

UTT/0900/04/OP - GREAT DUNMOW

Outline application for residential development with all matters reserved except means of access.

Land south of Springfields. GR/TL 626-215. Mr & Mrs R W Owers.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 09/08/2004

NOTATION: Development Limits S1/GD10 Outstanding residential commitments (ADP GD4 (DDP)).

DESCRIPTION OF SITE: This application relates to a roughly rectangular parcel of land in Great Dunmow that once formed the grounds of a house that has now largely fallen down. The application site has an area of approximately 5802 sqm (0.58ha). The south of the site borders the B1256 (old A120), with a terrace of dwellings named New Street Fields to the east (within a Conservation Area) leading to Alan Hasler House, which is a retirement home. To the west are the rear gardens of a housing estate on Woodview Road and to the north is a cul-de-sac of semi-detached dwellings named Springfields leading from High Stile. The area of land parcelled between the application site and Springfield's has been granted outline planning permission for the erection of three dwellings.

The site itself has an undulating topography but generally slopes down from Springfields to the B1256. A number of trees border the B1256 (none are protected), with a mix of varying dense vegetation, scrub, rough ground, grass and several trees covering the remainder of the site. A few dilapidated buildings cover the centre and north-west portion of the site. These structures are in a state of disrepair and have no merit.

DESCRIPTION OF PROPOSAL: This proposal is for residential use of the site and is in outline form with all matters reserved for later consideration except means of access. The applicant has investigated a direct means of access from the B1256 immediately adjacent the site to the south through either a 'T' junction ghost island design or the construction of a new roundabout but has discounted the provision of a roundabout as an over engineered solution in favour of a 'T' junction, stating that this would provide a well designed, safe and adequate access to the site.

The applicant maintains that the provision of a direct access from the B1256 will allow the site to be developed to a high density in accordance with central Government guidance (PPG3) for making the best use of land. The access points to the north are described as poor and not capable of accommodating a high-density development.

APPLICANT'S CASE: This land is allocated in the current and draft Local Plan as suitable for residential development and is in close proximity to the town centre. Our proposal show the creation of a new access from the existing A120 [B1256] and will be constructed to County Council Highway requirements and would ask you to note that the development will be supported by pedestrian and cycle access to the High Street via New Street Fields and New Street.

Also, see The Highway, Traffic and Transport Consultancy 'Initial Highway traffic and Transport Assessment dated 12 March 2004 available at [The Council Offices, London Road, Saffron Walden.](#)

RELEVANT HISTORY: In 1965 planning permission for residential development was refused (DUN/0285/65). In 1968 planning permission for residential development was

refused (DUN/0233/68). In 1976 planning permission was refused for the erection of three detached dwellings to the eastern sector of the current application site (UTT/0204/76). Immediately to the north of the application site, outline planning permission was granted in 2001 for the erection of three dwellings on land to the south of Nos. 60 and 67 Springfields.

CONSULTATIONS: ECC Highways: Recommend Refusal. (See planning considerations.)

Water Authority: To be reported (due 2 July 2004).

English Nature: The application is near Highwood SSSI although English Nature is satisfied that the proposed development is not likely to affect the SSSI. The proposed development land could include a suitable habitat for protected species. Requests an ecological survey.

ECC Education: Essex County Council will require an education contribution under the terms of Section 106 of the Town and Country Planning Act 1990.

Essex Wildlife Trust: To be reported (due 2 July 2004).

ECC Archaeology: The proposed development is likely to uncover further archaeological deposits of Roman and possible Saxon date. Recommend a trial trenching and excavation condition.

UDC Contaminated Land: To be reported (due 30 June 2004).

UDC Environmental Services: No comments.

Badgers Group: To be reported (due 16 July 2004).

TOWN COUNCIL COMMENTS: The Town Council are pleased that it is proposed to provide vehicular access onto the (old) A120 only (there will be no vehicular access via the estate roads to the north with all the problems which would result). Consider that there is a need for affordable housing on the site. Strongly of the opinion that the proposed development is excessive and would create numerous problems, including in relation to parking. Strongly support the Council for the Protection of Rural Essex's request that the site be subject to a Masterplan (planning/design brief) prior to a full planning application on the basis that, although small, the proposed high density necessitates sensitive design.

REPRESENTATIONS: This application has been advertised and representations have been received as detailed below. Period expired 15 July 2004.

Petition objecting to the development signed by 245 persons.

63 Letters of objection including the following comments:

Object. Trouble getting onto the main Stortford Road, another 100+ cars would make it totally impossible. Alarmed at number of houses/flats would result in a level of construction noise, pollution and disruption that would be very intrusive. New Street Fields and Springfield should not be used for access. Application should only be allowed to proceed if access for the development is south to the A120 Bypass as proposed in the application. All the indications are that the local authority wishes the access to be via Springfields and thus to the High Stile, Stortford Road exit. Feel this to be totally unacceptable against use of Springfield, Highfield access to the development. Overcrowded area. Affect amenity, traffic congestion. Loss of outlook. Huge increase in traffic from a new mini estate impact on quality of life. At present the road is adequate for only the current levels of traffic. Any increase along the lines contained in the HTTC report will be disastrous for this area of the community. Affect upon residents of Springfields by noise and traffic. Density being proposed does nothing to integrate the prospective residents. Potential accident risk. Intrusive and unsightly blot on the landscape. Bats present in area and sightings of badgers on the land. Out of character with adjacent low-density housing. Unfair that this area of Dunmow seems to be the place designated for high-density accommodation in the form of flats, ask that the area be used for houses with gardens instead of more flats. Suggest that application not granted unless the developers fund the access onto the B1256 and the new roundabout. Object to siting of high density (100+) Social Housing on such a small enclosed piece of land, granting Outline Permission without having agreement for suitable access.

Volume and parking of traffic at the High Stile School, potential for increased nuisance, loss of privacy, overlooking by the development of flats on this site and increased noise. 200 or more cars passing our front door effect environment and road safety. Roads not suitable already burdened with on-street parking. Local amenities, schools, doctors etc. overstretched. Development will lack 'mix' and balance, environmental problems (noise and anti-social behaviour). Intolerable strain on the already existing infrastructure of the existing estate, sewerage system is already under stress.

2 Letters of support

1. Dunmow Society: Support subject to access from the A120 and details of final scheme.
2. Support if the houses being built fall under the term 'Social Housing' or low-cost housing for first time buyers. Access to development via Dunmow Bypass.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the principle of residential development on this site is acceptable in accordance with ADP Policy S1, GD10 and DLP Policy GD4.**
- 2) whether the proposed point of access to this site is acceptable in relation to ERSP Policy T7, T8, ADP Policy T1 and DLP Policy GEN1.**

1) The principle of residential development within designated town and village development limits is established by ADP Policy S1. Within these defined development limits, proposal that are not detrimental to any important environmental or visual characteristic of the locality and accord with other relevant policies in the local plan will normally be granted.

In addition, the site is allocated in the Adopted District Plan 1995 (GD10) for residential development. Furthermore, this allocation is carried forward in the Revised Deposit District Plan 2002 (Policy GD4) for residential development of a minimum of 23 dwellings (net density of 30 dwellings per hectare). The Local Plan Inspectors report was received in February 2004. The Inspectors report has been considered and the Council's response was agreed at the Environment Committee on 8 June 2004 and Full Council on 22 June 2004. The Inspector has proposed no modifications to this policy in relation to land south of Springfields and it is therefore considered that it carries substantial weight.

Therefore, given the above planning considerations, it can be established that residential development is an appropriate use in principle for this site and any such development would therefore be acceptable in principle subject to detail.

2) The only matter of detail that the applicant has requested be considered at this stage is means of access. The explanatory text of DLP Policy GD4 states that the scope for providing road access through to Haslers Lane from Springfields should be explored as part of this proposed development. However, each application should be decided upon its own merits. In this particular case, access is proposed from the B1256 by means of 'T' junction with access from Springfields being discounted due to engineering difficulties in regrading the land for access and the limitations that this would incur for the density of such residential development.

ECC Highways has considered the merits of such an access for highway safety. It is stated that 'the proposal would lead to the creation of an access on a stretch of classified highway where the principle function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of this access would lead to conflict and interference with the passage of through vehicles to the detriment of that

principle function, and introduce a further point of conflict, being detrimental to highway safety.

The B1256 has a substantial role in connecting urban areas. This road serves as a bypass of which its primary use is as a traffic carrier between built up areas. The introduction of the access point as proposed would be contrary to the principal role that this road was provided for. Such that the free and safe movement of vehicles would be impeded potentially leading to traffic conflict and being detrimental to highway safety. Access to this site should, therefore, be provided via a non-hierarchy road rather than a hierarchy road such that this proposal is contrary to highway and access policies.

On the basis of this recommendation by highways it is considered that the application be refused.

COMMENTS ON REPRESENTATIONS: Many representations have been received objecting to this application on the basis that access may be proposed via Springfields or New Street Fields and in turn raising concerns for over development, traffic congestion, highway safety and various potential environmental demerits of development on this site. However, this application only requires the local planning authority to consider the acceptability or otherwise of access gained from the B1256 as proposed by the applicant. Although some representations have proposed that due the above concerns for a road link to the north of the site access should be taken from the B1256, the implications for such access must be considered in isolation in relation to its impact on traffic and highway safety.

CONCLUSIONS: In accordance with advice provided by ECC Highways it is considered that this outline planning application for residential development with access provided via the B1256 is unacceptable due to the conflict and interference that the slowing of vehicles would have, being detrimental by way of traffic conflict, the free flow of traffic and highway safety. This proposal is therefore recommended for refusal.

RECOMMENDATION: REFUSAL REASON

1. This proposal for residential development of this site with access provided via the B1256 is unacceptable, as it would lead to the creation of an access on a stretch of classified highway where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of this access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function, and introduce a further point of conflict, being detrimental to highway safety contrary to Policy T7 and T8 of the Essex and Southend on Sea Replacement Structure Plan 2001, Policy T1 of the Adopted District Plan 1995 and Policy GEN1 of the Revised Deposit District Plan 2002.

