the sole use of the holiday let occupants and not car parking related to Stansted Airport.

COMMENTS ON REPRESENTATIONS: In relation to overlooking, it is not considered that there would be any potential detrimental overlooking due to the distance to the nearest residential property and screening that can be provided by condition. Concerns relating to noise and fumes from the restaurant use can be secured by condition. Additionally it is considered that the development proposes adequate access and parking while additional traffic is not considered to be of a level likely to be detrimental to amenity.

CONCLUSIONS: The holiday accommodation proposed is considered to be an acceptable use in the countryside and additionally the listed barns can be converted adequately without substantial reconstruction. The proposed development is therefore considered acceptable subject to conditions.

RECOMMENDATIONS:

1) UTT/1887/03/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.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.8.8. Sound insulation (new building).
6. C.8.17. Restriction of hours of operation.
7. C.11.7. Standard parking requirements.
8. C.13.6. Short stay holiday lets.
9. C.25.1. Ban on airport related parking.
10. The accommodation hereby permitted shall not be occupied until a scheme of odour control from the kitchen has been submitted and approved by the local planning authority prior to commencement of development. The equipment shall thereafter be retained in accordance with the approved scheme.
REASON: The control of odour is necessary in order to prevent any detrimental impact on residential amenity.
12. The restaurant located within Barn C shall enure for the sole use of occupants of the holiday let accommodation hereby approved and for no other persons.
REASON: In order to protect residential amenity.

2) UTT/1982/03/LB APPROVAL WITH CONDITIONS

1. C.2.2. Time Limit for commencement of development.
2. C.3.2. In accordance with revised plans.
3. C.5.9. All external weather boarding shall be feather edged and painted black.
4. C.5.16. No historic timbers to be cut.
5. All historical brickwork shall be retained and the walls repaired as necessary with matching bricks, bonding and pointing.
6. All sound existing roof cladding shall be reused and any shortfall made up with exactly matching materials.
7. All new external joinery shall be black painted timber.

8. The rooflights hereby approved shall be of a conservation type to be submitted and approved by the local planning authority prior to occupation of the buildings.
9. The roof of the new cart lodge hereby approved shall consist of hand made clay plain tiles to be submitted and approved by the local planning authority prior to occupation of the buildings.
REASON: In order to protect the traditional character, fabric and appearance of these listed buildings.

Background papers: see application file.

1) UTT/1992/03/FUL & 2) UTT/1993/03/LB - BROXTED

1) & 2) Conversion of barn into dwelling.

Flemmings Hill Farmhouse, Brown's End Road. GR/TL 585-246. Mrs J Bennett.

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 14/01/2004

NOTATION: Outside Development Limits/Area of Special Landscape Value/Grade II Listed Building.

DESCRIPTION OF SITE: The site is located approximately 1.7km to the southeast of Broxton. The building these applications relate to is located approximately 13m to the northwest of the listed farmhouse. The barn dates from the late 16 century and is a five bay, timber framed, weather boarded and plastered building with a corrugated iron roof. Adjacent to the barn is an unlisted former dairy building; however this building does not form part of the proposed conversion.

DESCRIPTION OF PROPOSAL: The proposed alterations to the barn involve removing the unsympathetic corrugated iron roofing and replacing this with hand made clay tiles, removing a derelict lean-to to the rear and inserting windows, conservation rooflights and doors. Existing openings in the barn will be utilised as well as additional windows and doors being inserted.

CONSULTATIONS: Design Advice: This proposal has been negotiated. I consider this scheme acceptable in design terms subject to conditions.

Environment Agency: Advisory comments in relation to drainage.

PARISH COUNCIL COMMENTS: No objections.

REPRESENTATIONS: These applications have been advertised and no representations have been received. Period expired 13 January.

PLANNING CONSIDERATIONS: The main issues are whether the proposals would be acceptable as a residential barn conversion in the countryside (ADP Policy C6, ERSP Policy RE2, DLP Policy H5) and 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).

The barn is Grade II listed and is considered to be worthy of retention. The proximity of the barn to the listed farmhouse means that a commercial use for the building is unlikely to be acceptable and it is possible to convert the barn without undertaking substantial building works or alterations to the external appearance.

The Council's Conservation Officer has negotiated the proposal and it is considered that subject to conditions being imposed relating to the use of materials and the form of boundary treatment, the conversion of the barn to form one dwelling would not be detrimental to the setting, character or appearance of the barn or the surrounding listed buildings.

CONCLUSIONS: The proposal complies with the requirements of the development plan policies relating to the residential conversion of rural buildings and would have no detrimental impact on the listed barn itself or the surrounding listed buildings.

RECOMMENDATIONS:

1) UTT/1992/03/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. There shall be no fence or wall in the yard between the house and the barn. All remaining forms of boundary treatment shall consist of post and rail fencing and hedging.
REASON: In order to protect and enhance the character and appearance of the listed buildings.
6. C.6.2. Removal of permitted development rights.

2) UTT/1993/03/LB - GRANT 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.5.1. Samples of materials to be submitted agreed and implemented.
4. C.5.5. Clay plain tiles.
5. C.5.8. Joinery details.
6. C.5.12. Lime based/wood float finish.
7. C.5.16. No historic timbers to be cut.
8. All weatherboarding shall be feather-edged and painted black.
REASON: In order to protect and enhance the character and appearance of the listed buildings.

