

**PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 15 MARCH 2004**

APPL NO: **UTT/2226/03/FUL**  
PARISH: **HENHAM**  
DEVELOPMENT: Erection of a 5-bedroom dwelling and garaging  
APPLICANT: Mr & Mrs Leyshon  
LOCATION: Bell Meadow End  
D.C. CTTE: 23 February 2004 (see copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Approval**  
*Case Officer: Miss K Benjafield 01799 510494*  
Expiry Date: 18 February 2004

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APPL NO: **UTT/2065/03/FUL**  
PARISH: **LITTLEBURY**  
DEVELOPMENT: Erection of detached house and garages. Detached shed/greenhouse  
APPLICANT: Mr & Mrs I Roberts  
LOCATION: Land off Howe Lane  
D.C. CTTE: 23 February 2004 (see copy attached). See also copy Parish Council comments letter dated 23 February 2004  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Approval**  
*Case Officer: Mr G Lyon 01799 510458*  
Expiry Date: 13 February 2004

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APPL NO: **UTT/1814/03/FUL**  
PARISH: **GREAT DUNMOW**  
DEVELOPMENT: Erection of 15M monopole, installation of 2 dishes and 3 antennas, equipment cabin meter cabinet, cabling and ancillary development within a fences compound  
APPLICANT: ntl Group Ltd  
LOCATION: ntl Transmitting Station Eastern Electricity Sub-Station Road  
D.C. CTTE: 23 February 2004 (see copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Approval**  
*Case Officer: Miss K Benjafield 01799 510494*  
Expiry Date: 16 December 2003

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APPL NO: **1) UTT/1482/03/FUL & 2) UTT/1670/03/LB**  
PARISH: **WICKEN BONHUNT**  
DEVELOPMENT: 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

APPLICANT: A J & S E Mullucks  
LOCATION: Barns 1 and 2 Wicken Hall  
D.C. CTTE: 23 February 2004 (see copy attached). See also copy Specialist Advice and agent's letter dated 19 February 2004 attached at end of report.

REMARKS: Deferred for Site Visit  
**RECOMMENDATION:** **Refusal**  
*Case Officer:* Ms Hilary Lock 01799 510486  
Expiry Date: 23 October 2003

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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 & 23 February 2004  
REMARKS: Deferred for negotiations following site visit  
**RECOMMENDATION:** **Approval**  
*Case Officer:* Mr N Ford 01799 510468  
Expiry Date: 08 January 2004

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APPL NO: **1) UTT/1579/03/FUL & 2) UTT/1580/03/LB**  
PARISH: **MANUDEN**  
DEVELOPMENT: 1) Conversion of restaurant area to letting bedrooms. Extension to toilets. Extension to patio and decking area. Entrance ramp to building. Construction of brick wall and posts. 2) Extension to toilets. Entrance ramp to building. Alterations, including changes to internal partitions, internal doors, external doors and windows. External door lights

APPLICANT: Greene King Pub Partners Ltd  
LOCATION: The Yew Tree Inn 36 The Street  
D.C. CTTE: 12 January 2004  
REMARKS: Deferred for negotiations  
**RECOMMENDATION:** **Approval**  
*Case Officer:* Mr G Lyon 01799 510458  
Expiry Date: 14 November 2003

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APPL NO: **UTT/1945/03/FUL**  
PARISH: **STEBBING**  
DEVELOPMENT: Erection of one detached dwelling with garaging  
APPLICANT: East Anglia & London Prop Ltd  
LOCATION: Brookside Garden Centre  
D.C. CTTE: 2 February 2004 (see revised report attached)  
REMARKS: Deferred for negotiations after site visit  
**RECOMMENDATION: Approval**  
*Case Officer:* Mr M Ovenden 01799 510476  
Expiry Date: 08 January 2004

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APPL NO: **1) UTT/1934/03/FUL & 2) UTT/1935/03/LB**  
PARISH: **DEBDEN**  
DEVELOPMENT: 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  
APPLICANT: Mr & Mrs Alwood  
LOCATION: The Old Windmill Mill Road  
D.C. CTTE: 23 February 2004 (see copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Refusal**  
*Case Officer:* Mr G Lyon 01799 510458  
Expiry Date: 07 January 2004

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APPL NO: **UTT/1962/03/FUL**  
PARISH: **GREAT CANFIELD**  
DEVELOPMENT: Retrospective application for change of use of shed 1 from light industrial to storage and shed 2 from general B2 use to storage/workshop  
APPLICANT: K R & J C Clarke  
LOCATION: The Apple Store Bacon End  
D.C. CTTE: 23 February 2004 (see copy amended report attached)  
REMARKS: Deferred  
**RECOMMENDATION: Approval**  
*Case Officer:* Mr R Aston 01799 510464  
Expiry Date: 03 February 2004

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APPL NO: **UTT/2119/03/FUL**  
PARISH: **HATFIELD BROAD OAK**  
DEVELOPMENT: Erection of two dwellings (alteration to previous permission UTT/0240/96/FUL)  
APPLICANT: Broad Oak Properties  
LOCATION: Buryfields Cage End  
D.C. CTTE: 23 February 2004 (see copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Approval**  
*Case Officer:* Consultant South 01799 510452/510471  
Expiry Date: 16 February 2004

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APPL NO: **UTT/2190/03/FUL**  
PARISH: **GREAT DUNMOW**  
DEVELOPMENT: Erection of 20m telecommunications mast, 3 antennas, 2  
dishes, equipment cabin and ancillary development  
APPLICANT: Hutchison 3G UK Ltd  
LOCATION: Clapton Hall Farm Clapton Hall Lane  
D.C. CTTE: 23 February 2004 (see copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION:** **Approval**  
*Case Officer:* *Miss K Benjafield 01799 510494*  
Expiry Date: 16 February 2004

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## **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 117m<sup>2</sup> 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 27m<sup>2</sup> 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 de minimus 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).

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS:** This is outside development limit for village and in open countryside, in an area of landscape value, to which development

would be detrimental. It would also set a precedent for future applications. Proposal is outside village development area and in conservation zone. Note that access is via private drive and would necessitate negotiations with other owners.

**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.*

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## **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)

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS:** Omitted from schedule, see letter dated 22 January 2004 attached at end of this Supplementary List of Representations.

**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 wa0s 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.*

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## **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 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.

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS:** 7 further representation received.

1-7. I am worried about the effects this would have on a television reception.

**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.*

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

*(Referred at Officer's discretion)*

- 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.



**ON SUPPLEMENTARY LIST OF REPRESENTATIONS:** (Verbally Reported) Also agent's letter dated 19 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: **ON SUPPLEMENTARY LIST OF REPRESENTATIONS:** (Verbally Reported) See memorandum dated 20 February attached at end of report.

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.*

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## **UTT/1945/03/FUL - STEBBING**

**(Member's interest: Cllr Flack)**

(Revised proposal and revised report)

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

**NOTATION:** Outside Development Limit and within area of Special Landscape Value (adopted plan) and Outside Settlement Boundary (second draft Deposit Plan).

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

**DESCRIPTION OF PROPOSAL:** The proposal is to remove all the buildings on the site (measuring 0.64 ha) plus the rough surfaced car park, extinguish all existing uses and erect one six bedroom dwelling with linked garages having an L-shaped planform. The dwelling would be 25 long and 25 metres wide and be approximately 8.6 metres tall. The exterior would be clad with clay plain tiles with rendered walls above brick plinths. The dwelling would be contained within the spread of the existing buildings. Part of the site would become gardens to the proposed dwelling and part would be added to the garden of the property to the front (Brook House), with the land to the south being a wildlife garden.

**APPLICANT'S CASE:** See letter dated 1 March 2004 attached at end of report.

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

**CONSULTATIONS:** Highway Authority: Under the terms of the de minimis agreement, this application is one where the highway aspects are for determination by your authority.  
Environmental Services: No contaminated land comments.  
Water Authority: To be reported (due 30 November 2003).

**PARISH COUNCIL COMMENTS: Original Plans:**

The current proposal for the construction of two large dwellings is infinitely preferable to earlier suggestions for building up to ten smaller properties. Any development must preserve the view from the Stebbing Brook and the footpaths adjacent thereto. The screen marked "New Tree Hedge Belt" must thus be better defined and enforced.

Siting of dwelling No.2 must be revised to minimise its impact on the views and amenities of dwellings in "Brookfields" (especially No.26).

Constraints must be placed (under Section 106) to prohibit any structures within area marked on the plan as "wild or other gardens" (especially any affecting the amenity of 26 Brookfields and other adjacent properties).