Background papers: see application file.

1) UTT/0350/04/FUL & 2) UTT/0351/04/LB - GREAT DUNMOW

1) & 2) Erection of 1st and 2nd floor rear extensions and internal alterations to form 9 bedroom tourist accommodation and ancillary parking.
Kings Head Public House, North Street. GR/TL 627-222. P Morris, J Hylton & G Boyd.
Case Officer: Mr R Aston 01799 510464
Expiry Date: 23 April 2004

NOTATION: ADP & DLP: Within Town Development Limits/Settlement Boundaries/Conservation Area/Grade II Listed Building.

DESCRIPTION OF SITE: The site is located on the eastern side of North Street about 500m north of the town centre opposite the County Library and Youth Centre. The plot lies to the rear of the King's Head PH (now closed) and used to form part of the rear beer garden. It measures 0.13ha and is surrounded by residential development. The land falls from west to east and is generally overgrown with long grass and some small trees at the western end. Apart from sharing the existing access off North Street, the site is separate from The King's Head Public House and its rear car park.

DESCRIPTION OF PROPOSAL: Erection of first and second floor rear extensions and internal alterations to form 9-bed tourist accommodation and ancillary parking. The proposal has been revised following negotiations with officers to increase the parking provision and alter details relating to the character of the listed building.

APPLICANT'S CASE: The new parking provision in car in excess of that provided when the P.H. was open. I used this pub on a regular basis, over many years, and never found parking a problem most customers walked to the pub (as is normally the case with town centre pubs), unlike the objections, most of whom, so I am told, never used the pub, yet complained when it close through lack of trade! The turning areas provided are sufficiently large enough to allow delivery vehicles to access and leave in forward gear. Highways have not objected to the access. Pitched roof elements have been introduced to eliminate the nasty flat roof extensions to the rear of the pub. All historic timbers will be retained as shown on the drawing. The pub character will, if anything be enhanced as we intend exposing the beautiful historic features within most of which have been covered over during recent decades. Although so covers have been shown in the restaurant, and we would love to fill all the tables, but in practise this will not happen. We can show a reduction in covers it required, but we could re-open the pub with as many covers as we wanted without. A need for any planning application.

RELEVANT HISTORY: Conversion of pub to dwelling approved in 1993. Retention of play equipment in beer garden approved 2001. Applications for erection of dwellings on land to rear refused 2003 and 2004. Appeal pending determination by Inspectorate.

CONSULTATIONS: Specialist Design Advice: The proposal consists of the introduction of first floor accommodation over the existing unsightly flat roof extension and the creation of manager's attic accommodation within the existing historical roof. The alterations are acceptable in principle but I suggest certain conditions which would result in some design improvements in particular, the design of the dormers, the use of clay plain tiles, details of windows and use of render.

ECC Highways: The Highway Authority do not wish to raise an objection subject to the following. Space shall be provided in the site to accommodate the parking and turning of all vehicles regularly visiting the site and as may be agreed with the local planning authority. Where the surface finish of a private access is intended to remain unbound, the first 6m as

measured from the highway boundary should be treated with an approved bound material to prevent any loose material depositing on the highway. The access should be centrally located to a minimum of 5.5m in width for at least the first 12m of the site. All the above are in the interests of highway safety.

TOWN COUNCIL COMMENTS: Opposed to this application, which is considered overdevelopment in relation to the proposed parking provision and are concerned that any significant architectural and internal features are retained.

REPRESENTATIONS: These applications have been advertised and 6 representations were received for the original scheme. The application has been revised and re advertised and representations were received. Revised period expired.

Original Summary: Approximately 60-signature petition against the closure of the Kings Head as a Public House. The rear extension shows at least five upper storey windows, which would overlook adjoining properties and lead to a loss of privacy. The proposal would change the character of the pub to that of a hotel. The larger number of visitors would cause increased noise in the surrounding residential area. This is over development of the property especially when combined with the proposed facility to the rear. The parking provision is inadequate. The access must not cause a hazard. All historical features should be retained including, timbers, paneling and hardware. It is difficult to see how the bar will provide any effective service to the local community. The position of the proposed refuse bins is unacceptable due to noise and smells.

Dunmow Society: Support the applications, which will retain the use of the public house and provide a useful alternative facility off the high street.

Revised Proposal: The revised parking layout is unimaginative, parking should go along the northern boundary distanced from the trees to prevent damage and some of the width and length kept as open garden space. It would be unwise to reduce the width of the pub's access to 4.10m to prevent any future hazards. Historical features should be retained. We are concerned that visitors from Stansted Airport and that it will use the facility could be airport car park related.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the proposal would be appropriate in this location (ADP S1, DLP LC6),**
- 2) **whether the proposal would have a detrimental impact on the setting and character of the Conservation Area and the listed public house and surrounding listed dwellings (ADP DC2, DC5, DLP ENV1, and ENV2) and**
- 3) **whether the proposal would have a detrimental effect on the amenities of adjoining residents and whether the proposal would impact on highway safety and provide adequate car parking provision in accordance with, ADP H10, DC14 & DLP H3, GEN4 and ADP T1, T2, DLP GEN1, GEN9 respectively.**

1) Adopted and emerging local plan policies supports the change of use of an existing building within development limits/settlement boundaries, providing that the development does not harm the character of the area or the amenities of the surrounding area. The building has a history of being used as a public house with some of the existing rooms being let out on an irregular basis. The building stands vacant at the moment and it is evident from representations and petitions received not only in respect of this application but previous applications that local residents do not want the viability and vitality of the public house affected and that they clearly want it to be reopened. This proposal would bring the building back into a sustainable and viable use by providing a bar, restaurant and tourist accommodation facility, which would contribute to the diversity and vitality of the town and should be encouraged subject to other considerations. Accordingly there are no objections in principle to the proposal.

2) The proposed extension would replace an existing unsightly flat roof extension, which does little for the historic character and setting of this listed building. The design of the extensions has been negotiated and whilst further design revisions need to be made, in particular to the treatment of the dormer windows, this can be achieved by condition. The proposal would not materially harm the character and appearance of the listed building and the setting and appearance of the Conservation Area.

3) The building has historically been in use as a public house so it is reasonable to consider by bringing the pub back into this use that it would not adversely affect the amenity of adjoining occupiers. However the new use as a combined bar, restaurant and tourist accommodation would result in an intensification of the previous use and could result in an increase in noise during the evening from cars using the spaces within close proximity to the dwellings on north Street and the premises in general. However the applicant has stated that he would accept a condition limiting the opening hours of the hotel and restaurant to 11:00pm in an attempt to minimise the impacts on adjoining residential properties. If this condition is imposed and because of the previous use of the building as a public house, which attracted no complaints it is considered that the impact on residential amenity would not be sufficient enough to warrant refusal of the proposal.

The site is easily accessible from the local road and transport network, which is capable of accommodating any extra traffic. Subject to the access being widened to 5.5m for the first 12m of the access as per ECC Highway requirements and the surface being bound for the first 6m of the access, no material impact on highway safety would occur. With regard to the parking provision, the proposal would provide 9 units of tourist accommodation, a restaurant for 50 covers and the bar area which would be used by both residents and non residents, requiring 1 space for every 5 sqm of floor space and 1 space per bedroom under the DLP, which are maximum standards. The total parking provision required would therefore be 21 spaces for the bar and restaurant and 9 for the tourist accommodation. The proposal falls short of this requirement by 11 spaces, but it is recognised that in town centres, parking provision should be flexible in order to reduce dependence on the motor vehicle. It is anticipated that staff and users of the bar and restaurant would not necessarily visit the facility by car as it is within walking distance of the town centre and is easily accessible both on foot and by public transport. Eleven of the spaces would be set-aside for residents of the accommodation, leaving 9 spaces for use by users of the restaurant and pub, which is considered to be an appropriate amount given the town centre location.

COMMENTS ON REPRESENTATIONS: The works to the listed building, subject to certain restrictive conditions to ensure that the fabric of the building is not harmed will be imposed on any approval. The works would not materially affect the character of the building, nor its setting within the Conservation Area. Whilst it is acknowledged that the character of the pub may change slightly, the bar will be open to non-residents and residents and it is considered that this change would not be sufficient to warrant a refusal. Details of the bin store have been requested by condition to ensure that the impact on residential amenity is minimal. The parking provision is considered adequate given the sites location and accessibility. Traffic using the site would not create a hazard or be a danger to highway safety.

CONCLUSIONS: The public house has been underused for some time and the proposal would enhance the viability and vitality of the pub and bring it back into appropriate re-use. The proposal would not have a detrimental impact on the character or setting of the listed building and would preserve the existing character and setting of the Conservation Area. The parking provision is adequate for this location which is in easy reach of public transport and because it is expected that the restaurant and bar would be used by local residents of the town who would not drive to the site but use other means of transport instead, the parking provision is acceptable.

RECOMMENDATIONS

1) UTT/0350/04/FUL – APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.3. 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. No development shall take place until the proposed car parking spaces have been laid out to the satisfaction of the local planning authority, details of which must be agreed in writing. Thereafter these shall be retained for use by occupants of the premises.
REASON: In the interests of highway safety.
7. No development shall take place until details of the proposed bin store have been submitted to and approved in writing by the local planning authority. The bin stores shall be set out in accordance with those details.
REASON: In the interests of residential amenity.
8. C.10.26. Standard Highway Requirements.
9. C.11.7. Standard Vehicle Parking Facilities
10. C.13.7. Hours of use. (No bar, restaurant and arrival of guests after 11pm.)
11. C.17.1. Revised plan required (pitched roof dormers).
12. C.25.1. No Airport Related Parking.

2) UTT/0351/04/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development - listed buildings [conservation areas].
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.5. Clay plain tiles.
4. C.5.7. Window details.
5. C.5.11. Smooth rendered walls
6. C.5.16. No historic timbers to be cut.

Background papers: see application file.

