

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 17 MAY 2004

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 & 15 March 2004
REMARKS: Deferred for awaiting revised plans
RECOMMENDATION: Refusal
Case Officer: Ms H Lock 01799 510486
Expiry Date: 23 October 2003

APPL NO: **1) UTT/1904/03/OP, 2) UTT/1911/03/OP, 3) UTT/1912/03/OP & 4) UTT/1913/03/OP**
PARISH: **SAFFRON WALDEN**
DEVELOPMENT: 1-3) Erection of a dwelling and garage 4) Demolish existing bungalow and erect a replacement dwelling and garage
APPLICANT: Mr & Mrs J Keyes
LOCATION: Land at Seven Dials Seven Devils Lane
D.C. CTTE: 26 April 2004 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: Approval
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 6 January 2004

APPL NO: **UTT/0409/04/FUL**
PARISH: **GREAT DUNMOW**
DEVELOPMENT: Erection of 36 Dwellings and garages with associated highway works
APPLICANT: Wickford Development Co Ltd
LOCATION: Part of Sector 2 Phase 1 Woodlands Park
D.C. CTTE: 26 April 2004 (see revised report copy attached)
REMARKS: Deferred for further information
RECOMMENDATION: Approval
Case Officer: Mr M Ovenden 01799 510476
Expiry Date: 30 April 2004

APPL NO: **UTT/0518/04/FUL**
PARISH: **STANSTED**
DEVELOPMENT: Construction of eight flats, with eleven parking spaces
APPLICANT: Church Green Dev Ltd
LOCATION: Land at Stoner House Silver Street
D.C. CTTE: 26 April 2004 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: Approval
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 14 May 2004

1) UTT/1904/03/OP, 2) UTT/1911/03/OP, 3) UTT/1912/03/OP & 4) UTT/1913/03/OP
- SAFFRON WALDEN

(Joint reports, referred at Member's request)

1-3) Erection of a dwelling and garage.

4) Demolish existing bungalow and erect a replacement dwelling and garage.

Land at Seven Dials Seven Devils Lane. GR/TL 538-369. Mr & Mrs J Keyes.

Case Officer: Mrs K Hollitt 01799 510495

Expiry Date: 06/01/2004

NOTATION: ADP: Within Development Limits. DLP: Within Settlement Boundary/Ground Water Protection Zone.

DESCRIPTION OF SITE: The four application sites are collectively made up of parts of the garden area of a property known as Seven Dials. This property is located at the southern end of the town on the northern side of a lane running in a westerly direction from Landscape View. The property known as Seven Dials has a road frontage of 87m and narrows to a width of 35m at the northern end of the site and the plot has a depth of 145m. The site backs onto properties in Landscape View to the east, the Thames Valley pumping station to the north, a property known as Pootings to the west and the garden area to a property known as Broadacres to the south. Beyond Broadacres is open countryside, which is easily accessible via the public footpath which forms the access to the application sites. Situated within the site are a large chalet bungalow having a frontage of 25m and a smaller bungalow in a backland location having a footprint of 80m². The site has a high conifer hedge along the boundary with the properties in Landscape View and also with Pootings. Throughout the site there are numerous mature trees of a variety of species. The front of the site is laid out to landscaped gardens. There is a small hedge to the road frontage. The access to the site is via a public right of way, which is also a private lane to serve this property and 5 other properties.

The applications identify 5 plots, with plot 1 being the retention of the property known as Seven Dials. The four application sites are made up as follows:

UTT/1904/03/OP – Plot 4: This plot forms the first of the two backland plots and is approximately 22m wide and has a depth of 50m tapering to 39m at the northern end. Within this plot the agent has identified 3 silver birch trees, a horse chestnut tree and an apple tree. There is also a small group of other trees which have not been identified by species. In addition, there is a band of mature conifers which lines the existing access to the backland bungalow. Some of these conifers would be required to be removed in order to accommodate the development. However, there is an additional band of conifers which runs along the boundaries of the properties in Landscape View, which would remain. The boundary to Pootings, whilst having a mature conifer hedge, is open as the tree cover does not commence until approximately 2 – 2.5m from ground level.

UTT/1911/03/OP – Plot 3: This plot is located at the western end of the site in a frontage location. It has a width of 18.5m and a depth of 72m. The majority of this site is within the formal landscaped garden area of the plot. There is one mature tree of unidentified species within this plot which would be required to be removed in order to accommodate development.

UTT/1912/03/OP – Plot 2: This plot is located at the eastern end of the site in a frontage location. This plot is triangular in shape with a road frontage of 30m and a depth of 70m at its deepest point. This plot also lies within the formal landscaped garden area of the plot. There are no mature trees which are likely to be adversely affected by the proposals.

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UTT/1913/03/OP – Plot 5: This plot at the northern most point of the site and there is currently a small bungalow on the site. The site is irregular in shape and has a frontage of 33m and narrows to a width of 16m along the boundary with Pootings. The site has a depth of 47m at its southern end and 34m at the northern end. Similar to plot 4, the band of

mature conifers along the access would be required to be removed. However, there is a second band of conifers along the boundaries of the properties located in Landscape View and these would remain. Again, there is a high conifer boundary to Pootings with tree cover not starting until a point some 2 – 2.5m from ground level. The mature trees to the northern boundary provide adequate screening to the pumping station site to the north of the application site.

DESCRIPTION OF PROPOSALS: These applications are for outline planning permission for the erection of a new dwelling, with the exception of Plot 5 which relates to the erection of a replacement dwelling. All matters are reserved except for access.

UTT/1904/03/OP – Plot 4: The indicative plans for this proposal show a dwelling measuring 13m by 8m with a projecting gable on the front elevation. In addition, there is a double garage located on the eastern side of the plot, adjacent to the current access to the backland bungalow.

UTT/1911/03/OP – Plot 3: The indicative plans for this proposal show a dwelling measuring 13m by 8m with a projecting gable on the front elevation. The original plans showed a large double garage in the southwestern corner of the site in a frontage location. Revised plans have been submitted together with an indicative drawing showing an integral garage. It is proposed that access to this plot would be via the existing access point with a driveway along frontage of Seven Dials.

UTT/1912/03/OP – Plot 2: The indicative plans for this proposal show a dwelling measuring 16.5m by 6.8m, which would include an integral garage at the western end. Access to this property is proposed via the existing access to Seven Dials with a new shared driveway to the frontage of this property, which could be constructed under permitted development rights by the existing occupant of Seven Dials. It is also proposed to construct a double garage to serve Seven Dials.

UTT/1913/03/OP – Plot 5: This site is currently occupied by a small bungalow having a footprint of 80m². It is proposed to demolish this dwelling and construct a replacement. The indicative plans for this proposal show a dwelling measuring 13m by 6.75m. No separate garage is proposed for this plot and no indicative elevational drawings have been submitted in relation to this plot, but it may be that an integral garage is proposed for this plot. Access is proposed to be along the existing driveway serving this property.

Overall, the proposals relate to the erection of two new dwellings to the front of the site, either side of the retained dwelling, Seven Dials. These frontage dwellings would be served by a new driveway running alongside the frontage hedge of the site. The two dwellings in backland locations are to be served by the existing driveway that currently serves the existing bungalow. This access runs along the western boundary of Cachucha and the rear boundaries of properties located in Landscape View.

APPLICANT'S CASE: See applicant's case attached at end of report.

RELEVANT HISTORY: Extensions to Seven Dials approved 1985 and 2000.

CONSULTATIONS: Water Authority: No response received.

Environment Agency: No objection to all proposals.

Landscaping: Site contains a range of coniferous trees forming an interesting arbouritem. There may be a few individual trees worthy of protection, overall the trees on the sites have a group value worthy of retention.

ECC Highways & Transportation: No objections to all proposals.

English Nature: Proposed development would appear unlikely to have a direct impact on red squirrels. An ecological survey should be undertaken.

TOWN COUNCIL COMMENTS: Will cause an infringement on the open countryside and set a precedent for similar development in other places on Seven Devils Lane. Proposals represent overdevelopment in this particular, given the large gardens of the adjoining

properties. Concerned over the narrowness of the land and its ability to take the additional traffic that would be generated.

REPRESENTATIONS: These applications have been advertised and 29 representations and 2 petitions have been received. Period expires 14 April 2004 on Plots 2 & 3. Period expired 11 December 2003 on plots 4 & 5.

Cllr Bayley requests that Members visit the site.

Two petitions with a total of 114 signatures. Feel development would make the lane extremely dangerous to use and irretrievably change the nature of the environment.

Object.