Background papers: see application file.

UTT/2015/03/FUL - GREAT CANFIELD

Removal of condition restricting occupancy of B1 (Business Use) to named user.
Building at Little Bullocks Farm, Hope End. GR/TL 573-2093. Lark Technologies Inc.
Case Officer: Mr N Ford 01799 510468
Expiry Date: 19/01/2004

NOTATION: Outside Development Limits S2.

DESCRIPTION OF SITE: Little Bullocks Farm is located at Hope End Green, the main access of which is off a narrow lane with the B1256 approximately half a mile to the north. The site is approximately 300m east of the Great Canfield Road. A nursery and approximately 7 dwellings are located in the vicinity of the application site.

DESCRIPTION OF PROPOSAL: This detailed application relates to the removal of an occupancy condition for Willis and Gambier from Class B1 (a) offices (personal permission) to B1 (b) to allow the occupancy of Lark Technologies currently based at Radwinter Road, Saffron Walden for research and development. The existing office floor space is 700 sqm with 220 sqm of ancillary warehouse. It is proposed to provide 350 sqm of office floor space with 275 sqm of laboratory floor space and 295 sqm of storage with 350 sqm of office floor space. 15 employees are proposed.

APPLICANT'S CASE: (Abridged extract of extensive statement, see attachment for full case). All the activity associated with the use by Lark Technology will be within the building and by its nature will be unobtrusive. The company uses fridges and freezers for storage of samples, centrifuges and DNA sequencers, which are silent. Aside from employees arriving and leaving daily, traffic might extend to 4 vans. Samples arrive by 'transit' type vans and occasionally a 7.5 tonne lorry. Normal hours of operation are from about 8am (although most staff arrive about 8.30am and leave at 5.30pm). The hours at which staff attend the site vary and some attendance is required in evenings and at weekends. There would, however, be no indication that any staff are present in the building. Most waste is collected by the normal service; however, a very small quantity is stored for collection approximately every 6 months. The reuse of rural buildings for business purposes is supported by the Council's planning policies in the Local Plan Deposit Draft and PPG3 and PPS3 issued for consultation purposes. The fact that the building has been used for B1 purposes, with planning permission, for a considerable length of time is a material consideration in the present case. The use by Lark Technologies is in many senses more appropriate to the location than the previous use, which involved deliveries to the site of furniture lorries. The number of staff employed by Lark is less than the number employed by Willis Gambier when they recently vacated the building.

RELEVANT HISTORY: Retrospective application to retain use of agricultural building for storage, repackaging, repair of pine beds approved 1993. Retrospective application for the continued use of an agricultural building for storage and repackaging approved 1996. Change of use of agricultural building to B1 use refused 1997 and dismissed on appeal 1998. Change of use of redundant agricultural building to form extension to adjacent workshop approved 2002.

CONSULTATIONS: Water Authority: No objection.

UDC Environmental Services: "The existing use has not given rise to complaint so I have no objection to the proposed B1 use".

County Highways: To be determined by UDC under deminimus agreement.

Environment Agency: Standard advisory letter.

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

REPRESENTATIONS: Neighbour notification expired 15 December 2003.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the proposal will detrimental affect the rural character of the area (Policies S2, C5 and DC1 of the ADP 1995 and Policy S7 of the RDDP 2002).**
- 2) **whether the proposal will create detrimental traffic and parking impacts (Policies T1 and T2 of the ADP 1995 and Policies GEN1 and GEN9 of the RDDP 2002)**

1) The development concerned is the change of use of an existing 970 sqm vacant rural building previously used for the storage, repackaging and repair of pine beds by Willis Gambier. No external alterations are proposed relating to this application. The permission was made personal by condition to the owner of the site. Following the move of Willis Gambier to Saffron Walden and the prospective new tenant Lark Technologies, it is necessary to allow a new occupant to use the building for office, laboratories and ancillary storage proposed. The application states that 15 staff were previously employed on the application site and that there will be no new staff resulting from this application.

The application site has previously been used for B1 use for a period of approximately 10 years. It is considered that this use formed a compatible use in the countryside. The B1 use now proposed as a result of the change of occupancy would require the same level of staff as the previous use. It would also involve fewer deliveries of bulky furniture goods. As any alterations would be predominantly internal it is not considered that the proposal would consist of substantial reconstruction. The building is well screened by an existing rural building to the east used for the storage of agricultural machinery and evergreen trees surrounding the loading bays and service area to the north of the application site. There would not be a cumulative impact on the countryside resulting from the application as it relates to existing B1 floor space.

2) The application proposes the provision of 18 parking spaces for the provision of 15 staff. An existing service and delivery area is located towards the north of the application site. The applicant states that apart from staff, deliveries may extend to 4 vans daily with an occasional 7.5 tonne lorry. It is envisaged by the applicant that the traffic is likely to be less than that previously associated with the delivery of furniture lorries.

Given the nature of the use proposed by the occupant and the nature of deliveries proposed being less bulky than that previously carried on by Willis Gambier it is considered that there would be limited impact on traffic and the parking proposed is considered adequate in relation to staff and operational requirements.