1) UTT/1019/04/OP & 2) UTT/1017/04/FUL - SAFFRON WALDEN

(Joint report)

1) UTT/1019/04/OP - Outline application for live/works units, office, business support facilities, civic amenity and recycling centre, roadsweeping depot, other employment uses and new roadworks, with all matters reserved except siting and means of access.

2) UTT/1017/04/FUL – Erection of 42 no. live/work units with offices, business support facilities, new vehicular and pedestrian access and roadways, Thaxted Road. GR/TL551-373. Granite Property Development.

Case Officer: Ms H Lock 01799 510486

Expiry Date: 09/08/2004

Comments in this report are common to both applications except where specified

NOTATION: Part within and part outside development limits. That outside is occupied by the Civic Amenity Site and local authority depots and has brownfield status.

DESCRIPTION OF SITE: UTT/1019/04/OP The overall site has an area of 4.738ha and is located on the north eastern side of the B184 Thaxted Road. It comprises the Civic Amenity And Recycling Centre (CARC) site, a vacant industrial building, a former garden centre, two depots operated by the County and District Councils and vacant employment land. Adjacent to the site on the southern boundary is a new industrial building, which is in use. Most of the site lies within development limits although it is outside the main urban area of Saffron Walden. That part of the site which lies outside development limits is brownfield land occupied by the CARC and the depots. There are two access points into the site from a slip road which runs parallel with the B184. A small part of the site is owned by the District Council.

UTT/1017/04/FUL The site has an area of 1.58 ha and is located on the north eastern side of the B184 Thaxted Road. It comprises the Civic Amenity and Recycling Centre (CARC) and the County and District Councils' depots. Access is taken from a slip road which runs parallel with the B184. It lies within the site area of the outline application.

DESCRIPTION OF PROPOSAL: UTT/1019/04/OP Outline planning permission is sought over the whole site for a variety of uses, backed up by a master plan. All matters, with the exception of access, are reserved. A traffic impact assessment, needs survey of live-work units (attached at end of report) and a tree survey accompany the application together with a very "broad brush" illustrative scheme. It makes reference to relocation of the Civic Amenity and Recycling Centre to the southern part of the site, and although this is the subject of a separate application by Essex County Council these schemes are interdependent as they share the same access. The illustrative scheme also shows relocation of the salt store and highways depots. The central part of the site would remain in employment use, with live-work units to the north, adjoining the development at Southgate House. The live-work units would be complemented by a business support centre, which would provide such facilities as meeting rooms, collections and delivery facilities and secretarial support. The existing ITT building would be entirely reformatted to provide small individual office suites of varying sizes.

Access would be revised in accordance with the County Council's requirements from a single access point at the centre of the site's road frontage, safeguarding access to existing uses. This would include access to the CARC and relocated depots. A Traffic Impact Assessment accompanies the application for the relocation of the CARC which is relevant to consideration of this application and UTT/1017/04/OP. The existing slip road arrangement

would be eliminated and incorporated into the landscaping scheme. Further extensive landscaping is proposed and it is proposed to fund public art at the entrance to the site, by way of a local competition.

Development would be phased as follows:

- 1 Construction of new CARC. Highway improvements and new junction
- 2 Closure of existing CARC. Creation of new junction. New offices for Granite/Business Support Centre. Live work units to rear of present CARC site
- 3 Live work units to front portion of site
- 4 Conversion of ITT building to office suites
- 5 Live work to balance of rear portion of site.

The employment land will be developed on a demand led basis.

UTT/1017/04/FUL It is proposed to relocate the CARC and depots as explained above and to develop the site for 42 live-work flats and a Business Support Centre. The flats would be arranged in a single L shaped echeloned block of predominantly 3 storey height with a four storey element on the corner at the entrance to the site. There would be 13 one bedroom and 29 two bedroom units. A modern design is proposed. The 3 storey element would be flat roofed with a height of 9.2m to Thaxted Road, while the four storey element would have low monopitch roofs with a maximum height of 12.5m. The overall length would be 91m, with an average depth of 6.4m. Each flat would have a balcony or terrace, internet and broadband connections and a purpose built integral workstation. 73 parking spaces would be provided along with cycle stores. Some 800 sq m of amenity space is proposed. The appearance would be commercial rather than overtly residential.

To the south would be located the proposed Business Support Unit with a total floorspace of 576 sq m. This would be a three storey building with a monopitch roof sharing the design features of the proposed flats. It would have a maximum height of 12m with a depth of 11m and a width of 21m. 21 parking spaces are proposed. The ground floor would comprise the support unit with the upper floors being retained by the Applicants for their offices. An opportunity for public art is located at the front of the site.

The final part of the application comprises the access to the site up to the proposed CARC which forms a separate application to be determined by the County Council. This proposes the closure of the two accesses to the site and their replacement with a single point of access.

APPLICANT'S CASE: An extensive Masterplan accompanies the application, which can be inspected at the Council Offices in Saffron Walden. In summary it requires:

Development Objectives

- Provide modern and efficient community services to serve Saffron Walden, which are capable of continuous operation
- Provide a new state of the art Civic Amenity and Recycling Centre (CARC) located to the rear of the site away from the visually prominent road frontage
- Create a welcoming approach into Saffron Walden from the South incorporating Public Art
- Create a successful live/work environment with Business Support Centre and open space
- Introduce highways improvements, taking into account Traffic Impact Assessment (TIA) recommendations, to assist traffic management
- Ensure the development is environmentally sound and energy efficient

- Create a sustainable and integrated development with informal pedestrian links via areas of open space
- Seek highest standards of design materials and landscaping

Community Services – Civic Amenity & Recycling Centre

The new CARC has been designed in consultation with Essex County Council (ECC), and a separate planning application (ESS/33/04/UTT) has recently been submitted. This application had to be made direct with ECC who hold the remit for all waste management planning matters.

The need for improved facilities has been acknowledged for some time by ECC, who are under a statutory obligation to comply with the ever increasing demands for the disposal of house hold waste under Section 50 of the Environment Protection Act.

The new facilities will ensure these obligations can be fulfilled.

GPP commissioned Turley Associates to prepare a Planning Supporting Statement. This statement, along with the Traffic Impact Report accompanied the planning application made to ECC.

Community Services – New Highways Storage Depot

A new Highways Salt Store is being provided for the transportation department of ECC. This will provide under cover storage built on a paved surface thereby preventing air born pollution, or ground pollution.

The present Highways Salt store is located behind the present Civic Amenity Point, and is on an unpaved surface, and does not provide undercover storage.

Community Services – Road Sweepings Depot

The existing road sweepings depot operated by Uttlesford District Council (UDC) is located to the left hand side of the present Civic Amenity Point. A new facility will be provided close to the new CARC and will be fully paved.

This unit will continue to serve the Street cleaning demands of Saffron Walden.

When the new facility is open, it will permit the site to be included within the proposed development. This site is owned by UDC who will advise on the preferred use.

Welcoming Approach into Saffron Walden

The present approach along the B1084 is arguably the least attractive approach into Saffron Walden, acknowledged as one of the most attractive Towns in UK. The proposals will move the necessary but unsightly elements to the rear of the site, taking advantage of the natural topography, and providing the opportunity to greatly enhance this approach into the Town.

As this site is one of the major gateways into the Town, it is considered a suitable location for an item of Public Art. A capital sum will be allocated to fund the sculpture.

The precise form and design of this sculpture could be determined by way of a local competition, and judged by a panel of interested parties. The position of the plinth is shown on the detailed application UTT/1019/04/FUL.

Live/work – The Concept

'Live/work' describes the combination of living and workspace in a single purpose-designed unit of accommodation. It is different from the traditional 'working from home'

It has a long and honourable history – offices as such were rarities until the mid 19th century, while the 'city merchant' tradition of working and living in the same premises survived into the 20th century.

Live/work – The Need

GPP have commissioned a report on live/work development from Hurford Salvi Carr, one of the acknowledged leading specialists in this field, and a copy of their report is attached.

It is predicted that by 2006 over 30% of the UK workforce will be working from home, and dedicated live/work units have become a popular way of accommodating this lifestyle.

Live/work is proving particularly attractive to people who

- Are setting up business and may not be able to find finance for separate business premises
- Want to formally expand a business they are currently running from home
- Are disabled and so deterred from travelling to work
- Prefer the lifestyle live/work offers

Its recent emergence reflects changes in economic and social trends, where planners are keen to create sustainable development to retain employment, whilst synthesising the economic environment and social needs of the community. These changes include

- Demand for flexible and sustainable work patterns
- Government initiatives to encourage working from home
- Recognition of the economic potential of new growth industries
- Official concern to reduce the need to travel

It is clear that live/work units reflect a change in economic and social trends. It is important to create an environment which encourages interaction between the occupiers, and form a mini commercial community within the wider Saffron Walden business community.

This will be encouraged with the establishment of the business support centres which will include the following facilities

- Office support equipment
- Video conferencing facilities
- Meeting Rooms
- Secretary facilities
- Message service
- Collection and despatch facilities
- Short term storage facilities for delivered goods

Each live/work unit will have the following

- Defined work space or purpose built work station
- 2 telephone lines

- Work space / work station at the point of entry

The principle of live/work development in Thaxted Road has already been accepted and established by the granting of detailed consent under reference UTT/1382/01/FUL at Southgate House – part of the T&T portion of the development.

Highway Improvement Works

Both T&T and GPP have carried out independent Traffic Impact Assessments (TIA) and the issues highlighted have been incorporated into the highway improvement proposals.

GPP instructed David Rutherford C.Eng, MSc, MICE, FIHT to carry out a traffic impact report, and a copy is attached dated July 2004.

Substantial highways improvements are proposed, which will greatly assist traffic management. These improvements include the following

- Road widening
- Creation of ghost islands
- Introduction of dedicated right hand turn lanes
- Closure of old slip road and sub-standard junction
- New junction to current design requirements
- Existing sub-standard junction improvements
- Adopted internal access roads

These improvements have all been designed to adopted standards, and have or will be approved by the transportation department at ECC.

Environmental Issues

There are clear environmental benefits to be gained from the closure of the old community services and the provision of modern, efficient and environmentally friendly facilities.