Access: Dangerous access to the lane from Landscape View. Turning from Landscape View into Seven Devils Lane is a blind right turn. Three serious accidents at access from Landscape View resulting in cars crashing through our hedge and into our garden. Seven Devils Lane is not 5 metres wide, it is in fact less than 3m wide for the entire length of our plot. The lane might be 5 metres from hedge to hedge across the lane, but to pass each other two tiny vehicles would both have to drive on the verge, destroying shrubs, chain fencing and flower beds as would pedestrians to get out of the way. Comparisons with Hill Top Lane are misleading as Hill Top Lane is not a public footpath and does not have the volume of pedestrian traffic.

Traffic: Seven Devils Lane is extremely narrow and cannot support an increase in traffic. Enjoy the lane as a public footpath and many local children use it. It will become dangerous to use as there are no pavements for the many pedestrians. Three of the houses have a blind turn from their driveways onto the lane and often have to reverse out. The lane has no passing places and nor can these be created. Myself and other children in the area will not be able to ride our bikes up and down the lane as there will be more traffic. Myself and my neighbours have totally blind access onto the lane and rely on the fact that there is minimal traffic here to let us gain access to our properties. If four more houses are built one can assume they will have at least two cars each, pulling out of my drive will become very worrying. Unlike Hill Top Lane, Seven Devils Lane has no passing places or turning circles and is a public footpath in what is a very attractive walk for dog owners, ramblers, young families and the Saffron Walden public. The walk leads into open countryside or links Rowntree Way or the Newport Road. Create unnecessary danger to all pedestrians including children walking to school. If all four houses were built it could lead to upwards of 15-20 additional cars using the lane, which is clearly impractical. In 32 years the access to the bungalow has virtually never been used. We would therefore have to suffer at least 4 cars regularly using the access lane along our rear boundary, creating noise and pollution.

Environment: Will change the nature of the environment and destroy the lane's beauty. Overdevelopment of existing environment. Proposed new houses would ruin the atmosphere and outlook from the Lane and would be totally out of keeping with the existing property and other houses in the Lane. Would represent inappropriate infilling and backland development. Loss of amenity and detract greatly from the scenic aspect. Area forms a major part of the character of the lane which many local people enjoy.

Red Squirrels: Will destroy the breeding ground of the red squirrels. Red squirrels are prevalent in all the gardens in the lane. They are a protected species. Worried that proposed changes to environment will cause loss of habitat, increased noise and light pollution which will stop them breeding or being able to live here. Red Squirrels are breeding in this area and are indigenous. Trying to protect the precious few animals which have bred in the area. They have survived in this area for 2 years and this indicates that they are well adapted to the trees in this area.

Other issues: No allowance for turning spaces. Problem with drainage. This has not been addressed. Application form states that some trees would be lopped, topped or felled, but the drawings do not make it clear which trees would be affected. If the trees at the border of our property were felled it would affect our privacy. Concern regarding the beautiful mature trees and conifers. These trees are well established and add to the beauty of the area. Agent compares Seven Devils Lane with Hill Top Lane. The only similarity is that they are both narrow. Seven Devils Lane is a footpath often used by walkers and children and so is

totally unsuitable for an increase in traffic. Wide variety of birds resident and breeding in the area including greater spotted woodpeckers and green woodpeckers. Peace of our back gardens will be eroded by the cars going to the new houses along the other side of our bottom fence. Our back gardens will be overlooked. Concerned about the pollution that the proposed vehicle access will bring. Drainage has been a problem in the area as has been the supply of electricity, gas and water. Provision of these utilities will cause damage and upheaval. We would suffer loss of amenity through overlooking from plot 2.

Removal of trees: I would like to know if the site would be protected along the boundaries along the houses in Landscape View. One very large conifer has been removed leaving the boundaries vulnerable. The rear boundary has been left exposed with the removal of this large (approx 50 feet) tree. This in turn leaves several of the boundaries vulnerable. I would suspect a 7-foot close-boarded fence would be effective to protect the site and our properties.

Officer's comments in respect of this letter: It is understood from the applicant that the work undertaken to the tree mentioned in this letter was the responsibility of the Electricity Board. It had been considered that the tree was having or would have an impact on the local power supply and therefore was required to be removed. This was part of an on-going programme of works currently being undertaken in the district.

Revised Plans – Plots 2 & 3: Still fails to address major issue of extra traffic entering and leaving Seven Dials Lane. An increase in traffic will cause further hazard and disruption. Strongly object to proposals as our previous comments.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (26 April 2004): 6 further letters have been received:

UTT/1911/03/OP & UTT/1912/03/OP:

1. My objections remain unchanged. Dangerous access to Seven Devils Lane from Landscape View. Extremely dangerous turning into the lane as it is on a blind bend. Previous attempts to develop the lane were refused because of this dangerous access. Seven Devils Lane is extremely narrow and cannot support an increase in traffic. The lane is a public footpath and not a highway open to all vehicles and is very narrow and has no scope for any widening. Would result in the properties using the lane increasing from 6 to 10. The proposed development will change the nature of the environment. It is an historic lane featured in walks around Saffron Walden.

2. Original objections still stand. The revised plans do not appear to materially affect our objections.

3. I do not see that moving the garaging, for two of the houses, changes any of the issues raised in my previous letters. I hope that you are listening to local views concerning this proposed development and I know that the Town Council have agreed with me and rejected it. Continue to oppose this development in its entirety.

4. Do not see that by moving the garages, that this addresses any of the previous issues raised in the attached correspondence. The development is still for four large houses and garages and the same issues apply; the dangerous access, the narrowness of the lane, the change of the environment and the protection of the red squirrels.

5. Plans are cosmetic changes which make no difference to my objections to the proposed development. Refer you to my letters of 27.11.03 and 14.12.03.

6. Great concern over extra traffic & the width of the lane. Lane is single cars only unless people use our drives. The lane is already impossible & there have been several minor accidents.

- 1) **whether the proposed development is suitable in this location (ADP Policies S1 and H10, DLP Policies S1 and H3 and government guidance from PPG3),**
- 2) **whether the access to the site is acceptable for this development (ADP Policy T1, DLP Policy GEN1) and**
- 3) **whether the proposed development would be detrimental to the habitat of protected species (DLP Policy GEN7 and government guidance in PPG9).**

1) The application sites are located within the development (settlement) limits for Saffron Walden and therefore there is a presumption in favour of development within this area. Being located in an edge of town location within the immediate vicinity of the open countryside it would have been possible to omit this site from the development limits if it was considered imperative that the site remained undeveloped. However, this substantial plot is currently occupied by two properties, one having a footprint of 245m² and the other 80m². It could be considered that this plot is being significantly underused. PPG3 identifies the need to make more efficient use of land, particularly within urban areas. Whilst this property currently has a rural, open and spacious setting, it is located at the periphery of an urban area and could be more efficiently utilised without severe detriment to the local area. The development of this site would still remain at a considerably low density and would retain large front gardens to the frontage plots, maintaining the open and spacious character of the property. The smaller plots to the rear of the site would result in better utilisation of land in this urban area, with minimal impact on the character of the area. Whilst the current application is for outline planning permission, it is possible that some form of residential development could take place on these backland sites which would conform to the requirements of ADP Policy H10 and DLP Policy H3. Whilst it is accepted that the proposed development would have some change to the character of the area, it is considered that the indicative plans present a layout which would help to maintain the open and spacious character of the area. Certainly plots 2 and 3 (the frontage plots) are on significantly larger plots than the adjoining property, Cachucha, to the east, or even Walden End which fronts onto Landscape View. The properties on the southern side of Seven Devils Lane are set in considerably larger plots and make a positive contribution to the open countryside beyond, hence their omission from the development limits. Therefore it is considered that the proposed development complies with guidance contained in PPG3 and with ADP Policies S1 and H10 and DLP Policies S1 and H3.

Subject to requiring the dwellings to the rear to be single storey only, it is not considered that the proposals would have any adverse impact on the amenity of adjacent properties.

2) The access to the application sites is via a footpath which leads to development in the Rowntree Way/Fulfen Way area and open countryside beyond the urban development of Saffron Walden. The applicant claims that the roadway is 5m wide with passing places, but this is clearly not the case. The hardened surface of the road is about the width of a large vehicle and there are soft verges with railings and vegetation to either side. It is not considered that there would be sufficient room for two vehicles to pass on the roadway. However, this road would serve 10 dwellings if planning permission was given for the 4 new dwellings, 3 dwellings more than currently served by this road. It is accepted that the proposed extra dwellings would introduce a slight increase in the number of vehicles using this road and there have been representations made that the existing backland dwelling is rarely used. However, it must be considered that there is no reason why this existing dwelling could not become a separately occupied dwelling with the accompanying vehicular movements in this lane. The nature of the access road requires vehicles to move at a slow speed and it is not considered that the 3 extra dwellings would significantly impact on the safety of the access road. The representations in respect of the junction of Seven Devils Lane with Landscape View are noted, but the ECC Highways and Transportation department have raised no objections to the proposals, and it is not considered that a refusal of these applications could be supported on highway grounds. Therefore, it is considered that the proposals comply with the requirements of ADP Policy T1 and DLP Policy GEN1.