The plans presented would legalise closure of the southern entrance to the site. We recognise that this entry was only mandated to ensure adequate access when a large retail business was located within and that such conditions may no longer apply. We remain concerned however, that access for the existing property and for two proposed new dwellings via a single entry may create dangers especially for traffic trying to turn right towards the village centre. We thus believe that your decision must take into account these views and also those of the appropriate highway authority on whether this development represents an additional and necessary traffic hazard.

Revised Plans: To be reported.

**REPRESENTATIONS: Original Plans: Eight. Notification period expired 5 December 2003.**

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

Revised Plans: To be reported.

**PLANNING CONSIDERATIONS: The main issues are**

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

1) The site lies outside the development limit in the local plan and therefore in accordance with the Structure and local plans is in countryside where new development is

not normally permitted. The proposal does not relate to any of the exceptions in the policy – agriculture, forestry etc. The development plan would therefore indicate that the proposal would not normally be acceptable.

2) Draft deposit plan Policy S7 is similar to the adopted policies referred to above and therefore indicates that permission would not normally be granted for development in this location. However the applicant has drawn attention to the condition of the existing buildings on the site and the activities currently associated with them, stating that the buildings are not of environmental merit and suggesting that the local environment would be enhanced by their removal. Whilst the buildings – greenhouse and various outbuildings of traditional form - are not out of place with their surroundings and are not prominently located, Members will have seen from their site visit that they are in poor condition and are past their best. The previously permitted uses - carpet finishing activity and the garden centre were very low-key activities and were subject to personal conditions. However now the proposal has been revised to one dwelling only, the merits of the case are much more finely balanced and it is considered at officer level that the removal of the buildings and activities – including taking into account uses that may otherwise have been granted permission – would clear up and give rise to a lower level of activity on the site which could be viewed as a gain of the required significance that would justify a decision to grant permission.

The applicant has offered to enter into a legal agreement to preclude proposals to erect additional dwellings on the site and to demolish all the existing buildings including those that lie outside the site which he owns in a personal capacity rather than by the applicant company.

**COMMENTS ON REPRESENTATIONS:** Apart from those issues referred to above, officers have established that the location of sewers is outside the development site and therefore not affected by the proposal.

**CONCLUSIONS:** The revised proposal is considered to result in a planning gain by removing buildings and uses in the countryside which on balance justify the granting of permission for a single dwelling.

**RECOMMENDATION: APPROVAL WITH CONDITIONS AND A S106 AGREEMENT**

1. C.2.1. Standard time limit.
2. C.3.2. Implemented in accordance with revised drawings.
3. C.4.1. Submission of a landscaping scheme.
4. C.4.2. Implementation of the approved landscaping scheme.
5. C.5.1. Submission of samples of materials.
6. C.5.5. Use of clay plain tiles.
7. C.6.2. Removal of permitted development rights.
8. C.7.1. Details of site levels
9. No further windows on north elevation.

**Heads of S106 Agreement:**

- Removal of all buildings & extinguishing of all commercial/previous uses of the former nursery/garden centre (including those outside the application site)
- No further erection of dwellings

*Background papers: see application file.*

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## **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.*

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**UTT/1962/03/FUL - GREAT CANFIELD**  
**(Amended Report)**

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 Bacon End 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 storage, maintenance and repair of private motor vehicles, owned by Mr S Maloney a personal friend of the owner.

**APPLICANT'S CASE:** See supporting statement received 9 December 2003 attached at end of report.

**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. The site has not been drawn to our attention.

**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 of 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 theater group tenant. We do 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)**

The application follows an enforcement complaint received in October 2002 that shed two was being used for the repair of motor vehicles. Following investigation it was established that shed two was being used by a personal friend of the applicant (Mr S Maloney) for the storage and repair of his private motorcars in order to carry out light maintenance work, as a hobby, mainly at 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 considered usable rural buildings. The theatre group visits the site on an irregular 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. There is a small grassed forecourt, the appearance of which supports the claim of a low-key activity. Both activities are considered to be appropriate changes of use of existing rural buildings because they do not cause adverse nuisance or disturbance to adjoining residential properties and rural amenity, because of the sites location and existing activity levels. The maintenance of vehicles sometimes requires the use of welding equipment and the original enforcement complaint was due to suspected welding at the weekend and the general noise associated with the repairs during the evening it is considered that restrictive 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 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) 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)**

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 could overcome any objections raised with regard to general disturbance associated with the use of the buildings and any possible future intensification.

**COMMENTS ON REPRESENTATIONS:** None.

**CONCLUSIONS:** The retrospective change of use of both shed 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 storage, repair and maintenance of private motor vehicles owned by Mr S Maloney.  
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 5pm).  
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 sound monitoring in the interests of residential and rural amenity.

*Background papers: see application file.*

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## **UTT/2119/03/FUL - HATFIELD BROAD OAK**

*(Referred at Member's 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 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, ADP Policy DC2),**
- 2) impact on amenities of adjoining occupiers (ADP 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 commencement 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.*

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## **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. Hutchison 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 Hutchison 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.*

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**UTT/2179/03/FUL – NEWPORT**  
***(Referred at Officer's Discretion)***

Demolition of existing bungalow and construction of one dwelling  
Pineacre Cambridge Road. GR/TL 521-347. Mr P Hawkins.  
*Case Officer: Consultant North telephone 01799 510469/510478*  
Expiry Date: 04/03/2004

**NOTATION:** Frontage Within Village Development Limits & Settlement Boundaries/Within Cam Valley Area of Special Landscape Value (ADP only)/Adjacent to Conservation Area and Shortgrove Park/Backland Within Flood Plain/Class B road.

**DESCRIPTION OF SITE:** The site lies on the eastern side of Cambridge Road to the north of the village centre within a ribbon of development. There is a large variety in the type and size of dwellings. To the north is a bungalow and to the south is two storey house. The site comprises a detached bungalow on an L-shaped plot of 0.425 ha, with the rear garden extending south behind three neighbouring properties towards the River Cam.

**DESCRIPTION OF PROPOSAL:** It is proposed to replace the bungalow with a substantial detached house comprising four storeys (including basement) with six bedrooms. It would be L-shaped with a maximum width of about 13.5m, depth of some 21.5m and height approximately 9.1m. The materials would be brick, render, clay tiles and slates, with lead on the dormer windows in the roofspace. Four trees in the southern part of the front garden would be removed and new flint walls would be erected to the side boundaries to match the front.

A cobbled courtyard would lead from the existing entrance to the triple garage to the rear. There would be a 5m gap between the dwelling and the northern side boundary and 4m to the south.

*(The revised plan entitled Proposed West Elevation [drg. no. 2(14)20 C] differs from its equivalent on the previous application [drg. no. 2(14) 25], because it shows the extent of the site boundary to be 26m wide, compared with only 20.5m.*

*The site actually widens eastwards, so that on the road frontage it is 21m, on the proposed building line with Redriff to the south it is 22m and level with Die Opstall to the north it is 28m. These measurements are academic, however, because the proposed new dwelling would be in the same location and of the same size as previously proposed.)*

**APPLICANT'S CASE:** See Design Statement dated December 2003, attached at end of this report.

**RELEVANT HISTORY:** Six dwellings refused in 1989 and appeal dismissed, five refused in 2000, three refused in 2001, two refused in 2002, two refused in 2003 and appeal dismissed, all for reasons of overdevelopment, harm to the rural character of the area, adverse effects on neighbours' amenities and flooding.

**CONSULTATIONS:** Environment Agency: Objection until Flood Risk Assessment has been prepared, submitted and considered.

ECC Archaeology: Recommend condition requiring recording of excavation

**PARISH COUNCIL COMMENTS:** Original Plans: Concerned that the number of windows to the sides of the development should not overlook neighbouring properties.

Revised Plans: To be reported (due 27 February).

**REPRESENTATIONS:** Original Plans: Three. Notification period expired 2 February.

1. No objection subject to implementation of landscaping along side boundary. *(This issue would be covered by conditions 3, 4 & 6).*
2. Object : design out of character with rest of houses in this part of village, ie 3-storey mock-Georgian. Cottage-style rendered house would be more suitable. Flood plain. Block light from Die-Opstall.
3. Object: increased overshadowing, overlooking & overbearing effects caused by doubling height of existing bungalow, out of character with existing properties.

Revised Plans: Three. Renotification period expired 27 February.