CONCLUSIONS: The B1 use proposed is considered appropriate in this location in the countryside and not inconsistent with surrounding uses. Subject to appropriate conditions it is considered that there would be no impact upon the countryside or residential amenity.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.6.1. Excluding future changes of use.
REASON: To avoid potential nuisance and disturbance resulting from a use other than that hereby approved.
4. C.6.8. Excluding Permitted Development extensions or alterations to industrial [warehouse] premises
REASON: To avoid over development of the site.

5. C.9.1. No outdoor storage.
REASON: To avoid the over development of the site and safeguard the amenity of the surrounding area.
6. C.8.17. Deliveries by commercial vehicles shall only be made to or from the site between 08:00am and 18:00pm Monday to Saturday and at no time on Sundays, Bank or other Public Holidays without the prior agreement in writing of the local planning authority.
REASON: In order to protect residential amenity.
7. The development hereby permitted shall operate between the hours of 08:00am to 18:00pm Monday to Saturday and at no time on Sundays, Bank or other Public Holidays without the prior written consent of the local planning authority.
REASON: In order to protect residential amenity.
8. C.14.I. Permission personal to applicant [occupant].

Background papers: see application file.

UTT/1897/03/FUL – STANSTED

Erection of three dwellings. Construction of vehicular access
Land at Takeley Street. GR/TL 537-213. MLS Property Development Ltd.
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 30/12/2003

NOTATION: ADP and DLP: Within Development Limits of Takeley Street. Listed Buildings adjacent. Site lies within the 57-66db(A) Leq contour of Stansted Airport.

DESCRIPTION OF SITE: The site is located approximately 2.3 kilometres to west of the centre of Takeley in Takeley Street, which runs along the old A120, now declassified to the B1256 following the opening of the new A120. The A120/M11 interchange is 2.2 miles westerly. The site area measures approximately 0.214 hectares with a front boundary of established hedging, approximately 2.5 metres in height. Adjacent the site are Nos. 1 & 2 Bassingbourne Lodge, which are a pair of Grade II listed gatehouses to the former Bassingbourne Hall. The boundary with Bassingbourne lodge is a mixture of hedging and mature trees, although it is possible to see into the garden of the listed property. The rear and western side boundaries are open in character and adjoin a field, which is still used for agricultural purposes.

The site itself once contained a large agricultural building but this has now been demolished, although some of the building remains on site in the form of rubble. Stansted airport is approximately 700 metres north of the site.

DESCRIPTION OF PROPOSAL: The applicant is seeking full approval to erect three detached dwellings with three new accesses. Dwelling No.1 would be a two-storey detached house with linked double garage. It would have five bedrooms and three bathrooms and substantial ground floor accommodation. External materials proposed are brick at ground floor and rendered first floor with a plain tile roof. Dwelling No.2 would be a mirrored version of dwelling no.1. Dwelling No.3 would be a two-storey detached property with detached double garage in front and would sit between dwellings 1 and 2. This property would also have five bedrooms, one of which would be in the roof with two dormer windows. The property would be rendered with a plain tile roof. Each property would be a large private amenity space well above minimum requirements and these areas are to be landscaped.

RELEVANT HISTORY: The site has been the subject of several residential applications. Two dwellings were approved in outline form on the site in 1998, with the means of access and siting specified. This was renewed in 2002. Also in 2002 an outline application to erect five dwellings with the means of access specified was refused and dismissed at appeal. The appeal inspector was concerned about the layout and how this would affect the setting of the adjacent listed buildings, the appearance of the street scene and the amenity of adjacent residents.

CONSULTATIONS: Essex County Council Highways and Transportation Group:

No objections to this proposal provided that a vehicular turning space is provided within the curtilage of each plot.

Environment Agency: No objections

Essex County Council Specialist Archaeological Advice: The Heritage Conservation Record shows that the proposed development lies immediately adjacent the Roman Road from Braughing to Colchester. The development area has the potential to have Roman occupation comprising road side developments. This site also lies to the east of Thremhall Priory. This was a thriving centre during the medieval period and there is probability that it would have had outlying associated settlements or farmsteads. The site also lies adjacent the medieval access to Bassingbourne Hall. This site is mentioned in the Domesday Book. It

is therefore recommended that a full archaeological condition be attached to any planning consent for this site.

Thames Water: No objection

PARISH COUNCIL COMMENTS: Stansted Mountfitchet Parish Council – No Comment
Takeley Parish Council – No objections

REPRESENTATIONS: This application has been advertised with both press and site notices and 6 neighbour consultations. Advertisement expired 29 December 2003. One letter of objection has been received from Council for the Protection of Rural Essex (CPRE) – Consent already exists to erect two dwellings on this site and we do not consider that three dwellings are appropriate. The introduction of an additional unit would be environmentally and visually damaging.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) the effect on the setting of the listed buildings (PPG15, ERSP Policies HC3, ADP Policy DC5 and DLP Policy ENV2),
- 2) the effect on the character and appearance of the area (PPG3, ERSP Policies CS2, BE1, H2, H3, T12, ADP Policies S1, H1, DC1, N1 DLP Policies S3, GEN2),
- 3) the effect on the living conditions of occupiers of adjacent properties (ADP Policies DC1 and DC14 and DLP Policy GEN2 and GEN4),
- 4) the effect on the highway conditions (ADP Policy T1 and DLP Policy GEN9) and
- 5) Other relevant issues.