3) The issue of red squirrels within the application sites and the general vicinity has been raised by the majority of the people making representations in respect of these applications. Red squirrels are a protected species as designated by the Wildlife and

Countryside Act 1981 (as amended). There appear to be many arguments as to the origin and type of red squirrel in this locality, but these arguments are irrelevant as all red squirrels are protected under the above legislation. Advice has been sought from English Nature (as required by guidance within PPG9) with regard to these proposed developments and they have advised that the developments are unlikely to have a direct impact on the red squirrels. They further advise that the planting of native fruit bearing trees within the application sites would enhance the habitat for the red squirrels, and such planting can be requested as part of a landscaping scheme for the proposals. Therefore, following the advice of English Nature, it is considered that the proposals comply with PPG9 and DLP Policy GEN7.

COMMENTS ON REPRESENTATIONS: The majority of issues raised have been covered above. With regard to water resources, no objections have been raised to the proposals by the Water Authority.

CONCLUSIONS: Whilst the proposals would have some impact on the character of the street scene, they do comply with the requirements of PPG3 and the relevant policies both in the Adopted Plan and the Deposit Plan. The red squirrels are not considered to be adversely affected by the proposals following consultation with English Nature, indeed their habitat could be improved as part of a landscaping scheme for the proposals.

RECOMMENDATIONS:

1) UTT/1904/03/OP – 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. C.1.4. Time limit for commencement of development.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. The landscaping scheme to be submitted, as required by condition C.4.1. above, shall include details of planting of native fruit bearing trees and hazel nut bushes.
REASON: To improve the habitat and food source of the red squirrels within the locality.
8. C.4.7. Detailed landscaping survey to be submitted.
9. C.20.2. Protection of other species.
10. C.6.6. Single storey dwelling.
11. Demolition of existing garage to Seven Dials and its replacement.
12. All vehicular access to be via modified access point as shown on revised drawing no. 3A.
13. C.6.2. Removal of Permitted Development rights.

2) UTT/1911/03/OP – 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. C.1.4. Time limit for commencement of development.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. The landscaping scheme to be submitted, as required by condition C.4.1. above, shall include details of planting of native fruit bearing trees and hazel nut bushes.
REASON: To improve the habitat and food source of the red squirrels within the locality.
8. C.4.7. Detailed landscaping survey to be submitted.
9. C.20.2. Protection of other species.

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3) UTT/1912/03/OP – 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. C.1.4. Time limit for commencement of development.
5. Application for approval of the reserved matters shall not relate to the indicative footprint of Plot 2 as shown on drawing no. 3A, received 26 March 2004.
REASON: The indicative layout is considered to be overdevelopment of the site and of a cramped appearance.
6. C.4.1. Scheme of landscaping to be submitted and agreed.
7. The landscaping scheme to be submitted, as required by condition C.4.1. above, shall include details of planting of native fruit bearing trees and hazel nut bushes.
REASON: To improve the habitat and food source of the red squirrels within the locality.
8. C.4.7. Detailed landscaping survey to be submitted.
9. C.20.2. Protection of other species.

4) UTT/1913/03/OP – 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. C.1.4. Time limit for commencement of development.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. The landscaping scheme to be submitted, as required by condition C.4.1. above, shall include details of planting of native fruit bearing trees and hazel nut bushes.
REASON: To improve the habitat and food source of the red squirrels with the locality.
8. C.4.7. Detailed landscaping survey to be submitted.
9. C.20.2. Protection of other species.
10. C.23. Demolition of existing dwelling.
11. C.6.6. Single storey dwelling.

Background papers: see application file.

UTT/0409/04/FUL - GREAT DUNMOW

(Revised Report)

Erection of 36 No. Dwellings and garages with associated highway works.
Part of Sector 2 Phase 1 Woodlands Park. GR/TL 618-220. Wickford Development Co Ltd.
Case Officer: Mr M Ovenden 01799 510476
Expiry Date: 30/04/2004

NOTATION: Within development limit/settlement boundary/Draft deposit plan Policy GD#
(The former Newton works site).

DESCRIPTION OF SITE: This 0.763 hectare (7630 square metres/1.88 acres) site is to the north of the former Newton Works/Carr Day & Martin site on the western edge of Dunmow, between Tesco and Newton Green/Newton Grove and on the southern side of Woodlands Park Drive. The site has no building on it and is currently overgrown and unused. To the south of the site is a piece of land in similar condition facing the A120 that is proposed to be developed for a new 450 pupil primary school.

DESCRIPTION OF PROPOSAL: This proposal is for 36 dwellings arranged in three parcels of land separated each other by a footpath running between Woodlands Park Avenue and the proposed school site to the immediate south. There would be two 1 bed flats, twenty-four 2 bed houses, nine 3 bed houses and one 4 bed house, arranged as detached and semi detached but mostly terraced dwellings. There would be 200% parking on the site, and the development would be at 47 dwellings per hectare (i.e. within the 30-50 recommendation of PPG3). A significant proportion of the units would face the school footpaths, whilst others face the main Woodlands Park Drive. The general layout reflects that on adjacent sites, e.g. the back gardens of units 23 to 30 face the back gardens of Newton Grove.

RELEVANT HISTORY: Permission was granted in 1994 for 220 dwellings on land to the north that included the majority of this site. That permission was implemented and approximately 180 of those dwellings have been erected on land to the northern side of Woodlands Park Drive. Outline permission was granted by ECC for a 450 pupil school on part of this site and land to the south in Summer 2003 & reserved matters were approved in December 2003. Reserved matters are to be considered by ECC for the 450 pupil school on land wholly to the south on 23 April 2004.

APPLICANTS CASE: See letter attached at end of report.

CONSULTATIONS: County Highways: No objections subject to conditions
Police Architectural liaison: Recommend some alterations to improve security of car parks.
Housing officer: No adverse comments.

TOWN COUNCIL COMMENTS: Strongly object. The final position and size of the proposed school must take precedence and be determined before any development on this part of the site is considered.

REPRESENTATIONS: The application has been advertised and 2 representations have been received. Period expired 23 April 2004.

1. Object. No further development of this type is necessary, as it does not provide homes for local people. The site is already overdeveloped. The land would be better used as a dropping off point for the proposed school. Any more construction work would mean a continuance of the noise and dust disturbance.

2. Object. I would like to raise the issue of suitable playing areas and facilities for children within the Woodlands Park Development. From my own assessment of the plans I can see no provision whatsoever for this type of facility and it would appear that consideration of this issue has been overlooked. The area of land in question, adjacent to the new primary school would be a logical location for an additional public open space with

playground facilities. I would interested to have your considered response to this suggestion as an alternative use for this land.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the principle of residential development complies with the development plan (ADP policies H4 and GD8) and**
- 2) **whether the details of the proposal complies with the normal planning requirements for residential development inc design, neighbouring amenity, car parking & efficient use of land, (ADP policies DC1, DC14, T2 & PPG3).**

1) The Woodlands Park site is required by policies H4 and GD8 to be developed in accordance with an approved master plan, which includes the provision of a primary school. The master plan has been revised since its original agreement which permitted amongst other things the school to be relocated to this part of the Woodlands Park estate. This was agreed by the Environment & Transport Committee in Autumn 2002. This master plan identified the school to be located broadly on this and adjacent land. However the County Council proposes to erect the school on land to the south rather than on this piece of land. This would satisfy the spirit of the Master plan and the policy and as the land is no longer required for the school its development for other purposes would depend on whether that development would be appropriate for its location. In this case it is considered that residential development would be appropriate for this site on the edge of a residential estate.

2) The design and style of the dwellings is in keeping with adjacent properties and would not give rise to material overlooking or overshadowing. The proposal represents efficient use of land at 47 dwellings per hectare and would provide car parking in accordance with adopted standards. The dwellings would be predominantly small – all but 1 would have fewer than 4 bedrooms, 25 have fewer than 3 bedrooms – due to their small size they would be less expensive although open market housing. The site would be well related to the school and supermarket.

(Members should note that there is no provision for affordable housing in this development as it is provided elsewhere in the main site including the 156 units permitted last summer.)

CONCLUSIONS: The proposal represents a satisfactory form of residential development on the edge of this residential estate.

At Members' request, an invitation has been made to ECC for an appropriate Officer or Member involved in education to attend the committee to speak about the proposed disposal of land to the applicant.

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. Submission of programme of investigation of contaminated land and carrying out of necessary remedial works.
6. C.5.2. Details of materials.
7. Omission of ramp adjacent to units 28/29.
8. Provision of Visibility splays.
9. Surface treatment of accesses
- 10-11 Standard highway conditions.
12. The development hereby permitted shall not commence until the applicant has submitted and had approved in writing by the local planning authority a programme of inspection of the site for birds and reptiles together with mitigation measures should they be found on the site and fully implemented the agreed programme and mitigation scheme.