1. Object: would create problems which the original proposal avoided. Unreasonably and unnecessarily overshadow "Die Opstall". Would overlook "Redriff" and "Die Opstall". Loss of amenity caused by setting back. Out of keeping with character of Newport Road.
2. See earlier concerns last year. Revised design does not address issues of adverse effects on "Die Opstall". Overshadowing would be increased.
3. No reason to change previous remarks.
4. Still a monster proposal considering the size of the plot. Moving the house back would mean overlooking all properties in the road. Amounts to back building.

**PLANNING CONSIDERATIONS:** The main issues are whether this revised proposal would overcome the three reasons for the Inspector dismissing the recent appeal regarding two houses by:

- 1) being more in keeping with the rural character of the village street scene in terms of a) scale, b) design and c) use of materials (ADP Policy DC1 & DLP Policy GEN2),
- 2) providing satisfactory access and on-site car parking facilities without creating overdevelopment (ADP Policies T1 and T2 and DLP Policies GEN1 and GEN9) and
- 3) respecting neighbours' amenities by avoiding significant overlooking, overshadowing or overbearing effects (ADP policy DC14 and DLP Policy GEN4).

In addition, it will be necessary to consider whether the proposal would:

- 4) avoid the danger of flooding (ERSP Policy NR12, ADP Policy W3 & DLP Policy GEN3).

1) The Inspector stated that two dwellings "would result in a considerable amount of built development on the front part of the site, which, although within the Development Limits, would not be in keeping with the more spacious setting of other properties in the area and would appear to me as cramped. Although house one would be considerably larger than the bungalow next door ("Die-Opstall" to the north), its façade would resemble the scale of "Redriff" to the other side. From the front, the proposal appear as a house with a large outbuilding to the rear. Although the land slopes away from the road, I consider that the bulk and scale of house two and its close proximity to house one would result in it being prominent on the street scene. The proposal would result in two substantial buildings across the width of the plot which, in my opinion, would not be in keeping with the character of the

*area where there is more space between buildings allowing views through to the open parkland to the rear.”*

a) The third reason for refusal of the previous application referred to unacceptable bulk and scale of both dwellings being out of proportion with the low-key character of the village street scene. This revised scheme has changed fundamentally from the previous proposal by omitting the second house to the rear. This specifically addresses the Inspector's concern about the bulk, scale and location being prominent in the High Street. The top of the proposed triple garage would be 2.5m above road level, compared with 4.8m for the house. It is considered that this reduction of 2.3m is significant in assessing the visual impact from the High Street. The garage would have a 30 degree pitched roof with slates and if made shallower it would appear out of keeping with the character of other properties close to the Conservation Area. It would be set back 37m from the road and 1.3m lower and there is no scope for further setting back because of the flood plain to the rear. It would be inappropriate to require the garage to be relocated behind the house.

The new house would be located in the position previously proposed, i.e. with gaps of 9.2m to Die-Opstall to the north and 8.2m to Redriff to the south. These compare with the existing gaps of 5.2m and 6.2m and would allow the character of the area and the views through to the parkland to the rear to which the Inspector referred to be maintained. The height of the new house has been kept the same as previously proposed and would be similar to Redriff and The Coach & Horses PH. In terms of scale within the village street scene, therefore, it is considered that the revised proposal has overcome the Inspector's concern. However, due to its imposing façade and height compared with Die-Opstall and the fact that it is proposed to be brought forward 7m compared with the existing bungalow, revised plans were sought to set the house back on to the existing footprint of Pineacre. However, this has generated an objection from 'Redriff' regarding the potential for overlooking.

It is therefore recommended that the application be determined on the basis of the original plans. It should be noted that the appeal Inspector made no adverse comments on the design or siting of this property. However, it is a finely balanced judgement as to whether the design of the proposed dwelling in this forward position is acceptable, or would be unduly dominant in the street scene; and would project unacceptably forward of the bungalow to the north.

b) Regarding design, the only comment the Inspector made refers to the similarity of the scale of the façade with Redriff to the south, although considerably larger than the bungalow Die-Opstall to the north. The character of the street scene at this point is mixed. Although the third reason for refusal mentions the low-key character of the street scene at this point, it is considered that the “grand” design of the dwelling would be in keeping with Redriff and would be acceptable in this part of the village.

c) Regarding the proposed use of materials, these are of a high quality and would be acceptable. A condition should be imposed requiring the new flint walls to be erected as part of the redevelopment, in order to ensure the scheme enhances the attractive character of the area.

2) The overdevelopment referred to by the Inspector regarding access, parking, garaging and manoeuvring space has been overcome by the omission of the second house.

3) The Inspector was only concerned with the adverse effects on neighbours of the *second* dwelling and its omission has also overcome this issue. Members will wish to consider the impact of the siting relative to the bungalow to the north, as there would be some overshadowing of that property. Revised plans which sought to improve the

relationship between the two properties have generated an objection, and have been omitted.

4) The finished floor level of the house would be about 0.5m less than the 57.665m quoted on the original plan, due to the proposed set back, but would still be well above the Environment Agency's recommended minimum level of 55.35m as quoted by the Inspector. The garage would also be above at 55.97m and located on the higher level at 55.97m. The Environment Agency's objection does not accord with their comments on the previous file. There is a distinct fall in land levels just behind the proposed garage, down to the flood plain. Given the siting of the existing dwelling, it is considered that there would be no change in the level of flood risk. The garage would be Permitted Development if the new dwelling was not built and is also on the higher land. It is considered, therefore, that the EA objection cannot be sustained. Conditions regarding floor levels and withdrawing Permitted Development rights to erect outbuildings should be imposed.

**COMMENTS ON REPRESENTATIONS:** The comments are noted, but given the appeal Inspector's comments it is not considered that it would be justifiable to resist the application on the basis of design, its impact on the street scene and neighbouring properties.

**CONCLUSIONS:** The proposal would overcome the previous reasons for refusal, but would be a large dwelling in the street scene, and would have a significantly greater impact than the existing dwelling. On balance, and in the light of the Inspector's comments, the proposal is however considered acceptable.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with original plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. Submission of samples of materials: The materials to be used in the construction of the replacement dwelling hereby permitted shall be as stated on the submitted form and plans, details of which shall be submitted to and approved in writing by the local planning authority before any work commences on site.  
REASON: In order to ensure that the new building is in keeping with the pleasant character of the area and in particular with the adjacent dwelling to the south "Redriff".
6. All the new flint walls shown to be erected on drawing no. 2(11)01 C along the side boundaries shall be completed before the new dwelling is first occupied.  
REASON: In order to ensure that the new building is in keeping with the pleasant character of the area and in particular with the adjacent dwelling to the south "Redriff".
7. C.6.4. Excluding extensions without permission.
8. C.7.1. Slab levels.
9. C.6.2. Excluding freestanding buildings without permission.
10. The finished floor level of the replacement dwelling and garage shall be no lower than 55.35m.  
REASON: In order to reduce the danger of flooding in the River Cam valley.
11. C.16.2. Full archaeological excavation & evaluation.
12. C.19.1. Avoidance of overlooking – no further windows in side elevations.

*Background papers: see application file.*

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## UTT/0048/04/SA - STANSTED

Erection of noise pen for engine testing.

Land adj. Diamond Hangar Long Border Road Stansted Airport. GR/TL 540-222. Stansted Airport Ltd.

Case Officer: *Jeremy Pine 01799 510460*

Expiry Date: 15/03/2004

**NOTATION:** Within Cargo Handling/Aircraft Maintenance Area in ADP and DLP (Policy AIR2 in both Plans relates).

**DESCRIPTION OF SITE:** This site is located airside at the southern end of the airport, due north of the FLS Aerospace maintenance hangar. It consists of a grass/apron area opposite the existing ground run facility (noise pen), which is located to the southwest.

**DESCRIPTION OF PROPOSAL:** The proposals would consist of a ground run facility and an associated equipment area.

The ground run facility would comprise an area of new pavement construction measuring approximately 85.5m x 53.75-70.5m, containing a blast diffuser screen between 6-12m high and a perimeter noise wall 15m high running along the northeastern and southeastern edges of the pavement area. The equipment area would be located to the southeast of the ground run facility and would consist of a further area of pavement measuring about 83 x 33m with an 8m high screen wall along the same facing edges. New landside/airside security fencing would also be constructed. Run-off would drain to a new ditch and then to the airport drainage system.

The blast diffuser screen would be of sufficient height for both wing-mounted and tail-mounted engines. Its primary purpose is to reduce the speed of the jet of air from the engines, and is a standard product designed to cater for all aircraft currently in service, including trijets, which are those aircraft that have tail-mounted engines.