1) In 2002 an application for five dwellings was refused on this site. The appeal inspector considered the impact of the proposed development on the setting of the adjacent Bassingbourne Lodge, a pair of gate houses, which are set back from the road and both used as detached houses. It was considered that five dwellings would permanently crowd and detract from the setting of the pair of buildings. In this instance, three dwellings are proposed and their main frontages are set back behind the adjacent listed buildings. However, the garage structure of dwelling No.3 does protrude forward but this would not crowd the listed building nor would it necessarily detract from its setting or inhibit views from the B1256. There is existing planting on the front boundary of the site preventing views of the listed building but if this were to be removed then the listed building would still be visible forward of the proposed dwellings. It is the opinion of officers that the proposed development will not detract from the setting of the adjacent Bassingbourne Lodge.

2) The character of the area is one of linear ribbon development following the B1256 with a variety of house types, design and density. To the east of the site are several listed buildings, some of which relate to the Taylor's Farm site.

The site had a former agricultural use and cannot therefore be considered as brownfield land. However, it does lie within the development limits of Takeley Street and should be considered favourably for residential development provided that it meets with all other policy criteria.

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 0.214 hectares and the applicant is proposing 3 dwellings on this site. This gives the site an overall density of 14 dwellings per hectare. The development as proposed therefore does not accord with the minimum density requirements of Central Government Policy PPG3. However, to accord with density requirements, 6 dwellings would need to be built on site and it has already considered by the Planning Inspectorate that five dwellings would not be achievable without serious detriment to the setting of the adjacent

listed buildings. Development opposite the site, consisting of four bungalows, has a density similar of 14 dwellings per hectare, identical to this application. The proposed dwellings are set well back from the road, which the planning inspector noted was part of the prevailing character of the area and officers are therefore of the opinion that this development accords with the general character of the area.

3) The proposed development consists of 3 two-storey dwellings, all of which front onto the B1256. The closest dwelling to Bassingbourne Lodge is Dwelling no.3 and there are two windows looking sideways towards the adjacent plot. The closest window on the first floor flank wall is for a bathroom and this can be conditioned to be obscure glazed. However there is an additional window bedroom looking towards the listed building and is 10 metres from the boundary of the site. If a 2 metre high fence were erected along the side boundary with Bassingbourne Lodge, a minimum area of 7 metres would be shielded by the fence from overlooking from this window. Without the fence this private amenity space would be considerably reduced. It may therefore be appropriate to remove the side facing bedroom window by condition to prevent overlooking from taking place. The applicants have proposed to landscape this side boundary but the setting of Bassingbourne Lodge needs to be considered, particularly when erecting any fence. Overlooking from the other properties would be minimal and officers are of the opinion that provided the concerns noted above could be addressed, there will be minimal detrimental impact on adjoining neighbours. The permitted development rights of the properties should be removed to prevent structures from being erected in the rear gardens that could potential affect the amenity of neighbours.

4) The new A120 was opened in part from Great Dunmow to the M11 in December 2003. Traffic is therefore able to bypass the site in question and this road has now been declassified to the B1256. Essex County Council Highways therefore have no objection to the proposed development subject to turning spaces being provided within each plot. This can be secured by condition.

5) The site lies immediately south of Stansted Airport and within the 57-66dB(A)Leq area, which makes the development sensitive to noise from aircraft. Therefore the properties will require to be insulated from sound infiltration in line with current building regulations.

CONCLUSIONS: The site is located within the development limits of Takeley Street and the layout and number of dwellings proposes matches the overall density of the area without detriment to the setting of the adjacent listed buildings. Subject to appropriate conditions, the development is acceptable.

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.17.1. Revised plan required.
4. C.15.1. Superseding previous permission.
5. C.5.1. Samples of materials to be submitted and agreed.
6. C.19.1. Avoidance of overlooking.
7. The windows in the eastern side elevation of dwelling no.3 marked in red on the approved plan attached shall be obscure glazed with glass of obscuration level 4 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall be retained in that window in perpetuity.
REASON: To prevent possible overlooking of neighbouring properties in the interest of residential amenity.
8. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.

9. C.6.7. Excluding conversion of garage.
10. C.23. Demolition of existing building.
11. C.4.1. Scheme of landscaping to be submitted and agreed.
12. C.4.2. Implementation of landscaping.
13. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
14. C.8.27. Drainage Details
15. No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.
REASON: To allow the archaeology of the site to be investigated.
16. C.12.1. Boundary screening requirements.
17. Each property shall have its own parking and turning space to accommodate all vehicles regularly visiting the site. Such space shall be convenient to the front door of the property that it serves and be made available for the parking and turning of vehicles at all times in perpetuity.
REASON: To ensure that there is adequate parking and turning facilities for each dwelling in the interest of highway safety.

Background papers: see application file.

UTT/2001/03/FUL - HATFIELD HEATH

Proposed addition of six antenna and two 0.6m dishes at 16.20m to existing mast together with one cabin and meter cabinet within the security compound
Orange Base Station Camp Farm Mill Lane. GR/TL 517-156. Orange PCS Ltd.
Case Officer: Miss K Benjafield 01799 510494
Expiry Date: 22/01/2004

NOTATION: ADP: Within Metropolitan Green Belt/Area of Special Landscape Value DLP:
Within Metropolitan Green Belt.