Background papers: see application file.

UTT/0518/04/FUL - STANSTED

Construction of eight flats, with eleven parking spaces.
Land at Stoner House Silver Street. GR/TL 509-248. Church Green Dev Ltd.
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 14/05/2004

NOTATION: ADP and DLP: Within development limits of Stansted and within the Conservation Area.

DESCRIPTION OF SITE: The site is located on the east side of the B1383 (Silver Street) and is approximately 180 metres south of the junction with Chapel Hill. The existing building is four-storey in height with a ground floor shop unit and is currently standing empty. Attached to the building is a wooden lean-to, which is in poor condition. Adjacent to the site is 43 Silver Street, which is a residential conversion of 6 flats with parking to the rear. The street is narrow in character at this point along Silver Street and there are a wide variety of different building styles in the immediate area. The area has seen extensive redevelopment with Sanders Close and Windmill Close residential schemes to the side/rear of the site as well as along Silver Street, some of which is for office development.

Access into the rear of the site is via Sanders Close across land associated with 43 Silver Street.

DESCRIPTION OF PROPOSAL: Permission is subject to construct a four-storey building containing 8 residential flats. Five of the flats would be 2-bedroom and three of the flats are 1-bedroom.

The scheme is similar in character to that already approved in June 2001 (UTT/0231/01/FUL). However, the 2001 scheme was for 6 residential flats with parking for seven cars underneath leaving an amenity area to the rear.

The proposed building would be 8.3 metres high to eaves and 13 metres high to ridge with a frontage width of 13.7 metres and a depth of 14.3 metres front to back. The ground floor units 1a and 2a would resemble shop units. Both of these would be two-bed with a small rear amenity area and access from Silver Street. The slope of the site means that rear access into the building would be at first floor level with access to Units 1-6 from the parking area. It would be possible to reach all flats, except unit 2a, which has its own entrance, from the front entrance on Silver Street via a central staircase.

Rear vehicular access would be taken from Sanders Close, which is a private road. Vehicles would have to pass over car parking associated with No.43 to reach the rear area of No.41. A wall in excess of 2 metres in height would have to be demolished. Parking would be available for eleven cars with each space being 4.8 metres long x 2.4 metres wide with a 6-metre space for turning and manoeuvring.

APPLICANT'S CASE: The applicant has provided a brief supporting letter to justify the proposal see letter attached at end of report.

A query has arisen over what would happen if the site became landlocked as a result of the adjoining landowner refusing to give access over their land.

Scenario is highly unlikely applicants have a binding contract with the adjoining freeholder (subject of course to planning permission being granted) for a right of access to be given an obligation upon the applicant to resurface and generally improve the adjoining car park area

RELEVANT HISTORY: Consent was granted on 14 June 2001 for the erection of 6 flats with parking for seven cars underneath (UTT/0231/01/FUL). This permission is still extant and could be implemented at any stage. Conservation Area consent was issued for the demolition of the existing building and this still extant and could be implemented at any stage provided that the demolition of the building does not occur more than three months before the redevelopment of the site. An application, similar to this application was submitted on 04 December 2003 but was withdrawn due to lack of on-site parking. (UTT/2046/03/FUL).

CONSULTATIONS: Essex County Council Highways and Transportation: No objections to this proposal.

Thames Water: There are public sewers crossing the site, therefore, no building will be permitted within 3 metres of the sewers without Thames Water's approval. The applicant should contact Thames Water on 0845 8502777.

Three Valleys Water: No comments received.

Environment Agency: No comments received (to be verbally reported).

PARISH COUNCIL COMMENTS: No comments received (due 23 April 2004).

REPRESENTATIONS: This application has been advertised with a site notice and 8 neighbour notifications. Advertisement expires 14 April 2004. No letters have been received to date.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (26 APRIL 2004): See two letters dated 06 April 2004 attached at end of this Supplementary List of Representations.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) residential use on this site is considered acceptable (PPG3, ERSP POLICY BE1, H3, HC2, ADP Policy S1, H1 and DLP Policy S1, H1, H2),
- 2) the impact of the development on the Conservation Area would be acceptable (PPG15, ERSP Policies HC2, ADP Policy DC2 and DLP Policy ENV1),
- 3) 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),
- 4) the scale of the development is acceptable (ERSP Policies H3, ADP Policy DC1, DC2, DC14 and DLP Policy GEN2, ENV1, GEN4),
- 5) the highway access and parking arrangements are acceptable (ERSP Policies T3, T12, ADP Policy T2 and DLP Policy GEN9 and
- 6) other issues.

1) The site lies within the development limits of Stansted Mountfitchet 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 redevelopment in 2001 (UTT/0231/01/FUL) for six flats and seven parking spaces. This permission is still extant and can be implemented at any stage.

2) The site lies within the Conservation Area of Stansted Mountfitchet and therefore the overall character and appearance of the development should be of the highest quality so as to preserve and enhance the character of the area. The overall height of the proposed development would be identical to the scheme approved in 2001 and the fenestration detailing for the first, second and third floors are identical. The only change in external appearance is to the front and rear ground floor elevations. The front of the property would take on the appearance of two shop units with a central doorway in between. This could be considered an improvement over the 2001 scheme, which had open garages and a rather cluttered appearance at ground floor level. The rear of the site would feature doors and windows similar to the floors above but without a balcony. The wall between the rear area of No.41 and No.43 would be partly demolished to allow vehicles to enter. This will have an impact on the character and appearance of the area, although the applicant is only intending on removing a 4-metre section. Two trees, which have been recently lopped, will have to be removed to make way for the access. On balance it is considered that the proposed

development will not have a detrimental impact on the character and appearance of the Conservation Area.

3) The proposed development will have minimal detrimental impact to surrounding neighbours and is identical to the top three floors approved in 2001. There is therefore no justification for refusal on overlooking grounds based on the 2001 consent. It should be noted that as with the previous permission, Units 3 and 4 show a projecting balcony. This should be removed by condition and replaced with a decorative guardrail, similar to the other units.

4) If 8 flats are built on this site the density will be the equivalent of 170 dwellings per hectare. The minimum urban density recommended by Government is 30 dwellings per hectare and therefore this proposal more than exceeds this requirement. The 2001 consent for 6 flats had a density of 127 dwellings per hectare. On balance, the density is acceptable provided that other policy criteria can be met, particularly those relating to parking.

5) The proposed development seeks to utilise the rear amenity area for the parking of 10 cars in connection with the eight residential flats with an additional space at the front of the site for one further vehicle. The 2001 application provided 1.16 spaces per unit and this application increases this provision to 1.38 spaces per unit through the provision of 11 spaces. Ten spaces would provide 1.25 per unit. Although the parking provision is below recommended levels, the site is located within an urban area that has good rail links and reasonable bus links to reach employment and shopping facilities, which could help reduce the dependence on the car. The front parking space is not considered acceptable in this instance as there is no scope for turning on site without causing serious concern to highway safety, particularly given the busy nature of the road. The applicant has agreed to omit this space from the scheme. In terms of access to the parking, the plans indicate that the applicant does not have control of the land across the rear of 43 Silver Street, neither do they have direct access to the highway from the rear parking area. Vehicles from 43 Silver Street now use Sanders Close to gain vehicular access. Sanders Close is a private unadopted road and therefore the applicant would need to gain permission from the management company, who maintain the road, before any use can commence. This could undermine the application if such consent was not forthcoming. Essex County Council Highways have indicated a preference to the use of Sanders Close for access, which although is of steep gradient, has much better visibility in both directions and is of a suitable width for vehicular access. The applicants have confirmed their intention to use this access

There is a degree of concern that the rear parking area could become landlocked if situations change. As the site adjoins a busy road, there is no scope for on street parking, particularly in view of double-yellow lines and therefore there would be pressure to park on neighbouring sites, particularly No.43 Silver Street. This is unacceptable in this instance and could result in the displacement of vehicles elsewhere. Accordingly a condition is proposed requiring the developer to demonstrate a right of vehicular access in perpetuity over the land marked blue on the plan.

6) Concern has been raised by Environmental Services that there is no provision for bin storage on site. This would be deemed within the parking space at the front of the site which it is proposed to omit for road safety reasons.

In terms of amenity space provision, the proposed development will not provide amenity space apart from a small overlooked area for Units 1a and 2a. The previous approved scheme provided amenity space for the flats, but this is now to be used for parking purposes. The recreation ground is a short 60-metre walk away from the flats and it may be considered that this would provide adequate open space for occupants to use in this instance.