**APPLICANT'S CASE:** When complete, the noise pen will meet the relevant clauses of the Section 106 Agreement and will minimise disturbance to the local community during any engine running.

**RELEVANT HISTORY:** Conditional outline planning permission granted in 1985 by the Secretaries of State for the Environment and Transport for the expansion of Stansted Airport to a capacity of about 15mppa. The permission included general aviation facilities. Reserved matters for maintenance hangar and ground run facility granted in 1986 subject to conditions.

Conditional outline planning permission granted by this Council in 2003 for further expansion from about 15–25mppa. This permission was subject to a Section 106 Agreement, which requires BAA Stansted, *inter alia*:

1. *To submit an application for planning permission for the ground run facility referred to in paragraph 2 of this Part within 12 months of the Date of Grant and to use all reasonable endeavours to procure the grant of planning permission and all other necessary consents as soon as is reasonably practicable thereafter*
2. *Subject to the necessary consents being obtained to construct a ground run facility comprising approximately 3500 square metres of pavement and noise wall for the routine ground running of engines for maintenance and testing such facility to be*

*complete and in operation as soon as is reasonably practicable and in any event no later than 30<sup>th</sup> September 2004*

3. *From the date that the ground run facility referred to in paragraph 2 of this Part is operational to use all reasonable endeavours to ensure that ground running of aircraft engines for the purposes of testing is carried out within the ground run facilities except in exceptional circumstances including cases of necessity”*

In the Environmental Statement that accompanied the about 15-25mppa application, the provision of this facility was identified as a “*further development site assumed for about 15 mppa*”. The proposal is not, therefore, a reserved matter under the outline permission for expansion to 25mppa and has, in fact, been submitted as a separate full application for planning permission.

**CONSULTATIONS:** ECC Archaeology: Recommends the monitoring of topsoil stripping and excavation of all archaeological deposits identified.

NATS: No safeguarding objections.

Environmental Health: No objections.

**PARISH COUNCIL COMMENTS:** To be reported (due 18/2).

**REPRESENTATIONS:** This application has been advertised and no representations have been received. Period expired 19/2.

**PLANNING CONSIDERATIONS:** **The main issue is whether the new ground run facility would constitute appropriate development within the cargo handling/aircraft maintenance area (ALP & DLP Policy AIR2).**

This proposal would relate to aircraft maintenance and would be, in effect, a mirror image of the layout of the existing ground run facility to the southwest on the opposite side of the FLS Aerospace hangar apron, which was approved in 1986. The orientation of the new facility at 180 degrees to the original would enable the ground running of engines to take place on the airport in a variety of wind conditions. The heights of the diffuser screen and noise wall are to industry standards for tail-mounted engines on all existing trijets. No trijets are currently in production or are thought to be at the design stage.

**CONCLUSIONS:** These proposals are welcomed, and would be in accordance with Policy AIR2 in both the ADP and DLP.

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

REASON: To ensure that the archaeological richness and educational value of the airport site is retained.

*Background papers: see application file.*

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**UTT/0089/04/FUL - SAFFRON WALDEN**  
***(Application referred at members request)***

Demolish existing garage. Erection of single storey side extension.  
46 The Wayback. GR/TL 544-388. Mr J P Grimes.  
*Case Officer: Consultant North 2 telephone 01799 510469/510478*  
Expiry Date: 19/03/2004

**DESCRIPTION OF SITE:** Application site comprises a detached bungalow located within the main residential area of Saffron Walden to the north west of the town centre. The front elevation faces west and the site slopes down north to south, however the rear curtilage of the dwelling is broadly flat. Other dwellings adjoin to the sides and rear.

**DESCRIPTION OF PROPOSAL:** This application proposes a single storey side extension that also projects rearward beyond the main rear wall of the house. It would comprise two main elements; the element adjoining the existing house would have a footprint of 3.3m wide by 8.7m deep and the rear-projecting element would be 3.2m wide and 2.7m deep. The extension would be finished with a pitched roof and constructed from materials matching the existing dwelling.

**CONSULTATIONS:** Serco: Pipelines are not affected by proposal.

**TOWN COUNCIL COMMENTS:** To be reported (due 25 February).

**REPRESENTATIONS:** None received (Period expired 16 February 2004).

**PLANNING CONSIDERATIONS:** The main issues are design (ADP Policy DC1 & DLP Policy GEN2), impact on neighbours (ADP Policy DC14 & DLP Policy GEN4) and off-street parking provision (ADP Policy T2 & DLP Policy GEN9).

This extension is of a satisfactory scale and design for this dwelling. It incorporates a small set back from the front wall that results in the ridge of the roof of the extension being set below the existing dwelling, thus ensuring visual subservience to the original dwelling. This will preserve the character and setting of this dwelling within the wider street scene.

There would be very little impact on the neighbour to the south (which adjoins), due the distance away from the boundary and the presence of a 2m fence on that boundary. The dwelling to the north has an approximately 1.5m higher ground level and existing side extensions that project behind the existing rear wall of the application house. Therefore there would be no adverse impact on that dwelling. There will be less off-street parking provision, however room for two spaces will remain and on-street parking is unrestricted, should that be required.

**CONCLUSIONS:** The application would be of a satisfactory design, have very little impact on neighbours nor cause any parking or highway problems.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. In accordance with approved drawings & reason (a)
3. C.5.3. Matching materials.

*Background papers: see application file.*

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## **1) UTT/2227/03/FUL & 2) UTT/2228/03/LB – TAKELEY**

- 1) Conversion of public house into private dwelling and construction of 3 dwellings and garaging and alterations to existing access.
- 2) Conversion of public house into private dwelling.  
The Old Mill Public House Takeley Street. GR/TL 539-213. Messrs Hammond & Stile.  
*Case Officer: Nicholas Ford 01799 510468*  
Expiry Date: 04/03/2004

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

**DESCRIPTION OF SITE:** The application site includes the disused Old Mill Public House, which is a Grade II listed building located on Takeley Street, which forms a linear settlement west of Takeley on the B1256. It is separated by land in the curtilage of Stansted Airport to the north by approximately 500m. The site is on the northern side of this road with the rear boundary abutting a football field and training ground. The access track to the football ground is within the application site running along the eastern boundary.

**DESCRIPTION OF PROPOSAL:** The application relates to the conversion and extension of the Old Mill Public House to provide a 4 bedroom dwelling. The existing building has a floor area of 224 sqm, a ridge height of 7.8m and an eaves height of 4m. The conversion would incorporate the demolition of unsympathetic extensions to the east, west and rear elevations and the provision of a new two storey extension to the rear elevation. This would result in a floor area of 120 sqm. The two storey extension would be 7.4m to ridge and 2.5m to eaves with a single storey addition having a height of 2.5m to eaves. A double garage would be erected to the side/rear.

It is proposed to provide a detached two storey 5 bedroom dwelling 7.7m to the west of the Old Mill, which would have a floor area of 136 sqm, a ridge height of 7.8m and an eaves height of 4.5m. It would have an attached single bay garage to the west elevation with a ridge height of 5.8m and an eaves height of 2.5m.

A further two semi-detached 3 bedroom dwellings are proposed 4.8m to the east of the Old Mill. The footprint of the two dwellings would have a floor area of 124 sqm (62 sqm per dwelling) with a ridge height of 7.7m and an eaves height of 3.5m. A pyramid roofed double garage would be erected to the rear accessed from the adjacent track.

**APPLICANT'S CASE:** The additional development within the curtilage includes the construction of one detached traditionally designed dwelling lying west of the Old Mill. To the east of the original building it is proposed to construct a pair of one and a half storey cottages, the form of which respects the bulk of the host building and the neighbouring bungalow that lies east of the site. In addition to the new dwellings, refurbishment and extension of the Old Mill ancillary garaging and landscaping is also applied for within the submission.

**RELEVANT HISTORY:** Planning permission for change of use of public house to private dwelling, involving the erection of a rear extension and the erection of five dwellings was refused in 2002. A following appeal was dismissed in 2003.

**CONSULTATIONS:** ECC Transportation: Gates to be recessed 4.5m from kerb line of the county road. First 6m of private access road to be bound material. Adequate turning facilities to be provided. Garages are remote to plots 3 and 4, which could result in short term parking on the highway. It is recommended that a vehicular access is provided or pedestrian access from the private access road.

Water Authority: No objection.

Environment Agency: No objection.

English Nature: Standard letter regarding protection of species as site is near the Hatfield Forest Site of Special Scientific Interest and National Nature Reserve.

Essex Wildlife Trust: None received. Due 25 January 2004.

Highways Agency: No comment.

British Airports Authority: None received (due 9 January 2004).

