

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 23 FEBRUARY 2004

APPL NO: **UTT/1487/03/FUL**
PARISH: **STANSTED**
DEVELOPMENT: 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
APPLICANT: Father J White.
LOCATION: The Presbytery, St Theresa's Church High Lane
D.C. CTTE: 2 February 2004 (see copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: Approval
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 3 November 2003

APPL NO: **1) UTT/1887/03/FUL & 2) UTT/1982/03/LB**
PARISH: **ELSENHAM**
DEVELOPMENT: 1) Change of use of barn to 11 short-term let/holiday accommodation 2) Internal alterations
APPLICANT: J S Pimblett
LOCATION: Tye Green Farm
D.C. CTTE: 2 February 2004 (see revised report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: Approval
Case Officer: Mr N Ford 01799 510468
Expiry Date: 08 January 2004

APPL NO: **UTT/1495/03/OP**
PARISH: **SAFFRON WALDEN**
DEVELOPMENT: 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)
APPLICANT: F W Goddard Ltd
LOCATION: Goddard Yard Thaxted Road
D.C. CTTE: 2 February 2004 (see copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: Refusal
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 29 October 2003

APPL NO: **UTT/1945/03/FUL**
PARISH: **STEBBING**
DEVELOPMENT: Erection of two detached dwellings with garaging
APPLICANT: East Anglia & London Prop Ltd
LOCATION: Brookside Garden Centre
D.C. CTTE: 2 February 2004 (Report under revision and not attached)
REMARKS: Deferred for Site Visit and negotiations
RECOMMENDATION: Under consideration
Case Officer: Mr M Ovenden 01799 510476
Expiry Date: 08 January 2004

APPL NO: **1) UTT/1579/03/FUL & 2) UTT/1580/03/LB**
PARISH: **MANUDEN**
DEVELOPMENT: 1) Conversion of restaurant area to letting bedrooms. Extension to toilets. Extension to patio and decking area. Entrance ramp to building. Construction of brick wall and posts. 2) Extension to toilets. Entrance ramp to building. Alterations, including changes to internal partitions, internal doors, external doors and windows. External door lights
APPLICANT: Greene King Pub Partners Ltd
LOCATION: The Yew Tree Inn 36 The Street
D.C. CTTE: 12 January 2004 (see revised report copy attached)
REMARKS: Deferred for Member's Request
RECOMMENDATION: Approval
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 14 November 2003

APPL NO: **UTT/2001/03/FUL**
PARISH: **HATFIELD HEATH**
DEVELOPMENT: 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
APPLICANT: Orange PCS Ltd
LOCATION: Orange Base Station Camp Farm Mill Lane Mill Lane
D.C. CTTE: 2 February 2004 (see copy attached)
REMARKS: Deferred for more information re siting of mast and history, plus position statement on landscaping
RECOMMENDATION: Approval
Case Officer: Miss K Benjafield 01799 510494
Expiry Date: 22 January 2004

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

(Revised Report)

- 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 (EHR 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 6 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.
4. We notice that on drawing no. 199034DWG003 dated 17 December the mature trees landscaping the boundary of elevation no. 16 have been removed. We would like their absence noted.

Revised Plans 2 letters received:

1. Revised: Tye Green is small with a population of less than 50 people. 11 short term lets would substantially increase the population of the village. I would like to receive assurance that the local water supply could cope essential that appropriate waste water disposal be made a pre-requisite. I would like to ensure that the farm access road is NOT used for access to these new properties since it would cause blight to my property.
2. Revised: I cannot see any changes that would stop our concerns about the detrimental affect Barn C and the rest of the site would have on us.

To stop overlooking from Barn C the only way would be to exclude the three first floor proposed rooms and have the barn open from ground to rafters. I now understand the proposed site is within the Stansted Airport Countryside Protection Zone. There are two pages of interpretive notes put in by your Policy Advisor. These notes state "All applications should be treated on merit. On each occasion ask the question "does this lead to coalescence" or " will the proposal adversely affect the open characteristics of the zone"? if yes to either then refuse"

Further notes state "new buildings will generally lead to coalescence" clearly this application has new build as in the new cart shed.

"The change of use of a building will not lead to coalscence unless there is associated development such as outdoor storage or car parking beyond the confines of the building."

Clearly there is proposed car parking beyond Barn C to the South and West of the site. This car parking will adversely affect the open characteristics of the zone.

Also an Inspector in dismissing an appeal for change of use of dwelling to Bed and Breakfast accommodation sited in the Stansted Airport Countryside Protection Zone concluded that the proposal would result in additional traffic travelling through surrounding countryside and parking at the site. This must mean that additional traffic in an application must now be considered when looking at Policy S4. As in the site we are objecting to all the traffic has to drive through the single-track road.

I would conclude from the above information that both Policy S4 and Policy DC14 would be breached if this application were to be approved. An appeal decision against the decision of Uttlesford District Council to refuse planning permission. UTT/0014/98/FUL was in the Stansted Airport Countryside Protection Zone and is very similar. The Inspector concluded "that the traffic and the noise and disturbance associated with parking would be an alien feature in the rural area which would harm the character of the Stansted Airport Countryside Protection Zone and would be a severe breach of Policy S4 of the Adopted District Plan".

His decision was to dismiss the appeal.

We therefore respectfully ask that permission for this development is not granted.

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 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. However, 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. 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. Windows originally positioned in the north east elevation of Barn A have been revised to face south west into the courtyard which would prevent any overlooking of Moat Farm. It is therefore considered that there would be no impact upon residential amenity resulting from these proposals.

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.21.1. Excluding extensions to telecommunications masts without further permission
10. C.25.1. Ban on airport related parking.
11. 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 ensure 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.
13. The tree existing structures proposed for demolition on the approved drawings (stables, cart shed and part of new barn) shall be demolished and all materials shall be completely removed from the site within one month of the first occupation of the holiday let accommodation hereby permitted.
REASON: To ensure that the development is carried out as approved and in the interests of rural amenity.
14. No development shall take place on the site until the applicant, their agent or successors in title has secured a programme of archaeological recording in accordance with a written scheme of investigation to be submitted to the local planning authority for approval prior to its implementation. Should this scheme be acceptable, notice shall also be given to the local planning authority at least one week in advance before the scheme of recording is implemented giving details of who will carry out the recording and when.

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.

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.

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

(Referred at Member's Request)

- 1) Conversion of restaurant area to letting bedrooms. Extension to toilets Extension to patio and decking area. Entrance ramp to building. Construction of brick wall and posts.
 - 2) Extension to toilets. Entrance ramp to building. Alterations, including changes to internal partitions, internal doors, external doors and windows. External door lights.
- The Yew Tree Inn 36 The Street. GR/TL 491-267. Greene King Pub Partners Ltd.
Case Officer: Mr G Lyons 01799 510458
Expiry Date: 14/11/2003

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

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

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

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

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

PARISH COUNCIL COMMENTS:

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

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

PLANNING CONSIDERATIONS: The main issues are:

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

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

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

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

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

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

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

ADDITIONAL COMMENTS FOLLOWING APPROVAL BY MEMBERS ON 12 JANUARY 2004:

On 12 January 2004 members voted to approve the scheme, conditional upon the removal of the decking, proposed as part of the application. The Environment Agency were consulted about the proposed changes following the meeting and have raised concerns about the fundamental viability of the Flood Risk Assessment, if the decking is removed. The Environment Agency have found the 1 in 100 year flood level (including 20% increase in peak flows to allow for the impact of climate change) to be 68.91mOD (Ordnance Datum). The Agency would recommend that the floor level of the new bedrooms and raised walkway to and from the letting bedrooms to the main Public House building to be constructed above this level.

The ground level outside the letting bedrooms is currently 68.42mOD (according to the Flood Risk Assessment submitted by the applicant). The decking will raise the floor level by approximately 0.50mOD, thus raising it above the minimum of 68.91mOD, as requested by The Agency. The internal floor areas are 68.94mOD, again above the minimum requirements of the Agency.

It is therefore recommended that members approve the decking as part of the submitted scheme as it forms a fundamental part of the flood risk assessment, without which The Agency will continue to recommend a holding refusal.

The Environment Agency have requested two conditions be added to the approval notice, in particular a Flood Evacuation Plan and details of floor levels.

RECOMMENDATIONS:

1) UTT/1579/03/FUL - APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. The four bedrooms hereby approved shall remain ancillary to the main premises as edged red on the location plan, and shall not at any time be sold away or occupied independently from the premises to which they relate.
REASON: To avoid over development of the site.
4. C.5.1. Samples of materials to be submitted and agreed.
5. C.5.8. Joinery details.
6. The new external wall around the patio area shall be constructed in hand made clay bricks samples of which shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.
REASON: To ensure that appropriate materials are used for the approved works in a Conservation Area.
7. No development shall take place until details of external lighting, including method of illumination, luminance levels, and means of directing and shielding light spillage, have been submitted to the local planning authority for approval in writing. The lighting shall be installed in accordance with the approved details, and shall not thereafter be altered without the prior written consent of the local planning authority.
REASON: In the interest of private amenity and to prevent light spillage into neighbouring properties.
8. C.13.6. Short stay holiday lets.
9. C.25.1. Airport related parking.
10. The level and detail of the raised walkway shall be submitted to and agreed in writing by the local planning authority prior to the development commencing. The works shall be carried out in accordance with the approved details
REASON: To ensure that the decking is constructed at the right level to comply with the requirement of the Flood Risk Assessment and to ensure that residents have a safe access and egress from the letting bedrooms to the main Public House building in the event of a flood.
11. A Flood Evacuation Plan shall be submitted to and approved in writing by the local planning authority prior to the conversion of the restaurant area to letting bedrooms.
REASON: To ensure residents have safe access and egress from the letting bedrooms to the main Public House building in the event of a flood.

2) UTT/1580/03/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development – listed buildings.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted and agreed.
4. C.5.8. Joinery details.
5. The new external wall around the patio area shall be constructed in hand made clay bricks samples of which shall be submitted to and approved in writing by the local planning authority. The works shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.
REASON: To ensure that appropriate materials are used for the approved works in a Conservation Area.

Background papers: see application file.

UTT/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/0046/04/LB – ELMDON

Replace window with french casements in North elevation.
The Old Farmhouse, Coopers End, Duddenhoe End. GR/TL 464-360. Rt. Hon. Sir Alan Haselhurst.

Case Officer: Consultant North 2 telephone 01799 510469/510478

Expiry Date: 11/03/2004

DESCRIPTION OF SITE: The application dwelling comprises an attractive Grade II listed building. It is two storeys in height and set within substantial and open grounds. It is generally a flat site with views into the site from the adjoining public highways. There is a farm complex to the rear and open farm land beyond.

DESCRIPTION OF PROPOSAL: This application seeks Listed Building consent to alter the north facing elevation by inserting a pair of leaded light French casement doors. These would be single glazed within an oak frame and replace an existing three-sectioned leaded-light window.

APPLICANT'S CASE: None submitted other than statement on application forms that it aims to open up the living room.

RELEVANT HISTORY: Various alterations.

CONSULTATIONS: Design Advice: No objections.

PARISH COUNCIL COMMENTS: To be reported.

PLANNING CONSIDERATIONS: **The main issues are design, appearance, and impact on the listed building.**

The detailed design and materials proposed for this alteration, such as the oak frame and the leaded-light glazing, match the existing dwelling satisfactorily and therefore in this respect the proposals are acceptable.

The existing window sits slightly oddly in this north elevation. At present it is not aligned symmetrically with the upper window and as a result lends a slight horizontal emphasis to this elevation and thus conflicts with the more dominant vertically detailing of the exposed timber frame elements, and the main chimney on the west elevation. The replacement door would however be more centrally located under the upper floor window creating a better symmetry and, with a better balance in the proportions of the width of the opening to its height, give a more appropriate appearance to this elevation.

Alterations to the fabric of the building to achieve this opening are minor compared to the overall size of the building and will therefore leave the historical integrity of this structure unharmed.

CONCLUSIONS: The application would not harm the appearance or character of the Listed Building.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.2. Time limit for commencement of development – listed building.
2. C.3.1. To be implemented in accordance with approved plans.
3. New joinery to match existing.
REASON: To protect the character of this building.

Background papers: see application file.

UTT/0187/04/CC - GREAT DUNMOW

Reserved Matters for 450 pupil primary school (as required by conditions 1 & 2 of Outline Planning Permission CC/UTT/06/03). Reserved Matters covering siting, design and external appearance of the buildings, the layout of internal roadways and vehicle and cycle parking and vehicle turning areas and the landscaping of the site, including the siting of a sub-station and sprinkler storage tank

Stortford Road. GR/TL 618-220. Essex County Council.

Case Officer: Mr M Ovenden 01799 510476

Comments required by Essex County Council: 8 March 2004

NOTATION: Within Development Limit/Settlement Boundary/Draft Deposit Plan Policy GD# (The former Newton Works site).

DESCRIPTION OF SITE: This is the former Newton Works/Carr Day & Martin site on the western edge of Dunmow, between Tesco and Newton Green/Newton Grove and opposite Folly Farm. It has a road frontage to the current A120. There is currently no building on the site, the previous one having been demolished during the last decade. The site is currently overgrown and unused. To the north of the site is a piece of land in similar condition facing the main Woodlands Park road.

DESCRIPTION OF PROPOSAL: This report relates to a consultation by Essex County Council concerning a revised reserved matters application it is considering for the erection of a 450 pupil primary school, including car park and playing field. It covers an area of 1.7 hectares. The school buildings would be single-storey, provide 12 classrooms and 2 reception classrooms, 2 halls and a kitchen. A car park for 23 cars, a small swimming pool, a 70 metre by 40 metre playing field, a hardened playground, other landscaped land and cycle parking is proposed. There would be two pedestrian accesses to the Woodlands Park Estate (to the north) and one to Newton Green (to the east) with all vehicular access being from the current A120 (to the south). In essence the scheme is the same as permitted last year but on a slightly different location. That site was further north, slightly smaller at 1.5 hectares and the school buildings were to be located near to a greater number of dwellings.

RELEVANT HISTORY: Permission for 220 dwellings on land to the north that included a tiny part of this site. Outline permission granted by ECC for 450 pupil school on part of this site and land to the north Summer 2003 & reserved matters approved December 2003.

CONSULTATIONS: Carried out by Essex County Council.

TOWN COUNCIL COMMENTS: Notified by Essex County Council.

REPRESENTATIONS: Essex County Council has advertised this application and this Council has also notified adjacent properties. No representations have been received. Period expires 2 March 2004.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the proposal complies with the development plan**
- 2) **whether other material considerations including the emerging local plan indicate that a decision contrary to the development plan is appropriate.**
- 3) **whether the Council's concerns expressed on the previous scheme have been overcome.**

1) The Woodlands Park site is required under policies H4 and GD8 to be developed in accordance with an approved master plan which includes the provision of a primary school.

The master plan has been revised since its original agreement, most recently in autumn 2002 which permitted amongst other things the site to be relocated to this part of the Woodlands Park estate. This was agreed by the Environment and Transport Committee. This master plan identified the school to be located broadly on the site although to the northern edge of the land rather than the south as now proposed. This southern section of the site is shown on the master plan to be for commercial use. As stated above, this proposed school site is of comparable size, although marginally larger, than shown in the master plan and approved last year. The revised and permitted school sites overlap. The minor repositioning does not materially affect the site and therefore whilst strictly contrary to the master plan and therefore the policy, it is considered to be acceptable because it is very close though not precisely in the same location. The proposed 23 parking spaces comply with the County's standards and the deposit plans proposed parking standards.

2) During the local plan review process, this Council proposed an additional policy, GD# relating to the Former Newton Works site. This would require the portion of the site not developed for the school to be used for office development or failing that for other B1 uses. Representations were received during the second deposit period that would broaden the policy to allow school use for the whole site. At the time of drafting this report, the Local Plan Inspector's report has not been received and therefore this policy has limited weight in the decision making process. However for similar reasons as outlined in the previous section it is not considered that the relocation of the school site within the same overall area of land would present material planning problems. As the revised school site would not cover the whole of the land to the east of Tesco, the implication in the revision to the school site is that the remaining land facing the main Woodlands Park estate road would either be developed for the displaced B1 use or for some other use both of which would strictly be contrary to policy. It is understood that it is likely that this remaining land will be subject to an application for residential development. There is an implemented permission for 220 houses to the north of which the land immediately to the north of this site was a part. However the use of this other land is not subject to this application only the swapping of the location of the school site and the 'other' land.

3) When considering the recent reserved matters application Members resolved to request the ECC consider five matters. These were:

- Lengthening the layby along the A120 in an easterly direction in order to accommodate as many cars as possible;
- Provision of measures to stop parking in the layby thereby reserving it for the picking up and dropping off of children;
- The provision of kerbs to the right turn lane in order to prevent overtaking on the section of A120 outside the school
- Introduction of a 30 mph speed limit along this section of the road in recognition of the greater potential for conflict between through traffic, manoeuvring vehicles and children

It appears to officers that as there would not now be an office or other business development between the school and the A120 – with its own need for access, parking and turning, visibility splays and generating its own activity – not only have circumstances materially changed but also that it should be more practical to incorporate these aspects into a scheme.

COMMENTS ON REPRESENTATIONS: None have been received at the time of drafting this report.

CONCLUSIONS: This proposal though strictly contrary to policy is considered to be appropriate as described above.

RECOMMENDATION: ESSEX COUNTY COUNCIL BE INFORMED THAT NO OBJECTIONS BE RAISED TO THIS APPLICATION SUBJECT TO THE FOLLOWING POINTS:

1. Lengthening the layby along the A120 in an easterly direction in order to accommodate as many cars as possible;
2. Provision of measures to stop parking in the layby thereby reserving it for the picking up and dropping off of children;
3. The provision of kerbs to the right turn lane in order to prevent overtaking on the section of A120 outside the school
4. Introduction of a 30 mph speed limit along this section of the road in recognition of the greater potential for conflict between through traffic, manoeuvring vehicles and children
5. Installation and maintenance of filtration and extraction equipment to proposed school kitchen.

Background papers: see application file.

UTT/1424/03/FUL – ARKESDEN

Retention of change of use for stationing of mobile home for three years.
Severals Farm. GR/TL 489-342. Taylor Vinters.
Case Officer: Hilary Lock 01799 510486
Expiry Date: 29/01/2004

NOTATION: Outside Development Limits/Settlement Boundary; Area of Special Landscape Value (ADP only).

DESCRIPTION OF SITE: Outside Development Limits/Settlement Boundary; Area of Special Landscape Value (ADP only).

DESCRIPTION OF PROPOSAL: This is a retrospective application to retain a mobile home which is currently occupied by a groom for the applicants' horses. The green-coloured mobile home has a footprint of 10.65m x 3.7m and sits opposite the existing manège. The front of the mobile home is gravelled to provide access and parking, and a sitting-out area. It is not visible from the road, and backs onto mature trees.