CONCLUSION: It is considered that the development will not significantly affect the amenities of adjoining neighbours, nor will it impact detrimentally on the character and appearance of the Conservation Area. The proposed access will be acceptable and the level of parking adequate in this instance. Although there is no amenity space for most of

the flats the site is close to the Recreation Ground which would provide an open space facility. However, this is compensated for by the use of an alternative access which would utilise an existing point of access onto Silver Street. On balance, subject to conditions, the application is considered acceptable.

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.7.1. Details of external ground and internal floor levels to be submitted and agreed.
5. C.19.1. Avoidance of overlooking.
6. Prior to the first residential occupation of the building hereby permitted, car parking spaces 1-10 inclusive shown on drawing 6209 P2 200 e shall be completed and made available for use. Thereafter all the spaces shall be retained in perpetuity for the parking of domestic vehicles.
REASON: In the interest of highway safety.
7. Car parking space No.11 shown on drawing 6209 P2 200 e shall be omitted from the approved scheme and substituted with a bin store. Full details of the bin store shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The bin store shall be constructed in accordance with the approved details and made available for use prior to the first residential occupation of the flat approved as part of this application. The bin store shall be retained and maintained in perpetuity for the purposes of bin storage in connection with the residential flats.
REASON: The parking space would represent a danger to highway safety on Silver Street. The proposed development does not have adequate bin storage within 25 metres of the public highway.
8. The balconies to the second floor flats (Units 3 and 4) as indicated on drawing 6209 P2 200 e shall be omitted.
REASON: To avoid overlooking.
9. The new building hereby permitted shall be constructed from soft red hand-made bricks laid in Flemish Bond.
REASON: To ensure that the proposed replacement building will be in keeping in this prominent location within the conservation area.
10. All new windows shall be of painted timber with vertically sliding sashes with slender glazing bars.
REASON: To ensure that the proposed replacement building will be in keeping in this prominent location within the conservation area.
11. All new window heads shall be of natural stone.
REASON: To ensure that the proposed replacement building will be in keeping in this prominent location within the conservation area.
12. All new roofs shall be constructed from natural slate.
REASON: To ensure that the proposed replacement building will be in keeping in this prominent location within the conservation area.
13. No development shall commence until large-scale drawings have been submitted to and approved in writing by the local planning authority showing details of the oriel window. The window shall subsequently be constructed in accordance with the approved details.
REASON: To ensure that the proposed replacement building will be in keeping in this prominent location within the conservation area.
14. Development shall not commence until proof of title of vehicular access in perpetuity over the land hatched blue on the approved plan has been submitted to and approved in writing by the local planning authority.
REASON: To ensure that vehicular access is available to the parking area to the rear of the site and thus prevent on-street parking in the interests of highway safety.

UTT/0572/04/DFO – TAKELEY

Reserved matters application for erection of units for A1 Retail, B1 Business, B2 General Industry and B8 Warehousing with associated parking. (Reserved matters for outline planning permission UTT/0016/03/OP)

Former Hall Caravan Centre Dunmow Road. GR/TL 563-211. Messrs R & D McGowan.

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 25/05/2004

NOTATION: Within Development Limits and Settlement Boundary (ADP & DLP). Part of Development Opportunity Area in ADP for suitable small scale offices, workshops and housing (Takeley Local Policy 3 relates).

DESCRIPTION OF SITE: This 0.18ha site is located on the south side of the A120, approximately 220m east of the Four Ashes crossroads. A scrapyard lies to the west and Takeley Business Centre to the east. The land to the south of the site (and extending behind and beyond the Business Centre) has the benefit of a certificate of lawful use for storage or as a distribution centre. Opposite the site, on the north side of the B1256, twenty four houses were constructed last year as an extension to St Valery.

DESCRIPTION OF PROPOSAL: This reserved matters application supplements the siting and means of access details approved at outline stage with detailed elevations and layout drawings. Five commercial units would be created in two linked but staggered buildings adjacent to the southern boundary of the site, with the land at the front being used for car parking and access. The existing buildings and uses would be cleared from the site, and the existing access onto the B1256 at the east of the site adjacent to the Business Centre would be retained. The total floorspace of the new buildings would be 775sqm, replacing the 408sqm that would be lost through demolition.

The applicants' case proposes items precluded by conditions attached to the outline permission. As this is a reserved matters application to that permission, effectively filling in the detail within the context given by the outline permission, it is not possible to review such conditions with this form of application and the agent has been informed accordingly.

APPLICANT'S CASE: See agent's letter of 25/3/04 attached at end of report.

RELEVANT HISTORY: Permission for 4 light industrial units (684sqm) on land to the east granted in 1989. Outline permission in 2003 (with all matters reserved except siting & means of access) for five units of A1 (retail), B1 (business/light industrial), B2 (general industrial) or B8 (storage & distribution) and associated car parking subject to conditions:

- Exclusion of permitted development extensions or alterations to industrial/warehouse premises
- Details of external ground and internal floor levels to be submitted and agreed.
- No outdoor working
- Requirement to insulate plant and machinery
- Submission and implementation of scheme for the means of disposal of surface water and foul sewage; provision of car parking and cycle parking
- The uses to be a mixture of A1, B1 and B2 uses as defined by the Town and Country Planning use Classes Order 1987 or as may be amended and no more than 360sqm to be used as a single unit.
- Limit of 495 sqm of net floorspace shall be used for A1 retailing.
- Hours of operation to be submitted, agreed and implemented
- Hours of construction to be submitted, agreed and implemented
- No outdoor storage
- No airport-related car parking

CONSULTATIONS: Environment Agency: To be reported.

Environmental Services: To be reported.

English Nature: To be reported.

PARISH COUNCIL COMMENTS: To be reported (due 13/5)

REPRESENTATIONS: Any representations received will be reported. Notification period expired 24/4.

PLANNING CONSIDERATIONS: The main issues are whether:

- 1) the proposed details would be appropriate within the built up area of the village (ERSP Policy BIW4, ADP Policies S1 & E1 and DLP Policies S3 & E2),
- 2) design and layout would be appropriate (ADP Policy DC1 and DLP Policy GEN2) and
- 3) neighbouring amenity would be protected (ADP Policy DC14 and DLP Policy GEN4).

1) The redevelopment of the site as proposed would safeguard employment land as promoted under ERSP Policy BIW4 and DLP Policy E2. Whilst the mixed use allocation in the ADP has not been carried forward into the DLP, Takeley is one of the District's larger villages and, taking into account the proposed expansion of 825 houses, it is appropriate and sustainable to retain employment land within the built up part of the village. The mix of uses including retail proposed would reflect either those of the former use of the site and/or the existing Business Centre.

2) The location of the new buildings at the rear of the site would help to minimise their impact in the street scene. The height and design of the buildings are slightly different from those of the existing Business Centre, being slightly higher at eaves and lower in ridge height but are similar in character. The use of the front part of the site for car parking and loading/unloading would be consistent with the existing Business Centre and has been permitted at outline stage.

3) At the outline stage Members expressed concern about B8 storage and omitted it by condition due to the nature of vehicles likely to be attracted to such uses. The applicant has not applied to remove this restriction. Each of the 5 units would be relatively small – ranging from 135 sqm to 200 sqm. A potential occupier from the existing units adjacent wishes to occupy three of the units to create a unit with a total floorspace exceeding a 360 sqm limitation contained in the outline permission. As stated above (in description of proposal) this matter cannot be considered with this reserved matters application.

CONCLUSION: This proposal would comply with the relevant policies contained in the ERSP, ADP and DLP.

RECOMMENDATION: UNCONDITIONAL APPROVAL OF RESERVED MATTERS

Background papers: see application file.

1) UTT/0567/04/FUL & 2) UTT/0573/04/FUL - GREAT HALLINGBURY

(Joint report)

1. Removal of condition C.90F on planning application reference UTT/1515/03/FUL, B8 site, to allow 24 hour activity.

2. Variation of removal of condition C.90M to allow 24 hour activity on B8 site. (UTT/1641/02/FUL)

Stansted Distribution Centre Start Hill. GR/520-213. Mantle Estates Ltd.

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 25/05/2004

NOTATION: Mostly outside the development limit and AIR9 policy area (general acceptance of development) in adopted plan/Within settlement limit & Start Hill Local Policy 1 Area (employment site for B1 and B8 uses) in Second draft deposit local plan.

DESCRIPTION OF SITE: These two sites are contiguous and lie to the west of the existing development at the Stansted Distribution Centre and to the east of Tile Kiln Lane. To the north is a steep decline in levels down from the site to the rear gardens of the ribbon of dwellings approximately 30-40 metres away, which front the former A120 (now B1256). To the south of the site is the Flitch Way (former railway line) that is on an embankment and then another half dozen dwellings. To the west there is a steep decline to a group of about 10 dwellings to the north of the former railway bridge. There are a total of approximately 25 residential properties around the north and west sides of the sites.