DESCRIPTION OF SITE: The site is located in the southwestern corner of Camp Poultry Farm on the western outskirts of Hatfield Heath. It is accessed from Mill Lane off the A1060 Stortford Road and lies to the rear of the residential gardens of properties on Stortford Road which are approximately 120m from the site.

DESCRIPTION OF PROPOSAL: It is proposed to add additional equipment to an existing 25m monopole and locate one cabin and meter cabinet within the existing security compound. The equipment on the mast would consist of six antenna at a height of 16.2m and two 0.6m dishes at a height of 18.40m. The cabin would have a maximum height of 2.1m and would cover an area of 3.8m² while the meter cabinet would be a similar size to one currently on the site for use with the existing mast.

APPLICANT'S CASE: The site is a good choice of location which will have a minimum impact on the appearance of the surrounding area due to:

- The use of an existing telecommunication site which is isolated from residential properties.
- The screening effect of existing substantial mature trees, shrubs and hedgerows within the adjoining farmland and alongside the surrounding roads.
- The avoidance of the need for additional sites within this area to achieve the same level of coverage.

RELEVANT HISTORY: Erection of 25m telecommunication mast, equipment cabinet and 1.8m fence conditionally approved September 2002. Erection of 25m monopole telecommunication mast with six antenna and four microwave dishes, equipment cabinet, 1.8m high security fencing with barbed wire above conditionally approved April 2003.

CONSULTATIONS: English Nature: English Nature believes that the proposals are not likely to affect a Site of Special Scientific Interest.
Essex Wildlife Trust: None received (due 14 December 2003).

PARISH COUNCIL COMMENTS: Since this installation is right at the end of three gardens, the building should be screened as much as possible.

REPRESENTATIONS: This application has been advertised and 4 representations have been received. Period expired 28 January.

1. It will add to the eyesore which is at the bottom of our garden and is seen for miles around. The mast was obviously designed to have these additional antenna, so why was it not included in the original planning for the mast in January this year? With an addition six antenna and dish it must emit more radiation than before, as it is still unclear whether this is harmful we are reluctant to let our children play in our garden because of the health risk.

2. This application appears to me, to be a case of obtaining large development permission by the back door. Why did the original application not include the extension to

the mast? The original application was for a Monopole mast so that it had minimal impact on the countryside. The visual impact of these additional parts would be significant to the local environment. The existing mast and compound are an eye sore, the shiny silver galvanized finish to all part of the structure make no effort to reduce the environmental impact of the scheme. This would be compounded with any additional works on the site.

3. I consider the antennas and dishes to be unsightly and not in keeping with the general appearance of the countryside. I also object on the moral grounds that these Telephone Masts can produce Radiation or can be a health hazard.

4. The mast is already a hideous eyesore. The tree that is supposed to shield us seeing it is actually at a different angle to the one on the approved plans and we can actually see every part of the mast from top to bottom. Planning permission was granted on the basis that a monopole would be the least offensive construction, and therefore additional antennae and dishes on another part of the mast would therefore defeat the argument that it would be less offensive to look at, and in addition they would receive no cover from the surrounding trees as they in fact do not offer any screening at all. It appears that Orange have aimed for a little and then increased their demands six months later in order to achieve their original end and get round planning objections.

PLANNING CONSIDERATIONS: The main issues are whether the additional equipment on the mast is essential for technical reasons and appropriate measures have been taken to mitigate adverse effects on rural amenity in accordance with ADP Policy DC13 (DLP Policy T4, ERSP Policy BE8).

The supporting information accompanying the application clearly sets out the need for additional equipment to the mast. The additional equipment would be required by Vodafone in order to extend 2G and 3G coverage to the surrounding area within Hatfield Heath. Government policies issued within PPG8: Telecommunications, encourages mast or site sharing where possible in order to minimise the environmental impact of telecommunication equipment. The applicant has shown that there is a need for the equipment in this area but is able to minimise the impact on the Metropolitan Green Belt and the rural amenity by sharing an existing mast.

Planning permission granted for the mast in April 2003 required landscaping to be undertaken in order to minimise the impact of the mast and in addition there is mature vegetation along the southern and western boundaries which screen the existing mast from the residential properties to the south. No additional landscaping is considered necessary. It is considered that the addition of 6 antenna and two dishes on an existing mast with one cabin and a meter cabinet located within an existing compound would have a minimal impact on the Green Belt and would comply with guidance issued within PPG8 and the requirements of ADP Policy DC13, DLP Policy T4 and ERSP Policy BE8.

COMMENTS ON REPRESENTATIONS: The existing mast and equipment on the site was approved in April 2003 for use by Orange Personal Communications. This application has been submitted by Orange on behalf of Vodafone in order for Vodafone to share the existing mast and compound and reduce the need for a further mast within the area. The additional equipment would have a minimal impact on the character of the Green Belt in a location that has previously been considered to be acceptable for the erection of a mast.