RELEVANT HISTORY: Various applications in relation to main dwelling, including extension to residential curtilage. Application to retain barn for packaging and distribution of foodstuffs refused 2001, and dismissed at appeal. Retention of same building for agricultural purposes allowed at appeal 2002. Retention of change of use of agricultural land to manège approved 2003.

CONSULTATIONS: Environmental Services: No comments.

PARISH COUNCIL COMMENTS: None received (due 3 January).

REPRESENTATIONS: None notified.

PLANNING CONSIDERATIONS: **The main issue is whether the retention of the mobile home for a temporary period would be acceptable in this rural location, albeit as an exception to ADP Policy S2 and DLP Policy S7.**

This is a retrospective application, but has not arisen through complaint from any affected third party. The site is remote from the remainder of the village, and the proposal raises no amenity issues.

The provision of a mobile home in this location is contrary to the Council's policies. The keeping of recreational horses is not regarded as agriculture, and cannot be considered under the Council's policies for accommodation for agricultural workers. However, central government advice and the Council's own policies support equestrian activities in the countryside. The mobile home has limited visual impact on the rural setting, and it is therefore considered acceptable in this instance to allow a period of one year to enable the groom to find other accommodation, or for the applicants' to make alternative arrangements for the care of their horses. A longer period would be unacceptable in principle, as this site is beyond anywhere a new dwelling would be acceptable. The recommendation is made solely on the personal circumstances of the current occupant.

CONCLUSIONS: Although technically contrary to the Council's policies, the mobile home provides accommodation to support an appropriate rural activity. A period of one year is considered reasonable to allow the current occupant to find alternative accommodation, or the applicants to make other arrangements for the care of their horses.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.13.3. Limited permission without reinstatement.
2. C.13.5. Personal occupation of mobile home.
3. C.14.3. Staff accommodation.
4. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
5. C.6.5. Excluding fences and walls without further permission.

Background papers: see application file.

UTT/1814/03/FUL - GREAT DUNMOW

Erection of 15M monopole, installation of 2 dishes and 3 antennas, equipment cabin meter cabinet, cabling and ancillary development within a fenced compound.
ntl Transmitting Station, Eastern Electricity Sub-Station, Station Road. GR/TL 632-214. ntl Group Ltd.

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 16/12/2003

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

DESCRIPTION OF SITE: The site is located to the southeast of the town centre, adjacent to the A120 and its embankment. The land is fenced with a 1.8m high chain-link fence and planting of various heights. There is an existing mast and antenna, with a maximum height of 18m which is centrally located within the site with its own 1.6m high security fence. The immediate area slopes southward with residential properties in Station Road, Sunbank, The Avenue and Oakroyd Avenue to the northwest, on slightly higher ground. The existing mast and antenna is visible over the present vegetation from these residential areas and from various points along the Chelmsford Road and bypass bridge. The Flich Lane development and properties in Normansfield, across the A120, to the south, are on a lower level and are screened by heavy mature planting.

DESCRIPTION OF PROPOSAL: This application relates to the erection of a 15m monopole with 2 dishes and 3 antennas, an equipment cabin, meter cabinet and ancillary development within a fenced compound. The maximum height of the monopole with dishes, antenna and lightning spike would be 19m. The fencing around the equipment on the site would consist of a chain link fence with a maximum height of 1.2m. The proposed equipment cabin would have a maximum height of 2.7m while the meter cabinet would have a maximum height of 1.1m. It is proposed that an existing stores building would be demolished and the equipment would be erected partially on the footprint of the building.

The proposal has been revised as a result of negotiations and this has resulted in the amount of equipment on the monopole being reduced to that stated above.

APPLICANT'S CASE: See agent's letter dated 19 January 2004 copy attached at end of this report.

RELEVANT HISTORY: Erection of 20M telecommunications mast, 2 equipment cabins, 1 meter cabinet security fencing, 5 600mm dishes, 3 dual polar antennae and 6 sector antennae to replace existing monopole mast refused 2000. Replace existing tower with a 21m tower, installation of two equipment cabins, 1 meter cabinet and associated telecommunications equipment refused 2001.

CONSULTATIONS: ECC Archaeology: No archaeological recommendations.

TOWN COUNCIL COMMENTS: Object. Inappropriate to have another mast emitting high power electrical signals in a residential area.

REPRESENTATIONS: Original plans: Nine. Notification period expired 12 November.
Revised plans: None. Notification period expires 13 February.

1. A mast of the height proposed would totally dwarf our homes and be out of all proportion with the surrounding area. It would dominate the whole area and be extremely visually intrusive. There is a lot of controversy regarding the effect of radio waves emitted from these masts and it therefore seems very shortsighted to consider erecting a mast so very close to so many homes. The countryside on this side of the town of Great Dunmow is

undulating and attractive. A radio mast of this height would detract greatly from the appearance of the area.

2. Nothing has been proved about the effect these masts have on health and although we are all elderly we don't want to hurry things along.

3. I feel that this structure, which not only immediately devalues my property in the selling market, but also constitutes a possible health hazard. I do not understand why this mast cannot be placed upon the site of the water tower which is already being used for this purpose on the outskirts of Dunmow, which has a ground floor level of 40m higher than this area, is largely unpopulated and would involve a much shorter structure. To have this ridiculously high structure erected in such a built-up area, and so close to bungalows of smallish size is to be considered an eyesore and an intrusion, not to mention, as stated earlier, the threat of possible danger.

4. As with a previous application made in 2001, my objections to the siting of the structure in question in a residential area remain the same. It is totally unnecessary when there are other more suitable locations available. Is an 18m monopole topped with 6m antennas only necessary due to the close proximity of an electrical substation? Further afield there would surely be less interference. While any health risks from communications towers are yet to be proved, surely the local authority is not willing to put any resident at risk let alone children.

5. It has not been proved yet that radiation from such towers is safe. Surely they will want to put their tower on the new bypass which would also cover this area – or site it at industrial estate east of the town away from residents. Site will spoil view and roofline of Dunmow.

6. Much larger and higher than existing. Siting - query move to other end of town away from entirely residential buildings. Health concerns particularly for families with young children. Possible interference with local electrical – tv.

7. Sunbank is a small community of elderly people who rely almost exclusively on television and gardening for their entertainment – some unable to leave their homes unaided and relax whenever possible in their garden. This unsightly mast would in all probability disturb everyone – remember also that these masts – until proven otherwise – are a health hazard.

8. All of our objections and concerns remain the same as those raised for the applications made in July 2000 and March 2001.

9. The introduction of another mast will increase the health risk in this area.

PLANNING CONSIDERATIONS: The main issues are whether the proposal is necessary for technical reasons and appropriate measures have been taken to mitigate adverse effects on the character of the townscape and adversely affect the general visual amenity of the southern and south-eastern approaches to the town in accordance with ADP Policy DC13 (DLP Policy T4, ERSP Policy BE8).

This application follows two previously refused applications for telecommunications masts and ancillary equipment. The supporting information submitted with the application indicates that there is a need for the monopole for technical reasons in order to improve coverage within Great Dunmow for Orange.

Although, there is a general preference for mast sharing, the previous two applications for masts on this site which proposed incorporating the equipment for two providers on one mast were unsatisfactory and were refused due to the visual impact that they would have. This revised application involves the erection of a second monopole on the site and associated equipment however it is considered that the proposed monopole with a reduced amount of equipment attached to it would have a lesser impact on the townscape and the adjacent rural area than one larger mast.

COMMENTS ON REPRESENTATIONS: The applicant has submitted a Declaration of Conformity with ICNIRP Public Exposure Guidelines. Government Policy 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”. There is a technical requirement for the monopole and equipment and the applicant has minimised the scale of the proposal in order to lessen the visual impact of the development.

CONCLUSIONS: The applicant has provided information stating that the proposed development is required for technical reasons and has revised the proposal in order to minimise the impact on the townscape and the adjacent Area of Special Landscape Value thereby complying with ADP Policy DC13 (ERSP Policy BE8, DLP Policy T4)

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time Limit for commencement of development.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. 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 conditions before the development took place.

REASON: In order to prevent the proliferation of redundant equipment on the site.

Background papers: see application file.

1) UTT/1482/03/FUL & 2) UTT/1670/03/LB - WICKEN BONHUNT

(Referred at Member's Request)

- 1) Alteration and conversion of barns into two dwellings including extensions, replacement roofs, car parking and access.
 - 2) Alterations and link extensions and replacement roof to convert barn into two dwellings.
- Barns 1 and 2 Wicken Hall. GR/TL 498-333. A J & S E Mullucks.
Case Officer: Hilary Lock 01799 510486
Expiry Date: 23/10/2003

NOTATION: Outside Development Limits/Settlement Boundary; in Area of Special Landscape Value (ADP only); main Wicken Hall is Grade II Listed.

DESCRIPTION OF SITE: The site is located to the north of the main road running through Wicken Bonhunt, behind The Coach & Horses Public House in the middle of the village. The application barns comprise multi-bay stable and storage buildings. The structure has lost its original roof and been replaced with a mono-pitch roof. The stables are within a cluster of barns, some of which have already been converted to dwellings. The attached building has permission for conversion to a dwelling but has not yet been implemented. Wicken Hall is located to the north of the group of barns, and St Margaret's church is opposite. This group of buildings is accessed via a private road of limited width.

DESCRIPTION OF PROPOSAL: The proposal is to extend and convert the two barns into two dwellings. The monopitch roof would be replaced with a traditional pitched roof, and accommodation would be provided in the new roofspace. Although some existing openings would be used, the proposal involves an additional five glazed openings on the front elevation, plus eight rooflights; and six windows on the rear elevation, plus sixteen rooflights. Both units would have four bedrooms. There are currently several storage buildings in the courtyard in front of the stables, and single storey extensions are proposed to link these to the main structure to form part of the accommodation. A dilapidated and open-fronted section on the rear of the building is to be demolished.

Two parking spaces would be provided for each unit. The plans have been revised so that a stables/store which were proposed to be retained to serve Wicken Hall would now be retained solely for storage and car parking purposes, to avoid nuisance arising from the keeping of horses in close proximity to the new residential units.

APPLICANT'S CASE: Application seeks conversion of two barns following recent approval of the adjoining barn. When Committee visited site in February 2003, it voiced its unanimous support for encouraging the owner of the barns to submit an application to "finish off the development".

Concerns over the worthiness of the barns and the proximity to stabling were addressed in the previous appeal decisions of the southern-most barn (attached Barn 3) and the planning approval UTT/0004/03/FUL. Barn 3 was approved within 43m of potential stables, although these are mostly used for applicants' domestic storage. The use of the proposed stables on the plan now omitted.

A number of previous Inspectors have found the barns worthy of retention. These barns are so much more complete than Barn 3 recently approved.
Also agent's letter dated 5 February attached at end of report.

RELEVANT HISTORY: There is none for these two barns, but the attached barn to the south (Barn 3) has a lengthy history. Residential conversion of Barn 3 was dismissed at

appeal solely on access and amenity grounds, the Inspector not accepting that the building was of such poor quality that it did not warrant conversion. As a result, conversion was approved in 1991 and periodically renewed. Various appeal dismissals have related to unacceptable access, but the principle of the conversion of, and significant alterations to, Barn 3 were accepted in 1991.

CONSULTATIONS: Design Advice: To be reported.

ECC Archaeology: No archaeological recommendation.

Environment Agency: No response.

Landscape Advice: No protected trees affected by proposals. Recommend hard landscaping condition.

Environmental Services: Concerns regarding location of diesel/petrol pump and proximity to house. Also position of any underground tanks serving pump may be disrupted during building operations. Insufficient information on contaminated land type assessments (site survey, remediation strategies, etc).

Concerns over intention to keep horses and/or livestock close to residential property – need details of pest control measures, fly control, storage of foodstuffs, waste disposal methods, drainage away from dwellings (*NB this element omitted from revised plans*).

PARISH COUNCIL COMMENTS: No response received.

REPRESENTATIONS: These applications have been advertised and 4 representations have been received. Period expired 23 October 2003.

1. Previously objected strongly to conversion of adjacent barn on basis of congestion (already 5 dwellings served from private road) and proposal would alter character of a key site at the centre of the village; and increased risk to children from more vehicles accessing site. Committee narrowly approved scheme. The addition of 2 more substantial dwellings would add to congestion and risk, and would change character of area. However, have argued that if first scheme were approved, linking the two developments may ease some of the constraints, particularly by addressing traffic management and parking needs for both sites. The restricted access to the first could be significantly improved. If scheme is approved should include conditions covering concerns relating to this and the approved scheme.
2. Objection – plans inconsistent in relation to store/garage. Will adversely affect access and amenities of Wicken Hall Cottage. Addition of 2 more 4-bed houses served off private drive, and close to pub car park, is excessive and potentially dangerous. Inadequate parking for dwellings. The substantially raised roof will be very different from existing and will detract from neighbouring Grade II Listed Buildings. Overall style with many rooflights and clock tower/flagpole is inappropriate for setting. Loss of garaging to Wicken Hall would mean either further new building or restricted access on the driveway. Restricted access was concern for conversion of barn 3 to a 2-bed property. Negative impact on wider setting, and on access/traffic on main B1038. Not redundant as still used for stabling and storage.
3. Second letter from same address: As these are now considered to be listed as part of Wicken Hall, object to design as the proposed roof line would be out of character with style and form of original single storey barns. The second storey with rooflights throughout gives buildings a modern appearance totally out of keeping with Tudor origins. Rooflights have been refused on adjacent barn. These single storey barns had thatched roofs until 1960s. Proposed linking will substantially alter appearance of buildings out of keeping with surroundings. Proposals would affect character of building and not restore them to their original condition.
4. Site plan does not accurately reflect freehold arrangements. Object to noise nuisance from traffic using gravel driveway; pollution from fumes and dust generated by

vehicles; congestion as inadequate parking for development and visitors; the vehicular access for plot 1 would compound existing hazards. Not opposed to re-use in principle, but development does not address concerns which largely arise from inadequate access and the style of dwellings proposed.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) the proposal would meet the criteria of conversion Policies ERSP RE2, ADP Policy C6 & DLP Policy H5;**
- 2) the proposal would have acceptable access and parking arrangements (ADP Policies T1 & T2, and DLP Policies GEN1 & GEN9;**
- 3) there are any other material considerations to warrant approval of the conversion scheme.**

1) The buildings subject of this application are of relatively poor quality and retain no historic features which make them worthy of retention. Policy C6 requires buildings suitable for conversion to be in sound structural condition, and to have some historic, traditional or vernacular form which enhances the character and appearance of the rural area. Works of adaptation should respect and conserve the characteristics of the building, and substantial building reconstructions or extensions will not be permitted.

The buildings have no historic merit and make little contribution to their historic setting. The materials are poor quality and the internal framing is not worthy of retention. The buildings have lost their original roof and would require a whole new roof to make the buildings convertible in the manner proposed. Much of the accommodation is proposed in the roofspace, and hence dwellings of this size are only achievable through significant new construction.

In addition, the proposals include a significant amount of new openings, including rooflights, which create an unacceptably domestic appearance to the buildings.

2) The barns are served by a narrow and sub-standard private road which serves Wicken Hall, the church, three barns already converted and the fourth with permission for conversion. The proposal includes two parking spaces per unit, which is two short of the Council's standards. Given this rural location where access to public transport is limited, it is considered that the required 3 spaces per unit should be provided. The need to provide amenity space and vehicle manoeuvring space means that there is limited space available for additional parking, without obstructing the turning area in front of the units. It is considered that the addition of two more units with inadequate parking would significantly increase traffic on this restricted road, with potential harm to highway safety and other road users.

3) The attached Barn 3 has a lengthy planning history, and an extant planning permission for conversion. This permission stems from the original conversion dismissed at appeal in 1990, solely on the basis of unacceptable access and nuisance to adjacent residents. Although the appeal was dismissed, the Inspector considered the building contributed to the historic courtyard setting which made it worthy of retention. He did not consider the extensive alterations required to accommodate the conversion unacceptable.

Were it not for this history, the conversion of Barn 3 would fail the Council's current policies on conversion, based on its poor quality and the extent of the alterations required. The history was therefore a material consideration in the determination of the latest application for its conversion last year. However, Barn 3 had the benefit of completing the courtyard with the existing converted units. The current proposal is outside the historic cluster and makes no such contribution. This, combined with the poor quality of the building, make it

unacceptable in terms of Policy C6. The conversion of the adjacent barn, dictated by an appeal decision fourteen years ago, should not set a precedent for this application.

COMMENTS ON REPRESENTATIONS: These are addressed in the report. The freehold arrangements are a civil matter.

CONCLUSIONS: The building is not of sufficient quality to warrant conversion, and would require extensive alteration. The permission on the adjacent site is considered to be materially different and does not set a precedent for this proposal.

RECOMMENDATIONS: REFUSAL REASONS

1. The stables have little historic quality and merit, and make limited contribution to the setting of the group of listed buildings. Extensive works would be required to enable conversion, contrary to the requirements of ADP Policy C6 and DLP Policy H5. In addition, the proposal involves the introduction of numerous additional windows and rooflights which would introduce an unacceptably domestic appearance to this rural building, contrary to ADP Policy DC1 and DLP Policy GEN2. If permitted, the proposal would be tantamount to the construction of a new dwelling in the countryside, contrary to ERSP Policy C5, ADP Policy S2 & DLP Policy S7, to the detriment of the character and appearance of the countryside.
2. Access to this group of buildings is via a track of restricted width, and the introduction of two additional units would significantly increase traffic movements to the detriment of highway safety and the convenience of other users of the access, contrary to ADP Policies T1 and DC14 and DLP Policies GEN1 & GEN4. In addition, insufficient parking space is proposed to serve each unit, and given the rural location which has limited access to public transport, it is considered this shortfall could lead to obstruction of the communal access and turning areas, and traffic conflicts within the confines of the overall site. The provision of additional parking spaces would unacceptably reduce the area available for amenity space, which would already be relatively limited for dwellings of the proposed size, contrary to ADP Policy DC1 & DLP Policy GEN2.

Background papers: see application file.

UTT/1829/03/DFO - LITTLE DUNMOW

Reserved matters application for erection of 120 3/4/5 bedroomed houses with associated footpaths, shared driveways, parking, garaging & adoptable roads and footpaths
Oakwood Park Phase 4. GR/TL 662-207. Ednois Property Developments Ltd.

Case Officer: Richard Aston 01799 510464

Expiry Date: 22/12/2003

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

DESCRIPTION OF SITE: The subject of this application forms Phase 4 of the overall development of the site for 650 dwellings, in accordance with the latest Masterplan for the site, revised in July 2002. The Phase 4 application site is a 4.05-hectare site along the northwestern edge of the site, abutting agricultural land. A section of the principal estate road of the site runs north to south through the phase and into adjoining phases. The site abuts Phase 2a and 2b to the east where construction is currently under way for 130 dwellings. To the south lies land which has yet to be sold for residential development.