DESCRIPTION OF PROPOSAL: These applications propose the removal of hours of use conditions on all of the warehouses permitted last year totalling 17 units providing 4440 sq metres on one site and another unit providing a further 1453 sqm of warehousing on the other site. Therefore if permitted without further restriction it would permit twenty four hour a day working seven days a week. Parking and turning facilities which is where loading and unloading is likely to occur, are to be provided adjacent to the buildings contained within the courtyard they create.

Condition C90M on UTT/1641/02/FUL and Condition C90F on UTT/1515/03/FUL are identical and state:

There shall be no activity carried on within the site outside the following hours: 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. There shall be no activity on a Sunday, Bank or Public Holidays.

REASON:

To protect the amenity of adjacent residents.

The applicant has not suggested an alternative condition.

APPLICANT'S CASE: The agent's letter dated 24 March 2004 attached at end of report.

RELEVANT HISTORY: Redevelopment of Higgs and Hills concrete production yard to create Stansted Distribution Centre 1990's. Outline application for industrial buildings withdrawn 1999. Permission for erection of industrial building on land to west Summer 2003. Permission for erection of industrial building on land to west December 2003. Current appeals to remove the conditions on the two permissions as applied for.

CONSULTATIONS: Environmental Services: Concern about impact of proposed on amenity of local residents.

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PARISH COUNCIL COMMENTS: To be reported.

PLANNING CONSIDERATIONS: The main issues are

whether the removal of the conditions would allow the uses to operate without unduly affecting the character of the area or amenity of neighbours in accordance with policies DC1 and DC14 .

At the time of the last application the information available to Officers, including that from Environmental Services, did not indicate that the proposal would necessarily affect the amenity of neighbours. Consequently the written reports to committee did not recommend restricting the hours during which the buildings could be used. It was stated by officers that it was a matter of judgement whether a restriction of the hours of use, which had been requested in one of the representations, would be appropriate for this site. The Parish Council had also requested that the amenity of neighbours be protected. However after a discussion Members formed the reasonable view that due to the juxtaposition of the proposed warehouse buildings and local dwellings – which contrasts with no occupied dwellings around the eastern end of the estate where there is no such condition – and the nature of activities likely to be attracted to and centred around the warehouses that it was appropriate, necessary and reasonable to impose a condition on each of the permissions which restricted hours of operation.

With regard to these current applications Environmental Services has raised concern that warehousing is likely to give rise to noisy activities – outside loading and unloading using forklift trucks, reversing sirens on large trucks, trucks standing with their engines running to provide power to heat or cool equipment – which may result in a significant loss of amenity to neighbours especially if occurring outside the working day.

Part of the applicant’s case (see agent’s letter attached at end of report) is that the conditions as written preclude any after hours activities on the site including office work and office cleaning within the buildings which would not in themselves affect the amenity of neighbours. Following the granting of the second permission the applicant’s agent contacted the department and as a result Officers were midway through a dialogue about possible modifications to the conditions when the appeals were submitted.

It is considered that the conditions should be varied to permit office activities and slightly longer operating hours but not removed completely.

CONCLUSIONS: In the context of the above it is recommended that permission be granted to remove these conditions and a new condition imposed to each permission to permit longer hours and non intrusive uses after hours.

RECOMMENDATION: APPROVAL WITH ALL EXISTING CONDITIONS WITH THE EXCEPTION OF C.90F OF UTT/1515/03/FUL AND C90M OF UTT/1641/02/FUL, AND THEIR REPLACEMENT WITH

There shall be no deliveries to or from the warehousing and nor shall any external work take place outside the following hours:
0700 to 1900.

REASON: In the interests of the amenity of the occupiers of nearby residential properties.

Background papers: see application file.

UTT/0103/04/FUL - GREAT HALLINGBURY

Erection of eight guest bedrooms and parking.
Great Hallingbury Manor. GR/TL 522-210. Mr F P McGarrigan.
Case Officer: Mr N Ford 01799 510468
Expiry Date: 19/03/2004

NOTATION: Outside development limits S2. Countryside Protection Zone S4. Outside Public Safety Zone AIR8.

DESCRIPTION OF SITE: This application relates to Great Hallingbury Manor located in Tilekiln Green south of the B1256. The area is predominantly rural with a scattering of dwellings to the north west of the Manor. The Manor is in L shape form located adjacent the road, to the rear lies landscaping and a high screen of trees with shingle parking to the rear. To the south lies a brick and timber barn type single storey structure in a poor state of repair with an associated fenced compound.

DESCRIPTION OF PROPOSAL: It is proposed to erect two storey and single storey extensions to the rear elevation of this existing hotel to provide a further eight bedrooms for additional accommodation requirements. The footprint of the proposed extension would be approximately 134 sqm. The ridge height would be 8.5m with an eaves height of 3.9m to the two storey element. The single storey extension would have a ridge height of 4.3m and an eaves height of 2.3m. Pitch dormer windows are proposed to serve first floor bedroom windows. Materials proposed consist of brick plinth with stained timber boarding to elevations and peg tiles to match the existing building to roofs. The ridge height of the existing building to the rear elevation is 7.2m; the extension therefore represents an increase in height of approximately 1.3m.

RELEVANT HISTORY: Extensions to hotel to provide ten additional bedrooms refused 2000 on grounds of impact on openness of the Countryside Protection Zone. Erection of block of eight guest bedrooms and car parking withdrawn 2003.

CONSULTATIONS: ECC Highway: No objections.

Water Authority: No objections.

Environment Agency: None received. (due 11 February 2004).

ECC Planning: The Essex Conservation Record shows the proposed development lies outside any area of known archaeological deposits. It does lie adjacent to the post medieval brickworks at Tile Kiln (EHCR 15631), but these would not be affected by the proposed development. On our current knowledge, therefore, no archaeological recommendations are being made on this application.

Three Valleys Water: None received. (due 11 February 2004).

Thames Water: No objection.

English Nature: The proposals are not likely to affect a Site of Special Scientific Interest.

Essex Wildlife Trust: None received. (due 11 February 2004).

PARISH COUNCIL COMMENTS: No objections.

REPRESENTATIONS: None. Notification period expired 16 February 2004.

PLANNING CONSIDERATIONS: The main issue is whether the proposed development and additional parking requirements would adversely affect the open characteristics of the Countryside Protection Zone, forms acceptable development in terms of character and appearance in the countryside and whether the design is appropriate in accordance with ADP Policy S4, REC2, T1, DC1 and DC14 and RDDP Policy S8, GEN2 and GEN4:

This extension would represent a slight increase in floor area in comparison to a two storey extension permitted in 2003 (not implemented) for a dining room in a similar position to that now proposed. The ridge height of this previously permitted extension also matched that of

the existing building. However, the increase in height is not considered overly significant and the similar footprint is considered appropriate. The buildings are situated in a valley and the curtilage of the hotel is well landscaped, it is not considered that there would be any detrimental affect on rural character or the Countryside Protection Zone.

An outbuilding located to the south of the Manor known as the Piggeries contains a low key vehicle servicing operation, which constitutes an unauthorised activity in the countryside. The applicant has stated that the use of this building for the repair and maintenance of vehicles will cease should permission be granted. Given that the use of the proposed extension would generate increased activity it would be appropriate to remove the vehicle activities.

This application is therefore recommended for approval subject to standard conditions and a S106 Agreement in respect of the discontinuance of the vehicle servicing operation.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND S106 AGREEMENT

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.8.25. Sound insulation requirements close to Stansted Airport.
6. C.25.3. Airport related parking conditions.

HEADS OF TERMS OF S106 AGREEMENT

The use of the building to the south of Great Hallingbury Manor known as the Piggeries for the repair and maintenance of vehicles shall cease.

Background papers: see application file.

UTT/0658/04/FUL – DEBDEN
(Officer Application)

Single storey front extension.
Mellings High Street. GR/TL 556-333. Ms C Burchall.
Case Officer: Ms H Lock 01799 510486
Expiry Date: 10/06/2004

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

DESCRIPTION OF SITE: The application site is located on High Street, the main road through Debden, close to the junction with The Causeway. The house is 20m back from the road, and behind a large grassed verge. The site comprises a two-storey house with integral double garage, and the frontage is gravelled for parking.

DESCRIPTION OF PROPOSAL: The proposal is to construct a single storey front extension to provide enlarged entrance hall and cloakroom. It would be 4.75m wide and 2.05m deep, although the roof canopy would continue for a further 2.35m wide to provide an open porch. Materials would be brick and slate to match the existing house.

APPLICANT'S CASE: Proposal is to remove a large window on the front of 1960s house and extend the hallway to turn the existing flat roofed porch into a pitched roof. The house is set well back from the road and the extension would not overlook neighbours.

RELEVANT HISTORY: First floor side and two-storey front extension approved 2000 (built).