There is strong pressure on Local Authorities to encourage recycling and to regard waste material as a valued commodity. The new CARC will assist with this objective. Clearly the more recycling, the less need to use existing resources and the reduced dependency on landfill.

The new development will be designed to take full advantage of modern insulation materials, and will be energy efficient.

Sustainability

Sustainability is the watch word of modern development thinking, is in line with present planning policy guidance, and this sentiment is fundamental to this OMP.

The creation of a live/work development is fully consistent with sustainability, with the beneficial occupation of the units not dependent on the use of a motor vehicle.

Working from home is increasingly more common and socially acceptable. Many employers and authorities actively encourage it. It removes the need to travel to work, reduces overall traffic movements, and places less demands on existing infrastructure.

The development provides cycle ways and integrated footpaths, encouraging pedestrians and cyclists. The site is located within easy walking distance of the Town Centre, and only around 450M from the Lord Butler Recreation Centre.

Design Standards / Materials / Landscaping

The front portion of the development site warrants the highest standard of design. Whilst the architecture will belong to the 21st Century, the materials, textures and colours used will reflect traditional values. Clay bricks, soft render and pitched roofs will assist this aim, and wherever possible, locally sourced materials will be utilised.

Normally developments are designed to minimise their impact on the existing environment, but here there is little if anything worth preserving. Unusually, there is a rare situation whereby the development can only enhance and improve the environment.

Extensive landscaping will be introduced along the front portion of the site, where the old slip road will be closed. This will be around 7-8M wide and will have a major impact on the approach into Saffron Walden, and will provide habitat for wildlife. The planting is most likely to be native species and not ornamental.

Additionally landscaping will be introduced around the blocks of live/work apartments, which will incorporate a meeting area for the occupants. The precise form of this is yet to be finalised.

A large open space is planned within the Granite portion of the development – up to around half an acre – which will become a usable public open space for the benefit of the occupants.

Benches and picnic tables and brick built BBQ area will be provided within the open space – up to a capital value of £5000.00.

An equipped play area, and fully compliant with current Health & Safety Executive requirements, is planned, with a capital allocation of £40000.00. It is proposed the precise equipment and requirements would be negotiated with the Saffron Walden Town Council, and the completed facility will be dedicated to the SWTC for their future management, and the benefit of the Town generally.

PLANNING POLICY

Uttlesford Local Plan 1995 / Draft Local Plan 2001 / Revised Draft 2002

The policies of the Local Plan support the overall development, and will guide the detail of the overall scheme.

Around 95% of the site is zoned for development within the adopted 1995 Plan, and there are no changes proposed in the Draft Plan of 2001 or the Revised Draft of 2002.

The front portion of the Granite site – the area currently used by UDC (Road Sweepings Depot) and ECC (Civic Amenity Point and Highways Salt Store) - is 'white land'. It is considered that this portion of the development would more correctly be described as a 'brown field' site, and preliminary discussions with senior Planning Officers at UDC suggest this view is correct.

Significantly a scheme for 72 No live/work units on part of Site 1 has already obtained detailed planning consent (UTT/1382/01/FUL).

The approved site has the same planning zoning as the bulk of the remainder of the development site, and further approvals would be therefore entirely consistent.

RELEVANT HISTORY: There is an extensive planning history of retail and employment permissions on this site. In addition planning permission was refused in December 2003 for the relocation of the civic amenity and recycling centre and residential development. Planning permission was refused for 97 live-work units on the adjoining site on 28th June 2004.

These applications were the subject of a site visit and an early report for member's comments on 28th June 2004. Members expressed considerable concern over the individual and cumulative amount of live-work accommodation being proposed on this and the adjacent site and sought a master plan to cover both. The terms of reference were agreed at the last meeting and sought, inter alia, justification of live-work units if appropriate, flood attenuation, affordable housing, parking, density, open space and prevention of the live-work units, if appropriate, becoming unfettered residential development.

CONSULTATIONS: ECC Highways: request extension of time.

Water Authority: no reply received.

Environment Agency: a flood prevention scheme is required to accommodate surface water run off, and the application should be deferred or refused in the absence of this.

Ramblers Association: no reply received.

ECC Education: to be reported.

TOWN COUNCIL COMMENTS: no reply received (due 17th July).

REPRESENTATIONS: UTT/1019/04/OP This application has been advertised and 1 representation has been received. Period expired 17th July 2004.

Friends of the earth object as the development of live work units would create a residential development that is separate from the town and incompatible with the local plan policy. The balance of the plan would be undermined by the proposal. There is insufficient amenity space for residents. Traffic impact not acceptable.

UTT/1017/04/FUL This application has been advertised and 2 representations have been received.

Period expired 17th July 2004.

Friends of the earth object as the development of live work units would create a residential development that is separate from the town and incompatible with the local plan policy. The balance of the plan would be undermined by the proposal. There is insufficient amenity space for residents. Traffic impact not acceptable.

One other objection on aesthetic and environmental grounds – detrimental to rural approach to the town from the south owing to the height of buildings. Adverse effect on footpath and enjoyment of it.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) the land currently occupied by the CARC and depots has any development potential and whether the proposed mixture of uses, including B1 live work use on this site is considered acceptable (PPG3, PPG4, ERSP Policies BIW3, 4, 5; ADP Policies S1, SW7 and DLP policies S1, SW5 and E2),

- 2) **the scale, form and design of the development and its effect on surrounding land would be acceptable (ERSP Policy BIW4; ADP Policies DC1, DC14 and DLP Policies GEN2, 4 and 5),**
- 3) **the highway access and parking arrangements are acceptable (ERSP policies T3, T8 and T12; ADP policies T1 and T2, and DLP policies GEN1 and 9),**
- 4) **the proposed juxtaposition of uses is acceptable,**
- 5) **the requirements of the Environment Agency can be accommodated and**
- 6) **the issues raised by Members have been addressed and whether the application can be determined independently of the master plan for this and the adjoining site which has been required by the Committee.**

1) Part of the site has no notation in the Local Plan. This comprises existing local authority uses for which there were no proposals at the time the plan was formulated, consequently no notation was proposed. This part of the site has brownfield status and is surrounded on three sides by land allocated for development. It is considered reasonable to include this land within the overall development site.

Some two thirds of the site would be occupied by employment uses and the relocated CARC and depots. It is considered that these aspects of the application are clearly in line with the policy requirements for the site. Although the CARC is not the subject of this application, being a separate application for determination by the County Council, it is considered that a modern facility would be a benefit to the area.

The remainder of the site is proposed for live-work units and landscaping, although it is stressed that the outline scheme, other than access arrangements, is illustrative. The concept of live-work units has been accepted on the adjoining site, and a full application for 42 live-work units on the site of the current CARC site is also for determination. The attached statement from the Applicant's consultants sets out how the concept of live-work units would operate. In particular it is noted that experience elsewhere shows that one job is created per unit. This may be compared with the employment ratio for conventional employment uses which is...

The Local Plan does not specifically address the issue of live-work units other than at the 1.42ha site at Bellrope Meadow in Thaxted, where the Inspector has recommended that the whole site be given over to live work units. This particular site was allocated for employment use in the ADP with the notation being changed in the DLP following the grant of planning permission on appeal for part employment part live-work development. It has now been allocated purely for live-work. There are some parallels here with the current proposal.

The suitability of the Thaxted Road site for live-work units is clearly a matter for Members. Government policy expressed in PPG3 (Housing) advises that Council's should re-examine long standing employment allocations in local plans to determine their suitability for residential development. This site and the adjoining land have been allocated for employment for over 20 years with only very limited development taking place. It is considered that live-work units would provide an opportunity to bring forward an employment use on this site and that it broadly complies with the policy requirements for the site.

Concern has been expressed that the live-work units could become occupied solely for residential purposes. It is accepted that there is an element of risk associated with this, and that it is important that such a risk is minimised. Accordingly conditions are suggested to require the approval of a management schedule for the live-work units to include contributions to the running of the Business Support Centre, and to require the completion of the Business Support Centre prior to the first occupation of the live work units.

2) This is a key location at the southern entrance to the town. The illustrative proposals that accompany the outline application indicate that development could be carried out in a manner compatible with the character of the surroundings, and given the long term policy allocation for the site this aspect of the proposal is considered acceptable.

Turning to the detailed application it is considered that the principle of redeveloping the CARC and depots would bring about a significant environmental improvement. The proposed design of the live-work flats is considered imaginative and would provide an interesting visual feature at this approach to the town. There is scope for generous landscaping with the closure of the slip road and for the retention of the already mature screening to the front of the site. The overall density would be in the region of 46 dph and the appearance of the building would stress the employment based nature of the site.

The flats would be complimented by the design of the business support unit which would be set back within the site. It is considered the proposed design is acceptable.

The TIA Concludes: "The integrated redevelopment of the CARC and the Local Authority Depots on Thaxted Road with the approved Granite Business Park and adjacent Live/Work units would create a substantial planning gain through the improvement to road safety in the area.

In particular, the new ghost-island junction layout with traffic islands would replace the very substandard junction. This would have ample capacity for the predicted level of traffic flow, and would improve road safety and vehicle manoeuvrability at the junction. It would also facilitate the location of traffic islands on Thaxted Road. These islands would reduce traffic speeds, prevent overtaking on the hill and provide a safe refuge for pedestrians crossing the road to the northbound bus stop.

There would be good accessibility to passing bus services, and bus stops and bus laybys would be located on Thaxted Road with easy access. It is proposed to promote the extension of the Town Hopper Bus and the Supermarket Courtesy Bus services to serve these new residential and employment areas.

The old road in front of the Site would be converted to a wide cyclepath/footpath to provide a safe attractive route for pedestrians and cyclists to and from the nearby Leisure facilities and the Town Centre. This would encourage the use of non-car travel to and from the site. The creation of an appropriate internal layout for the CARC, and a substantially improved approach road, would remove the severe queuing and congestion that are caused by the current CARC layout and location.