DESCRIPTION OF PROPOSAL: The proposal seeks approval under reserved matters for the erection of 120 3-5 bedroom dwellings with garages and associated ground works, pursuant to planning permission ref: UTT/0302/96/OP. The scheme is a revision to the previously approved scheme pursuant to UTT/0715/03/DFO, which has been necessary to provide extra car parking provision on the phase.

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

CONSULTATIONS: Environmental Services No comments received.

Essex Police: No comments received. Holding letter received 14 November 2003.

Environment Agency: No adverse comments received. See letter dated 15 December on sustainable residential development.

ECC Highways: No objections subject to the provisions of letter received on 19 November 2003 being adhered to.

ECC Urban Design, Improvement and Action Group: Comments on revised scheme due 8 February 2004

PARISH COUNCIL COMMENTS: No comments.

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

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

The development of the site is in accordance with the approved Masterplan for the site, however the Masterplan does not contain specific design and layout guidance. Accordingly the proposal has also been judged against the criteria of Policy DC1 of the ADP, which

states that amongst other factors, '*Residential development should have regard to operative published standards of layout and design guidance*', this theme is continued in Oakwood Park Local Policy of the Emerging District Plan. In determining this current proposal, the operative standards of guidance are the Essex Design Guide for Residential and Mixed Use Areas and the Oakwood Park Design Guide January 2003. In the explanatory text to the above Policy, Paragraphs 10.5 and 10.6 set out the reason why a good standard of Urban Design is a priority when dealing with large residential and mixed-use sites and state that "*in the past, a few developments have been built which were not satisfactory and whose design and siting were not sensitive to their location*". Current Central Government Planning Policy guidance is that the appearance of the proposed development and its relationship to its surroundings are material considerations although advises against arbitrary imposition of taste of style arbitrarily.

This is continued in the Essex Design Guide of which the criteria for the layout of development at densities over 20 dwellings per hectare are applicable.

This application makes revisions in relation to the following:

Car parking provision

Due to a perceived (by the developer) shortfall of car parking spaces on the site and to prevent the on street parking of cars, the application has been revised to include more car parking provision for residents and visitors in the form of garage bays to the rear of the dwellings. Whilst it is not the desire or intention to encourage the use of motor vehicles, it is acknowledged that in trying to achieve an acceptable standard of design on the site, to prevent the level of on-street car parking apparent on Phase 2a/2b of the development and given the rural location of the site, extra car parking provision is both required and acceptable. The extra car parking is in the form of garage bays to the rear of the properties, single storey in height with a mixture of hipped and gable end styles. Although, the garaging would increase the amount of built form on the phase, with appropriate landscaping and given the location of the garaging at the rear of the dwellings it is considered that the garages would not be detrimental to visual amenity; details of the garages would be required by condition to ensure this. Furthermore it is recommended that if planning permission is granted a condition restricting the use of the garages to the parking of motor vehicles be added to reduce the need for further on-street car parking.

House types and sizes

The effect of having the extra garaging and car parking has had the knock on effect of the developer having to re-configure the location and style of certain house types. The previously approved application and the current application propose 120 units, broken down into the following:

UTT/0715/03/DFO and
UTT/0716/03/DFO

- 17 – 5 bed units

Total = 120

- 24 – 3 bed units
 - 20 – 3 or 4 bed units
 - 64 – 4 bed units
 - 12 – 5 bed units
- Total = 120

UTT/1829/03/DFO

- 39 – 3 bed units
- 64 – 4 bed units

The design and location of some house types has been changed and dwellings in certain areas of the site have been relocated. The mix of unit types and sizes is not materially different and complies with the aims of the design guide and the masterplan and the changes are considered acceptable. In addition a Conservatory would be added to the dwellings on 10 plots, this is also considered to be acceptable

Materials

With regard to the proposed materials, the application has been revised from stock brick and profile roof tiles to now include a greater proportion of rendered properties and more suitable roof tiles in the form of clay plain tiles, slate and pan tiles on single storey buildings. The applicant has requested that this is conditioned, which is acceptable and enables the local planning authority to ensure the right mix of materials.

COMMENTS ON REPRESENTATIONS: None received.

CONCLUSIONS: The revised scheme has taken into account the need for extra car parking in this rural development. Whilst the use of the private car is not encouraged it is accepted that in order to achieve pleasant, attractive and safer streets for residents then the amount of parking needs to be increased. The changes will not materially affect the character of the development and it is recommended that planning permission be granted.

RECOMMENDATIONS: APPROVAL WITH CONDITIONS

1. C.3.2. To be implemented in accordance with revised plans.
2. C.4.1. Scheme of landscaping to be submitted and agreed.
3. C.4.2. Implementation of landscaping.
4. C.4.6. Retention and protection of trees and shrubs for the duration of development.
5. C.6.4. Excluding extensions without further permission.
6. C.5.1. Samples of materials to be submitted and agreed.
7. C.6.5. Excluding fences and walls without further permission.
8. No development shall take place until a scheme of foul and surface water drainage has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme. Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies. Only clean uncontaminated surface water shall be discharged to any soakaway, watercourse or surface water sewer.
REASON: To ensure there is no pollution of the water environment.
9. Except in emergencies, no deliveries of materials shall be made to the site and no work shall be carried out on the site during the period of construction of the development: a) before 0730 or after 1800 hours on weekdays (i.e Mondays to Fridays inclusive) b) before 0800 or after 1300 hours on Saturdays c) on any Sunday or Bank or Public Holiday.
REASON: To safeguard the amenities of nearby residential properties.
10. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
11. The cycleway and independant footpaths shall be laid and constructed in accordance with current policies and practices.
REASON: To ensure a satisfactory standard of development.
12. No gates, windows or doors that form part of the approved development shall open over the highway
REASON: In the interest of highway safety.
- 13-16. Standard Highway Requirements.
17. Detailed design matters including decide location of services, meter cupboards, etc.
18. C.10.26. Standard Highway Requirements

19. The garage car spaces to be provided shall be kept available for the parking of a car at all times.
REASON: To prevent on street car parking in the interests of amenity.
20. The development hereby approved shall be carried out in accordance with the details contained within the letter from Essex County Council Highways and Transportation Group's consultation letter dated 17 November 2003, received on 19th November 2003.
REASON: To ensure a satisfactory standard of development.
21. No development shall commence until the location and number of the following house types has been agreed in writing by the local planning authority: 1. Ashcroft Render as shown on drawing no 713-50-112. Furlow as shown on drawing no's 713-50-10, 713-50-08, 713-50-07
REASON: The above house types have been redesigned to ensure a mix of housing styles and an appropriate mix of materials. Although their use has been agreed, there locations not detailed on site layout plan 713-02-01 Rev D. This will enable the local planning authority to ensure the appropriate mix of the house types in the interests visual amenity.
22. C.5.18. Details of garages
23. Revised window details on Saffron house type.
REASON: To ensure a satisfactory standard of development.

Background papers: see application file.

1) UTT/1934/03/FUL & 2) UTT/1935/03/LB – DEBDEN

(Referred at Member's Request)

- 1) Refurbishment, two and single storey extensions to windmill.
- 2) Refurbishment, two and single storey extensions to Windmill, including removal and insertion of partitions. Insertion of staircase to create fourth and fifth floor accommodation. The Old Windmill, Mill Road. GR/TL 555-336. Mr & Mrs Alwood.
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 07/01/2004

NOTATION: ADP and DLP: Grade II Listed Building, Outside Development Limits and within an Area of Special Landscape Value.

DESCRIPTION OF SITE: The site is located north of the centre of Debden off Mill Road amongst a small group of loosely knit residential properties and ancillary buildings. The mill is reached along a narrow single access track of approximately 75 metres in length, which runs adjacent to "Glenlossie" and "Eastland" on the north side of the track with the "Rectory" and "Glebe House" to the south side of the track. The area has a considerable number of mature trees, both coniferous and deciduous. On approach, the Old Windmill is the dominant structure with small subservient extensions, including a front porch and garage with glazed link to the mill tower. The site also contains a detached outbuilding, accessed across a small bridge, which is approximately 14 metres from the mill tower. This building has consent for additional ancillary accommodation but currently serves as a garage and store. To the rear of the mill tower is an amenity area/garden, which has a line of mature pine trees running through. Debden Radar site is visible from the mill and the mill tower itself is clearly visible when traveling from Saffron Walden to Debden at Purton End.

DESCRIPTION OF PROPOSAL: The applicant is seeking full approval and listed building consent to erect a two-storey extension with cellar floor below, which would be attached to the listed mill via a link-section. The works would involve the demolition of existing single-storey structures on the north side of the mill, except for a weatherboarded shed, situated under the pine trees

The extension, which would provide kitchen, dining, two bedrooms as well as additional storage space, would have an off-centre pitch with a height to eaves on the southern side of 4.7 metres and 2.2 metres on the northern side. The height to ridge would be 6.9 metres. The height of the actual mill tower is approximately 14 metres. The extension would be approximately 11.75 metres long and 5.25 metres wide. The link section would be 4.5 metres long and 3.5 metres wide with a height to eaves of 2.3 metres and height to ridge of 4.6 metres. External materials would mostly be stained weatherboarding with a rendered link-section. Windows would predominantly be situated on the southern elevation with three windows on the northern side, including a dormer. Alterations to the listed part of the windmill include the removal and insertion of partitions and a new staircase to create fourth and fifth floors

APPLICANT'S CASE: The applicant has provided a supporting statement for the proposed development in the form of a letter dated 12 December 2003 copy attached at end of report.

RELEVANT HISTORY: The only history on this site relates to the adjacent outbuilding. In 2001 consent was given to convert the building for use as two guest rooms but this was conditional that the use of this building remains ancillary and subservient to the primary use of the site as a single family dwelling known as "The Old Windmill" and shall not become a separate or dominant use at any time without prior written permission.

CONSULTATIONS: NATS: No safeguarding objection to the proposal.

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

UDC Specialist Design Advice: The structure subject of this application is a C18 tower mill, which has been converted for residential use some years ago. The mill lost its sails and has been altered by some internal subdivision. It has also acquired some extensions in the form of a porch and a small outbuilding linked to the mill by a flat roof range. It is probably important to note that, in view of the altered perceptions and firmer ministerial support, such alterations would unlikely to be acceptable today.

The proposal to maximise the existing facilities has been discussed prior to the applicant purchasing the site. The Conservation Officer's advice concluded that a modest expansion to the existing outbuilding resulting in a single-storey structure with a steep pitched roof to the main range and the link would not only allow for a new bedroom and bathroom, but also improve its architectural form. It was considered that on balance it would be unlikely to have much greater impact on the listed mill than the existing range.

The scheme submitted some months later however was not as originally envisaged. It was a two-storey structure with a footprint more than twice the size of the original building and a two-storey link to the mill. Subsequent negotiations resulted in some improvement. The overall height of the link has been reduced, but the principle extension still remains to give an impression of a two-storey house in its own right.

In principle, tower mills of this sort should not be extended at all because their intrinsic character of a circular plan form and an imposing height standing alone on a given site would be undermined by an extension. It could be said that this principle has been already undermined in the past. Despite negotiations, serious concerns must still exist that the proposed two-storey extension due to its overall bulk and height would detract from the essence of the listed mill. Consider that a modest single storey range would be a better option in this instance.

UDC Landscaping: There is a group of mature pine trees to the east of the windmill, which are of amenity value. However, these trees are at a distance from the proposed extension, which would make it unlikely that they would be affected by the proposal.

PARISH COUNCIL COMMENTS: No comments received (due 20 December 2003).

REPRESENTATIONS: This application has been advertised with both press and site notices and seven neighbour notifications. Advertisement expired 18 December 2003. No comments have been received.

PLANNING CONSIDERATIONS: The main issues are whether:

- 1) **the proposal meets with the environmental, historic and architectural quality criteria relating to alterations and extensions to Listed Buildings and their settings (PPG15, ERSP Policy HC3, ADP Policy DC5 and DLP Policy ENV2,**
- 2) **there would be any adverse impacts to neighbouring properties (ADP Policies DC14 & H7, DLP Policies H7 & GEN4) and**
- 3) **there are any other material consideration.**

1) When assessing a proposed extension to a listed building, which may affect its setting, it is important to establish exactly what are the special qualities of the listed building and how its setting contributes to the overall character of the building.

The building is, according to the list description, "a former circular tower mill now converted into a dwelling house. The red brick circular tower with a pointed cap remains and C20 casement windows have been inserted. A stone, now obscured by the porch has the date

1796 and there are 4 stones inset round the mill bearing the arms of the Chiswell family of Debden Hall.

There have been previous alterations to the listed building, some of which could be considered unsympathetic, and would probably not have been approved were they to be submitted as part of an application today. However, the mill, in its current form, still retains its dominance as a single tall structure, which does not compete with other buildings within its immediate locality. The extensions already constructed are subservient and therefore do not attract one's eye away from the main focal point, which is the tower mill.

PPG 15 – Planning and the Historic Environment - considers proposals affecting listed buildings. It states that applicants for listed building consent must be able to justify their proposals. They will need to show why works, which would affect the character of a listed building, are desirable or necessary. Once lost, listed buildings cannot be replaced; and they can be robbed of their special interest by unsuitable alteration.

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.”

It could be concluded therefore that the setting of Debden windmill consists of the dominant 14-metre high brick tower with small subservient structures, including the detached outbuilding, on a backdrop of mature trees.

The proposed development seeks to remove the existing single storey addition and link structure and replace this with a much larger two-storey structure with a single-storey link. The dimensions of the proposed link are outlined in the “description of proposal”.

The main concern with the proposed extension and link relates to their size, height and volume in relation to the existing windmill. At nearly 12 metres in length, the main part of the proposed extension will appear out of scale and character with the mill tower due to its horizontal emphasis, compared with the mill tower’s vertical presence. The design is alien in character to the mill and the two structures are incongruous with each other. At 7 metres high, the extension will compete with the windmill tower thus reducing the perceived height and dominance of the tower, to the detriment of the building’s setting.

Long distant views of the tower will also be lost if the extension is constructed, especially looking from Purton End towards Debden, which is a primary view of the windmill. Windmills are positioned to maximise the availability of wind power. By building in front of the tower, the mill would probably never theoretically be able to be used for its original intended purpose, thus debasing the historical integrity of the site.

2) The windmill is situated amongst a small group of dwellings along Mill Road. The mill tower is 14 metres high with numerous windows. A degree of overlooking already exists on the site with views into neighbouring gardens. The proposed additions, although containing windows at first floor level, will not cause significant detriment to neighbouring amenity from overlooking. The aspect of the site means that there may be some shadowing of neighbouring land from the two-storey extension over and above existing levels but this is not onto living accommodation and as such is not of significance. The proposal would not therefore have significant detriment on the residential amenity of adjacent residential properties, over and above existing levels.

3) Justification for proposed development to a listed building will always have an element of subjectivity. The needs of one individual for living space requirements will differ from another, but being able to justify why permission should be given is not always immediately apparent.

There are a finite number of listed buildings within the district and any major changes to these buildings will, in most cases, be irreversible. Each case needs therefore to be considered on its merits. In this case, the erection of a large two-storey extension and link would represent a significant step in the life-story of the building and substantially alter the building's character and setting.

Members should note that in 2001, consent was granted to convert the detached garage/storage loft to provide two guest rooms with bathroom facilities. If the current proposal is approved, the mill and link building will contain at least four bedrooms with two further bedrooms in the detached annexe. This may result in pressure to sell the annexe as a detached dwelling as the need for the extra accommodation will have been fulfilled by this extension. This would obviously require planning permission and there would be resistance to such a proposal from officers in view of the effect that it would have on the setting of the listed building. The applicant has claimed that the annexe will not be sold off but this cannot be guaranteed in perpetuity. One option, should members wish to approve the scheme, could be to supersede the previous approval for the annexe (UTT/1276/01/FUL) with only one or the other being allowed but certainly not both.

The key issue is that the applicant has failed to demonstrate that there is a need for the proposed extension. The building is in an acceptable condition and is not under threat from dereliction if the scheme does not receive approval. Such mills are of limited supply and their character should be retained as a record of the district's industrial heritage.

CONCLUSIONS: The proposal represents a significant alteration to the character and appearance of the listed building that will alter its setting considerably. The applicant has not provided a clear justification for the works Officers have advised that a small extension could be acceptable but the scheme as submitted is too large and incongruous with the listed mill.

RECOMMENDATION: REFUSAL REASON

It is the policy of Central Government Guidance (Policy PPG15), the Essex Replacement Structure Plan (Policy HC3) the Adopted Local Plan (Policies DC5, DC14 and H7) and the Draft Local Plan (Policies ENV2, H7 and GEN4) to ensure that applications to extend listed buildings are appropriately detailed so as not to damage the character and appearance, or detrimentally affect the setting, of the listed building to which they relate. In this instance, the proposed two-storey addition and link attached to the mill tower would, by virtue of its height, size and volume, cause serious detriment to the character, appearance and setting of the listed windmill. The applicant has failed to justify the proposal or why it is desirable or indeed necessary. Without such justification, there are no material circumstances to warrant approval. The application is therefore contrary to the above policies.

Background papers: see application file.

UTT/1962/03/FUL - GREAT CANFIELD

Retrospective application for change of use of shed 1 from light industrial to storage and shed 2 from general B2 use to storage/workshop.

The Apple Store, Bacon End. GR/TL 601-192. K R & J C Clarke.

Case Officer: Mr R Aston 01799 510464

Expiry Date: 03/02/2004

NOTATION: ADP & DLP: Outside development limits/settlement boundaries/Protected Lane/Special Verge.

DESCRIPTION OF SITE: The site is known as the Apple Store and is located 3km south west of Great Dunmow to the south of Baconend Green, Great Canfield and lies on the western side of the highway that runs to High Roding, approximately 70m to the north of Middlebarn. The site comprises two small low scale buildings in an 'L' shape facing into the site, with shed 1 facing east and shed 2 facing south.

DESCRIPTION OF PROPOSAL: The proposal seeks the retrospective change of use of Shed 1 from light industrial to storage and the retrospective change of use of shed 2 from a general B2 use to a storage and workshop for the maintenance and repair of private motor vehicles.

APPLICANT'S CASE: Supporting statement received 9 December 2003 see copy attached.

RELEVANT HISTORY: Change of use of agricultural buildings to light industrial use, approved 1995. Retention of woodworking in shed one and proposed woodworking in shed 2, approved 1997.

CONSULTATIONS: ECC Highways: None received.

Water Authority: No objections.

Environment Agency: Standard comments.

Environmental Services: No objections.

PARISH COUNCIL COMMENTS: None received (due 23 December 2003).

REPRESENTATIONS: One representation received. Notification period expired.