PARISH COUNCIL COMMENTS: to be reported (due 20 May)

REPRESENTATIONS: None. Notification period expired 11 May.

PLANNING CONSIDERATIONS: The main issues are whether the proposal would be acceptable in design terms and impact on adjacent residents and the street scene (ADP Policies DC1, H7 & DC14, and DLP Policies GEN2, H7 & GEN4).

This would be a modest extension in keeping with the design and scale of the existing house. It would be screened from the neighbouring dwellings to the east by the existing two-storey element, and the impact to the west would be limited due to the separation from the boundary and the size of the extension. The parking and turning arrangements for the property would be unaffected.

CONCLUSIONS: The proposal would accord with the Council's policies.

RECOMMENDATION: THE CONSULTATION PERIOD WITH THE PARISH COUNCIL DOES NOT EXPIRE UNTIL 20 MAY, AND THEREFORE RECOMMEND DELEGATION TO HP & BS TO APPROVE WITH CONDITIONS AFTER THAT DATE IF NO ADVERSE COMMENTS ARE RECEIVED

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building, unless otherwise first submitted to and agreed in writing by the local planning authority before any work commences on site.

REASON: In the interest of the appearance of the development and its impact on the street scene.

Background papers: see application file.

UTT/0498/04/FUL – THAXTED

Erection of detached dwelling and detached double garage with playroom.
The Ironyard Cutlers Green. GR/TL 598-307. Mr & Mrs G Richardson.
Case Officer: Mr N Ford 01799 510468
Expiry Date: 13/05/2004

NOTATION: Outside Development Limits S2. Area of Special Landscape Value C2.

DESCRIPTION OF SITE: The site is located on the northern side of a Class III road approximately 1.3 km west of Thaxted, which leads to Debden. It is surrounded by a group of seven houses. There is currently access to the site from the drive serving five of the houses but also direct onto the main road. It comprises two timber buildings towards the rear of the site; the majority of the site is grassland.

DESCRIPTION OF PROPOSAL: This proposal relates to the erection of a six bedroom two storey detached house with basement and associated detached double bay garage. The dwelling would be 9.3m to ridge and 6.2m to eaves with a footprint of approximately 134 sqm. The garage would be offset north west of the house and have a ridge height of 5m and eaves of 2.7m with a footprint of approximately 49 sqm.

Access is proposed from an existing access serving a cul-de-sac of six houses off the Thaxted Road. The total site area is approximately 0.31 ha.

APPLICANT'S CASE: Planning permission was granted for a two-storey dwelling with detached double garage. Improvement to existing access to replace all commercial building and activity (UTT/1429/02/FUL) on 18 March 2003. The work to the improvement to the existing access has been completed, but the approved dwelling has not been erected. This application is for a re-designed dwelling and detached double garage with playroom over. The new proposed dwelling has been sited more centrally on the plot, as required by condition C.17.1 of the above planning permission dated 18 March 2003. The applicant has attempted to respect the approved floor areas of the formerly approved house and footprint. The roof ridge height to the proposed house has been maintained as that of the previously approved house. By reducing site levels at the centre of the site to from a level access to the proposed house from the site access, and the inclusion of additional earth banking at the road frontages with a new full width hedge, means that the proposed house will be virtually unseen from the road. It is not proposed to remove any of the existing trees or hedges.

RELEVANT HISTORY: Outline application for the erection of a dwelling refused 1979, 1982, 1984 (dismissed at appeal), and 1993 (also dismissed). Retention of timber framed building granted 1981. Certificate of Lawful Use of building and land for commercial storage refused 1996, and for use of building for Class B8 storage refused 1998 but allowed at appeal. Application to remove existing buildings and erect three houses and garages, with alterations to access refused 2000, and for erection of one house refused 2001. An enforcement notice was issued 2003 against the unauthorised widening of the access, the construction of a service track within the site, the enlargement of the hardstanding beyond the area permitted by the Certificate of Lawful Use, the siting of a contractors unit and its use as offices, and the change of use of land for the external storage of articulated lorry trailers and other items. An appeal was dismissed and the enforcement notice required the removal of the access, track, contractors unit and trailers. On 18 March 2003 members approved an application for the erection of a two-storey dwelling with detached double garage. Improvement to existing access to replace all commercial buildings and activity.

CONSULTATIONS: Water Authority: To be reported.
Environment Agency: To be reported.

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PARISH COUNCIL COMMENTS: No objection.

REPRESENTATIONS: None received. Notification period expired 8 April 2004.

PLANNING CONSIDERATIONS: The main issue is whether the proposal would accord with planning policy for development in the countryside (ESRP Policies C5 & CS2, ADP Policies S2 & H6, & RDDP Policy S7

The activity associated with the use of the land for commercial storage associated with a Certificate of Lawful use has now ceased and the land is laid to grass.

The site lies outside of development limits and construction of a dwelling would be contrary to established policy. The proposal would not accord with any of the exception criteria given in Policy S2 and the site is not an infill plot as it is not a small plot and it is considered that ordinarily such development would serve to consolidate existing sporadic development in the countryside.

A previous scheme for removal of the commercial storage uses on site and replacement with a standard gable house design to 8.3m in height (plus chimneys) was recommended for refusal by officers to committee due to the above policy. It was considered that the bulk and mass of the then proposed dwelling and garage would have had a far greater visual impact than the existing outbuildings and would therefore consolidate development. Members, however, approved the scheme contrary to officer recommendation. This permission has not been implemented. This extant permission is a weighty material consideration in the determination of this application.

This new scheme proposes a dwelling, which generally conforms to the size, scale and height of the permitted dwelling and to some extent this is accommodated by altering site levels. The dwelling has been sited more centrally on the plot to accommodate the provisions of a condition attached to the extant permission requesting the same. The design has, however, altered to a neo regency style with a higher eaves height.

The principle of a new dwelling has been accepted by an extant planning permission for a dwelling of a similar scale albeit of a different design and therefore it is now difficult to refuse such a scheme is due to it being contrary to adopted local plan policy It is considered that the design is not inconsistent with the established context of buildings in the vicinity, the dwellings to the east being of no particular architectural or vernacular merit.

CONCLUSIONS: Given the above circumstances it is considered that planning permission should be granted subject to conditions relating to landscaping to protect the rural character of the locality as similarly attached to the extant planning permission.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.4.3. Details of earthworks to be submitted.
6. C.4.4. Retention/replacement of trees.
7. C.4.5. Retention of hedges.
8. C.4.6. Retention and protection of trees and shrubs for the duration of development.
9. C.4.7. Detailed landscaping survey to be submitted.
10. C.4.8. Landscape management and maintenance plan.
11. C.5.1. Samples of materials to be submitted and agreed.
12. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
13. C.6.5. Excluding fences and walls without further permission.
14. C.6.13. Excluding extensions and erection of freestanding buildings and siting of chattels.
15. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
16. C.8.27. Drainage Details.
17. C.11.5. Standard vehicle parking facilities.

18. C.16.1. Watching archaeological brief.
19. C.15.1. Superseding previous permission.
20. Only one dwelling shall be erected as a result of this permission.
REASON: The site lies within an area where new dwellings are not normally permitted.
21. The dwelling shall be constructed solely via the unauthorised access directly off the County Highway. This temporary construction access shall be closed off and planted up as shown on the approved drawing before the dwelling is first occupied.
REASON: In the interests of highway safety and neighbours amenities.

Background papers: see application file.

UTT/0537/04/OP - HIGH EASTER

Outline application for erection of replacement chalet style dwelling & detached 2 storey garage/store with all matters reserved except siting, design of the dwelling, external appearance of dwelling and means of access.

Briar Bank Clatterford End. GR/TL 618-131. Mrs S Giddings.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 19/05/2004

NOTATION: Outside Development Limits S2.

DESCRIPTION OF SITE: This application relates to an existing single storey dwelling named Briar Bank located in Clatterford End, south of High Easter. The curtilage of the dwelling also has an outbuilding to the west of the site. Clatterford End is located east of Leaden Roding and south of High Easter. This hamlet consists of only a scattering of several dwellings with Briar Bank located off a track to the east of the settlement and surrounded by countryside in a lightly wooded setting.

DESCRIPTION OF PROPOSAL: The application relates to the replacement of this single storey dwelling with a new chalet style four-bedroom dwelling and removal of the outbuilding and replacement with a double garage. The existing dwelling has a footprint of 134 sqm with an existing outbuilding having a footprint of 161 sqm. The proposed dwelling would have a footprint of 171 sqm with the double bay garage having a footprint of 107 sqm. The height of the building to ridge would be 6m and 2.3m to eaves. The buildings would be sited in close proximity to the original structures. Materials would consist of white render and black stained boarding to elevations to match existing and second hand clay roof tiles or slates to roofs to match existing.

RELEVANT HISTORY: Proposed addition granted planning permission 1982. Addition of kitchen and bathroom granted planning permission 1964.