Although the proposed development would generate small increases in traffic flow, these would be spread around the highway network. There would be only a 3% increase in existing traffic levels on both Thaxted Road North and Peasland Road as a result of the proposed development. This increase would be virtually undetectable by comparison with the normal daily variation in traffic flows".

3) The proposed access has been drawn up in association with the Highways Authority and their formal comments are awaited. Parking within the site would need to be addressed to meet the Council's standards as the phases of the development proceed.

Parking for the proposed flats and business support unit would comply with the Council's standards

It is considered that this would be a sustainable form of development as compared to a conventional employment use and journeys to work would be minimised.

4) When planning permission was refused for residential development in December 2003 one of the primary concerns of the Committee was the proximity of the access to the proposed housing, which would be shared with traffic visiting the CARC. This has now been overcome as access to the CARC is proposed to pass through the proposed employment area and is segregated from the live-work units. It is considered that the spread of uses across the site would provide an effective gradation of intensities of use with the more active sites to the south, and the area for live work units adjacent to those approved to the north.

5) The Environment Agency have advised that consideration of the application should be deferred or refused pending the submission of a flood attenuation scheme for the site to address the issue of surface water run off. They advise that such a scheme cannot be completed within the statutory timescale for determining the application. The Environment Agency did not raise this issue in commenting on the application which was refused in December 2003. In addition the site, along with all other development sites in the Local Plan, was put through a flood risk assessment as part of the Local Plan process and the Agency raised no concerns. In the circumstances it is considered that the matter can be satisfactorily addressed by a condition that prevents any development taking place until a flood attenuation scheme has been approved. In particular, as this is an outline application with very limited information as to the detailed form of development, it is considered that this issue will also need to be addressed as the phases of development progress, if planning permission is granted.

5) The issues raised by Members are addressed in the report with the exception of affordable housing. This matter is being considered with Registered Social Landlords and a further report will be made at the meeting.

The Committee has required the masterplan for this site to be extended to include the adjoining site, although there is no policy in the local plan requiring a masterplan approach. The request was made after the submission of this application. The masterplan is being prepared and progress is reported on the agenda accompanying this schedule. This application however needs to be treated on its individual merits and it is considered that there is sufficient flexibility within the proposal to accommodate the requirements of a master plan for the site, which would guide its phased development.

COMMENTS ON REPRESENTATIONS: These are covered in the report.

CONCLUSIONS: It is considered that elements of these applications – particularly the proposed employment uses – comply with the Council’s long standing policy for this area and are satisfactory. The key is the extent of live-work units which form a substantial element of the proposal. Members may consider that, despite the additional information provided, that no case has been made for live-work units and that the application is premature in advance of approval of the overall masterplan. Members may also consider that Officers’ recommendations for handling access and flooding issues do not give adequate certainty. If so then planning permission should be refused although in doing so members will need to exercise caution over the status of the requirement for a masterplan as it is not a requirement of the Policies for the site.

On balance it is considered that the proposals present an opportunity for development of this key site which would enable the provision of a new CARC, improve the appearance of this entrance to the town and provide employment opportunities on a site which has remained in need of improvement for many years

RECOMMENDATIONS:

1) UTT/1019/04/OP – APPROVAL WITH CONDITIONS SUBJECT TO S106 AGREEMENT TO SECURE CONTRIBUTIONS TO HIGHWAY WORKS, AFFORDABLE HOUSING AND EDUCATION

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.4.8. Landscape management and maintenance plan.
6. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
7. C.8.22. Control of light.
8. C.8.23. Environmental Standards.
9. C.8.26. Internal sound insulation to flats [dwellings].
10. C.8.27. Drainage Details.
11. C.11.8. Standard vehicle parking facilities.
12. No development shall take place until a flood attenuation scheme has been submitted to and approved in writing by the local planning authority. Such a scheme shall be in accordance with the requirements of the Environment Agency and development shall take place in accordance with it.
REASON: In the interests of public safety.
13. No development of live-work units shall take place until a management scheme for the live-work units has been submitted to and approved in writing by the local planning authority. Such a scheme will include details of a charging mechanism for occupiers for servicing including the running of the Business Support Unit. The approved scheme will be applied on first occupation of the units and retained thereafter unless agreed in writing by the local planning authority.
REASON: to ensure that the development operates as an employment use.
14. Prior to the first occupation of any live-work unit the Business Support Unit shall be constructed, fitted out and made available for use by occupiers of the live-work units and so retained thereafter.
REASON: to ensure that adequate support facilities are available to support the employment elements of the development
15. No business shall be carried out within the units hereby permitted and their associated curtilage other than by an occupant of the same unit.
REASON: To retain employment uses on the site.
16. No unit or combination of units in common ownership formed within the buildings hereby permitted shall be used or occupied other than:
(i) for a purpose or purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 or;
(ii) as a mixed use within Classes B1 and C3 of the Town and Country Planning (Use Classes) Order 1987 for the person or persons carrying on or previously having carried on such use or/and any widow, widower or dependants of such person or persons or as a residence for the officers or employees of a company or association carrying on such use and/or widow, widower or dependant of such officer or employees.
REASON: To retain employment uses on the site.

2) UTT/1017/04/FUL – APPROVAL WITH CONDITIONS SUBJECT TO S106 AGREEMENT TO SECURE CONTRIBUTIONS TO HIGHWAY WORKS, AFFORDABLE HOUSING AND EDUCATION

- 1 C.2.1 Time limit for commencement of development.
- 2 C.4.1. Scheme of landscaping to be submitted and agreed.
- 3 C.4.2. Implementation of landscaping.

- 4 C.4.4. Retention/replacement of trees.
- 5 C.4.6. Retention of hedges.
- 6 C.4.8. Landscape management and maintenance plan.
- 7 C.5.2. Details of materials to be submitted and agreed.
- 8 C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
- 9 C.8.3. No outdoor working.
- 10 C.8.22. Control of lighting.
- 11 C.8.23. Environmental standards.
- 12 C.8.26. Internal sound insulation to flats [dwellings].
- 13 C.8.27. Drainage Details.
- 14 C.9.1. No outdoor storage.
- 15 C.10.12. Standard highway requirements.
- 16 C.10.15. Standard highway requirements.
- 17 C.11.7. Standard vehicle parking facilities.
- 18 No development shall take place until a flood attenuation scheme has been submitted to and approved in writing by the local planning authority. Such a scheme shall be in accordance with the requirements of the Environment Agency and development shall take place in accordance with it.
REASON: in the interests of public safety.
- 19 No development of live-work units shall take place until a management scheme for the live-work units has been submitted to and approved in writing by the local planning authority. Such a scheme will include details of a charging mechanism for occupiers for servicing including the running of the Business Support Unit. The approved scheme will be applied on first occupation of the units and retained thereafter unless agreed in writing by the local planning authority.
REASON: to ensure that the development operates as an employment use
- 20 Prior to the first occupation of any live-work unit the Business Support Unit shall be constructed, fitted out and made available for use by occupiers of the live-work units and so retained thereafter.
REASON: to ensure that adequate support facilities are available to support the employment elements of the development

Background papers: see application file.

UTT/2010/03/DFO - GREAT DUNMOW

Proposed access incorporating part of existing crossover (pursuant to outline planning permission UTT/1707/01/OP).

Former Highways Depot, Haslers Lane. GR/TL 628-215. Bellway Homes Ltd (Essex).

Case Officer: Mr R Aston 01799 510464

Expiry Date: 16 January 2004

NOTATION: ADP & DLP: Within Development Limits & Settlement Boundaries, Town Centre Opportunity Site/Allocated for residential development in deposit Local Plan/adjoins Conservation Area.

DESCRIPTION OF SITE: This site of about 0.34ha (0.85 acres) lies to the south of the town centre to the west of Chelmsford Road. It was formerly used as the County Council's highways depot, but is now unused. The site contains a variety of utilitarian buildings in various materials erected in connection with the former depot functions. The northern boundary of the site is formed by a public footpath, which runs from Hasler's Lane to New Street. Along the southern boundary of the site, the land drops down by some 2m to Hasler's Lane. The locality is now residential except for offices and the County Council's Old Manse building north of the footpath.

DESCRIPTION OF PROPOSAL: The proposal details the creation of a vehicular access to serve the approved residential scheme for 33 dwellings, pursuant to UTT/0127/03/DFO.

APPLICANT'S CASE: See exceptions report received 28 May 2004 and Bellway Home's Planning Statement dated 21 November 2003 attached at end of report.

RELEVANT HISTORY: Outline permission for residential development granted June 2002. Reserved matters (excluding access) granted for erection of 33 dwellings June 2004.

CONSULTATIONS: ECC Highways: The developers wish to incorporate the existing dropped kerb and provide a 4.8m wide access with no alterations to the alignment of Haslers Lane. The proposal would mean the creation of a further point of possible traffic conflict. The slowing and turning of vehicles from the new access would lead to conflict and interference with the passage of through vehicles along Haslers lane and would also lead to vehicle confusion from those entering/egressing the site with vehicles negotiating the side junction. This in turn could lead to vehicle conflict to the detriment of highway safety. The proposal as indicated would also result in vehicles finding it difficult to negotiate a left turn movement into the adjacent side road. Favourable consideration would be given to this application should the developer were to realign Haslers lane which although it creates an additional point of conflict is the safest of the three options put forward.

TOWN COUNCIL COMMENTS: The Council support option 2 as they consider that the physical control of speed by the introduction of humps is more effective than just road markings.

REPRESENTATIONS: None. Notification period expired.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the proposed access would be detrimental to highway safety in accordance with ADP T1, T2 and DLP GEN1, GEN9.

1) Three options were submitted following discussion between Officers, ECC Highways and Bellway Homes for the creation of the new vehicular access to serve the approved 33 dwelling residential scheme approved pursuant to UTT/0127/03/DFO. The three options were:

- Option 1 – A change in the priority of Haslers Lane
- Option 2 – The provision of road humps on the approach to the proposed site access, which is in the form of a vehicle crossover.
- Option 3 – Improved signs and lines on the approach to the proposed site access, which is in the form of the vehicular crossover.