The above notification is incorrect in that the current use on the sheds known as the Apple Store Bacon End is agricultural only. The use reverted to this category with effect from June 1998. Permitting either shed to be used as a car workshop is not consistent with preserving the open and rural character of this part of the countryside. In summary we have no objections to the sheds being used for storage purposes with the responsible depositing and retrieval of goods. As per the agricultural machinery tenant and the current theatre group tenant. Do not however have significant objections to the use of either shed as a workshop. The noise and nuisance created does impact on our enjoyment of our property and will affect the rural character of the area and the local environment. In our view use should be restricted to storage with conditions to prevent storage in the open, or storage of inappropriate items, or items that would require frequent or large lorries to deposit and retrieve stored items.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the proposal is an appropriate change of use of existing buildings compatible with a rural area (ADP S2, C4, C5, DLP S7, E4)**
- 2) **whether the development would have a detrimental impact on rural amenity and the Protected Lane and Special Verges that exist in the surrounding rural road network (ADP T1, T2, DC14 DLP ENV7)**

1) The application follows an enforcement investigation in October 2002 when shed two was being used for the repair of motor vehicles. The investigation established that shed two was being used by a personal friend of the applicant for the storage of a private motorcar in order to carry out light maintenance work and repairs as a hobby, mainly on the weekends and that this has been the case since 1999. In addition, shed 1 was being used as a base for the storage of theatre props and equipment by a small touring theatre group which provides services to schools, colleges, businesses and council's throughout the county.

Both sheds have a very low-key use although they are not of sound construction but are still usable. The theatre group does not visit the site on a regular basis and the repair and maintenance of private vehicles by a friend of the applicant mainly occurs at weekends and is again a relatively low-key use. Both uses are considered to be appropriate changes of use of existing rural buildings because they do not cause nuisance or disturbance to adjoining residential properties and rural amenity, because of the site's location and existing activity levels. Because the original enforcement complaint was due to suspected welding on Sundays and the general noise associated with the repairs during the evening it is considered that conditions should be imposed relating to the hours of operation and no outdoor working or storage which would reduce any potential impacts to an acceptable level. Furthermore given the varied history of the site, it is recommended that a temporary permission be granted in order for the local planning authority to monitor the use. Furthermore it is recommended that a restrictive condition relating to the use of both shed one and two be imposed in order for the local planning authority to retain control over any future changes of use which could potentially have a greater impact on the surrounding rural area.

2) Given the relatively low-key uses in operation on the site, it is considered that the change of use would not give rise to a level of traffic generation or activity that would be detrimental to highway safety and rural amenity. Furthermore, the infrequency of trips to and from the site and the nature of the activities would not adversely affect the special verges, which are present in the surrounding rural road network, or the adjoining protected lane. It is recommended that restrictive conditions should overcome any objections raised with regard to general disturbance associated with the use of the buildings and any possible future intensification.

CONCLUSIONS: The retrospective change of use of both sheds one and two is considered to be an appropriate re-use of rural buildings in accordance with adopted and emerging plan policies. The use of the units does not give rise to any material impact on rural amenity or the residential amenity of adjoining occupiers. Furthermore, the low-key activities associated with the units does not give rise to any potential adverse impact on highway safety or the surrounding rural road network. Subject to restrictive conditions it is recommended that planning permission be granted.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.8.3. No outdoor working.
4. C.9.1. No outdoor storage.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987, and Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995 (or any Orders revoking or re-enacting these Orders) this permission shall only permit the use of Unit 1 for storage of theatre props and scenery and the use of Unit 2 for the repair and maintenance of private motor vehicles owned by Mr K R Clarke.
REASON: Permission is only granted having regard to the existing low scale uses on the site. Any future intensification could give rise to a detrimental impact on rural amenity.
6. Hours of operation (Monday-Sunday 8am to 6pm).
REASON: To protect the residential amenity of adjoining occupiers and in the interests of rural amenity
7. Temporary permission 3 years.
REASON: To enable the local planning authority to undertake monitoring to assess the effect on residential and rural amenity.

Background papers: see application file.

1) UTT/2008/03/FUL & 2) UTT/2009/03/LB – CHRISHALL

- 1) Change of use and conversion of cart shed and outbuildings to single dwelling with garage.
- 2) Demolition of workshop and shed. Conversion of cartshed and outbuildings to dwelling. Parsonage Farm High Street. GR/TL 445-388. Mr & Mrs Miles.
Case Officer: Geoff Lyon 01799 510458
Expiry Date: 20/01/2004

NOTATION: ADP and DLP: Curtilage listed structure, adjacent Ancient Scheduled Moat, Outside Development Limits and within an Area of Special Landscape Value, adjacent to a TPO and Protected Lane.

DESCRIPTION OF SITE: The site the subject of this application is located on High Street immediately to the south of the development limits of Chrishall. The buildings in question lie adjacent to the road and to the east of the principle farmhouse known as "Parsonage Farm". This property is Grade II listed and is surrounded on all sides by moat, which is an ancient scheduled monument. There are other barns/structures to the north and west of the farmhouse. The barns to be converted are currently in a generally poor/untidy condition. There is a large Beech tree adjacent to the barns, which is the subject of a Tree Preservation order and is considered to be of amenity value. The garden area also abuts a Protected Lane.

DESCRIPTION OF PROPOSAL: The applicant seeks approval to demolish the existing workshop and shed adjacent to the moat and convert the open cart shed, and large brick sheds into one single dwelling. This would involve significant alteration to the elevation facing onto High Street but most of the works would be contained within the existing buildings with only minor alterations and additions, including a new glazed link and skylights.

APPLICANT'S CASE: The applicant has provided a supporting statement for the proposed development. See copy attached at end of this report.

RELEVANT HISTORY: Pre-application discussions have taken place with the Specialist Buildings Advisor prior to submission. No other relevant history

CONSULTATIONS: English Heritage: The proposed development will not adversely affect the setting of the scheduled moat, however, in creating a garden for the conversion, there should be sufficient margins between the south side of the moat and the fence-line to enable maintenance works along the moat edge.

Society for the Protection of Ancient Buildings (SPAB): No adverse comments other than to ensure that appropriate materials are used for all repairs and maintenance etc. (Guidance on care and repair of flint walls attached with comments).

Essex County Council Specialist Archaeological Advice: No objection subject to English Heritage approval.

UDC Building Control: No comments.

UDC Landscaping: All existing vegetation on site should be retained by condition along with full details of hard and soft landscaping in order to ensure that the rural character of the area is retained.

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

UDC Specialist Buildings Advisor: No objections subject to conditions.

PARISH COUNCIL COMMENTS: It has been suggested that suitable and sympathetic landscaping and retention of existing trees with the possibility of additional tree planting be implemented in the proposed scheme.

REPRESENTATIONS: This application has been advertised with both press and site notices and two neighbour notifications. Advertisement expired 29 December 2003. No comment received.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) **the proposal meets with the environmental, historic and architectural quality criteria relating to the residential conversion of rural buildings (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 Parsonage Farm 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) **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 buildings the subject of this application appear generally to be in sound structural condition, with the exception of the semi-derelict metal frame structure. This will be demolished along with the large workshop, which sits adjacent to the moat surrounding Parsonage Farm. All the proposed buildings would appear to be capable of conversion, although the application is not supported by a full structural survey of the buildings to back up this opinion.

The arrangement of the buildings on site probably relates to the different time scales in which the buildings were erected. Their form and character owe much to their function and as such they contribute positively to the character and appearance of the rural area into which they are set, by way of their low-key utilitarian appearance. The buildings are listed by virtue of their proximity within the curtilage of Parsonage Farm. In view of their listing and to preserve the character and appearance of the structures, it is proposed to insert the minimum number of new openings in the buildings, whilst still allowing enough light to meet Building Regulations approval. Concern has been expressed about changes to the elevation facing onto High Street. Currently this is an open cart shed and shows signs of still being used for this purpose. The applicants wish to infill this section with a mixture of weatherboarding on a red brick plinth with 6 new windows, two of which will be from floor to ceiling. There would be six new skylights inserted, which are to be conservation type, three on the south elevation and three on the west elevation. It is considered that the number of new openings is satisfactory subject to the use of appropriate materials and detailing to form each new window and door.

With regard to the provision of a private garden area for the new dwelling, the applicants have indicated that they would erect a post and rail fence, which is marked on the location plan and surrounds the boundary of the site. The courtyard would provide some private area but the garden to the south of the buildings is quite exposed and would not afford privacy to occupiers. Landscape advice has suggested that all existing vegetation on site should be retained and all details of hard and soft landscaping should be submitted to ensure that the site retains its rural character. This could be secured by condition.

2) The site in question affords long distant views across the countryside to the south and, as such, would be clearly visible from the south looking north. Therefore any works to the buildings would have to respect the overall characteristics of the surrounding land. The nature and level of works proposed may in fact improve the overall appearance of this group

of barns provided that the trappings of residential living are kept to a minimum. In terms of traffic levels and noise disturbance etc, the proposed use of the barns will create less trip generations than B1 office or light industrial use and such a commercial use may have a greater impact on the adjacent farmhouse.

3) Parsonage Farm is grade II listed with a surrounding moat, which is an ancient scheduled monument. The farmhouse is less than 15 metres away from the proposed barn conversion and as such the proposal will have some impact on the farmhouse. At present the barns to be converted are in a poor state and as such do not enhance the setting of the listed building. From the road the buildings partially obscure the farmhouse, the dominant element being the open sided cart shed. With the removal of the workshop and metal frame structure the buildings will be opened up and hence their relationship with the farmhouse will change. Provided that the works are carried out using appropriate materials, the setting of the farmhouse would not be harmed. The main noticeable change from the road will be the alteration to the open sided cart lodge. Again, provided the works are carried out using good quality materials, its former use will be still apparent following the changes and its relationship with the main farmhouse understood. The removal of permitted development rights by condition will prevent the erection of domestic paraphernalia in the garden.

Overall, the proposal should not detrimentally affect the setting of Parsonage Farm and English Heritage has confirmed that the proposal will not affect the ancient scheduled moat.

4) The buildings are mostly redundant for modern farming purposes and the site shows little or no signs of current farming activity. Without such viable usage, the buildings will probably begin to deteriorate. Finding a suitable alternative use and therefore securing the long-term future of the listed buildings is important to retain the historical legacy of the district's agricultural heritage. Once lost, such buildings can never be replaced.

Members may be concerned to note that there is an old petrol pump adjacent to the southeast corner of the cart lodge. This may require decontamination prior to the commencement of development, which can be secured by condition.

CONCLUSIONS: Officers consider that the proposed buildings could be converted for residential use in accordance with adopted policies provided that appropriate care and consideration is taken with regard to materials used and the quality of repairs undertaken. This is so as to ensure that the patina of age, which is part of the buildings character, is retained without damaging both the rural setting of the buildings and, more importantly the setting of the adjacent listed farmhouse.

RECOMMENDATIONS:

1) UTT/2008/03/FUL – APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. To be implemented in accordance with approved plans.
4. C.5.8. Joinery details.
5. C.5.9. Stained wood.
6. C.5.14. Black rainwater goods.
7. C.5.17. Window & door details and sections to be submitted and agreed.
8. C.6.4. Excluding extensions without further permission.
9. C.4.1. Scheme of landscaping to be submitted and agreed.
10. C.4.2. Implementation of landscaping.
11. A new post and rail fence shall be erected around the boundaries of Barn 2, the exact position of which shall be agreed in writing with the local planning authority before the commencement of development. The fence shall be planted with indigenous species

on the field side of the fence, in accordance with the submitted scheme as part of Condition C.4.1.

REASON: To ensure that the boundary treatment is appropriate in relation to the open countryside.

12. All new roof lights inserted in accordance with the plans hereby approved shall be of the "Conservation" type.

REASON: To ensure that the roof lights have a satisfactory visual appearance.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the garage hereby permitted as part of the approved works shall not be converted to another use without express planning consent.

REASON: The site is located in a sensitive location where the space for any further development in limited and further outdoor car parking would impact on the open countryside.

14. The garage doors to the garage hereby approved shall be side hung and constructed of vertically boarded painted timber. Details of the garage doors shall be submitted to and approved in writing with the local planning authority prior to the commencement of development. The garage doors shall be constructed in accordance with the approved details.

REASON: To ensure that the garage doors have an appropriate appearance given their sensitive locations.

15. The existing workshop/store shall be demolished in accordance with the approved plans and all the materials arising from such demolition shall be completely removed from the site within 1 month of the first occupation of the dwelling hereby permitted.

REASON: The demolition works form part of visual improvements to the setting of the adjacent listed building building and retention of the buildings would lead to over development of the site.

16. Space shall be made available to allow the effective maintenance of the adjacent Ancient Scheduled Moat along its margins, which surrounds the residential dwelling of Parsonage Farm. Such space shall be maintained in perpetuity for this intended purpose unless otherwise agreed in writing with the local planning authority.

REASON: The moat is an ancient scheduled monument thus requiring sufficient space to allow maintenance along its margins at regular intervals.

17. C.20.2. Protection of species.

18. C.6.2. Removal of Permitted Development Rights.

2) UTT/2009/03/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development – listed buildings.

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

3. C.5.1. Samples of materials to be submitted and agreed.

4. C.5.8. Joinery details.

5. C.5.16.No historic timbers to be cut.

6. 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 works.

7. C.5.9. Stained wood.

8. C.5.14.Black rainwater goods.

9. C.5.17.Window & door details and sections to be submitted and agreed.

10. C.6.4. Excluding extensions without further permission.

11. C.4.1. Scheme of landscaping to be submitted and agreed.

12. C.4.2. Implementation of landscaping.

13. A new post and rail fence shall be erected around the boundaries of Barn 2, the exact position of which shall be agreed in writing with the local planning authority before the commencement of development. The fence shall be planted with indigenous species

on the field side of the fence, in accordance with the submitted scheme as part of Condition C.4.1.

REASON: To ensure that the boundary treatment is appropriate in relation to the open countryside.

14. All new roof lights inserted in accordance with the plans hereby approved shall be of the "Conservation" type.

REASON: To ensure that the roof lights have a satisfactory visual appearance.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the garage hereby permitted as part of the approved works shall not be converted to another use without express planning consent.

REASON: The site is located in a sensitive location where the space for any further development is limited and further outdoor car parking would impact on the open countryside.

16. The garage doors to the garage hereby approved shall be side hung and constructed of vertically boarded painted timber. Details of the garage doors shall be submitted to and approved in writing with the local planning authority prior to the commencement of development. The garage doors shall be constructed in accordance with the approved details.

REASON: To ensure that the garage doors have an appropriate appearance given their sensitive location.

17. The existing workshop/store shall be demolished in accordance with the approved plans and all the materials arising from such demolition shall be completely removed from the site within 1 month of the first occupation of the dwelling hereby permitted.

REASON: The demolition works form part of visual improvements to the setting of the adjacent listed building and retention of the buildings would lead to over development of the site.

18. Space shall be made available to allow the effective maintenance of the adjacent Ancient Scheduled Moat along its margins, which surrounds the residential dwelling of Parsonage Farm. Such space shall be maintained in perpetuity for this intended purpose unless otherwise agreed in writing with the local planning authority.

REASON: The moat is an ancient scheduled monument thus requiring sufficient space to allow maintenance along its margins at regular intervals.

19. A schedule of proposed works, including repairs etc to the brick and flint walls shall be submitted to and approved in writing by the local planning authority prior to the commencement of any works or repairs on site. The scheme shall include photographs where relevant. All works and repairs shall be carried out in accordance with the approved schedule of works.

REASON: The brick and flint walls form an intrinsic part of the buildings character and as such any works or repairs must of a high standard to preserve this character.

Background papers: see application file.

UTT/2002/03/FUL – BIRCHANGER

Erection of marquee and ancillary facilities for function purposes, for a period annually March-December inclusive.

The Stansted Manor Hotel Birchanger Lane. GR/TL 510-220. Compass Hotels (Stansted) Ltd.

Case Officer: Richard Aston 01799 510464

Expiry Date: 29/01/2004

NOTATION: ADP & DLP: Outside development limits/settlement boundaries/within Metropolitan Greenbelt

DESCRIPTION OF SITE: Stansted Manor hotel is an existing hotel facility, which lies in the Metropolitan Greenbelt, 250m to the north west of the junction of the A120 and Birchanger Lane. Access to the hotel is via Birchanger Lane and the closest residential dwellings lie 360m to the north east of the hotel building in Birchanger village.

DESCRIPTION OF PROPOSAL: The proposal details the erection of a function room Marquee with a timber frame and made with traditional white canvas in order to provide function room style facilities whilst not extending the main hotel building. The Marquee would have a floor area of 400 sqm and would be sited within the grounds, 50m from the front of the hotel entrance on the southern side of the main driveway

APPLICANT'S CASE: See attached supporting statement dated 19th November 2003 and 22nd January 2004 attached at end of report.

RELEVANT HISTORY: Retention of change of use from residential to hotel accommodation and construction of new access approved 1987. Two-storey extension to form 80 bedrooms and associated parking refused 1989. Outline application for demolition of dwelling and erection of hotel, allowed on appeal 1994. Erection of hotel with associated bar, restaurant, parking, landscaping and new access, approved 1997. Erection of 70-bedroom three-storey hotel approved 2000.

CONSULTATIONS: Environmental Services – Concerns regarding the use of amplified music in a structure with negligible sound attenuating properties. Although the site is reasonably isolated loud music may still cause problems to the nearest residential area.

PARISH COUNCIL COMMENTS: No objections to the erection of a Marquee but would like to see the use restricted. It would impact upon the nearest properties if the Marquee were to be used for Disco's, weddings.

REPRESENTATIONS: Three received. Notification period expired. Period Expired

1. The hotel is discretely hidden amongst trees and is unobtrusive. Unfortunately trees do not stop loud noise. Erected this summer 2003 and the music being played at the function was carried so clearly across to our property you would have thought it was in our garden, whilst on the subject of noise, with the functions being held in an outside unit there will be no sound insulation.

2. Level of noise generated during functions such as, disco, live entertainment and tannoy/loudspeaker systems. We would like the council to carefully consider our objections when deciding whether to grant planning permission to Stansted Manor Hotel.

3. I have no objection to this application in principle about possible noise nuisance late at night. Is it unreasonable to ask for a planning condition to be put in place to limit any loud music only up to midnight. We do not want any increase in existing noise pollution.

PLANNING CONSIDERATIONS: The main issues are:

1) Whether the erection of a Marquee for use as a private function room in association with the existing hotel use is appropriate and acceptable development in the Metropolitan Greenbelt (ERSP C2, ADP REC3, S3, C5 and DLP S6)

The proposal relates to the enhancement of the existing hotel use of the site, which was granted permission in 2000, and aims to provide a freestanding Marquee within the grounds to be used as a private function room with ancillary services. In principle the proposal is supported by ADP Policy REC3, which allows for changes of use and building extensions, which do not adversely affect the rural interests of the countryside, which provide appropriate tourist accommodation and services, subject to other relevant policies of the plan.