UDC Environmental Services: No comments.

UDC Specialist Design Advice: This application is for the alterations, modest extension and demolition of modern ranges to the Listed Old Mill and formation of three residential units within the garden of the redundant pub. The proposal has been negotiated. The removal of the unsightly flat roof extensions and the proposed alterations together with the proposed restoration would greatly benefit the Listed Building, which is at present is a Listed Building at Risk and its future is of concern. The proposed additional development would be in keeping with the general established pattern of the street scene.

**PARISH COUNCIL COMMENTS:** No objection. The Old Mill should be on the buildings at Risk Register.

**REPRESENTATIONS:** These applications have been advertised and one representation has been received. Period expired 5 February 2004.

1. S&L Storage Systems adjacent query the boundary of the site as incorrect.

**PLANNING CONSIDERATIONS: The main issues are**

- 1) **whether the conversion of this Listed Building represents an acceptable use that preserves its architectural and historic characteristics in accordance with ADP Policy DC6.**
- 2) **whether the development of three dwellings on this site forms acceptable infill development that respects the character and setting of the Listed Building in accordance with ADP Policies DC1 and DC5 and DLP Policies H2, GEN2 and ENV2.**

1) The conversion of this Pub relates to a Listed Building at Risk. The building is in a poor state with many aspects of disrepair. The building has unsightly flat roof extensions that detract from the main building. Specialist design advice shows that the conversion of this pub as proposed and the removal of unsympathetic additions will benefit an historic building of which its future is currently of concern. The restoration works are generally sympathetic and respect the architectural and historic characteristics of the building. The new rear additions have also been negotiated to provide appropriate additions in terms of scale, siting, height and pitch in relation to the main building. The conversion is therefore considered acceptable subject to conditions relating to materials and the need to ensure that the conversion is carried out.

2) The infill addition of three dwellings has also been negotiated. It is considered that three dwellings can be appropriately accommodated on the site with sufficient access, turning and parking. The dwellings are set back to respect the linear street scene and not to encroach beyond the forward elevation of the Old Mill. Sufficient gaps are also provided adjacent the Old Mill in order to respect its setting and character. The height and size of the new dwellings have also been negotiated in order to ensure a scale, which is appropriate to the site and the Old Mill. The design and materials proposed are considered to provide an appropriate character. Subject to appropriate conditions the new dwellings are also considered to be acceptable.

**COMMENTS ON REPRESENTATIONS:** The boundary dispute is not a planning issue, however, this aspect has been clarified by the submission of a revised site plan.

**CONCLUSIONS:** It is considered that the conversion of this former pub to a dwelling and the erection of a further three new dwellings within its curtilage represents an appropriate scheme that would ensure the renovation and preservation of the Old Mill and accord with its character and appearance.

**RECOMMENDATIONS:**

**1) UTT/2227/03/FUL – APPROVAL WITH CONDITIONS WITH S106 AGREEMENT TO ACHIEVE THE RESORATION OF THE FORMER PUBLIC HOUSE PRIOR TO THE OCCUPATION OF ANY OF THE NEW DWELLINGS**

1. C.2.1. Time limit for commencement of development.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. C.5.1. Samples of materials to be submitted and agreed.
4. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. C.19.1. Avoidance of overlooking – 1.
8. All surface finishes of private access roads shall be treated with an approved bound material within the first six metres from the highway boundary.  
REASON: In order to prevent loose material from entering the highway.
9. C.7.1. Slab levels.
10. C.11.6 Car parking.

**2) UTT/2228/03/LB – LISTED BUILDING CONSENT WITH CONDITIONS**

1. C.2.2. Time limit for commencement of development – listed buildings.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. C.5.1. Samples of materials to be submitted and agreed.
4. C.5.5. Clay plain tiles.
5. C.5.8. Joinery details.
6. C.5.11. Smooth rendered walls.
7. C.5.16. No historic timbers to be cut.
8. All new boundary treatment shall be picket fence or estate railing and hedging.  
REASON: In order to provide a satisfactory standard of development in relation to the setting of the Listed Building.

Heads of S106 Agreement:

- Completion of the conversion and restoration of the Old Mill prior to the occupation of the new dwellings.

*Background papers: see application file.*

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## UTT/2110/03/FUL - LITTLE HALLINGBURY

Conversion of outbuildings to form 4 units of bed and breakfast accommodation.  
Latchmead Port Lane. GR/TL 495-185. Mr & Mrs K Prosser.  
*Case Officer: Richard Aston 01799 510464*  
Expiry Date: 11/02/2004

**NOTATION:** Outside Development Limits/Settlement Boundaries/Within Metropolitan Green Belt/Area of Special Landscape Value.

**DESCRIPTION OF SITE:** The site is located at the end of Port Lane, Little Hallingbury within the Metropolitan Green Belt and an Area of Special Landscape value. The existing dwelling known as Latchmead is a detached private residence which currently offers two rooms as overnight Bed and Breakfast accommodation. The nearest residential properties are Portlands, 70m to the east and Silver Pines (which has outbuildings used as dog kennels) 51m to the south. In addition, there is a detached dwelling located on the southern side of the entrance to Port Lane, with its side flank wall located abutting Port Lane. To the west of the site, lies The River Stort Valley and East Herts District.

**DESCRIPTION OF PROPOSAL:** The proposal details the conversion of two existing outbuildings in the western residential curtilage of Latchmead to form four units of Bed and Breakfast accommodation. The proposal also details the use of an existing access to Port Lane in the northwestern corner of the site, away from the main dwellinghouse.

**APPLICANT'S CASE:** See letter attached, dated 25 January 2004 attached at end of this report.

**RELEVANT HISTORY:** None of relevance.

**CONSULTATIONS:** Thames Water: No objections to the proposal.  
Environmental Health: Noise from Stansted is likely to affect the accommodation and consideration should be given to imposing a condition requiring noise insulation. The applicant should be requested to provide evidence that the existing septic tank is suitable, alternatively a new tank should be provided.  
East Herts DC: No objections to the proposal.

**PARISH COUNCIL COMMENTS:** None received (Due 18.1.04).

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

1 & 2. Original Plans Summary: There will be increased traffic passing along Port Lane. The associated noise could occur at all times during the day and night. Access and exiting into Port Lane is restricted and increasingly hazardous with the volume and traffic of speed along the A1060. In the event of emergency access, the restriction of Port Lane casts great doubt on the viability of this project.

3. Revised Plans: The proposed development, even now reduced to 4 units from the original concept, will require substantial upgrading of the outbuildings, perhaps complete re-build, would constitute a complete change in use and an increase in residential building within this designated green belt area. Also I wish to re-emphasise, as stated in my previous submission of the 29 December 2003, the potential problems arising from the restricted access and limitation of the single lane width over the 300 metre length of Port Lane, together with the detrimental affect on my amenity as presently enjoyed.

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

- 1) whether the proposal is acceptable tourism related development in the Metropolitan Green Belt (ERSP policy C2, ADP policies REC3, S3, C5, DLP policies S6, LC6) and**
- 2) whether the proposal would be detrimental to local amenity (ADP policies REC3, DC14, DLP policies GEN4, LC6).**

The proposal seeks to convert two existing outbuildings to form four single units of Bed and Breakfast accommodation in the western curtilage of Latchmead, a private dwellinghouse in Port Lane, Little Hallingbury within the Metropolitan Green Belt. In principle the proposal is supported by Adopted District Plan policy REC3, which states that beyond development limits, changes of use which do not adversely affect the rural interests of the countryside to provide adequate tourist accommodation, including self catering holiday facilities will normally be permitted subject to other relevant policies in the plan including Policy C5 and C6.

Due to the site's location within the Metropolitan Green Belt, the proposal also has to be considered against Policy C2 of the Essex and Southend-on Sea Replacement Structure Plan 2001, which states that within the Metropolitan Green Belt there is a general presumption against inappropriate development but allows for the re-use of existing rural buildings, provided that they are of a permanent and substantial reconstruction and capable of conversion without major or complete reconstruction. This is continued through to Uttlesford Adopted District Plan Policy S3, where the explanatory text states that inappropriate changes of use of land, extensions to existing buildings and change of use of farm buildings which do not conflict with the purposes of including land within the Green Belt may be favourably considered. Furthermore, the policy text states that changes of use of existing buildings not covered by the policy will also be considered under Policies C5 and C6, which allow conversion of existing rural buildings provided that no substantial reconstruction or alterations take place and that they should respect the rural amenities of the area.