It was recommended that the three options were submitted as part of the application in order that both this Council and ECC Highways could give each one full consideration and in order for a Road Safety Audit (RSA) to be carried out. The applicant has submitted Option 3 as being the option they want to be considered, whilst ECC Highways consider that a change in the priority of Haslers Lane (Option 1) is the safest and preferred option.

The applicant's preferred Option 3: ECC's Road Safety Audit highlighted concern that drivers may be confused over who has the priority, even though it is a basic rule that drivers, unless otherwise directed should always give way to the right. It is therefore considered that such confusion is unlikely to arise. In addition to this, the volume of vehicles using the road and their speeds should be low enough to prevent an accident occurring. The Road Safety Audit also suggested that vehicles could not turn left from the development site to the adjacent side road. However this turn would be extremely tight and restricted and it is unlikely that any driver leaving the development would undertake such a manoeuvre as both of these side roads lead to industrial and commercial units. The final concern related to the existing alignment being considered 'tortuous' in the Road Safety Audit, this will achieve more than signing could. Warning signs would be there to make people aware of approaching hazards as well as reducing speeds and therefore, the benefit in providing the signs and lines approach is clear as ECC consider that the current crossing of the centre of the road by drivers is unsafe. It is also considered that the option preferred by ECC (Option 1) would lead to further confusion as vehicles wanting to access Haslers Lane may drive straight into the development site, then have to turn around and go back. In addition, Option 1 would lead to the loss of two car parking spaces and whilst this is not in itself sufficient reason to accept Option 3, it is considered that the possibility of conflict resulting from a change of the signs and lines is minimal and the loss of these spaces should be avoided.

COMMENTS ON REPRESENTATIONS: None.

CONCLUSIONS: The existing alignment maintains vehicles at a speed of below 20mph. The option put forward negates the need for any significant changes to the alignment of the road and provides a clear delineation of the lines along Haslers Lane which would encourage drivers to stay in lane, thus avoiding any potential for conflict. It is recommended that members approve Option 3 contrary to the recommendations of ECC Highways.

RECOMMENDATION: APPROVE OPTION 3 WITH CONDITIONS (CONTRARY TO ECC HIGHWAYS RECOMMENDATION)

1. Prior to the commencement of development, the access hereby approved, excluding the top surface dressing shall be laid out and constructed to the satisfaction of the local planning authority and ECC Highways. Subsequently the top surface dressing shall be laid no later than one month after the completion of the development.
REASON: To ensure satisfactory access to the site and a satisfactory standard of development.
2. C.3.1. To be implemented in accordance with approved plans.

3. This permission shall not relate to Option 1 or 2.
REASON: In the interests of providing a proper access to the site.

Background papers: see application file.

UTT/1906/03/OP - LITTLE HALLINGBURY

Outline application for erection of agricultural dairy unit and two dwellings with all matters reserved.

Little Hallingbury Park. GR/TL 514-164. David Milne.

Case Officer: Mr R Aston 01799 510464

Expiry Date: 08/01/2004

NOTATION: ADP & DLP: Outside Development Limits/Settlement Boundaries.

DESCRIPTION OF SITE: The land to which the actual agricultural unit relates totals 430 acres (174 ha), with the total area of land for the buildings amounting to 1.39 hectares. It is located 430m east of the access to Little Hallingbury Park off the A1060 north of Hatfield Heath. The land is currently arable farmland. There are residential properties to the west along the A1060 with the closest being Woodside and to the east the dwellings that form Little Hallingbury Park.

DESCRIPTION OF PROPOSAL: The proposal is at outline with all matters reserved and relates to the relocation and expansion of an existing dairy business and herd from Hall Farm, Great Hallingbury to the site including two agricultural workers dwellings a new building designed to house the livestock and also to accommodate the parlour, dairy, collecting feed area, feed areas, storage and office space. It is the applicant's intention that the existing herd of 120 cows will be transferred to the new site and then further stock will be purchased to expand the number of dairy cows to 220, together with followers (other cow) therefore doubling the size of the existing herd. Of the 430 acres, 250 will be utilised for the dairy unit, which will be further subdivided to provide 200 acres of grass for grazing and silage with the balance of 50 acres used for growing maize for fodder. The remaining 180 acres will stay under arable production to provide pig corn for the applicant's pig unit at Town Farm.

APPLICANT'S CASE: See supporting statement from Acorus Rural Property Services dated July 2003 and accompanying initial Flood Risk Assessment dated 28 May 2004 (available for inspection at the Council Offices, London Road, Saffron Walden).

CONSULTATIONS: Local Plans: The new agricultural dairy unit needs to be considered against the normal criteria, there is no policy objection to this aspect of the development. If it is found that the business is economically viable then there are grounds to allow at least one agricultural dwelling. In this case, although an established operation is relocating, in line with advice in PPG7, for the first three years the accommodation should be provided in a temporary structure. Whether there is justification for two dwellings relies on a qualified assessment of the report submitted in support of the applications their needs to be clear evidence of the need for two permanent workers on the site. Subject to information satisfying the criteria in PPG7 then approval could be granted for the farm buildings and the lagoon. In relation to the agricultural workers dwellings, permission should be granted for one temporary structure.

English Nature: The development is unlikely to affect any SSSI's. The development land could be suitable habitat for protected species and if they are found or suspected then an ecological survey should be carried out.

Environment Agency: The application represents an increased risk of flooding due to the impact on surface water discharge. PPG25 should provoke the developer into undertaking a Flood Risk Assessment (FRA). As no information has been submitted the agency therefore objects to the application as submitted. It is recommended that the applicant undertake a

FRA to assess the potential for flood risk and submit this with a method of mitigation for consideration.

Revised comments (following submission of flood risk assessment) – None received.

UDC Drainage Engineer: The initial Flood Risk Assessment included is sufficient for the purposes of the outline application. A full FRA in accordance with Environment Agency guidelines will be required at the detailed application stage. A condition should be included on any approval that surface water drainage proposals are to be approved in writing by the local planning authority before development commences.

Agricultural Consultant: See appraisal dated 25 March 2004 attached at end of report.

Go East: No comments

Thames Water: No objections with regards to the sewage infrastructure

Environmental Services: Following submission of an initial flood risk assessment and details of the storage and attenuation measures no comments.

PARISH COUNCIL COMMENTS: Objects on the following grounds:

1. There is no established need for the construction of the dairy unit.
2. The proposal would prejudice amenity.
3. The proposed cottages are rather like detached houses and not of modest proportions.
4. The lagoon may cause fear of smell, air and soil pollution.

REPRESENTATIONS: This application has been advertised and 3 representations have been received. Period expired 4.12.03.

General Summary: The proposal would create excessive noise, traffic generation, and smell and would detrimental to rural amenity. Object to any further residential dwellings being erected under the cover of a business venture. The single track is bitumen spread over a dirt track and could not accommodate the extra vehicular traffic especially through use by milk tankers. Badgers exist in the woods next to the site and may pass TB to cattle.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the creation of a new agricultural dairy unit and in this location is an appropriate use in this rural area and whether sufficient justification has been given for the proposals in accordance with National Planning Policy Guidance Note 7, ERSP CS2, C5, NR1, ADP S2, C8 and DLP S7, H11**
- 2) **whether the proposal would have a detrimental impact on the character and appearance of this rural area and the residential amenity of adjoining occupiers, (ERSP C5, ADP C10, DC14 and DLP S7, GEN4, GEN8)**

1. The applicant is a tenant of Hall Farm, Great Hallingbury where he farms 120 high yielding dairy cows and followers on approximately 60 hectares. The farm has been in operation for over 25 years with the applicant running it for the past year. Furthermore, the applicant has an established pedigree pig farm of 48 hectares at Town Farm in Hatfield Broad Oak. The tenancy on the Hall Farm is short term and expires in 2005 with the applicant not being given the opportunity to purchase the farm. The applicant has therefore purchased 174 hectares of land at Little Hallingbury Park, which is arable land in order to create a new dairy unit for the herd with the intention of increasing it to 220. It must be appreciated that this is an outline application and if permission is granted details would need to be negotiated to include the design, appearance, siting of the buildings, the details of the foul water collection and anti pollution measures and details of the dwelling houses. The advice contained within the above policies, in particular Policy C4 of the ADP, which seeks to promote enterprise and development, which diversifies and enhances the rural economy whilst conserving planning interest in the countryside is particularly relevant. Furthermore, PPG7, advises that it is preferable for farm diversification/new farm schemes to re-use good

quality existing buildings and put them to a new business use, rather than build new buildings in the countryside. However, new buildings, either to replace existing buildings or to accommodate expansion of enterprises, or the formation of a new enterprise may also be acceptable provided that they satisfy sustainable development objectives and are of a design and scale appropriate to their rural surroundings. Both the section and the independent agricultural assessment have concluded that in principle the creation of a new farming unit which helps to encourage the rural economy should be supported and that there are no objections in principle to the creation of a new dairy unit in this location, outside development limits/settlement boundaries subject to consideration being given to its impact on rural amenity and the character of the countryside.

Turning to the justification for the agricultural workers dwellings, PPG 7 makes it clear that whether the need for a dwelling is essential will depend on the needs of the farm concerned and not on the personal preferences or circumstances of the individual involved. Given the policies in the Adopted and emerging plans and national guidance, it follows that accommodation which is necessary in order that the business should be viable and thrive should be treated as essential but that this should also be weighed against the impact on the surrounding rural area. The independent agricultural assessment has concluded that although some new low cost dairy units are being run with fewer staff than proposed, two men managing 220 high yielding cows and followers is good productivity and quite possible to achieve given a well designed layout and modern technology in the milking parlour. However PPG7 refers to an 'established existing need' to support the dwellings. The business is an established business, merely being relocated and expanded and the existing cows, followers, staff and management will remain. The independent agricultural assessment looked at the working patterns and practices of such a unit and the need for security and has concluded that there would be a functional need for at least two workers to live close to the unit once the herd has been moved. Given the type and expense of accommodation in the area, it is considered that no suitable dwellings can be found in the locality as it would be necessary for two stockmen to be housed within easy access of the herd so that they can assist during the night times when required, relieve one another at milking and provide general cover so that the herd can be cared for. Accordingly the requirement to show the need for two workers and for them to live on site is satisfied.