The site lies within the Metropolitan Greenbelt where ERSP Policy C2 seeks to prevent inappropriate development except in special circumstances and states that 'planning permission will not be granted unless it is for *essential small scale facilities for outdoor sport recreation, for cemeteries and other uses of land which fulfil the objectives of the Greenbelt*'. In the Adopted District Plan, the relevant policy is S3, which seeks to protect the open characteristics of the Metropolitan Greenbelt by restricting the construction of new buildings or changes of use unless related to appropriate outdoor activities, agriculture, forestry or uses which are open in character.

The proposed Marquee would be located c.50m from the front elevation of the hotel on an area of lawn on the southern side of the main driveway, approximately 250m from the junction of the A120 and Birchanger Lane. The drawings indicate a freestanding traditional style Marquee constructed in white canvas with a timber frame and a floor area of 400sqm and a canopy ridge height of 6.2m with front entrance canopy on its western elevation. The hotel is partly screened from the A120 and the surrounding areas by extensive landscaping and the existence of mature trees. Given the size of the structure, its location and height, it is considered that the structure would not be detrimental to visual amenity and would not materially alter the open characteristics of this area of the Metropolitan Greenbelt. However, given its greenbelt location, it is recommended that as part of any approval, additional landscaping could be required by condition in order to further limit any potential impact.

2) Whether the proposal would have a material impact on rural amenity and highway safety (ADP T1, T2, DC14 and DLP, GEN4)

The closest residential dwellings are located in Birchanger Lane, c.360m to the north east of the main hotel building. The facility would be in operation during both the day and evening and as a result could give rise to further noise generation, especially through music associated with the type of events that are normally carried out in such a facility. However the distance from neighbouring properties, means that it is unlikely that the residential amenity of the occupiers of the properties on Birchanger Lane would be materially affected as a result of this potential increase in noise, sufficiently enough to warrant a refusal. To monitor the proposal and to ensure that in the event of further noise generation through music and general activities associated with such a development, a temporary condition, coupled with a condition relating to maximum noise levels at the sites boundary could be imposed on any approval given. This would allow the local planning authority to monitor the development and associated noise levels and in this respect the proposal would be

acceptable and the proposal in this respect would accord with ADP policy DC14 and DLP policy GEN4, ENV10

With regard to the impact of the proposal on traffic generation and highway safety, the existing car park for the hotel is underused with only a small percentage of spaces occupied in any one day. The function room use would not require any additional car parking spaces, which could otherwise have an adverse impact on visual amenity and would make use of the existing parking provision. Furthermore, given the facilities good transport links by road to the A120 and the M11, it is considered that the surrounding road network would not be adversely affected through extra traffic generation.

COMMENTS ON REPRESENTATIONS: These are addressed in the report.

CONCLUSIONS: The proposed function Marquee would enhance the existing use of the hotel, whilst not adversely impacting upon the open characteristics of this area of the Metropolitan Greenbelt. Therefore it is recommended that temporary planning permission be granted for the proposal for a period March to December inclusive for a period of 2 years to enable the local planning an authority to monitor the development and subject to restrictive conditions relating to restrictions on use, hours of operation, noise levels and additional landscaping.

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 scheme.
5. C.6.1. Excluding future changes of use without further permission.
6. C.13.7. Hours of use (up to 12 midnight).
7. Temporary Permission (2 years from date of permission).
REASON: To enable the local planning authority to monitor and assess the impact of the development.
8. C.8.11. Maximum noise levels.

Background papers: see application file.

UTT/2065/03/FUL - LITTLEBURY

(Referred at Officers Discretion)

Erection of detached house and garages. Detached shed/greenhouse.

Land off Howe Lane. GR/TL 515-396. Mr & Mrs I Roberts.

Case Officer: Mr G Lyon 01799 510458

Expiry Date: 13/02/2004

NOTATION: ADP and DLP: Within settlement limits of Littlebury, within Area of Special Landscape Value, site adjacent to Grade II listed building (The Gatehouse) and a small corner of the site is within the Conservation Area of Littlebury.

DESCRIPTION OF SITE: The site is located to the west of the centre of Littlebury and occupies a plot of 0.36 hectares. The site is accessed off Strethall Road via a development of five large detached dwellings known as Clays Meadow and is the last dwelling to be built as part of this group. The site is screened from Peggy's Walk by a large coniferous hedge and there are existing landscaped elements along the southern boundary. The northern and eastern boundaries have less planting, although there are few deciduous species. 1.8-metre high boundary fencing exists along the eastern and southern boundaries. No.2 Clays Meadow adjoins the northern boundary of the site with Northgate and The Gate House adjoining the eastern boundary. The site slopes downwards from Peggy's Walk to Strethall Road. Works has already commenced on the dwelling in relation to the two previous consents.

DESCRIPTION OF PROPOSAL: The applicant seeks approval to further vary the dwelling as approved as part of the initial Clays Meadow scheme in 1988 (see Relevant History below). The variations include a major revision to the triple garage block, with a link to the main house and the insertion of roof lights to the main dwelling. The applicant is also proposing a summerhouse adjacent to the northern boundary.

The garage would have a height to eaves of 4 metres and a height to ridge of 7.3 metres with a full height porch over the central garage bay. The garage with accommodation above would measure 10.6 metres in length with a width of 5.8 metres (6.5 metres including porch). There are three windows proposed at ground floor level facing Peggy's Walk but the applicant has now decided to omit the three roof lights originally proposed at first floor level. There are further ground floor and first floor windows proposed on the northern and eastern elevations. The link between the garage and the house is L-shaped and would measure 3.5 metres high to eaves and 6.6 metres high to ridge with a lowered ridge adjacent to the house. This also has would have windows on the ground floor elevation facing onto Peggy's Walk.

The proposed new roof lights in the main part of the house would be situated on the rear elevation towards the central part of the roof section.

The summerhouse proposed to be erected along the northern boundary has a height to eaves of 2.1 metres and a height to ridge of 4.6 metres. It would be 4.6 metres long and 4.4 metres wide with five windows and doors inserted on the south, east and western elevations.

APPLICANT'S CASE: The applicant has provided supporting letters dated 26 January 2004 and 5 February 2004 for the proposed development see copies attached at end of report.

RELEVANT HISTORY: A detached dwelling with triple garage was approved as part of the Clays Meadow scheme in 1988 (UTT/1596/87). This consent still existed, due to the completion of the five other dwellings, and could have been implemented at any stage. The current applicant submitted two schemes but they were withdrawn due to concerns about

size. An application was submitted to vary the 1988 consent (UTT/1478/03/FUL) with gable ends rather than hipped ends as the rest of Clays Meadow have. Various alterations to the fenestration detailing were considered to be minor amendments to the original 1988 consent. The dwelling has now been partially constructed.

CONSULTATIONS: Thames Water: No comment

Environment Agency: No Comments received

UDC Landscaping: Informal advice regarding the landscaping scheme. Beech hedge should be planted rather than eucalyptus adjacent to boundary with The Gatehouse.

PARISH COUNCIL COMMENTS: The Parish council has serious concerns about the proposal and retrospective nature of applications submitted on this site (See copy of letter at end of report)

REPRESENTATIONS: This application has been advertised with both press and site notices and 15 neighbour notifications. Advertisement expired 29 January 2004. Six letters have been received (3 from the same address)

Summary of comments (in no particular order): - Concern about the impact that the development will have due to the sloping nature of the site. Rear gardens will be overlooked at ground floor level from the proposed dwelling. Effective landscaping of the site is critical in order to ensure that the residential amenity of the residents of surrounding properties and the new residents in this dwelling is sufficient. This matter should be resolved as soon as possible. Concern about the retrospective nature of applications submitted to the authority on this site and the piecemeal way in which the dwelling has been extended and altered. Concerned about the significant increase in accommodation on this site adjacent to Peggy's Walk with the potential for overlooking.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) residential use on this site is considered acceptable (PPG3, ERSP POLICY BE1, H3, ADP Policy S1, H1 and DLP Policy S1, H1, H2),
- 2) the impact of the development on adjoining neighbours would be acceptable (ERSP Policies H3, ADP Policy DC1, DC2, DC14 and DLP Policy GEN2, ENV1, GEN4),
- 3) the scale of the development is acceptable (ERSP Policies H3, ADP Policy DC1, DC2, DC14 and DLP Policy GEN2, ENV1, GEN4) and
- 4) Other relevant issues.

1) The site lies within the development limits of Littlebury and, as such, is considered to be an appropriate location for residential development subject to meeting other policy criteria. The site was given approval for residential use in 1988 (UTT/1596/87) as part of the Clays Meadow development. The consent was still valid until superseded by the last application (UTT/1478/03/FUL) in 2003

If the previous consent from 1988 had expired, a higher density of development would have been required in line with Central Government Guidance. The site would therefore necessitate a minimum of 9 dwellings, based on 30 dwellings per hectare.

In this instance, the consent has been implemented and therefore the issues of numbers or densities are not of relevance to this application.

2) The main issue is the impact of the proposed additions on the residential amenity of surrounding residents at Peggy's Walk, Clays Meadow and neighbours to the south such as The Gatehouse. The closest residents to the new garage and link will be those living on Peggy's Walk. There is currently a tall coniferous hedge along the boundary with Peggy's

Walk but, if this were to be removed, the building would be clearly visible to these residents and be potentially overbearing. The applicant has acknowledged this concern and has amended the plan with the removal of the skylights at first floor level facing onto Peggy's Walk. This will remove the potential for overlooking to occur, thus ensuring that the residential amenity of the adjoining residents is not affected. The buildings would still be clearly visible if the hedge was removed, as there is only a distance of 20 metres between the back wall of the houses on Peggy's Walk and the wall of the garage block proposed.

The summerhouse, which has already been erected adjacent to the boundary with No.2 Clays Meadow, will not result in material overlooking of No.2, as there are no windows on this elevation. The structure needs consent because permitted development rights were removed as part of the 2003 approval. A dwelling does not have permitted development rights until it is occupied for residential purposes and this structure is therefore unauthorised until such time as the works are approved.

Members may also want to note that the foundations for the proposed garage and link have already been constructed ahead of any consent being granted, which again is unlawful development. Should members refuse the application, enforcement action would be required to remove the unauthorised structures.

3) The complete dwelling proposed is large in size having a footprint of over 300 square metres (3000sq feet) and an overall floor space in excess of 500 square metres (5000 sq feet). It is much larger than surrounding dwellings, particularly those on Clays Meadow, which are large in size and therefore the main issue is whether the combined level of accommodation provided is considered excessive. The dwelling occupies a generous plot of 0.36 hectares and has a garden area of over 2000 square metres, more than twenty times the minimum size requirement. It would be difficult therefore to argue that the site is or would be overdeveloped.

4) One issue that has caused some concern is the landscaping of the proposed site. As the site is sloping, the impact of the dwelling on residents to the east such as The Gatehouse is more than significant. It is therefore imperative that all landscaping requirements are complied with at the earliest opportunity to ensure that residential amenity is not damaged over a long period, not only for surrounding residents but the resident of the proposed dwelling. Landscaping and screening should prevent overlooking at ground floor level, which currently exists on site.

CONCLUSIONS: Officers are of the opinion that, although the proposed dwelling will be very large, it is difficult to establish that there will be any harm to the residential amenity of surrounding residents. The applicant has amended the scheme to take on board earlier concerns and, with the use of appropriate conditions; further development can be controlled on the site in future.

This is however probably the largest that the dwelling could be enlarged to without serious harm to the character and appearance of the area.

RECOMMENDATIONS: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted and agreed.
4. C.15.1. Superseding previous permission
5. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) there shall be no habitable rooms in the roof space of the

dwelling hereby permitted without the prior written permission of the local planning authority.

REASON: In the interest of private amenity and to prevent overlooking of adjoining properties.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) there shall be no external lighting fixed to the external surfaces of the dwelling hereby permitted without the prior written consent of the local planning authority

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the triple garage hereby permitted as part of the approved works shall not be converted to another use without express planning consent.

REASON: To prevent over development of the site

9. The garage doors to the garages hereby approved shall be side hung and constructed of vertically boarded painted timber. Details of the garage doors shall be submitted to and approved in writing with the local planning authority prior to the commencement of development. The garage doors shall be constructed in accordance with the approved details.

REASON: To ensure that the garage doors have an appropriate appearance given their sensitive location.

10. C.19.1.Avoidance of overlooking.

11. This consent does not authorise any windows or roof lights on the first floor rear elevation of the garage and link facing onto Peggy's Walk.

REASON: In the interest of private amenity and for the avoidance of doubt.

12. C.4.1. Scheme of landscaping to be submitted and agreed.

13. C.4.2. Implementation of landscaping.

Background papers: see application file.

1) UTT/2004/03/FUL & 2) UTT/2005/03/LB - HATFIELD BROAD OAK

1) Change of use of redundant agricultural barns to residential creating three separate dwellings.

2) Change of use of redundant agricultural barns to residential creating three separate dwellings. Demolish open sided barn

Barns at The Woods, Forest Row. GR/TL 535-182. Mr Gosling.

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 16/01/2004

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

DESCRIPTION OF SITE: The site is located approximately 2km northeast of Hatfield Broad Oak village and comprises a range of agricultural buildings including a Grade II Listed barn. The buildings are arranged in a 'U' shape around a yard and are an example of a Model Farm. One element of the barns has previously been converted into a residential annex while the others are redundant and vacant.

To the rear of the site there is an open fronted cart lodge and modern open sided agricultural building. It is proposed to remove the modern open sided building while reusing the cart lodge.

DESCRIPTION OF PROPOSAL: The proposed conversions would involve creating three residential units from the existing buildings. The listed barn would be converted into one unit and would utilise the existing open fronted cart lodge. It is proposed that the adjacent barn, which is not listed, would also be converted into one unit while the remaining stable buildings and existing annex would comprise the final unit.

The external alterations to the buildings would involve inserting a number of windows and doors into the existing walls. Where possible, these would reuse existing openings in the buildings. It is also proposed to reroof the buildings, removing the existing corrugated iron and replacing this with clay plain tiles.

RELEVANT HISTORY: Change of use of land to residential and agricultural building to ancillary residential conditionally approved 1996.

CONSULTATIONS: English Nature: The development is unlikely to affect a Site of Special Scientific Interest. The proposed development land could include suitable habitat for protected species. Of particular concern are bats which often roost in barns and outbuildings. A survey should be submitted to and considered by UDC prior to determining the planning application.

Essex Wildlife Trust: None received (due 10 December).

ECC Archaeology: The Farm complex at Forest Row is a good example of a listed barn complex, expanded into a model farm. The area was of major international importance in the development of the 'Victorian High Farming tradition' when new ideas culminated in significant alterations in the design and layouts of buildings. It is therefore recommended that prior to the conversion the structures are 'reserved by record'. Recommendation: Building Recording.

Environment Agency: Makes advisory comments relating to disposal of foul effluent and surface water.

Design Advice: The group of farm buildings subject of this application consists of Grade II C17 barn and a range of other outbuildings of varying origins, which together formed a Model Farm and are listed by virtue of the curtilage.

The buildings appear to be redundant for farm use. Because of the existence of the listed structure on this site and the historical connotation with Model Farm principle it is important in this instance that an economically viable use is found for these buildings so their survival can be assured.

I find the proposal acceptable in design terms subject to conditions.

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

REPRESENTATIONS: These applications have been advertised and no representations have been received. Period expired 25 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) and the conversion would protect and enhance the character and setting of the listed barn (ADP Policy DC5, ERSP HC3, DLP ENV2).

The listed and curtilage listed barns are a good example of the Model Farm principle and are now redundant for agricultural purposes. The barns are all worthy of retention and are in a sound structural condition therefore complying with ADP Policy C6. Due to the historical significance of the barns it is important that they are retained and have an economically viable use and the conversion to three residential units is appropriate.

The Council's Conservation Officer has no objection to the proposed conversion and alterations to the barns, subject to conditions being imposed relating to the use of materials, and it is considered that the conversion would protect and enhance the character and setting of the listed barn.

CONCLUSIONS: The barns are worthy of retention and would protect and enhance the character of the listed barn in accordance with the above policies.

RECOMMENDATIONS:

1) UTT/2004/03/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. Landscaping scheme.
4. C.4.2. Implementation of landscaping scheme.
5. All boundary treatment outside the yard shall be post and rail and indigenous hedging.
6. There shall be no new walls or fences between the units within the yard.
REASON 5 & 6: In order to protect and enhance the character and appearance of the listed buildings.
7. C.20.2. Protection of species (bat & owls).
8. The modern agricultural barn marked green on the approved drawing shall be demolished prior to any works commencing on site in relation to the conversion of the buildings.
REASON: It is proposed to demolish the building and its retention would be detrimental to the residential conversion hereby approved.
9. C.6.2. Removal of PD rights
10. No conversion or groundworks of any kind shall take place until the applicant 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 planning authority.
REASON: To ensure the proper archaeological recording of the site.

2) UTT/2005/03/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Standard time limit.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted and agreed
4. C.5.5. Clay plain tiles.
5. C.5.8. Joinery details.
6. All external weather-boarding shall be feather-edged and painted black.
REASON: In order to protect and enhance the character and appearance of the listed buildings.
7. C.5.16. No historic timbers to be cut.
8. All new windows in the listed barn on Plot 3 shall be located without cutting the studs or braces.
REASON: In order to protect and enhance the character and appearance of the listed buildings.

Background papers: see application file.

UTT/2054/03/FUL - WHITE RODING

Erection of poultry building.

Marks Hall Farm. GR/TL 564-142. Marks Hall Farm Ltd.

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 18/02/2004

NOTATION: Outside Development Limits.

DESCRIPTION OF SITE: Marks Hall Farm is located approximately 500m north of the A1060 through White Roding. The site comprises a farmhouse, various permanent sheds, turkey rearing buildings and polytunnels. The site has permission for a number of different uses including offices and distribution for pharmaceuticals, storage of archives and stationery and the plucking and packaging of turkeys in association with an active on-site turkey farm.

DESCRIPTION OF PROPOSAL: This application relates to the removal of an existing polytunnel and the erection of a poultry building. The proposed building would cover an area of approximately 290m² and would have a maximum ridge height of 6m. The existing polytunnel covers an area of 232m² and has a maximum height of 3.3m. There are four poultry buildings of a similar size and design located on the site and it is proposed that the new building would be sited in alignment with these existing buildings.

APPLICANT'S CASE: The application being submitted is for the erection of a poultry building at Marks Hall Farm to replace an existing poly-tunnel. The proposal is essential to enable Marks Hall Farm Limited to continue with the existing turkey rearing enterprise whilst ensuring good hygiene and welfare practice in accordance with current regulations. It is believed that the proposal is in line with both national and local planning policies. It is hoped that the application can be approved. The full supporting statement is available at the Council Offices, London Road, Saffron Walden.