The proposal details the re-use of two existing single storey outbuildings within the curtilage of Latchmead for use as overnight Bed and Breakfast accommodation. The conversion of the buildings is acceptable in principle provided that no substantial reconstructions or alterations take place and that the resultant building would not adversely affect the surrounding Green Belt area. The renovation of the buildings and the addition of new pitched roofs are not considered to be substantial reconstruction of the outbuildings. Furthermore, the subsequent increase in height of the buildings to a maximum ridge height of 3.9m relates well to the scale of the existing buildings, which range from 3 to 3.5m in height. Coupled with the mature landscaping and screening around the site, results in a conversion, which would not be visually inappropriate and would not have a material impact on the open characteristics of the surrounding Metropolitan Green Belt. The proposal is therefore in accordance with the above policies.

Turning to the impact of the proposal on the residential amenity of adjoining occupiers, two bedrooms in the dwellinghouse known as Latchmead are currently being used as Bed and Breakfast accommodation, with the intention that this will cease if permission is granted. The current method of operation for the two rooms in the main dwellinghouse is that parking is offered purely on an overnight basis. In addition, a collection and drop of service is offered for guests who have flown into Stansted with a next day connecting flight who require overnight accommodation. There is no current or intended provision for the parking of vehicles for guests who wish to leave cars for the duration of a holiday when using Stansted

Airport. However, it is reasonable to assume that the drop off and collection of passengers could occur at varying times of the day and night. The distance of the nearest residential properties is 50-70m which helps to reduce any potential impact from noise associated with a car collecting and dropping off guests at the airport and general tourists staying at the accommodation. Whilst there may be some impact on the amenity of local residents through the use, it is considered that this would not be sufficient to warrant refusal of the application, as activity would be relatively low key with sporadic use of Port Lane and minimal traffic generation above and beyond the existing level. To prevent any possible future use of the car parking spaces being provided for airport related car parking, the imposition of a restrictive condition relating to the use of the car park by overnight guests and residents only and preventing the parking of vehicles by passengers associated with Stansted Airport for more than 24 hours within a 14 day period is considered to be sufficient to overcome concerns.

**CONCLUSIONS:** The proposal in principle is an appropriate tourist related development within the countryside. The small scale of the proposal would not have a detrimental impact on the open character of the Metropolitan Green Belt. Furthermore, although there will be a minimal impact on the residential amenity of local residents through a small amount of traffic generation and use of the accommodation during the day and evening with some infrequent use during the night, it is not of a sufficient scale or intensity to warrant refusal of the application. Concerns with regard to potential long term Stansted Airport related car parking can be overcome by restrictive condition.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.1. Samples of materials to be submitted and agreed.
6. The car parking spaces shown on drawing no 18.03.03 Rev A, dated November 2003, received 12 February 2004 shall not be used other than for the parking of vehicles in association with the use of the bed and breakfast accommodation hereby approved. No vehicle shall be parked on the Land unless it belongs to or was driven there by a person who is resident on the Land and no vehicle parked on the Land by or on behalf of a person visiting the Land as a resident shall remain on the Land unless that person is staying there as a resident on the night that the vehicle is parked. No vehicles associated with passengers using Stansted Airport shall be parked on this site for more than 24 hours in any period of 14 days.  
REASON: To ensure that the spaces are used only by the vehicles of persons occupying the premises in the interests of local amenity.
7. Noise Insulation.
8. Drainage.

*Background papers: see application file.*

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**UTT/0112/04/FUL – RADWINTER**  
**(Officer's Interest)**

Erection of rooms in roof including raising of roof and pitch height over existing ground floor accommodation.

Sefton Hempstead Road. GR/TL 610-374. D Burridge.

Case Officer: Consultant North telephone 01799 510469/510478

Expiry Date: 31/03/2004

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

**DESCRIPTION OF SITE:** The site is located to the east of the village on the northern side of the B1053 road leading to Hempstead. It comprises a bungalow sited within a ribbon of 12 similar dwellings.

**DESCRIPTION OF PROPOSAL:** It is proposed to construct a first-floor extension and reroof the property, to create two new bedrooms and a bathroom to replace those currently on the ground floor which would become a dining room and a study. The height of the dwelling would double from 3.3m to 6.6m. The new roof would be steeper-pitched at about 50 degrees and clad with man-made slates.

**APPLICANT'S CASE:** Whilst working on this project for 9 months we shall be living in a caravan in the rear garden for which I understand that planning permission is not required.

**PARISH COUNCIL COMMENTS:** To be reported (due 10 March).

**REPRESENTATIONS:** One. Notification period expired 1 March.

Concerned about height of property which would be a very imposing structure and seriously compromise our privacy. The subtle nature and aesthetically-pleasing line of existing bungalows would be adversely affected.

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

- 1) **be in keeping with the village street scene and existing dwelling in terms of siting, scale design and use of materials (ADP Policies H7 & DC1 and DLP Policies H7 & GEN2) and**
- 2) **respect neighbours' amenities by avoiding overlooking, overshadowing or overbearing effects (ADP Policy DC14 and DLP Policy GEN4).**

1) Eleven of the 12 dwellings in this row are single-storey and the other is a chalet bungalow located several plots to the east. Their heights vary between the relatively low ridge of "Sefton" at 3.3m to about 6M for the chalet. The land rises to the east, emphasising the varied appearance of the row. The design of the proposal is essentially that of a chalet, with low eaves and rooms in the roof. As such, it is considered that it would not be unduly prominent or out of keeping with the character of the area. Indeed, a lower pitch would look unsuitable. The material for the roof would be acceptable.

2) There a small window at the front and a larger one at the rear lighting the bedrooms. There would be two rooflights at the rear, and one to the side which would be obscure glazed. Consequently no overlooking of neighbouring properties would result. There would be some loss of light to the properties to either side as a result of the increased height, but it



is considered that this would not be sufficient to warrant refusal. There would also be an increased amount of overbearing effect, particularly on “Millstone” to the west which would be exacerbated by the difference in levels, but this too would not be material.

**CONCLUSION:** The proposal would be acceptable in the street scene, but would have some overbearing and overshadowing effects on the single-storey properties to either side. On balance, however, it is considered that the improvement in the appearance of the dwelling which would result from the construction of a steeper-pitched roof would outweigh those effects.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.19.1. No additional windows or rooflights.

*Background papers: see application file.*

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## **UTT/1805/03/FUL - HATFIELD BROAD OAK**

Change of use of agricultural building to joinery workshop (B1/B2) and storage of plant and materials (B8).

The Farm Yard Sparrows Lane. GR/TL 550-153. Foxley Builders Ltd.

Case Officer: *Michael Ovenden 01799 510476*

Expiry Date: 15/12/2003

**NOTATION:** Outside development limit/settlement boundary.

**DESCRIPTION OF SITE:** The site is located towards the northern end of a scatter of development 0.6 mile south of Hatfield Broad Oak village and 1.2 miles north east of White Roding. In this area there are a mix of a few dwellings of a variety of ages, recently residentially converted barns and a recently erected grain store which lies to the north. Between the new grain store and the application building, which is a conventional modern steel framed building with panel cladding, is a concrete hardstanding that is now used for the car park to the application building. To the rear is an established earth bund with planting and to the front of the site is an established hedgerow of trees.

**DESCRIPTION OF PROPOSAL:** This is a retrospective application for the change of use of a former grain store (700 m<sup>2</sup>) to a building company's warehouse and main office. Investigations indicate that the works were carried out at around the time that the application was submitted and relate to the recladding of the building, provision of a glazed screen in lieu of the original doors and some internal fitting out including a small area of mezzanine floor. There is car parking on the existing hardstanding immediately adjacent to the building.

**APPLICANT'S CASE:** The building to which the application relates was previously a grain storage building, but has recently been replaced by a larger more efficient store on adjacent land. The grain drying equipment has been removed from the building. Although it was originally thought that the building might be used for agricultural storage but it is not now required for any other agricultural purpose.

It is therefore proposed that the building should be used for a joinery workshop and general office/storage building by a local builder living next door. The size of the building is such that it will be possible to operate entirely within the building. There will therefore be no need for any external activity, so that the use will hardly be noticeable from the adjoining land or certainly from further afield.

This seems to me to be a suitable alternative use for the building that will generate some local employment and support a local business. This is in my view in accordance with policies in both the adopted Local Plan and the Revised Deposit Draft Local Plan.

In the former it is stated that it is important to sustain the process of rural diversification on and off the farms and to accommodate continuing change in the rural economy at large. Policy C4 activity promotes enterprise and development which diversifies the rural economy and supports appropriate changes of use of land and buildings. Policy C5 states that appropriate re-use of rural buildings for non-residential purposes will normally be permitted.