In order to comply with the requirements of the test in PPG7, the applicant has submitted profit and loss accounts to show that the existing unit has been established for at least three years and has been profitable for at least one of them. The submitted accounts show that since April 2001 the herd has been profitable thus satisfying the requirements of the test. PPG7 advises that any new accommodation should be provided on a temporary basis in order that the enterprise can be monitored to ensure it remains viable and profitable, however because this is the relocation of an existing profitable and successful enterprise, it is considered that this does not apply. In any event details of the location, size and design of the dwellings would have to be submitted for approval at that reserved matters stage.

2. An indication of the size, position and scale of the buildings was included in the original application, but these have since been withdrawn. Because the function of an agricultural building is material in shaping its form and scale, it is likely that the new unit would comprise modern agricultural buildings. However as the proposal is in outline form, the design and siting of the buildings is to be dealt with under reserved matters and it is considered that an acceptable physical layout of the buildings can be achieved to minimise their impact on the wider rural landscape and the open characteristics of the adjacent Metropolitan Greenbelt.

Turning to the impact of the proposal on rural amenity and the residential amenity of adjoining occupiers, there are two residential properties to the west less than 400m away and two to the east, which are part of the Little Hallingbury Park estate. Permitted

development rights under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 do not extend to buildings to be used for the accommodation of livestock, or to associated structures such as slurry tanks and lagoons, when these are to be within 400 metres of the curtilage of a 'protected building'. The term 'protected building' includes most residential and other permanent buildings, such as schools, hospitals and offices that are normally occupied by people. By requiring planning permission for livestock units within the 400-metre cordon, Parliament has recognised the potential risk of nuisance that such a unit may have on neighbouring occupiers due to noise, smell and pollution of watercourses such a unit may cause and accordingly it should be given detailed consideration in a planning application. Although the Environment Agency objected to the original proposal on the grounds that no Flood Risk Assessment has been submitted, a preliminary flood risk assessment has now been submitted. The assessment has indicated that the proposal is to install a sustainable drainage system and that the restriction and reduction of surface water run-off from the new development will be provided by a sub surface water storage lagoon with a flow limiting device for control of the effluent into the watercourse once it has been treated. This system would encourage natural groundwater discharge and reduce the impact on amenity. There have been no objections from Environmental Services nor the Council's Drainage Engineer to this aspect subject to the detailed design of the system and it is acceptable for a condition to be imposed requiring the applicant to submit a Flood Risk Assessment including details of the storage lagoon and surface water run off prior to the submission of the reserved matters application to ensure the impact on amenity and the natural environment is minimised. With regards to the potential smell and noise, modern agricultural working practices coupled with good animal husbandry techniques reduce the potential for smells to seriously affect adjoining residents. Whilst it is acknowledged that there could be an impact on amenity, this is a rural area suitable for such operations and it is considered that the impact on residential amenity would not be a sufficient reason to warrant refusal of this application.

COMMENTS ON REPRESENTATIONS: The proposal is acceptable in principle as it proposes a use which can only take place in such a location and helps to encourage agriculture and diversity of the rural economy in line with local and national planning policies and guidance. Although the views of local residents in particular with regard to the impact of the new unit on residential amenity have been given detailed consideration, it is possible through good agricultural practice and management that the new unit would not adversely affect the amenity of local residents or this rural area. Details of the proposed waste management and lagoon facilities would be required in detail at reserved matters stage along with the siting and appearance of the buildings and dwellings. Ultimately although there will be some impact it is considered that overall this is not a sufficient enough impact to warrant refusal of the proposal on amenity grounds. Delivery times to and from the farm can be restricted in order to minimise the impact of traffic on the local road network and it may be possible to investigate whether the applicant is willing to upgrade the Little Hallingbury Park driveway.

CONCLUSIONS: The applicant is an established farmer who runs an existing well-managed and high yielding dairy herd. Following an independent agricultural assessment carried out by Peter Chillingworth on the Council's behalf it has been concluded that the general proposals for developing this new site are acceptable and sound from the agricultural point of view, particularly because of the applicant's financial position and experience. In addition there are no policy objections to the unit subject to its impact on rural and residential amenity. If as intended the new unit is a modern and well-designed one, it should be able to avoid creating amenity and pollution problems and there is ample land available for the disposal of effluent. Subject to conditions it is recommended that outline planning permission should be granted.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.1.1. Submission of reserved matters.
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. Prior to the submission of the application for approval of the reserved matters, a detailed Flood Risk Assessment in accordance with Appendix F of PPG25 including waste management measures shall be submitted to and approved in writing by the local planning authority.
REASON: In accordance with the provisions of Planning Policy Guidance Note 25 – Development and Flood Risk
6. C.20.2. Protection of other species.
7. The agricultural workers dwellings/accommodation shall not be occupied until the herd has been relocated to the new dairy unit from Hall Farm, Great Hallingbury. Subsequently, the occupation of the dwelling/accommodation shall be limited to a person solely working in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry on the land outlined in red on the attached plan.
REASON: The proposed dwelling is situated in a rural area where the Local Planning Authority would not normally grant permission for such development and this permission is granted solely in order to fulfill an essential agricultural need.

Background papers: see application file.

UTT/1252/04/CC - SAFFRON WALDEN

(This is a County Matter and the District Council is a Consultee)

Demolition of dwelling and redevelopment to form new civic amenity and recycling centre with associated access roads and junction to B184, Thaxted Road.

Land off Thaxted Road. GR/TL 551-372. Essex County Council.

Case Officer: Mr J Mitchell 01799 510450

Expiry Date: 20 August 2004

NOTATION: Inside development limits, allocated for employment uses in the DLP.

DESCRIPTION OF SITE: The site lies to the north east corner of the wider Granite site, 130m north of Thaxted Road and has an area of 0.764ha including the access road. It is currently occupied by a single vacant dwelling which sits in a large plot with vegetation of varying degrees of height and a well-established native hedge to the northern and eastern boundaries.

To the north and east is arable land with the existing Civic Amenity and recycling Centre (CARC) 150m to the north-west fronting the slip road which runs parallel with Thaxted Road at this point.

DESCRIPTION OF PROPOSAL: This application is submitted by Granite Property Development to the County Council who are the determining authority. If permission is granted it is proposed to close the existing CARC and the Waste Licence terminated. The existing CARC is proposed for redevelopment as live-work units as described in applications UTT/1017/04/FUL and 1019/04OP elsewhere on this schedule. This application should be considered on its own merits.

It is proposed to relocate the existing CARC which does not meet modern high standards. The existing facility is poor and detrimental to visual amenity on the frontage of Thaxted Road. Containers and bins can only be removed when the facility is not in use, hence it has to be closed to the public every time a large container is replaced which can lead to significant queuing of vehicles on the main road.

The new site would be built to all current codes of practice, British Standards and Regulations to meet statutory requirements. The design has been developed with Essex County Council, based on experience of new CARCs at Chelmsford and Canvey Island. The layout may be subdivided into 2 areas – the open recycling area and the bin bays area.

The bins or skips would be arranged in 7 pairs to the north of the drop off area and be 1.6m lower than the central road and hardstanding. This will enable people to drop waste into bins rather than lift it into skips or climb stairs high enough to deposit it. There would be a 1m fence around the bin bays, which would cater for: green waste, plastic, timber, cardboard, and metal, textiles and general rubbish.

The open recycling area would accommodate the separate paper, magazine, cans and glass recycling bins. In addition there would be space for hardcore and soil deposits, a small waste oil tank, household appliances and car batteries.

Access would be taken from a new main spine road built to adoptable standards. Traffic would enter the site and move around in a clockwise direction. The loading and unloading area would be completely segregated from the area accessed by the public. The hedge surrounding the site would be retained, reinforced and supplemented by evergreen planting

inside the boundary to ensure year round cover. Within the boundary and surrounding the site would be a 2.1m palisade steel fence which would act as security and as a litter trap. It would not be visible outside the site.

There would be 2 standard cabins on the site, one for an office and restroom and the other a store. Hours of operation would be:

08.00 – 17.00 every day from 1st February to 31st October

08.00 – 16.00 every day from 1st November to 31st January

17.00 – 20.00 extended opening on Tuesdays from 1st May to 31st August

Closed on Christmas Day, Boxing Day and New Year's Day

In terms of traffic the average weekday flow would be 300 vehicles a day. The busiest day would generate 1000 vehicles visiting the site with a peak flow of 100 vehicles per half hour – the busiest days being Sundays and Bank Holidays. The average number of bin removals will create 4 commercial vehicle movements a day with up to 16 per day at peak times. All bin deliveries and removals would take place during operational hours.

A Traffic Impact Assessment (TIA) accompanies the application. This concludes that Thaxted Road currently carries 6,500 vehicles per day past the site, which is below 50% of the design capacity of the road. The increase in traffic from this development and all the development proposed on the adjoining sites considered elsewhere on this schedule (UTT 1017/04/FUL and 1019/04/OP refer) would be 3.3% at both morning and evening peaks.

APPLICANT'S CASE: See Planning Supporting Statement and Traffic Impact Assessment both available for inspection at the Council Offices, Saffron Walden.