RELEVANT HISTORY: Retrospective application for change of use of agricultural buildings to B1 (office/light industrial) use and B8 (storage and distribution) use conditionally approved December 2003.

CONSULTATIONS: Environmental Services: No adverse comments and no objections.
Environment Agency: To be reported (due 22 January).

PARISH COUNCIL COMMENTS: To be reported (due 5 February).

REPRESENTATIONS: None. Notification period expired 27 January.

PLANNING CONSIDERATIONS: **The main issue is whether the proposal constitutes an acceptable form of development outside development limits in accordance with ADP Policy S2 (ERSP Policy C5, DLP Policy S7)**

Outside Development Limits, the erection of new buildings will not normally be permitted unless they relate to agriculture or forestry. The applicant has provided supporting information which states that the proposed building is required for agricultural purposes and the existing polytunnel on the site fails to meet the current regulations relating to hygiene and animal welfare.

It has been established that there is an agricultural need for the building on the site and the proposed building would be of a size and design that would match existing adjacent

buildings. It is also considered that the siting and orientation of the new building would result in a minimal impact on the open character of the countryside.

CONCLUSIONS: The applicant has provided supporting information indicating that the building is required for agricultural purposes and due to the siting and design it would have a minimal impact on the character of the countryside.

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 developer shall notify the local planning authority, in writing and within seven days, of the date on which the development was substantially completed.
Subsequently, the building shall be removed from the land and the land restored to its condition before the development took place where the use of the building for the purposes of agriculture within the unit permanently ceases within ten years from the date on which the development was substantially completed.
REASON: The building is granted permission for the purposes of agriculture, if the building is no longer needed it is required to be removed to protect the character of the countryside.
4. Where planning permission has not been granted for purposes other than agriculture, the building shall be removed from the land and the land restored to its condition before the development took place within three years from the date on which the use of the building for agriculture within the unit permanently ceases.
REASON: The building is granted permission for the purposes of agriculture, if the building is no longer needed it is required to be removed to protect the character of the countryside.

Background papers: see application file.

1) UTT/2120/03/FUL & UTT/2122/03/LB - LANGLEY

- 1) Conversion extension and alterations to barn and stables to dwelling. Erection of garage.
- 2) Conversion extension and alterations to barn and stables to dwelling.
Barn at Duddenhoe Grange, Langley Upper Green. GR/TL 448-355. P Murphy.
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 13/02/2004

NOTATION: ADP and DLP: Outside development limits, curtilage listed structure, close to an Archaeological site and within an Area of Special Landscape Value.

DESCRIPTION OF SITE: The application site is situated to the northeast of Langley Upper Green, approximately 300-400 metres away from the village green within a small complex of buildings known as Grange Farm. This complex consists of the main farmhouse, "Duddenhoe Grange", which is grade II listed and set back from the road, and a large array of modern and older barns, some of which are curtilage listed. It should be noted that the entire site is not within the ownership of the applicant with the "working" element of the barns being owned and operated separately. The red line of the site includes access from the lane and land surrounding three curtilage listed barns arranged in a horseshoe shape. These barns are weather boarded and painted black. There is an open-air swimming pool within the courtyard of the barns.

DESCRIPTION OF PROPOSAL: The applicant is seeking full approval to convert the main barn and additional linked and detached outbuildings into residential use. There is no significant new build proposed on the site apart from a new single-storey lean-to glazed link and therefore most work is related to the renovation of the existing structure, which is generally in sound structural condition. The walls would be made good with new weatherboarding where necessary but the roof would remain with its existing slates and clay tiles. One new fully glazed two-storey window would be inserted on the eastern elevation of the main barn in the position of the existing barn door. The large door to the western elevation of the main barn would be fixed shut in position. There would be several new windows inserted throughout, with the existing shutters tied open.

Proposed amenity space of 370 sq.m would be provided within the courtyard, which is to be enclosed by a new 2.1 metre high brick and flint wall. This is well above minimum requirements. There is sufficient green space around the barns for planting/landscaping etc. The property would have five bedrooms and four bathrooms with significant amounts of internal living space.

Access to the proposed dwelling would be available from two different places from the lane. There would be a pedestrian access into the rear garden from the side between the two barns and a pedestrian and vehicular access into the rear of the site where there is parking available for three cars within garages and space in front.

APPLICANT'S CASE: The applicant provided a supporting statement with their original application and much of this remains relevant to this application. Further details have also been supplied indicating the method of access from the first floor in the event of an emergency as well as addressing concerns about external noise from the adjoining working farm.

RELEVANT HISTORY: An application was submitted on 11 June 2003 for the residential conversion of the same barns. They were refused due to concerns about external noise from adjacent working barns. No other relevant history exists.

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

Thames Water: No objection.

Essex County Council Specialist Archaeological Advice: It is recommended that the barn should be fully recorded and all groundworks monitored by archaeologists, with area excavation undertaken on the garage and in the barn if ground reduction is required.

Recommendation

“No conversion or groundworks of any kind shall take place until the applicant 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 in writing by the planning authority.”

UDC Specialist Buildings Advisor: The group of farm buildings is part of an historic farmstead. The structures are considered listed by virtue of the curtilage. The group is visually attractive and appears to be in good structural condition. Conversion of these ranges would fulfill the criteria of Policy C6. In design terms the scheme is acceptable because it aims at retention of as much as possible of the existing farm character of the buildings.

In conclusion I recommend approval subject to the following conditions:

- All roofs to be hand made plain clay tiles and natural slate as existing,
- All weatherboarding to be featheredged and painted black,
- All joinery to be timber and painted black to match the weatherboarding, and
- All new boundary treatment to be post and rail and indigenous hedging

UDC Environmental Health: No objections.

UDC Building Control: Advisory comments regarding means of escape for first floor rooms.

TOWN COUNCIL COMMENTS: To be reported (due 05 February 2004).

REPRESENTATIONS: This application has been advertised with both press and site notices and 8 neighbour notifications. Advertisement expires 11 February 2004. No objections have been received to date.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) **the proposal meets with the environmental, historic and architectural quality criteria relating to the residential conversion of rural buildings (PPG7, PPG15 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) **a satisfactory residential environment can be created with regard in particular to noise from the adjacent working farm (ADP Policy N2 (a), and DLP Policy ENV10)**
- 4) **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 buildings indicated for conversion as part of this application appear to be in sound structural condition, their traditional appearance enhances the character and appearance of the area and the conversion works would respect and conserve the characteristics of the building, especially as the amount of new building has been kept to a minimum. Amenity space would be provided within a walled and courtyard, which would both be partially, screened from view with brick and flint walls.

2) The proposal will have minimal detrimental impact on the open countryside and the extent of amenity associated with the development is contained within existing walled areas. The area contains significant numbers of trees and hedges and therefore the proposal should not affect long-distant views across the countryside

3) With the original application (UTT/0918/03/FUL & UTT/0915/03/FUL) there was concern about the relationship between the barns to be converted and the working farm located some 2 metres away from the site and the potential for noise disturbance for occupiers of the new dwelling. The applicant dismissed these claims but has altered the proposal and improved the layout by reducing the number of new openings on the eastern elevation. The full height barn door, which was originally to be tied back and glazed, has been removed and the door fixed shut. There are now no windows on the eastern elevation, and the layout of the dwellings has pushed noise sensitive rooms away from the working farm side. Environmental Health Officers now have no objection to the proposed scheme as submitted.

Following Building Control concern about the means of escape from rooms in the first floor of the barn conversion, there is a requirement for a window of 450mm width and 750mm height with a cill height of not more than 1.1 metres from floor level. The applicant has confirmed that they intend to use a false mullion window, which will require the cutting of studs, one on each of the escape windows. The escape window for the study will be provided via an existing hay loading hatch on the north elevation of the barn. All other means of escape will be provided through existing and new windows, as indicated on the submitted plans. Although timber studs will be cut, this should not be of significant detriment to the listed building and no further windows or openings will be needed to comply with building regulations.

4) The barns are redundant for modern farming purposes and the site shows little or no signs of current farming activity. Without such viable usage, the barns will probably begin to deteriorate, although they show no signs at present. Finding a suitable alternative use and therefore securing the long-term future of the listed barns is important to retain the historical legacy of the districts agricultural heritage. Once lost, such buildings can never be replaced.

In terms of other viable uses for this site, the applicant has not demonstrated whether alternative uses have been considered such as commercial or tourist facilities. A commercial use such as B1 Office may be less intensive than the previous agricultural use of these barns, but the poor quality of surrounding roads and the reliance on the private motor vehicle would probably discourage commercial conversion and be less sustainable.

CONCLUSIONS: The applicant has demonstrated that the conversion of the barn and outbuildings can be carried out without serious detriment to the character of the countryside or the setting of the barns. The buildings are of sound structural condition, the level of works and alteration are acceptable and private garden space can be accommodated unobtrusively.

RECOMMENDATIONS:

1) UTT/2120/03/FUL - APPROVAL WITH CONDITIONS

1. C.2.1. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted and agreed.
4. The roof of the barns hereby approved for conversion shall be clad with clay tiles and natural slate as existing, samples of which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The works shall be carried out using the approved materials.

- REASON: To ensure that appropriate materials are used for the approved works.
5. C.5.8. Joinery details.
 6. C.5.9. Stained wood.
 7. C.5.14. Black rainwater goods.
 8. C.5.17. Window and door details and sections to be submitted and agreed.
 9. C.6.4. Excluding extensions without further permission.
 10. C.4.1. Scheme of landscaping to be submitted and agreed.
 11. C.4.2. Implementation of landscaping.
 12. All new boundary fencing shall be post and rail and planted with indigenous species on the field side of the fence, in accordance with the submitted scheme as part of Condition C.4.1.
REASON: To ensure that the boundary treatment is appropriate in relation to the open countryside.
 13. C.20.1. Protection of bat roosts.
 14. C.20.2. Protection of other species.
 15. C.6.2. Removal of Permitted Development Rights.

2) UTT/2122/03/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted and agreed.
4. The roof to the barns hereby approved for conversion shall be clad with clay tiles and natural slate as existing, samples of which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.
The works shall be carried out using the approved materials.
REASON: To ensure that appropriate materials are used for the approved works.
5. C.5.16. No historic timbers to be cut.
6. The necessary repairs to the building shall be carried out in timber of matching type and cross sections.
REASON: To ensure that appropriate materials are used for the approved works.
7. C.5.8. Joinery details.
8. C.5.9. Stained wood.
9. C.5.14. Black rainwater goods.
10. C.5.17. Window and door details and sections to be submitted and agreed.
11. C.6.4. Excluding extensions without further permission.
12. C.4.1. Scheme of landscaping to be submitted and agreed.
13. C.4.2. Implementation of landscaping.

Background papers: see application file.

UTT/2055/03/FUL - GREAT HALLINGBURY

Construction of bowling club to include club house, 2 no. bowls greens (1 no. artificial surface), machinery store, access road and car parking
Land adj. Beldams Farm, Beldams Lane. GR/TL 501-204. Bishop's Stortford Bowling Club.
Case Officer: Katherine Benjafield 01799 510494
Expiry Date: 22/01/2004

NOTATION: Within Metropolitan Green Belt.

DESCRIPTION OF SITE: The site is located within Great Hallingbury Parish adjacent to the district boundary with East Herts and Bishop's Stortford. The site covers an area of approximately 0.81ha and currently comprises agricultural land and paddock adjacent to former agricultural buildings which now have light industrial uses. North of these buildings is a small group of cottages and a Grade II Listed dwelling. Immediately to the west of the site is Bishop's Stortford Cricket Club.

DESCRIPTION OF PROPOSAL: This application relates to the construction of a bowling club. This would involve the construction of a new access and drive from Beldams Lane, the erection of a clubhouse, car parking and the construction of two bowling greens, one of which would have a synthetic surface. The proposed clubhouse would have a maximum ridge height of 5.6m and would cover an area of approximately 485m² including a covered terrace area. It is proposed that the clubhouse and all the parking associated with the proposal would be located along the northern boundary of the site, adjacent to the existing farm buildings and a paddock to the north. 41 parking spaces are proposed plus 3 disabled parking spaces. The two bowling greens would each cover an area of approximately 1600m².

It is proposed that the existing access to the farm buildings would be closed off with a new access to these buildings and the bowling club to be constructed from Beldams Lane approximately 140m to the east of the existing access.

APPLICANT'S CASE: See page 25 of supporting statement attached at end of report.

CONSULTATIONS: Landscaping: There are no existing trees likely to be affected by the proposals. The creation of the proposed access will necessitate a section of field hedge to be removed however, this will be of limited impact. In terms of landscape pattern, I consider it would be far more appropriate for the development to be situated to the east of Beldams Cottage as opposed to the south. Such an arrangement would limit the extent to which the development impinged upon the open countryside. In the circumstances of an approval being granted this should be subject to a scheme of landscaping in order to integrate any development into the open countryside.

Hertfordshire Highways: Comment as follows:

- There should be adequate turning facility within the site for coaches to enter and leave in forward gear onto Beldams Lane
- Before any operations commence, the proposed vehicular access onto Beldams Lane shall be provided and constructed to the approved specification and the existing vehicular access closed up prior to occupation of the development. A section 278 or 106 agreement must be entered into before the works can be undertaken.
- A footpath should be provided on the eastern side of the new access road for the first ten metres in from the main road and a pedestrian dropped kerb constructed on the northern side of Beldams Lane to connect to it.

- The payment of £10,000 as a contribution towards traffic calming in Beldams Lane which measures have been identified within the East Hertfordshire Area Plan (Bishop's Stortford Transportation Plan). This would be subject to public consultation.
- What provision has been made for cycle parking?
- Before any of the operations are commenced on site wheel wash facilities are to be installed and maintained to prevent the deposition of extraneous matter on the public highway.
- All HGV movements associated with the demolition and construction of the site should be restricted to using the following routes:- A1060 – Beldams Lane.
- Space shall be provided within the site to accommodate parking, loading, unloading and turning of all vehicles regularly visiting the site.

Hertfordshire Public Transportation Unit (PTU): In terms of relocating the bus stop (4790) because of the proposed development, the PTU would expect the developer to cover the costs of upgrading the bus stops to DDA standards, including kassel kerbs, green surfacing and cage markings.

Consultation will have to be carried out with the residents, PTU, Herts Highways safety team and the police in order to relocate the bus stop to the proposed location. The PTU would expect the applicant to cover the cost of the consultation exercise and to keep the PTU informed.

As part of the planning permission granted to the Herts and Essex hospital site on Haymeads Lane, traffic calming proposals have been put forward on Beldams Lane. Having checked the plans for the proposed locations of the speed cushions, it appears that the proposed cushions are more than the recommended 20m from the proposed new location of the bus stop. However, the traffic calming proposals have not been finalised and are therefore subject to change. A minimum distance of 20m is required between the bus stops and any vertical traffic-calming feature.

If the residents object to the proposed location of the bus stop, then an alternative location would be to the west of number 75, in front of the area of open land.

ECC Highways: Whilst accepting that the site lies within Uttlesford District, nevertheless Beldams Lane is under the jurisdiction of Hertfordshire County Council who should be able to assist you with particular regard to any highway issues affecting this site.

East Herts District Council: I can confirm that this council does not wish to raise any objections in relation to the proposal. It should be ensured however that appropriate conditions are imposed if planning permission were to be granted particularly in respect of landscaping measures and any external lighting to be installed on site.

Drainage Engineer: The application indicates surface water drainage to the soakaways which is the preferred option. Any proposal to alter this proposal should be notified. Condition that surface water drainage proposals are agreed in writing before development commences.

Policy: Approval subject to satisfactory justification of exceptional circumstances to override policy objections to development of inappropriate scale within Green Belt.

NATS: The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly NATS (En Route) Plc has no safeguarding objection to the proposal.

Thames Water: No objection.

PARISH COUNCIL COMMENTS: No objections.

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

PLANNING CONSIDERATIONS: The main issues are whether the proposal forms an appropriate form of development within the Metropolitan Green Belt (MGB) and whether it would have a detrimental impact on the open character of the MGB in accordance with ADP Policy S3 (PPG2, ERSP Policy C2, DLP Policy S6)

PPG2 – *Green Belts* states that “essential facilities for outdoor sport and outdoor recreation” are not inappropriate within the green belt provided that they are “genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it.” The applicants have provided information within their supporting statement which outlines the difficulties they have experienced in finding a new location for the club to move to. It also identifies alternative sites they have looked at and the reasons why these are considered to be unsuitable. The limitations of the existing bowling club facilities have also been expressed and it is considered that given the limitations of the existing club and the difficulties of finding an alternative site, the proposal constitutes essential facilities for outdoor sport and outdoor recreation thereby being an appropriate form of development in the Green Belt.

Having accepted that the proposal meets the requirements of PPG2 in terms of being an appropriate form of development in the Green Belt, it is also necessary to consider whether the proposal would have a detrimental impact on the open character of the green belt. The proposal involves the erection of a new building for use as a pavilion which would be adjacent to existing buildings and would have a low-pitched roof of only 5.6m high. This would limit the impact of the building, in conjunction with the use of sympathetic materials, when viewed from open countryside. The proposed car parking would also be adjacent to the existing buildings which would limit the impact of the development.

Overall it is proposed to group the more harmful aspects of the proposed development adjacent to existing buildings and hardstanding in order that when viewed from the countryside to the south, the development would intrude into the green belt as little as possible and would not be detrimental to the views across the green belt.

CONCLUSIONS: The proposed development forms essential facilities for outdoor sport and recreation and would be positioned in order to have a minimal impact on the open character of the Metropolitan Green Belt in accordance with guidance issued in PPG2 – Green Belts, ERSP Policy C2, ADP Policy S3 and DLP Policy S6.

RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO A A106 AGREEMENT REQUIRING CONTRIBUTIONS FOR HIGHWAYS IMPROVEMENTS AS SET OUT IN THE REPORT

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. No lighting shall be erected within the application site without the prior written consent of the local planning authority.
REASON: In order to protect the rural character of the Metropolitan Green Belt.
6. Prior to the commencement of development details of the provision for cycle parking shall be submitted to and approved in writing by the local planning authority.
REASON: In order to encourage sustainable forms of transport to the site.
7. Prior to the commencement of development plans showing an adequate turning facility within the site for coaches to enter and leave in forward gear onto Beldams Lane shall be submitted to and approved in writing by the local planning authority. Details shall also be provided to show space within the site to accommodate parking, loading, unloading and turning of all vehicles regularly visiting the site. The development shall subsequently be implemented in accordance with the approved details.
REASON: In the interest of highway safety.
8. All HGV movements associated with the demolition and construction of the site shall be restricted to only using the following routes: - A1060 and Beldams Lane.
REASON: In the interest of highway safety.