The revised draft plan follows the same theme. Policy E4 relates to the re-use and adaptation of rural buildings for business uses and contains a number of criteria. I have considered these in the context of the present application.

In the first instance the application building is of permanent and substantial construction, and is capable of accommodating the re-use proposed without alteration or extension. The fact that the proposed use will take place entirely within the building will ensure that the character and amenity of the countryside will be maintained, without adverse effects from noise or other sources. There will be relatively little traffic associated with the use and the surrounding road network is more than able to accommodate the traffic involved.

For all of these reasons I consider that the proposed use of the building is supported by planning policy and will have no adverse effects on the locality. In these circumstances I considered that it is reasonable to anticipate that planning permission will be granted.

**RELEVANT HISTORY:** Permission for grain store 1981. Permission for the erection of a grain store on the land adjacent in 2003.

**CONSULTATIONS:** Environmental Services: To be reported

**PARISH COUNCIL COMMENTS:** To be reported (due 20 November 2003).

**REPRESENTATIONS:** None. Notification period expired 11 November 2003. Site and newspaper notice expired 20 November 2003.

**PLANNING CONSIDERATIONS:** **The main issue is whether the use of this building is appropriate in accordance with Development Plan policy (ERSP RE2, ADP C5) and Government Policy in PPG7 *Countryside*.**

All three policy documents are generally supportive of the reuse of rural buildings to business use, in preference to residential conversion, provided that the buildings are in sound condition. This building is about 23 years old, of modern construction and does not appear to have needed substantial reconstruction in preparation of its reuse. Officers are concerned that the recent erection of a large grain store to the northeast may have created the circumstances where this building is no longer required for agriculture. However the new grain store is taller to allow for modern machinery and has a larger floorspace and this building was proposed to have its grain drying equipment removed, which it has been, and then be used for agricultural equipment storage. According to the agent's letter it is this latter use that has become unnecessary. The agent has been asked to explain how circumstances have changed within the last year. Proof of redundancy has not been provided but national and local policies indicate that it is not normally needed. On that basis the main issue in all three documents is whether a particular reuse is appropriate for normal planning reasons – amenity, traffic generation etc.

The entrance to the building is not close to residential properties, there have been no complaints about the use and given that the activities and storage all happen within the building rather than outside, other than vehicle parking, it is considered that this use could continue without adversely affecting residential amenity or the character of the countryside.

**COMMENTS ON REPRESENTATIONS:** None received.

**CONCLUSIONS:** In the context of the above and subject to conditions it is considered that on balance this development is acceptable.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.6.8. No permitted development rights for extension.
2. C.8.3. No outside storage.

3. This building shall not be occupied other than as a mixed use as joinery workshop, store for plant and materials with ancillary office.  
REASON: The use of this large building by another user falling with classes B1, B2 or B8 may give rise to activities that would adversely affect the amenities of this rural area.
4. Restriction on hours of use: 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays only.  
REASON: In the interests of amenity and the rural character of the area.

*Background papers: see application file.*

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**UTT/0081/04/DC - GREAT EASTON**  
***(District Council proposal)***

Double hardstanding and vehicular crossover.  
4 Abbey View, Dutton Hill. GR/TL 603-268. Uttlesford District Council.  
Case Officer: Consultant South telephone: 01799 510452/510471  
Expiry Date: 18/03/2004

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

**DESCRIPTION OF SITE:** The site is located in the centre of the village on the southern side of the road. It comprises a former Council house estate opposite the listed former "Rising Sun Public House". A terrace of four two-storey houses is set back about 20m from the road and nos. 6 & 8 already enjoy a joint crossover. No. 2 is in private ownership and like no. 4 has no vehicular access. There is a grass verge about 5m deep between the path, which runs alongside the front garden, and the road. The plot is some 7.2m wide and the front garden slopes down to this mid-terraced house.

**DESCRIPTION OF PROPOSAL:** It is proposed to construct a double-width vehicular crossover leading to two single hardstandings in the front garden, separated by a central path. The hardstandings would approach to within about 6m of the front of the house.

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

**PARISH COUNCIL COMMENTS:** None received (due 21 February).

**REPRESENTATIONS:** None. Notification period expired 12 February.

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

- 1) **visually acceptable (ADP Policy DC1 & DLP Policy GEN2) and**
- 2) **safe for users of the highway and footpath (ADP Policy T1 & DLP Policy GEN1).**

1) The crossover is proposed to be finished in concrete as specified by the ECC. This would be similar to the existing crossover to the east and would not be out of keeping with the residential character of the area. The hardstandings in the front gardens would also be acceptable, matching those adjoining.

2) The ECC has no objections to the proposal, which would reduce the amount of kerbside parking. This would improve highway safety and convenience. The crossing over of the footpath by vehicles is something to be expected in a residential area and should be satisfactory from a safety point of view.

**CONCLUSIONS:** The proposal is acceptable.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

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

*Background papers: see application file.*

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**UTT/0133/04/DC - ELMDON**  
***(District Council proposal)***

Extension to layby and pavement.  
Bury Gardens, Ickleton Road. GR/TL 464-397. Uttlesford District Council.  
*Case Officer: Consultant North telephone 01799 510469/510478*  
Expiry Date: 29/03/2004

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

**DESCRIPTION OF SITE:** The site is located on the northern side of the road to Ickleton to the east of the village centre. It comprises an existing layby 35m in length in front of a footpath and grass bank which leads up to a row of bungalows. It is capable of accommodating up to 7 vehicles.

**DESCRIPTION OF PROPOSAL:** It is proposed to extend the layby by 5m at its western end and 3.8m at the eastern, totalling 8.8m. The 2m wide footway would be retained and extended around the enlarged layby.

**APPLICANT'S CASE:** It is hoped to provide additional off-road parking facilities for local residents.

**RELEVANT HISTORY:** Layby approved in 1989 & 1994.

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

**PARISH COUNCIL COMMENTS:** To be reported (due 4 March).

**REPRESENTATIONS:** None. Notification period expired 24 February.

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

- 1) **visually acceptable in the village street scene(ADP Policy DC1 & DLP Policy GEN2) and**
- 2) **safe for users of the highway and footpath (ADP Policy T1 & DLP Policy GEN1).**

1) The extensions to this layby would increase its length by about 25% in total, which would not be visually intrusive in the street scene. The Conservation Area is well to the west and the setting of the bungalows alongside would not be adversely affected. The grass bank would be retained except for two small areas at each end.

2) The ECC has no objections and the enlargement would allow for up to two more vehicles to park off-road. This would improve highway safety and convenience. The footpath would be diverted around the extended layby and the paths/steps up to the bungalows would be unaffected.

**CONCLUSION:** The proposal is acceptable.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

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

*Background papers: see application file.*

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## **UTT/2073/03/OP – STEBBING**

Outline application for erection of one bungalow.  
Virom Island The Downs. GR/TL 659-245. Mr Khurana.  
*Case Officer: Richard Aston 01799 510464*  
Expiry Date: 11/02/2004

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

**DESCRIPTION OF SITE:** Virom Island is located at the northern end of Stebbing High Street and is an island of land about 1000 sq.m in area located between the roads of The Downs and the High Street. The site is visually prominent and lies outside development limit (and settlement boundary) in an Area of Special Landscape Value. There is a modern chalet bungalow located in the northern half of the site with the rest of the site currently used as garden for the occupiers of that dwelling. A Special Verge (Uttlesford U29) runs along the eastern side of Virom Island.

**DESCRIPTION OF PROPOSAL:** The proposal seeks outline planning permission with all matters reserved for the erection of an additional single bungalow on part of the garden land to the rear of Virom Island. Plans show an indicative layout of where a dwelling and a garage could be sited.

**RELEVANT HISTORY:** Construction of one detached bungalow (Virom Island) and garage approved 1976. Erection of 5 dormer windows approved 2001.

**CONSULTATIONS:** Natural Sciences Curatorial Officer: The population of Lesser Calamint plants which makes the verge special is confined to a 30m stretch of the special verge to the north of the left verge marker post. Accordingly, a vehicular access could be constructed to the north of the area of Lesser Calamint plants where the bramble scrub exists which would not materially damage the verge, but possibly encourage the Lesser Calamint Plants to spread. See attached letter dated 22 January 2004.

ECC Archaeology: It is possible that any proposed groundworks could affect mediaeval deposits. Recommends a watching brief in line with PPG 16.

ECC Highways: No objections to the proposal.