With regard to any potential risk to health from telecommunication equipment, the applicant has submitted a Declaration of Conformity with ICNIRP Public Exposure Guidelines. Guidance issued within PPG8 states that if an applicant is able to provide this declaration, then "it should not be necessary for a local planning authority to consider further the health aspects and concerns about them".

CONCLUSIONS: The addition of equipment on the existing mast on this site would not have a detrimental impact on rural amenity or the Metropolitan Green Belt and complies with guidance issued in PPG8 and ADP Policy DC13, DLP Policy T4 and ERSP Policy BE8.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. The telecommunications apparatus shall be removed from the land, building or other structure, as soon as reasonably practicable after it is no longer required for telecommunications purposes. Such land, building or structure shall then be restored to its condition before the development took place.

REASON: In order to prevent the proliferation of redundant equipment in the countryside.

Background papers: see application file.

UTT/2053/03/FUL - FELSTED

Erection of replacement dwelling and garage.
South View, Bakers Lane. GR/TL 681-199. Mr & Mrs T Kenworthy.
Case Officer: Mr N Ford 01799 510468
Expiry Date: 29/01/2004

NOTATION: Outside Development limits S2. Affects the setting of a listed building DC5.

DESCRIPTION OF SITE: The site is located at Bakers Lane, which is 300m south east of Felsted and consists of a scattering of a small number of dwellings. South View is a much extended single-storey dwelling of no architectural or historical merit. To the east of South View lies Howlands, a Grade II Listed two storey detached dwelling and to the west lies the site of the now demolished Fairfield House where a new two storey replacement dwelling is under construction. Agricultural fields are located to the north.

DESCRIPTION OF PROPOSAL: The proposal entails the replacement of this dwelling with a new five bedroom chalet style one and a half storey dwelling with a detached garage to the rear of the property. The floor area of the new dwelling would be approximately 147 sqm. The height to ridge would be approximately 7.7m with eaves at 2.5m. A two bay garage and store is proposed (45 sqm) to the rear of this dwelling at 4.4m to ridge height and 2m to eaves. A landscape scheme accompanies the application.

RELEVANT HISTORY: Change of use from agricultural to domestic land permitted 2000. Single storey front extension permitted 1996. Erection of conservatory permitted 1989. Single storey extension permitted 1985. Temporary siting of residential caravan permitted 1981. Redevelopment of garages, garden store and workshop permitted 1980. Erection of garage permitted 1979. Change of use of living room, garage extension and new entrance porch permitted 1975.

CONSULTATIONS: UDC Specialist Design Advice: To be reported.

PARISH COUNCIL COMMENTS: "The [Parish] Council strongly support this application as a house on this site would enhance the street scene in Bakers Lane, which at present shows an untidy low building flanked by two storey properties, one old, one new. Members were surprised that the earlier application was refused as permission was granted for a similar house on the adjoining site and the listed building quoted is a considerable distance away from the new development".

REPRESENTATIONS: This application has been advertised and two representations have been received. Period expired 1 January 2004.

1. Objection relating to increased ridge and bulk of new house.
2. The new design is much more in keeping and has a greater empathy than the original although the ridge line will be higher than my property, bathrooms will overlook, the gable end should not be overly dominant.

PLANNING CONSIDERATIONS: The main issue is whether the proposal is an acceptable replacement dwelling in accordance with ADP Policy H8 and would respect the characteristics of the adjacent Grade II listed building in accordance with ADP Policy DC5 and RDDP Policy ENV2.

The proposal details the replacement of a bungalow which has been considerably extended over the years and which is of no special architectural or historical interest with a new five bedroom detached dwelling. This scheme proposes a dwelling with a floor area more approximate to the dwelling which it replaces than proposed in the scheme recently refused.

The footprint of the replacement dwelling would be brought forward slightly in relation to the gable end although it is considered to bear a similar relationship with the existing footprint.

It is considered that this replacement dwelling as a chalet style property would not be over dominant in terms of scale, size and bulk in the street scene. It is not considered that the dwelling would impair the rural characteristics of the countryside. Additionally, the dwelling is now considered to bear a closer relationship with Fairfield House (which has a partly implemented permission for a replacement) to the west and Howlands to the east. As such, it is considered that there would be no detrimental impact upon the setting of Howlands as a listed building. The garage, now detached from the property, is considered to break up the bulk of development and therefore be of acceptable scale and design.

COMMENTS ON REPRESENTATIONS: It is considered that this proposal now represents a dwelling of acceptable bulk and scale. As a chalet style property the dwelling will be less prominent than that previously refused. The ridgeline would be lower than Fairfield House to the south, which was granted planning permission for a replacement dwelling in 2003. The property would be located approximately 40m away from the Grade II listed property named Howlands and given this and the fact that the scale of the property is now broken up by locating the garage to the rear, it is considered that there would be no adverse impact on the setting of the listed building.

CONCLUSIONS: The proposal is now considered to accord the requirements of replacement dwellings outside development limits subject to appropriate conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. The landscaping scheme shall be implemented in accordance with the details submitted with the application in the first planting season after the completion or first occupation of the property whichever is the sooner.
4. C.4.2. Implementation of landscaping.
5. C.5.1. Samples of materials to be submitted and agreed.
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
7. C.23. Demolition of dwelling to be replaced.
8. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented.
9. The windows marked "X" on the plans returned herewith shall be obscure glazed and retained as such thereafter.