9. Prior to the commencement of development wheel wash facilities are to be installed and maintained to prevent the deposition of extraneous mater on the public highway.
REASON: In the interest of highway safety.
10. A foothpath shall be provided on the eastern side of the new access road for the first ten metres in from the main road and a pedestrian dropped kerb constructed on the northern side of Beldams Lane to connect to it.
REASON: In order to ensure the safety of pedestrians using the new access.
11. Prior to commencement of development the proposed vehicular access onto Beldams Lane shall be provided and constructed to the approved specification and the existing vehicular access closed up prior to occupation of the development.
REASON: In the interest of highway safety.
12. The Clubhouse hereby approved shall only be used for purposes ancillary to the site as a bowls club, and not for any unrelated event or function. It shall only be open to members and customers between the hours of 9am – 11pm daily.
REASON: In the interests of residential amenity.

Background papers: see application file.

1) UTT/2163/03/FUL & 2) UTT/2164/03/LB – HEMPSTEAD

- 1) Change of use of barns to form one dwelling with ancillary office/workshop. Conversion of barn to form ancillary annexe to Lakehouse Farm.
- 2) Internal and external alterations to barns to form one dwelling with ancillary office/workshop and ancillary annexe to Lakehouse Farm
Lakehouse Farm. GR/TL 661 380. Mrs M Lubbock.
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 10/02/2004

NOTATION: ADP and DLP: Lakehouse Farm is Grade II listed. Outside Development Limits, Special Verge. The barns are included within the listing of Lakehouse Farm.

DESCRIPTION OF SITE: The site is located on the eastern edge of the district approximately 2.8 kilometers east of Hempstead and 1 kilometer south of Hempstead Hall. The Farm comprises the main farmhouse with three timber framed barns (Barns 1, 2 and 3) and large open barn building north of the farm. The three barns form an open courtyard with a grass verge between them and the road. Access and parking to the farmhouse is from a graveled driveway.

DESCRIPTION OF PROPOSAL: The applicant is seeking full approval to convert barn one to residential use with barn two used as an ancillary workshop/office within use class B1. Barn two would be tied to barn one. Barn three would become an ancillary annexe tied to Lakehouse Farm.

Barn One would be converted into a three bedroom residential unit with a new internal mezzanine floor. The main double doors would be tied back with a new full height glazed section. Two existing openings would be utilised in the rear elevation and a new window created in the west elevation at first floor level. With regard to means of escape from bedrooms 1, 2 and 3, as requested by Building Control, it is proposed to use the recessed window for this purpose and there will be no need for the insertion of further windows.

Barn Two would require minimal alteration with the main area used as a workshop and the porch used as an office. There would be a store and w.c. at ground floor level with storage above the office and store via a ladder. Two new openings would be created in the east elevation and a new door inserted into the west elevation.

Barn Three would be converted as an annexe to Lakehouse Farm with two office/bedrooms, an office/sitting room and storage. Two bathrooms would be created as well as a dressing room. One new window would be inserted on the eastern elevation.

APPLICANT'S CASE: The applicant has provided a supporting statement along with the submitted plans. See copy attached at end of report.

RELEVANT HISTORY: Pre-application discussions have taken place with the Specialist Buildings Advisor prior to submission. No other relevant history.

CONSULTATIONS: English Nature: English Nature advises that the development outlined in this application is not likely to affect a Site of Special Scientific Interest.

Essex Wildlife Trust: No comments received.

UDC Building Control: Barn 1 will require means of escape windows to bedrooms 1, 2 and 3.

UDC Landscaping: The impact of the new access across the "special verge" would be deminimus. Recommend details of hard and soft landscaping together with boundary achievements

UDC Specialist Buildings Advisor: To be reported.

PARISH COUNCIL COMMENTS: No objection in principle subject to conditions. See full copy of letter attached at end of report.

REPRESENTATIONS: This application has been advertised with both press and site notices. Advertisement expired 29 January 2004. No objections have been received to date.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) **the proposal meets with the environmental, historic and architectural quality criteria relating to the residential conversion of rural buildings (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 Lakehouse Farm (PPG15, ERSP POLICY HC3, ADP Policy DC5, and DLP Policy ENV2**
- 4) **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 barns appear to be in sound structural condition with recently tarred/stained feather-edged boarding on the outside. Barn 1 has an asbestos roof while barn 2 has a metal clad roof and Barn 3 has a clay pan-tile roof. All appear to be capable of conversion without significant levels of repair or damage to their timber frames.

The barns are of typical 3 and 4-bay type timber frame construction found widely throughout the district on agricultural holdings of reasonable size and wealth. Their form and character owe much to their function and as such they contribute positively to the character and appearance of the rural area into which they are set. The buildings are listed by virtue of their proximity within the curtilage of Lakehouse farm. In view of their listing and to preserve the character and appearance of the structures, it is proposed to insert the minimum number of new openings in the barns, whilst still allowing enough light to meet Building Regulations approval. There has been some concern raised from Building Control about means of escape from the bedrooms in Barn 1. It is not anticipated that any further windows would be inserted and any proposal to insert further openings would be resisted by officers. It is considered therefore that the number of new openings is satisfactory subject to the use of appropriate materials and detailing to form each new window and door. With regard to the provision of a private garden area for the new dwelling, the applicants have indicated that they will erect a post and rail fence, the position of which is yet to be determined. It would be desirable to maintain the courtyard's open character to retain the historical link of the site as a farmstead. The planting of a native hedge around barn 1 would provide sufficient private amenity space without serious detriment to the character of the site. This would take time to mature but would be far superior to a leylandii or other non-native hedge, which would have rather a domestic, urban feel, totally incongruous with the rural setting. This could be secured by condition.

2) When considering the conversion of rural buildings for other uses it is normally desirable to first seek a suitable commercial use such as B1 office and light industry before pursuing residential conversion. In this instance it was considered that such a use would create far more traffic on the rural road than the current existing use of the site. It is therefore considered that residential conversion of the barn 1 with a detached workshop (barn 2) will enable a live-work arrangement, thus reducing the number of vehicle trips along

the narrow rural road. This will reduce the impact of the proposed development on the surrounding countryside. The demolition of the existing large square-shaped barn north of Barn 1 will further enhance the character of the countryside, as this is of little historical or environmental merit.

3) Lakehouse Farm is grade II listed and is 35 metres south of Barn 1. It is clearly evident when passing the site that both the farmhouse and the barns form one unit, although the farmhouse has been divided into two dwellings. The minimal level of alteration to the barns means that the overall setting of the farmhouse will change very little, apart from the possible erection of post and rail fencing. The removal of permitted development rights by condition will prevent the erection of domestic paraphernalia in the garden of barn 1 and thus reduce the potential for incongruous development and clutter, which can be associated with barn conversions. Overall, the proposal should not detrimentally affect the setting of Lakehouse farm.

4) The number of applications for conversions of barns for residential usage has increased dramatically. The onus is always on the applicant to prove why such changes are desirable and necessary. In this case the barns are redundant for modern farming purposes and indeed the site shows little or no signs of current farming activity. Without such viable usage, the barns will probably begin to deteriorate, although they show no signs at present. Finding a suitable alternative use and therefore securing the long-term future of the listed barns is important to retain the historical legacy of the districts agricultural heritage. Once lost, such buildings can never be replaced, but importantly, inappropriate changes can be far more damaging to a buildings character than the ravages of winter weather.

Officers are of the opinion that the applicant has demonstrated a clear justification for the conversion works and has proposed the minimum level of change in order to retain as much original character as possible.

With regard to the proposed annexe to Lakehouse Farm (Barn 3), the level accommodation provided inside, although consisting of three main rooms and two bathrooms, is not so great as to raise concerns about it being operated independently of the farmhouse. The facilities do not include any areas for food preparation and so there is dependence on the main farmhouse for these facilities. Use of this building can be conditioned.

In order to prevent any further future conversions on this site, it would be desirable to secure a section 106 agreement to prevent the sale of barn 3 away from Lakehouse Farm and also to prevent the sale or conversion of barn 2 away from barn 1. Such agreements should also clearly show the curtilage of Barn 1 and the area to be retained as part of Lakehouse farm for the purpose of clarity.

CONCLUSIONS: The applicant has demonstrated that the conversion of the three barns can be carried out without serious detriment to the character of the countryside or the setting of Lakehouse Farm. The barns are of sound structural condition, the level of works and alteration are acceptable and private garden space can be accommodated unobtrusively. Furthermore it has been considered that a sole commercial use for the barns would create significantly more traffic on a rural road than the existing use of the site

RECOMMENDATIONS:

1) UTT/2163/03/FUL - APPROVAL WITH CONDITIONS SUBJECT TO A SECTION 106 AGREEMENT SECURING BARN 2 BEING TIED TO BARN 1 WITH THE PREVENTION OF SEPARATE SALE AND BARN 3 BEING TIED TO LAKEHOUSE FARM WITH THE PREVENTION OF SEPARATE SALE OR USE AS A SEPARATE DWELLING

1. C.2.1. Time limit for commencement of dwelling.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.6.10. Residential annexe ancillary to rest of site.
4. C.5.1. Samples of materials to be submitted and agreed.
5. C.5.4. Nature Slate.
6. C.5.8. Joinery details.
7. C.5.9. Stained wood.
8. C.5.14. Black rainwater goods.
9. C.5.17. Window & door details and sections to be submitted and agreed.
10. C.6.4. Excluding extensions without further permission.
11. C.4.1. Scheme of landscaping to be submitted and agreed.
12. C.4.2. Implementation of landscaping.
13. A new post and rail fence shall be erected around the boundaries of Barn 2, the exact position of which shall be agreed in writing with the local planning authority before the commencement of development. The fence shall be planted with indigenous species on the field side of the fence, in accordance with the submitted scheme as part of Condition C.4.1.
REASON: To ensure that the boundary treatment is appropriate in relation to the open countryside.
14. The courtyard between the farmhouse and the barns to be converted shall be left open and finished gravel or similar material, 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 historical relationship between the buildings is retained.

2) UTT/2164/03/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development – listed building.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted and agreed.
4. C.5.4. Natural Slate.
5. C.5.16. No historical timbers to be cut.
6. 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 works.
7. C.5.8. Joinery Details.
8. C.5.9. Stained Wood.
9. C.5.14. Black rainwater goods.
10. C.5.17. Window & door details and sections to be submitted and agreed.
11. C.6.4. Excluding extensions without further permission.
12. C.4.1. Scheme of landscaping to be submitted and agreed.
13. C.4.2. Implementation of landscaping.
14. A new post and rail fence shall be erected around the boundaries of Barn 2, the exact position of which shall be agreed in writing with the local planning authority before the commencement of development. The fence shall be planted with indigenous species on the field side of the fence, in accordance with the submitted scheme as part of Condition C.4.1.

REASON: To ensure that the boundary treatment is appropriate in relation to the open countryside.

15. The courtyard between the farmhouse and the barns to be converted shall be left open and finished in gravel or similar material, 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 historical relationship between the buildings is retained.

16. C.20.1. Protection of bats.
17. C.20.2. Protection of other species.

Background papers: see application file.

UTT/2119/03/FUL - HATFIELD BROAD OAK

(Referred at Members request)

Erection of two dwellings (alteration to previous permission UTT/0240/96/FUL)

Buryfields Cage End. GR/TL 545-163. Broad Oak Properties.

Case Officer: Consultant South 2 telephone: 01799 510452/510471

Expiry Date: 16/02/2004

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

DESCRIPTION OF SITE: The application site comprises the curtilage of a modern detached dwelling located on the west side of Cage End. It is presently used as a tennis court. The application site is indicated as plots 2 and 3 with the existing dwelling indicated as plot 1. These plot numbers refer to a 1996 planning permission for the erection of 3 dwellings. Plot 1 of these three was built and thus the permission remains live for two further dwellings on the present application site.

DESCRIPTION OF PROPOSAL: This application seeks to vary the design and appearance of the previously approved dwellings. It comprises two detached two-storey dwellings each with four bedrooms and the main built form running perpendicular to Cage End. Each would have a garage and carport with private amenity area to the western end of the site.

APPLICANT'S CASE: Letter from agent dated 5 December 2003, suggesting the Council's previous concerns about impact on neighbours has been overcome.

RELEVANT HISTORY: Conversion of barns into 4 dwellings conditionally approved 1980. Retention of dwelling without complying with condition 3 (DUN/603/68) regarding agricultural occupancy refused and dismissed at appeal 1980, subsequently refused 1981 approved 1985.

Single-storey addition conditionally approved 1988.

Erection of 4 detached dwellings and garages refused 1995 and dismissed at appeal.

Conservation area consent conditionally approved for demolition of existing house in 1995.

Erection of 2.8m high tennis court fencing conditionally approved 1996.

Erection of one detached dwelling and detached double garage with accommodation above conditionally approved 1996.

Erection of four detached dwellings and garages refused 1996.

Erection of three detached houses and garages conditionally approved 1996 – a material start was made to the development (see previous file)

0370/03 Erection of two dwellings revision to 240/96 - Refused

CONSULTATIONS: Design Advice: To be reported.

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

PARISH COUNCIL COMMENTS: Considers that the alterations proposed will result in one of the new dwellings being unacceptably close to its existing neighbour and the road and therefore ask that the application be refused

REPRESENTATIONS: This application has been advertised and 2 representations have been received. Period expired 19 January 2004.

1. I am devastated to think that, it is in order to erect this unsightly building (plot no. 3) only a few feet away from the boundary of my house and his plot. Plot no 3 will run the full length of my house. The buildings will most certainly take away the natural light. I am shall lose my privacy when using the garden as several windows and French doors face towards

my property. As one of the proposed rooms is designed to be a kitchen it is obvious, that at such close proximity, I shall be subjected to noise and smells. Also, you can imagine when using the garden in the summer, how utterly unbearable it will be to sit and stare at the high side of this house with a chimney stack almost touching the fence. My one and only entrance door is on that side of my house next to the proposed development and is already a dark area on account of facing north and the pathway is only a few feet wide between house and boundary fence. With the building of plot 3 that the entrance side of my house will become a dark and dank passageway.

2. I do not approve Site is a green and pretty addition to Cage End this new development will detract from the rural beauty of this area. The part of the road where dwellings would gain access is very narrow. I cannot see how it is proposed to fit another two dwellings in such a small space available without spoiling the character and tranquility of the neighbourhood.

PLANNING CONSIDERATIONS: The main issues are

- 1) **design, and impact on conservation area (ERSP Policy HC2, UDP Policy DC2),**
- 2) **impact on amenities of adjoining occupiers (UDP Policy DC14).**

1) The proposals are of a satisfactory design and appearance for this conservation area. Whilst they do lead to a loss of openness at this site, the prevailing character of this part of the Conservation Area is very much of intense built form with only occasional gaps in frontages. The live permission would also have eroded this openness. These proposals would accord with this character by way of their scale and massing. The detailed design, including intermixing of different materials is also reflective of prevailing building styles.

2) The most recent proposals to amend the extant permission were refused because it was considered that the increased bulk and length of the proposed dwelling on plot 3 would result in a detrimental overbearing impact when viewed from the 'Apple Cottage' to the south of the site.

Since that most recent refusal, the proposals have been amended in an attempt to address those concerns. It aims to do this principally by moving the section of the house comprising bedrooms 2 and 4 further to the north and by moving the garage of the proposed dwelling approximately 0.7m northwards so that although the closest part of the new dwelling would remain at 0.7m from the party boundary - the chimney stack, the other main elements of built form would be 1.2m away. As such this revised scheme is close to that which is subject to the live permission.

The neighbours concerns about loss of light etc are noted, however this is inevitable with almost any development of the site that is also in keeping with the two-storey built character of the locality. Given that the new dwelling would be at an increased distance from the party boundary, especially where it is close to that neighbour's main door, it is considered that the previous concerns have been addressed. There are no other main habitable room windows on this side elevation. Also, being directly to the north of this adjoining property, there will be very few, if any, occasions when direct loss of light and shadowing will arise.

COMMENTS ON REPRESENTATIONS: Please see preceding paragraph of this report. Also, noise and kitchen smells are an inevitable and minor consequence of village living and could presently arise from any of the other existing dwellings.

CONCLUSIONS: The application would not harm the appearance or character of the Conservation Area and will not cause material harm to the amenities of adjoining occupiers.

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 and agreed.
6. C.6.3. Excluding Permitted Development extensions and erection of freestanding buildings without further permission.
7. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
8. C.10.26. Standard Highway Requirements.
9. A detailed layout to show a car parking area and access thereto from the public highway shall be submitted and approved by the local planning authority prior to the commenced of the development. Such details as may be agreed must be implemented prior to the occupation of the dwellings hereby approved. Thereafter these areas shall remain available for the parking of domestic vehicles, including the garages in connection with the normal residential use of the dwellings to which they relate and shall not be built over or similarly developed, notwithstanding, Permitted Development Rights of extensions contained in the Town and Country Planning (General Permitted Development) Order 1995 (or any revoking or re-enacting that Order with or without modification).
REASON: In the interest of highway safety.

Background papers: see application file.

UTT/2231/03/FUL - SAFFRON WALDEN

(Referred at Councillor's Request)

First floor addition with two-storey frontage to existing bungalow.
14 Little Walden Road. GR/TL 539-388. Mr & Mrs Damary-Homan.

Case Officer: Hilary Lock 01799 510486

Expiry Date: 23/02/2004

NOTATION: Within Development Limits/Settlement Boundary; adjacent Conservation Area.

DESCRIPTION OF SITE: The site comprises a detached bungalow and garage in an elevated position above Little Walden Road, set back from the road. Vehicular access to the site is approximately 80m north of the junction with Pound Walk and Castle Hill. The site is irregularly shaped and surrounded by dwellings, including a chalet bungalow to the southwest. The boundary with that property defines the edge of the Conservation Area.

DESCRIPTION OF PROPOSAL: The proposal is to convert the existing bungalow to a two-storey house by raising the roof over the main bungalow from 4.65m to 7.65m and the roof above the garage from 3.35m to 5.65m. The footprint of the property would be unchanged. Accommodation would increase from a 2-bed + study bungalow to a 4-bed + large study/library, with the ground floor bedrooms becoming additional reception rooms. All first floor habitable room windows would face front and rear.

This is a revised application following refusal of an alternative scheme last year. The following sets out a comparison between the two proposals:

- Footprint – The footprint of the existing bungalow would not change. The refused scheme involved extensions to the garage and front of the dwelling, with first floor accommodation above. A first floor rear extension was proposed over the existing ground floor projection.
- Heights – the refused scheme raised the ridge height of the main part of the bungalow from 4.65m to 9.9m. A full first floor was to be provided over the garage (8.8m to ridge), and the rear extension was to have a ridge height of 7.9m.

The proposal raises the main ridge to 7.65m (2.25m less than refused), the area over the garage to 5.7m (3.1m less), and the rear lean-to would rise by 1m.

- Form – the side elevations of the refused scheme were deep and monolithic, with little visual break. The proposed side elevations would be broken by the change in ridge height, and the overall mass and bulk of the building would be less. Attempts have been made to reduce the height of the building by using hipped ends instead of gables, and placing windows at eaves height rather than full two-storey.