**PARISH COUNCIL COMMENTS:** Opposes the application on the grounds that the site lies outside the village envelope. Any further development on this site would have an effect on the Area of Special Landscape value and would affect the amenity and outlook of residents of The Downs. Development would destroy the Special Verge and the county Wildlife Site. The Parish Council would wish to make written and verbal representations to the DC committee. If approved, the parish would demand major safeguards to protect the environment together with enforcement to fulfil any conditions imposed.

**REPRESENTATIONS:** Four received. Notification period expired.

1-4. Summary: The development is outside the village envelope. Detrimental impact on views from Hillside Cottages. Detrimental impact on historic village environment. Any development would be harmful to the quality and character of the surrounding countryside and the special verge would be destroyed.

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

- 1) whether the proposal is appropriate development outside development limits, is acceptable with regard to its impact on visual and local amenity (ERSP policy C5, ADP policies S2, C3 DC8 & DLP policy S7) and**
- 2) whether the proposal would damage Uttlesford Protected Verge U29 (DLP policy ENV7).**

1) ERSR policy C5 'Rural Areas not in the Green Belt' states that the countryside will be protected for its own sake and that '*Development should be well related to existing patterns of development and of a scale, siting and design sympathetic to the rural landscape character*'. Policy S2 of the Uttlesford Adopted District Plan, builds on this theme by stating that '*Permission will not normally be given in the countryside beyond Development Limits unless the proposal relates to Agriculture, Forestry, appropriate outdoor recreational uses or appropriate changes of use of suitable existing buildings compatible with a rural area*'. In the emerging plan, Policy S7 seeks to encourage development that needs to take place or is appropriate to a rural area, with strict control on new building.

The aim of these policies is to protect the countryside for its own sake by restricting development beyond identified development limits. This site lies outside the development limit / settlement boundary and therefore under a strict interpretation of policy the application should be refused. However, it is not within open countryside being contained by highways, within close proximity to the surrounding pattern of residential development. Therefore, the proposal would not lead to development encroaching into open countryside or adversely affect rural interests and it is considered that the presumption against this type of development, as outlined in the above policies, may not be appropriate in this case. However this judgement is finely balanced. With regard to the visual impact of the development, policy DC8 of the adopted plan seeks to protect traditional open spaces and other visually important spaces. The size, height and siting of any dwelling could be controlled at the reserved matters stage to limit the visual impact when viewed from the highway and The Downs. Whilst it is recognised that the proposal would result in the partial loss of this prominent undeveloped space and that the design and scale of any future proposal would have to be carefully controlled, the residential development of this site would not result in a detrimental impact on the Area of Special Landscape Value or the visual interests of its surroundings. Turning to the impact on local amenity, given that the details can be controlled at the reserved matters stage, it is not considered that the proposal would be detrimental.

2) On the eastern side of Virom Island lies a protected verge (Uttlesford U29), which is also designated as a county Wildlife site, the verge is also one of five sites that the Council has undertaken to protect in the Uttlesford Future Community Plan (2003). Construction of a vehicular access could potentially result in the destruction of part of this verge. Policy ENV7 of the emerging plan seeks to protect special verges and states that Development that may adversely affect landscape elements will only be permitted if the need for the development outweighs the need to retain the elements for their importance to wild fauna or flora and that development will only be permitted if mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality. Whilst it is recognised that any future access could damage the verge, a portion of the verge is overgrown with brambles along the eastern boundary of Virom Island. The population of Lesser Calamint plants which makes the verge special is confined to a 30m stretch of the special verge to the north of the left verge marker post. Accordingly, a vehicular access could be constructed to the north of the area of Lesser Calamint plants. In consultation with the Natural Science Curatorial Officer at Saffron Walden Museum, it is likely that if the bramble scrub is removed from the verge it could result in the extension of the Lesser



Calamint plants further along the verge helping to increase the vitality of the verge. Accordingly, it is considered that if access were taken at the point adjacent to the existing access of Virom Island, which would require turning the likely position of any future garage, by 45 degrees, no material impact on the verge would occur. This can be achieved by imposing a condition that access can only be taken through two given points.

**COMMENTS ON REPRESENTATIONS:** As above.

**CONCLUSIONS:** The merits of the proposal to develop the site for an additional single dwelling are finely balanced because it is contrary to Policy S2 of the Adopted District Plans as the site lies outside development limits. However the site is well related to the surrounding pattern of development and the development of the site for a dwelling would not have a material impact on the rural interests of the countryside. With regards to visual impact and the loss of this open space, the siting, design, external appearance and landscaping can be controlled at the reserved matters stage to ensure any impact is minimised. The point of access can be controlled by condition in order to prevent any damage to Uttlesford Special Verge U29 and the subsequent removal of the bramble scrub could help to rejuvenate the population of Lesser Calamint plants that exist. It is therefore recommended the proposal be approved contrary to Policy S2 of the Adopted District Plan.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.1.1. Submission of reserved matters: 1.
2. C.1.2. Submission of reserved matters: 2.
3. C.1.3. Time limit for submission of reserved matters.
4. The access to the development hereby approved shall only be taken from The Downs between Points A and B marked on the attached plan and shall remain so in perpetuity  
REASON: The northern and eastern boundary of the application area is designated as Uttlesford Special Roadside Verge U29. Access from any other point(s) would result in destruction of part of this verge.
5. Restriction on height of dwelling (single-storey only).
6. C.16.1 Archaeological Watching Brief & reason.

*Background papers: see application file.*

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## **1) UTT/0175/04/CC & 2) UTT/0199/04/CC – GREAT DUNMOW**

### ***(Joint Report)***

1) Provision of a toilet block within the Ash Grove Rest Area forming part of the A120 Stansted to Braintree scheme approved CC/UTT/02/96 and CC/BTE/02/96.

2) Provision of a toilet block within the Buttleys Lane Rest Area forming part of the A120 Stansted to Braintree scheme approved CC/UTT/02/96 & CC/BTE/02/96.

Part of the A120 Road Improvement between Stansted Airport and Braintree Bypass Great Dunmow. GR/TL 619-212. Essex County Council.

*Case Officer: Miss K Benjafield 01799 510494*

Expiry Date: 04/03/2004

**NOTATION:** Outside Development Limits / Adjacent to Area of Special Landscape Value (UTT/0175/04/CC only)/Within boundary of the new A120 / Adjacent to Public Rights of Way.

**DESCRIPTION OF SITE:** These two sites are located on the new A120, between the Dunmow West and Dunmow South junctions, within the two rest areas at Ash Grove and Buttleys Lane. They are approximately 1km apart and Ash Grove will serve eastbound traffic and Buttleys Lane will serve westbound traffic once the section of road is open. The two sites are adjacent to existing public rights of way and can be viewed from the footpaths. Construction works are currently underway to provide the rest areas, balancing pond and A120 carriageway.

**DESCRIPTION OF PROPOSAL:** The proposed development consists of the erection of one unisex toilet block on each of the sites. The two buildings would be identical and would each cover an area of approximately 36m<sup>2</sup>. The maximum height of the buildings would be 5.3m and a ramp allowing for disabled access would be provided to both buildings. The roofs to the buildings would be pyramid shaped and would have vented roof lights in each roof slope.

**APPLICANT'S CASE:** Provision of the Rest Area is a requirement of the A120 scheme but a detailed Planning Application was not submitted for the toilet blocks as part of the original scheme.

**RELEVANT HISTORY:** Construction of a new dual lane carriageway A120 between Stansted Airport and Braintree conditionally approved 1990.

**CONSULTATIONS:** Carried out by Essex County Council.

**TOWN COUNCIL COMMENTS:** Notified by Essex County Council.

**REPRESENTATIONS:** Essex County Council has advertised this application and there are no adjacent properties to be notified.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposed development would comply with the development plan in relation to development within the countryside.

ADP Policy S2 states that outside Development Limits, permission will not normally be granted for development that is not related to agriculture or forestry. These applications do not relate to either of these acceptable uses however they do form part of the required facilities for the new A120. The rest areas have been approved as part of the original permission for the new A120 and the addition of a modest toilet building on these sites would have a minimal impact on the character of the countryside.

**CONCLUSIONS:** The provision of two modest toilet buildings is required as part of the A120 scheme and the proposed buildings would have a minimal impact on the character of the countryside.

**RECOMMENDATION: ESSEX COUNTY COUNCIL BE INFORMED THAT NO OBJECTIONS BE RAISED TO THESE APPLICATIONS SUBJECT TO THE FOLLOWING:**

Adequate surface and foul drainage to be provided to accommodate the two toilet blocks.

*Background papers: see application file.*

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