REASON: In the interests of the amenity of the occupiers of the adjacent properties.

Background papers: see application file.

UTT/2066/03/FUL – CLAVERING

Change of use of caretaker's dwelling to childrens day nursery. Creation of four additional staff car parking spaces. Relocation of shed.

School House, Clavering Primary School, Stortford Road. GR/TL 473-315. Childrens Cottage Day Nursery.

Case Officer: Mrs K Hollitt 01799 510495

Expiry Date: 03/02/2004

NOTATION: ADP: Within Development Limits/Area of Special Landscape Value.

DLP: Within Settlement Boundary.

DESCRIPTION OF SITE: This application relates to a dwelling located within the grounds of Clavering Primary School. The dwelling is located to the rear (southwest) of properties known as Gateways and Jobest in Stortford Road. The property is located adjacent to the access road into the school and abuts school grounds on 3 sides; the fourth boundary is adjacent to the rear boundaries of the properties in Stortford Road. The plot measures 7m by 10m, extended to 12m at its longest point. The property is a two storey dwelling with a brick built store building to the east. There is also a large wooden shed adjacent to the rear boundaries of the properties in Stortford Road.

DESCRIPTION OF PROPOSAL: The proposal relates to the change of use of the existing dwelling into a children's day nursery. No alterations are proposed to the external appearance of the building, but additional parking spaces are proposed to be created within the site to accommodate staff parking, resulting in the loss of garden area to the front of the property.

RELEVANT HISTORY: Various applications in relation to provision of portable classrooms within the grounds of the school. Planning permission granted for 3 new classrooms in 2001.

CONSULTATIONS: Building Surveying: No adverse comments. Requirements of the Disability Discrimination Act should be considered.

ECC Transportation: No objections.

Environmental Services: None received. Expired 30 December 2003.

PARISH COUNCIL COMMENTS: No objections. However, several parishioners were concerned at the further increase in traffic at "coming and going" times for the school.

REPRESENTATIONS: None. Notification period expired 30 December 2003.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) the proposed use would be acceptable on residential amenity grounds (ADP DC14, DLP GEN4) and
- 2) whether the proposals are likely to be detrimental to highway safety (ADP T1, DLP GEN1).

1) The proposed nursery would operate between 8am and 6pm, Monday to Friday, and it is proposed that there would be 16 children aged up to 5. This use would transfer from the Children's Nursery, Pledgdon Close, Thaxted Road, Henham. There are some concerns that this use would potentially have an impact on the residential amenity of the adjoining properties located in Stortford Road, due to noise from children playing. However, the premises are located within the grounds of an existing school where such noise would be commonplace, and no objections have been received with regard to the application. It is

considered that the proposed use would increase the hours to which the neighbours would be potentially affected by noise. However, the proposed hours, together with the proposed numbers of children are not considered to be significantly excessive. Therefore, on balance, it is considered that the proposed use would be acceptable in this location, subject to conditions restricting the hours of use and numbers of children.

2) The proposed use of the building would have different operating hours to the school, and therefore it is considered that the times at which parents are visiting the site are likely to be spread, but accept that they may also include the more general school dropping off and collection times. However, it may be possible that visitors to the site at this time may be combining a trip with older children attending the school. The comments made by the Parish Council are noted, but the Highways Department at Essex County Council have raised no objections to the proposed use. Therefore, it is considered that a refusal on highway grounds may be hard to substantiate. There would be parking provision made within the site for staff, but there would be no space available for parents dropping off children, but as stated above, it may be possible that some parents would arrive outside the normal school hours, and others may be doing a combined trip. Therefore, it is considered that, due to the nature of the proposed use, that the provision of additional space for visitors is unnecessary in this instance. On balance, it is considered that the proposals are acceptable and comply with policies.

CONCLUSIONS: Whilst the proposed use may result in some loss of residential amenity, it is considered that numbers of children and hours of operation are not sufficient to warrant a refusal in this instance, given the location of the site within the grounds of an existing, thriving school.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. The premises shall be used for a day care nursery for children between the ages of 0-5 and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
REASON: To ensure the local planning authority retains control over the use of the premises in the interests of residential amenity.
4. Members of the public shall not be on the premises except between 7.45am and 6.30pm on Mondays to Fridays, and at no time on Saturdays, Sundays and Bank or Public Holidays.
REASON: The use of this site outside these hours would be likely to cause nuisance and disturbance to adjacent residents.
5. No more than 16 children shall attend the Nursery School sessions at any one time without the prior written consent of the local planning authority.
REASON: To avoid overdevelopment of the site and to protect the residential amenity of the adjacent properties.
6. No more than 5 staff shall be employed or otherwise involved in the operation of the use hereby permitted at the premises at any one time without the prior written consent of the local planning authority.
REASON: To avoid overdevelopment of the site and to ensure that the car parking spaces provided are adequate in the interests of highway safety.
7. The use hereby permitted shall not commence until the parking spaces shown on drawing no, 0356/02 have been laid out. Thereafter these spaces shall remain available for the parking of vehicles in connection with the day care nursery use and shall not be used for any other purpose other than the parking of vehicles.

REASON: To ensure sufficient car parking is available for staff, in the interests of highway safety.