PARISH COUNCIL COMMENTS: To be reported.

REPRESENTATIONS: None. Notification period expired 18 April 2004.

PLANNING CONSIDERATIONS: **The main issue is whether this proposal is an acceptable replacement dwelling in accordance with ADP Policy H8 and RDDP Policy H6.**

The application is in outline form with the applicant requesting that siting, design, external appearance and means of access are considered at this stage with only landscaping reserved for subsequent approval.

The main issues to consider in relation to this replacement dwelling and garage are whether the scheme would be in scale and character with neighbouring properties and outside settlement boundaries and whether through its location and appearance and associated scheme of landscape enhancement it would protect or enhance the particular character of the countryside in which it is set.

The site is relatively isolated in the countryside and Briar Bank, although of unusual form, is of single storey construction, relatively low key and sits comfortably in its landscape setting. The new dwelling would be of chalet style and thus the ridge height would be kept lower by providing room in the roof space. The footprint of the replacement dwelling would remain in proximity of the existing structure, as would the proposed garage.

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Given these circumstances, it is considered that the replacement dwelling would respect its countryside setting given that a guide to scale and character cannot be garnered from neighbouring dwellings. The proposed garage would occupy the place of an existing

somewhat dilapidated outbuilding of untraditional form and therefore its sting is considered acceptable.

No details of the elevations of the garage have been provided, however, these details can be considered at through reserved matters as well as securing an appropriate scheme of landscape enhancement. This outline application for a replacement dwelling is therefore recommended for approval subject to conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.1.1. Submission of reserved matters: 1. (Landscaping and design of garage)
2. C.1.2. Submission of reserved matters: 2. (Landscaping and design of garage)
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. C.3.1. To be implemented in accordance with approved plans.
6. C.6.2. Removal of all permitted development rights.
7. C.7.1. Slab levels.

Background papers: see application file.

1) UTT/0404/04/FUL & 2) UTT/0405/04/LB - AYTHORPE RODING

Change of use of two former agricultural buildings into two dwellings. Creation of new access.

Aythorpe Roding Hall. GR/TL 583-152. Mr S Radbourne.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 07/05/2004

NOTATION: Outside Development Limits S2. Affects the setting of a Listed Building DC5.

DESCRIPTION OF SITE: Aythorpe Roding Hall is located in the countryside west of Aythorpe Roding and south west of St. Mary's Church. The subject buildings are former agricultural buildings to the south west of the hall. Open views of the countryside are available in all directions.

DESCRIPTION OF PROPOSAL: The subject building comprises of a large Grade II Listed C17 agricultural building 60m south east of Aythorpe Roding Hall, which is timber framed, weather boarded and tiled in a 'T' shape foot print. A C18 brick extension was added to the west elevation and a later single storey C20 extension. There is room in the roof space of the original structure formerly used as a hayloft. The building has a foot print of 239 sqm and is 7.1m to ridge at its highest point and 3.8m to eaves.

It is proposed to convert the building into two dwellings with a garden to the south east. The northern wing would form a three bedroom dwelling and the south wing, a two bedroom dwelling. Two new windows would be added to the east elevation, a door reinstated in the south elevation, a new window to the gable of the west elevation and four new windows to the east elevation.

Additionally, a new access is proposed to Aythorpe Roding Hall for a distance of 120m, linking the existing access running past St. Mary's Church and Aythorpe Roding Hall. This would separate the access to this existing dwelling and the proposed two new dwellings.

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

CONSULTATIONS: ECC Highways: To be determined by local planning authority under deminimus agreement.

Water Authority: To be reported.

Environment Agency: Standard advice relating to foul sewage treatment associated with small residential development.

Essex Bat Group: Requests a bat survey be undertaken as timber clad farm buildings and barns are often found to be roosting places for bats protected under the Wildlife and Countryside Act 1981 (as amended).

UDC Building Surveying: To be reported.

UDC Specialist Design Advice: See planning considerations.

PARISH COUNCIL COMMENTS: To be reported.

REPRESENTATIONS: These applications have been advertised and no representations have been received. Period expired 15 April 2004.

PLANNING CONSIDERATIONS: The main issues are:

- 1) **Whether the conversion of the barn conserves the characteristics of the building and would not involve substantial reconstruction or extension in accordance with Policy C6 of the ADP 1995 and Policy H5 of the DLP 2002 and**
- 2) **Whether the conversion of the barn would involve alterations, which would not impair the special characteristics of the listed building and would**

preserve the buildings special architectural and historical characteristics in accordance with Policy DC5 of the ADP 1995 and Policy ENV2 of the DLP 2002.

1) The restoration works to this C17 byre and hayloft are generally sympathetic and respect the architectural and historic characteristics of the building. Some of the first floor, which is a later addition, will be altered in order to recreate the original open character of the barn and some internal partitioning removed in order to facilitate space and recreate original spatial character and internal volumes. Sufficient hard standing exists in close proximity to the barns to provide for parking associated with the size of dwellings proposed. A new road proposed to link Athorpe Roding Hall and the track south of St. Mary's Church is not considered to be detrimental to the character and appearance of the countryside and should avoid conflict with farm vehicles associated with a number of utilitarian agricultural buildings to the south of the barns.

In order to promote rural enterprise and economic activity preference is generally given to business use following conversion of rural buildings (Policy RE2 of the Essex and Southend on Sea Replacement Structure Plan Adopted 2001). The applicants have not comprehensively demonstrated that there is no significant demand for business use, small-scale retail outlets, tourist accommodation or community uses. However, it is considered that the applicant has provided valid reasoning that an economic use is inappropriate because of the narrow width of the unclassified road, the greater number of vehicle movements likely to be generated by commercial activity in this rural area and it is assumed that it would be difficult to let the buildings in this location. Normally the conversion of a rural barn to a commercial use is promoted in order that its character and historic structure may be retained. However, in this instance it is considered that the proposed residential scheme will enhance the historic, traditional form of these rural structures and therefore is an acceptable use.

It is considered that the conversion respects the fabric and character of these historic buildings in accordance with PPG7 (The Countryside, Environmental Quality and Economic and Social Development). The buildings are in sound structural condition and suitable for conversion as the scheme proposes low key alterations in order to facilitate the proposal. The alterations would retain the key elements that are necessary to preserve the special interest of the building in accordance with PPG15 (Planning and the Historic Environment). Visual features of interest would be retained as well as internal spaces. It is therefore not considered that two dwellings would not be detrimental to the fabric, character and appearance of the Listed barns as generally existing openings are used that do not give rise to a multiplicity of window, doors and external finishes.

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

2) Specialist design advice advises that it is important that an economically viable use is found for these Listed barns in order that their survival is safeguarded. The scheme is low key buildings fulfils the criteria for the conversion of redundant farm buildings to residential use. No alterations are proposed which are considered to impair the special characteristics of the structures and as such conversion of these Listed buildings represents a practical way of preserving the building for its architectural and historic interest. This scheme is, therefore, acceptable subject to appropriate conditions.

CONCLUSIONS: It is considered that the proposal should help to secure the long-term future of this historic byre, which forms an attractive structure in this location and subject to appropriate conditions, should also respect and conserve the traditional character and appearance of this listed rural barn.

RECOMMENDATIONS:

1) UTT/0404/04/FUL – APPROVAL WITH CONDITIONS

1. C.2.1. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.2. Details of materials to be submitted and agreed.
6. C.16.2. Full archaeological excavation and evaluation.
7. C.20.2. Protection of other species.
8. Revised annotated drawings shall be submitted to the local planning authority for approval showing existing and proposed elevations to an identifiable scale prior to the commencement of development.
REASON: The existing drawings are unsatisfactory, as the relationship between existing and proposed works cannot be satisfactory compared in relation to glazed screen and vertical boarding.
9. Removal of PD Rights.

2) UTT/0405/04/LB – LISTED BUILDING CONSENT WITH CONDITONS

1. C.2.2. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. All sound existing hand made clay plain tiles shall be retained and reused and any shortfall shall be made up of exactly matching hand made clay plain tiles a sample of which shall be submitted to the local planning authority for approval prior to the commencement of development.
REASON: In order to ensure a satisfactory standard standard of design in relation to this listed building.
4. All brickwork shall be repaired as necessary with exactly matching bricks, bonding and painted black.
REASON: In order to ensure a satisfactory standard design in relation to this listed building.
5. C.5.8. Joinery details.
6. C.5.9. Stained wood.
7. No additional fence or wall shall be erected in order to delineate the garden/patio area of the small brick unit in front of the principle elevation of the timber framed range.
REASON: In order to ensure a satisfactory standard of development.
8. All boundary treatment shall be post and rail and hedging.
REASON: In order to ensure a satisfactory standard of development in relation to this listed building.

Background papers: see application file.