APPLICANT'S CASE: The application includes a solar chart for the area, which demonstrates, when the orientation of the site is taken into account, that the proposal cannot cause shadow to any adjoining sites. Therefore, there is no loss of light or amenity to those properties by reason of the increase in height.

The elevation to Little Walden Road demonstrates the approximate levels and heights of adjoining property in relation to the proposal. This shows the graduation of ridge levels up from Little Walden Road. The proposal will not dominate or appear overbearing when taken in this context and will sit sympathetically within the group of houses. The bungalow is currently hardly visible from the road.

The design is amended to orientate all principle windows to front and back elevations. Glazing to the sides would be either obscure or high level velux serving non-habitable rooms, causing no loss of privacy to adjoining sites.

RELEVANT HISTORY: First floor to bungalow and two-storey front extension refused January 2003 – disproportionate extension having adverse impact on adjacent dwellings; out of scale with original property; overlooking and overshadowing of adjacent properties; overbearing effect on others and street scene; impact on adjacent Conservation Area.

TOWN COUNCIL COMMENTS: To be reported (due 4 February).

REPRESENTATIONS: Five letters have been received. Neighbour notification period expired 26 January 2004.

1. Cllr Lelliot – This is a complex site and the impact of the proposal is not clear because of the variety of levels, the distance between buildings and the chance of overlooking, and the movement of the sun during the day that would lead to overshadowing. Would like the Committee to visit the site and reach their own conclusions about the merits of the application.
2. Objection – Property is within feet of boundary with 5 Pound Walk and extends along $\frac{3}{4}$ of rear garden. Extensions would exceed volume of existing dwelling. Would result in serious loss of amenity, be completely overbearing visually and overshadow garden, which is north facing. Over development of site.
3. Objection - Would be large development out of scale with original building and out of keeping with nearby properties. Would appear too large for site. Would be 10-13 feet higher than existing bungalow and would result in loss of privacy, light and sun.
4. Objection – Proposed scheme would have same detrimental effect on area and adjacent properties as refused scheme. Although windows and balconies have been excluded from side that overlooks 1 Pound Walk, raised roofline will still cause loss of daylight, overbearing impact and overshadowing to property. This is due to closeness and elevated position (6 feet higher) of No.14 relative to 1 Pound Walk. Revised proposal still contravenes Council policy.
5. Objection – as above. Loss of amenity, privacy and overshadowing of 3 Pound Walk. Dominating development out of scale with adjacent properties. (Photographs submitted of surrounding area to demonstrate visual impact of proposal).

PLANNING CONSIDERATIONS: The main issues are whether the proposed extensions would be acceptable in relation to

- 1) **the size and scale of the existing bungalow and its impact in the street scene (ADP Policies H7 & DC1, & DLP Policies H7 & GEN2),**
- 2) **the residential amenity of surrounding dwellings (ADP Policies H7 & DC14, and DLP Policies H7 & GEN4) and**
- 3) **the adjacent Conservation Area (ERSP Policy HC2, ADP Policy DC2, and DLP Policy ENV1).**

1) The existing dwelling is a modest bungalow with a pitched roof and a double garage. Its maximum height is 4.65m, with the remainder much less, being flat roofed. Ordinarily, at this size, the dwelling would not have a significant impact on its setting, but in this case the site is elevated, sloping up from the road with the ground level of the site approximately 2m above the road. Due to the levels, the visual impact of the existing bungalow in the street scene is therefore similar to some of the larger surrounding dwellings.

The proposed extensions would significantly increase the visual impact of the building. The main ridge would rise by 3m, and the existing flat-roofed 3.35m high garage at the front of the building would increase to 5.7m.

The Council's policy requires extensions to be "proportionate". Although the footprint of this property would not increase, its bulk and visual impact would be significantly greater by the provision of the first floor. In some situations such an increase could be acceptable, but in this setting it would be excessive due to the elevated site. The proposals would be highly visible from Little Walden Road and Pound Walk, and the resultant dwelling would appear dominant in the street scene, relative to adjacent properties. By their nature, bungalows generally have large footprints, and wide elevations are acceptable due to the lesser height. By extending over the whole of the ground floor, a two-storey elevation of 14m would result, and would appear out of scale with neighbouring properties.

2) The proposed scheme has been designed to minimise the impact on neighbours through the siting of windows. There are two two-storey houses to the south and south east of the bungalow. There would be a back-to-back distance of 26m to 3 Pound Walk, and this would accord with the guidelines set out in the Essex Design Guide. The distance to 5 Pound Walk would be less, but as angles would be oblique it is not considered that material loss of privacy would arise to warrant refusal of the application. There could be overlooking of garden areas, but no more so than exists for the application dwelling at present.

However, there are significant concerns about the impact of the proposals on the amenity of 1 Pound Walk, a chalet bungalow to the south west of the dwelling. Although there would be no direct loss of light to the habitable rooms, the proposed house would have a significant effect on light in the rear garden of that property, much of which would be dominated by the additional storey. In addition, due to the change in ground levels between the two sites, the deep two-storey flank wall of the new house could not fail to have an overbearing impact on the amenities of that chalet and its garden. This overbearing effect would apply to all surrounding properties.

3) The Conservation Area boundary runs alongside the western boundary of the site, the properties to the east being within the Conservation Area. Although the application site is not within the Conservation Area, extensions of the scale proposed would be visible from it, and would therefore have an impact on the setting. It is considered that the resulting building would appear unacceptably dominant in the street scene and would detract from the character and appearance of the Conservation Area.

COMMENTS ON REPRESENTATIONS: Most of the points raised in representations are covered above. Although the comments regarding overlooking and overshadowing of 3 & 5 Pound Walk are noted it is not considered that this can be substantiated. The impact on 1 Pound Walk and the street scene are considered unacceptable. The overbearing impact would apply to all surrounding properties.

CONCLUSIONS: The proposal has been reduced in size compared to the previously refused scheme, and the design and position of windows seeks to minimise the impact on adjacent residents. Although there would be no direct overshadowing of habitable rooms of the dwelling to the west, it would overshadow its amenity space and unacceptably dominate the outlook of that property. The amount of extension is considered excessive compared to the existing bungalow, and due to its elevated position would appear visually intrusive in the street scene, and damaging to the adjacent Conservation Area setting.

RECOMMENDATION: REFUSAL REASONS

1. The proposed first floor extensions would be disproportionate and excessive in relation to the size of the existing bungalow, and would be detrimental to the amenity of the dwelling to the west. The proposals would be out of scale with the original bungalow and the surrounding dwellings, and would appear unacceptably dominant and intrusive in the street scene. The proposal would cause unacceptable overshadowing of the private garden of 1 Pound Walk, would be overbearing and unacceptably dominate the outlook from that property and its garden and all other surrounding dwellings. The proposals would be contrary to ADP Policies H7, DC1 and DC14, and DLP Policies H7, GEN2 and GEN4.
2. In view of the elevated position of the existing bungalow, the proposed extensions would be unacceptably dominant in the street scene, out of scale and character with the surrounding properties. The resultant dwelling would be highly visible from the adjacent Conservation Area, and would be detrimental to its character and setting, contrary to ERSP Policy HC2, ADP Policy DC2 and DLP Policy ENV1.

Background papers: see application file.

UTT/2190/03/FUL - GREAT DUNMOW

Erection of 20m telecommunications mast, 3 antennas, 2 dishes, equipment cabin and ancillary development.

Clapton Hall Farm, Clapton Hall Lane. GR/TL 626-205. Hutchinson 3G UK Ltd.

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 16/02/2004

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

DESCRIPTION OF SITE: Clapton Hall Farm is located approximately 250m to the southwest of the new A120 and 890m from the Chelmsford Road junction with Ongar Road. There are a number of agricultural buildings on the site of which the highest has a maximum height of 12.6m. Mature vegetation exists along the northern and southern boundaries of the site.

DESCRIPTION OF PROPOSAL: The proposed development would involve the erection of a mast and equipment with a maximum height of 20m. The equipment would include 3 vertical antenna and two dishes. At ground level there would be an equipment cabinet and a meter cabinet. It is proposed to erect a 1.8m high fence to surround the equipment at the base of the mast. The location of the equipment behind existing agricultural buildings would screen the majority of the development from view. From most directions only the top 7.4m would be visible above the buildings.

APPLICANT'S CASE: There is a clear requirement to site an installation in the Great Dunmow area in order to provide coverage to the A120 and A130 and to the southern portion of Great Dunmow itself. The development proposed has been previously forwarded to the local planning authority, Ward Councillors and the Town Council for comments and no adverse comments have been received. It is believed that the development strikes a balance between the technical need for the site and the advantages this type of technology brings, with the requirement to ensure that any impact on the surrounding rural landscape is minimised to an acceptable level in accordance with telecommunications policy DC13. Full supporting statement is available at the Council Offices, London Road, Saffron Walden.

CONSULTATIONS: Sarah Kenyon (Special Verges): This development does not affect a special roadside verge site. Therefore no objection is raised. Site is near a protected lane.

TOWN COUNCIL COMMENTS: Opposed; too close to existing dwellings.

REPRESENTATIONS: This application has been advertised and 2 representations have been received (1 from occupiers of 6 properties). Period expired 30 January.

1. The proposed site is in a rural area and the erection of the mast would certainly have a severe impact on the character of the area. The mast would be an eyesore to the residents of Clapton Hall Cottages and Clapton Hall Farm Cottages. Also concerned as to the close proximity of the mast to the residential houses in Clapton Hall and the potential health risks relating to the location of the mast.

2. The current expansion in Great Dunmow is to the north side, yet this is to the south and the site is at a low point in the Dunmow area. The aerial will have to be higher and there will be a visual impact from both the Dunmow side and from Puttocks Farm. Existing aerial at Folly Farm should be used before any additional site is considered.

PLANNING CONSIDERATIONS: The main issue is whether the proposal is necessary 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).

Information provided with the application demonstrates that there is a technical need for a mast in the general vicinity of the southern part of Great Dunmow in order to provide coverage, not only to the town, but also along the A120 and A130. A number of alternative sites have been looked at by the applicants and have been considered to be unsuitable. The proposal would provide the coverage required by Hutchinson 3G. Existing vegetation surrounding the site and the substantial agricultural buildings would provide significant screening for the proposed development. Due to the height of the existing buildings, much of the monopole and all the ground level equipment will be screened from view thereby minimising the impact of the development on the rural area.

COMMENTS ON REPRESENTATIONS: The majority of the equipment would be screened from view due to the existing vegetation and the presence of the agricultural buildings. The applicant has submitted a Declaration of Conformity with ICNIRP Public Exposure Guidelines. Government Policy 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”.

The applicant has also provided a technical justification relating to the need for equipment on this site rather than mast or site sharing and utilising existing sites. Due to the location of other sites, they are not suitable to enable coverage of the relevant area of the town and the surrounding area.

CONCLUSIONS: The applicant has provided sufficient information to justify the need for telecommunications equipment on this site and due to the existing mature vegetation and buildings, the majority of the proposed development would be screened from view thereby reducing the impact on the rural character of the countryside. It is considered therefore that the proposal complies with ADP Policy DC13.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
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 conditions before the development took place.

REASON: In order to prevent the proliferation of redundant equipment on the site to the detriment of the rural character of the countryside.

Background papers: see application file.

UTT/2226/03/FUL – HENHAM

Erection of a 5-bedroom dwelling and garaging.
Bell Meadow End. GR/TL 549-286. Mr & Mrs Leyshon.
Case Officer: *Katherine Benjafield 01799 510494*
Expiry Date: 18/02/2004

NOTATION: Outside Development/Settlement Limit.

DESCRIPTION OF SITE: This site is located on the northern edge of Henham. It forms the western half of the garden to a dwelling, "Bell Meadow End", one of a small group of three dwellings located outside development limits. The existing dwelling is set on the eastern side of the site. Access is via a private road off the High Street. The boundary of the site is formed by mature vegetation on the northern, western and southern boundaries. Immediately adjacent to the site there is a one and half storey dwelling, "Caldecote", which is screened from the site by mature conifers and other vegetation. Opposite this dwelling there is "The White House", a two-storey dwelling. These dwellings were granted outline permission at the same time as "Bell Meadow End" in the 1950's.

DESCRIPTION OF PROPOSAL: The proposal involves the erection of a 5 bedroom detached dwelling with a detached double garage. The dwelling would cover an area of approximately 117m² and would have a maximum ridge height of 7.6m. It is proposed that the dwelling would be two-storey but would have rooflights in the rear roofslope to enable the use of the attic as a playroom.

The garage would cover an area of approximately 27m² and would have a maximum ridge height of 5.1m. The garage would be located to the northeast of the proposed dwelling. Access to the site from the High Street would be via the private access to the adjacent dwellings however a new access point would be created adjacent to the access to the existing dwelling.

APPLICANT'S CASE: See letter dated 22 December copy attached at end of report.

RELEVANT HISTORY: Various applications for extensions to the existing dwelling conditionally approved 1991, 1996, 1997 and 1999. Erection of first floor extension over garage and external staircasing to form annex conditionally approved 2000. Erection of 5 bedroom dwelling and garaging withdrawn December 2003.

CONSULTATIONS: Building Control: In order that minimum Building Regulation requirements for fire service access can be achieved, a turning facility designed in accordance with Approved Document B5 Table 21 is required. The access road must be 3.7m minimum wide and gateways 3.1m minimum width. The road must have a 12.5 tonne minimum carrying capacity. If the above cannot be confirmed, compensatory features such as a domestic sprinkler system may be acceptable by the Fire Service as an alternative.

Environment Agency: No objection.

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

Water Authority: To be reported (due 22 January).

PARISH COUNCIL COMMENTS: None received (due 4 February).

REPRESENTATIONS: Four. Notification period expired 27 January.

1. The proposed dwelling will overlook my property and almost inevitably interfere with my enjoyment of the house and garden. The proposed development could set a precedent

for further development in the area. The applicant's agent makes several references to this being an "infill" in my view this is not the case and I hope that you agree. The original approval for Bell Meadow End only permits one dwelling on the site and states that this is in order to "ensure that this development is on a scale and in keeping with the character of this area on the edge of this attractive village of Henham, and it is considered that any development of a more intensive character would create an unwelcome precedent inappropriate development in this locality".

2. Henham is a small village; further development will set a precedent for the future. The privately owned, single track, access road to the proposed property is too small to sustain further vehicles. The proposed property is too large for the plot of land it will be sited on, is outside the development limits, and constitutes over-development of the site.

3. "Infilling" would demean the imposing dwelling of Bell Meadow End House. The house demands a large garden and further development would change the character of the existing rural area. The private, single track, unlit drive to the properties is narrow with a shingle surface. Additional use by at least two extra vehicles would be detrimental. As far as I can ascertain, in the recent past, planning consent has not been granted for any new house in Henham other than to replace an existing dwelling or building. The turning circle situated at the end of the private drive would be lost

4. The submitted plans show an additional access on to the jointly owned drive; this is unacceptable as this space is used as a turning area for a narrow driveway and also as additional parking for the current three dwellings. I am concerned as to the proposed location and orientation shown on the plans. I would suggest that the garage being interposed between the proposed "new" house and this one would give both parties more privacy, as would resiting the whole development further to the North West. The applicant's agent refers to the hedge bordering the agricultural land; of greater importance to me are the conifers and high hedge abutting our property.

PLANNING CONSIDERATIONS: The main issues are whether the proposed development complies with ADP Policy S2 – Countryside Beyond the Green Belt and the Stansted Airport CPZ (DLP Policy S7, ERSP Policy C5), ADP Policy DC1 – Design of Development (DLP Policy GEN 2) and ADP Policy DC14 – General Amenity (DLP Policy GEN 4)

1) This site lies outside the Development Limit. Policy S2 of the Adopted District Plan states that outside Development Limits, development will not normally be permitted unless it relates to agriculture or forestry. The proposed development does not relate to either of these uses and is, therefore, strictly contrary to Policy S2. However, the site is part of an existing residential property on the edge of the village and would result in a form of development that would be in keeping with adjacent development. It would not result in development encroaching out into open countryside. This is a rare case of an additional dwelling outside development limits being acceptable. The site has significant mature vegetation along the northern and western boundaries and it is considered that any development on the site would have a minimal impact on the rural character of the countryside.

The location of the existing dwelling on the site has resulted in a large gap which forms part of the garden to the dwelling. This gap would be akin to an infill plot in the terms of the ADP Policy and the erection of a dwelling on this site would finish an unbalanced grouping and would result in all four dwellings having similar sized plots. This would effectively end the question of whether further dwellings would be appropriate on this site. On balance, it is considered that there are material considerations, including the lack of harm to the character of the countryside, which would warrant granting permission in this case contrary to Policy S2 and the erection of a dwelling on this site, while being acceptable, would be an exception to the provisions of ADP Policy S2.

2) The proposed dwelling and garaging would be of a similar size and height as the adjacent properties. It would be slightly higher than the one and a half storey dwelling but comparable to the existing dwelling and the dwelling adjacent to that. The three existing dwellings surrounding the site are of individual styles and character and it is considered that the proposed dwelling would be acceptable in terms of character and appearance and would comply with ADP Policy DC1.

3) ADP Policy DC14 is concerned with issues relating to general amenity arising from new development. With regard to new dwellings, this particularly relates to the overshadowing, loss of privacy or loss of daylight of neighbouring properties.

The proposed dwelling would not have any windows in the side elevations at first floor level and would be sufficiently set back on the site to ensure that no overlooking of existing properties could occur. In addition, the location and orientation of the dwelling would prevent any overshadowing or loss of daylight to the existing neighbouring properties. It is considered that the proposal complies with the requirements of ADP Policy DC14.

COMMENTS ON REPRESENTATIONS: The approval of this proposed development should not be considered to set a precedent for further development in the countryside outside Development Limits.

The erection of the proposed dwelling on this site would be in keeping with the character of the surrounding properties and would not result in any loss of amenity to neighbouring properties. The development of this section of the garden to Bell Meadow End would leave the existing dwelling with sufficient garden while creating an adequately sized plot for a new dwelling.

CONCLUSIONS: Although the proposal is contrary to the provisions of ADP Policy S2, the proposal would be a kin to infill development. There is significant mature vegetation along the site boundaries and it is considered that the proposed dwelling would not be detrimental to, or erode, the character of the countryside. In addition, the proposal would comply with ADP Policies DC1 and DC14 relating to the design and character of development and general amenity issues.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be agreed.
4. C.4.1. Scheme of landscaping to be submitted and agreed.
5. C.4.2. Implementation of landscaping.
6. C.4.5. Retention of hedges.
7. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
8. Prior to the first occupation of the dwelling a vehicular turning space shall be provided within the curtilage of the dwelling.
REASON: In order to prevent vehicles reversing down the private access and onto the highway.
9. C.19.1. Avoidance of overlooking - 1

Background papers: see application file.