Background papers: see application file.

1) UTT/1876/03/FUL & 2) UTT/1877/03/LB – TAKELEY

Conversion of building to form two dwellings and erection of four-bay garage and erection of boundary walls/fence.

Warish Hall Farm. GR/TL 568-221. Mr R Brolly.

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 08/01/2004

NOTATION: Within Stansted Airport Countryside Protection Zone / Within Curtilage of Grade I Listed Building/Scheduled Ancient Monument.

DESCRIPTION OF SITE: The site is located between the A120 and the B1256 approximately 1km northeast of Takeley and north of Smiths Green. The building that these applications relate to is currently used as an industrial unit and is located approximately 30m north of a Grade I Listed farmhouse. To the northeast of the farmhouse and east of the application site there are a number of existing former agricultural buildings which now have industrial uses. The site is accessed either from the main access to the farmhouse or from a second access to the north of the other units. It is, however, proposed that the access to the converted building will be from the main access adjacent to the farmhouse. The building is not listed in its own right however it is curtilage listed due to its location within the curtilage of the listed farmhouse.

DESCRIPTION OF PROPOSAL: These applications relate to the conversion of a redundant agricultural building to form two dwellings. It is proposed to demolish an existing modern extension to the building which comprises approximately one third of the length of the building and erect a detached four bay garage. The proposal also relates to the erection of boundary walls and fencing.

Other than the demolition of the modern element, it is proposed that the external appearance to the building would only be slightly altered. The front elevation would have weatherboarding and posts added to reflect an original cart lodge character and windows and doors replaced and added where necessary. The north elevation would have an existing window repositioned and the south elevation would have a window inserted in place of an existing door. The west elevation would remain the same with the exception of three replacement windows and two pairs of glazed doors being inserted and one existing window removed.

The proposed garage building would cover an area of approximately 72m² and would have a maximum ridge height of 5.6m. The garaging would be in the form of two double garages providing covered parking for both the farmhouse and the new dwellings.

APPLICANT'S CASE: See letter dated 17 October attached at end of report.

RELEVANT HISTORY: Conversion of building to form two dwelling including erection of dormer windows and erection of garage refused 2003.

CONSULTATIONS: Design Advice: No objection in principle in design terms to the proposed revised scheme subject to conditions.

Policy: Recommendation – approval subject to normal development control considerations and no adverse effect on the character or setting of the listed building and ancient monument.

Environment Agency: Makes advisory comments regarding drainage.

ECC Archaeology: The proposed development lies in the important Scheduled Ancient Monument of Warish Hall (SAM 20705). The site comprises a moated enclosure containing a Grade I Listed Building and it the site of the Priory of St Valery. Any groundwork's will

require scheduled monument consent and it is therefore recommended that a full archaeological condition is attached to any planning consent for this site.

Recommendation: Refer to English Heritage and Full Excavation.

ECC Highways: Under the current deminimus agreement, this application is one where the highway aspects are left for determination by your authority.

Thames Water: No objection.

English Heritage: None received (due 14 December).

PARISH COUNCIL COMMENTS: No objections.

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

PLANNING CONSIDERATIONS: The main issues are whether

- 1) the proposals would be acceptable as a residential 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 farmhouse and the other surrounding curtilage listed buildings (ADP Policy DC5, ERSP HC3, DLP ENV2)

1) ADP Policy C6 requires buildings suitable for conversion to be in sound structural condition which through their historic, traditional or vernacular form enhance the character and appearance of the rural area. This building is a modest former agricultural outbuilding which is in a sound structural condition and is considered to be worthy of retention. The proposed external alterations would be minimal and it is not proposed to undertake substantial reconstructions or erection extensions to the building. In addition, an unsatisfactory modern extension to the building would be removed.

2) The building currently has permission for use as an industrial unit and it is considered that the conversion to two dwellings would be a preferable use within the close proximity and the curtilage of the Grade I Listed farmhouse. The Council's Conservation Officer has raised no objections to the proposed conversion and erection of garaging subject to conditions relating to the materials to be used.

CONCLUSIONS: The building is worthy of retention and conversion and the proposed alterations and erection of garaging would not only not have a detrimental impact on the setting but would also enhance the character and setting of the building, the farmhouse and the other surrounding curtilage listed buildings.

RECOMMENDATIONS:

1) **UTT/1876/03/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. All new boundary treatment shall be post and rail fencing and hedging.
REASON: In order to protect and enhance the character and appearance of the listed building.
6. C.5.1. Samples of materials to be submitted and agreed.
7. C.16.2. Full archaeological excavation and evaluation.
8. C.6.2. Removal of Permitted Development rights.

2) UTT/1877/03/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. All existing hand made plain clay tiles shall be reused with any shortfall to match the existing exactly.
REASON: In order to protect and enhance the character and appearance of the listed building.
5. All existing brickwork shall be repaired as necessary with exactly matching bricks, bonding and pointing.
REASON: In order to protect and enhance the character and appearance of the listed building.
6. All weatherboarding shall be featheredged and painted black.
REASON: In order to protect and enhance the character and appearance of the listed building.
7. All windows and door to be timber painted black.
REASON: In order to protect and enhance the character and appearance of the listed building.

Background papers: see application file.