RELEVANT HISTORY: There is an extensive planning history of retail and employment permissions on this site. In addition planning permission was refused in December 2003 for the relocation of the civic amenity and recycling centre and residential development. Planning permission was refused for 97 live-work units on the adjoining site on 28th June 2004. Planning applications for development of the existing CARC site are reported elsewhere on this schedule.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether this is a suitable site for a CARC (PPG7 (The Countryside, Environmental Quality and Economic and Social Development); PPG10 (Planning and Waste Management), PPG23 (Planning and Pollution Control); ESRSP Policies WM1 and WM3; Essex and Southend Waste Local Plan (Adopted September 2001) Policies W10E, W3A, W48, W8A, W8B AND W8C; ADP Policies S1, SW7 and DLP policies S1, SW5 and E2) and**
- 2) **whether the proposal is satisfactory when assessed against the planning considerations listed in PPG10 that need to be taken into account by the County Council in determining the application, namely.**
 - a) **Transport, traffic and access**
 - b) **Dust**
 - c) **Odour**
 - d) **Vermin and birds**
 - e) **Noise**
 - f) **Litter**
 - g) **Protection of surface and underground water**
 - h) **Land instability**
 - i) **Visual intrusion**
 - j) **Nature and archaeological conservation**
 - k) **Historic environment**

- l) Hours of operation**
- m) Duration of the operation of the site**
- n) Reinstatement of the site to an appropriate after use of relevant; and**
- o) Compatibility with adjacent developments**

1) The site is considered well located in relation to the existing CARC and lies on land allocated for employment purposed in the DLP. While planning permission was refused for a proposal for residential development together with a new CARC in this location last year, this was because of the proposed juxtaposition of uses rather than an objection in principle to the relocated CARC. There are significant environmental benefits to be gained from providing a modern recycling facility for saffron Walden and the surrounding area, not least from the removal of an eyesore on the Thaxted Road frontage and improvement of the access arrangements. It will also assist with meeting targets for recycling. Subject to adequate screening and landscaping it is considered that the site is acceptable.

2) In determining the application the County Council will of course need to be guided by the policies of the Development Plan which includes the Waste Local Plan (WLP). The points raised here are set out in PPG10 and augmented by the WLP. Given the location of the site in relation to other development (existing or proposed) and the route of the proposed access road, together with the operating experience of the present site, it is considered that there would be no adverse environmental effects that could not be contained by sound management. The site will be staffed at all times during operating hours and there would clearly be an improvement in safety from a modern layout.

If the County Council is minded to approve this application then it will need to be sure that there would be no adverse consequences for the residents of Saffron Walden from increased traffic. Given the Environment Agency’s comments about surface water run-off alleviation on the applications for determination by this Council on the rest of the Granite site elsewhere on this schedule the County Council should also seek and adhere to the Environment Agency’s requirements for development of the site.

CONCLUSIONS: It is considered that no objection should be raised to this proposal subject to the County Council being satisfied that it complies with national and local policies.

RECOMMENDATION

That Essex County Council be advised that Uttlesford District Council has no objections to the application provided that it complies with national and local policies. Particular regard should be had to the effect of increased traffic on the amenity of residents of Saffron Walden and to the comments of the Environment Agency.

Background papers: see application file.

UTT/0818/04/FUL - ELSENHAM

(Referred at the request of Cllr Mrs C M Dean)

Conversion of stable block to motel (revised scheme to that approved under reference UTT/1147/02/FUL & UTT/1251/03/FUL).

The Stables, Gaunts End. GR/TL 550-255. Mr I Hussain.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 06/07/2004

NOTATION: Countryside Protection Zone S4. Area of Special Landscape Value C2.

DESCRIPTION OF SITE: This site lies in the countryside north of Stansted Airport and east of the Elsenham Quality Food factory. The stables are located on the northern side of the road between Takeley and Elsenham, approximately 500m east of the Golf Course entrance. The site has a narrow unsurfaced access road to the western boundary, which provides access to a busy main road. A thick wooded screen is present along the western side of the driveway with various farm buildings and a scattering of cottages to the east of the site.

DESCRIPTION OF PROPOSAL: This further amendment to this scheme to convert the stables to a motel proposes filling the courtyard entirely in order to provide further ancillary accommodation consisting of an 88 cover restaurant (previously approved as 100 covers), bar area, conference room, sauna/steam room, kitchen, staff room, store/laundry and associated toilets. The use of the whole of the inner courtyard allows for enlarged motel rooms for guests, however, this reconfiguration now results in 30 rooms now proposed rather than 33 previously approved.

The covered way entrances are proposed to be glazed to the south west (main entrance) and to north west and south east side elevations. Alterations to the external windows of the south west elevation are also proposed consisting of four smaller modules to match the remainder of this elevation. Alterations to the site include the provision of a further four disabled parking bays to the south west elevation with a large tarmac area adjacent the north east elevation to provide turning for fire engines, gas and refuse lorries with a further gas and refuse compound.

RELEVANT HISTORY: In August 2003 planning permission was issued (UTT/1147/02/FUL) following a resolution by committee that spring, for the conversion of the stable block quadrangle to a 33 room motel with a detached 100 seat restaurant inside the quadrangle with 40 vehicle spaces and landscaping to the rear.

In October 2003 planning permission was granted under delegated powers (UTT/1251/03/FUL) for a revised scheme merging the restaurant with the front stable building and reconfiguration of the reception, meeting room and office. No increase in the capacity of the motel or restaurant was proposed or to the external appearance of the quadrangle.

CONSULTATIONS: Transport and Operational Services: The Highway Authority does not wish to raise an objection to this planning application subject to conditions (see recommended conditions and S106 agreement).

UDC Environmental Services: No adverse comments.

UDC Specialist Design Advice: To be reported (due 2 June 2004).

Environment Agency: Standard information letter regarding development with a private treatment plant.

Essex Wildlife Trust: To be reported (due 28 May 2004).

English Nature: The conversion of a stable block at the proposed location is unlikely to have a damaging affect upon Elsenham Woods SSSI but the activities supporting the works could potentially be damaging to the SSSI. However, suggests a condition be attached to any permission such that any accidental impact upon the SSSI is prevented during construction. Also suggests that the site may provide a habitat for protected species and as such, if these are suspected or found, an ecological survey should be undertaken.

Water Authority: No objection. Recommends that storage be provided for the motel complex. No further comments.

PARISH COUNCIL COMMENTS: Object as development would be too intensive for the site and would detract from the setting of a Listed building. It would generate traffic and cause a safety hazard.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 10 June 2004.

PLANNING CONSIDERATIONS: The main issues are whether in comparison with the extant permissions the proposal is consistent with policy relating to:

- 1) the protection of the Countryside Protection Zone (ADP Policy S4),
- 2) the conversion of rural buildings for tourist accommodation and facilities in the countryside (ADP Policy C5, REC3),
- 3) new development and highway considerations (ADP Policy T1) and
- 4) general amenity (ADP Policy DC14).

1) Policy S4 of the ADP seeks to prevent development within the Countryside Protection Zone, which promotes coalescence or adversely affects the open characteristics of this zone. It is considered that there would be no coalescence in this case because, as with the previously approved scheme there are no new buildings proposed outside of the existing structure. Car parking is predominantly screened behind buildings save for a new area of hard standing to the east of the quadrangle to accommodate vehicle turning. Landscaping would also screen the area to the rear. A condition can be applied as previously, preventing parking associated with Stansted airport.

2) External works are generally as previously approved and as such limited to new doors and windows as well as internal refurbishment to facilitate motel rooms. It is considered that this accords with ADP Policy C5 such that this is a scheme for the conversion of a soundly constructed rural building for non residential purposes.

ADP Policy REC3 states that changes of use and extensions, which do not adversely affect the rural interests of the countryside to provide tourist accommodation, will normally be permitted. The design of the amended infill of the quadrangle will not rise above the roof of the quadrangle and will not affect the external appearance of the building. The building is screened from the highway and other properties and is considered to accord with this policy.

3) In relation to highway considerations the main issue is that the development does not lead to a nature and volume of traffic that is likely to generate a traffic hazard, cause unreasonable delays, inconvenience to other road users and lead to a reduction in the environmental quality of the locality. The site access remains in the position previously approved. This was subject to a number of conditions relating to appropriate visibility splays, width of access and junction radius. Furthermore, a condition can again be attached requiring that only patrons of the motel may use the restaurant in order to restrict traffic and parking movements.

4) It is considered that there is unlikely to be any detrimental affect upon residential amenity resulting from a proposed motel use with the amendments proposed combined with the distance from the building to its closest neighbour (approximately 25m).

This new scheme is considered to generally accord with the principles established by the previous approvals and provides a better standard of accommodation by decreasing the number of rooms provided and in turn reducing the number of covers required for the restaurant area.

CONCLUSIONS: This amended scheme is considered to accord with planning policy relating to the conversion of buildings for hotel accommodation in the countryside subject to conditions and a legal agreement including the management of traffic access and parking.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND SECTION 106 AGREEMENT

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.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.6.13. Excluding extensions and erection of freestanding buildings and siting of chattels
6. C.8.27. Drainage details.
7. C.9.1. No outdoor storage.
8. C.10.2. Standard highway requirements.
9. C.10.7. Standard highway requirements.
10. C.11.7. Standard vehicle parking requirements.
11. C.15.1. Superseding previous permission
12. C.20.1. Protection of bat roosts
13. C.20.2. Protection of other species
14. C.25. Ban On Airport Related Parking
15. The restaurant shall be limited solely for the use of patrons staying at the motel only and for no other persons.
REASON: In order to limit traffic and parking demand on site.
16. The motel shall not be occupied until the existing access to vehicular traffic has been closed whilst ensuring that third party access is maintained.
REASON: In the interests of highway safety.
17. No development shall take place until a 5.5m access road is provided.
Reason: In the interests of Highway safety.
18. No development shall take place until secure parking has been provided for powered two wheeler vehicles in accordance with the Essex Planning Officers Association Vehicle Parking Standards dated August 2001 (7 spaces).
REASON: In the interests of accessibility.
19. No development shall take place until secure and covered cycle parking has been provided in accordance with the Essex Planning Officers Association Vehicle Parking Standards dated August 2001 (18 spaces).
REASON: In the interests of accessibility.
20. No development shall take place until the internal road layout is laid out in accordance with the Essex Design Guide to the agreement of the Highway Authority. REASON: In the interests of accessibility.

SECTION 106 HEAD OF TERMS

The provision of an access junction with a visibility splay of 4.5m by 215m with a 10.5m radius shown in principle on drawing no. 1190-3 Rev. J dated April 2004 in the interests of Highway safety.

Background papers: see application file.

UTT/1119/04/FUL - HATFIELD HEATH

(Referred at the request of Cllr Lemon)

Erection of first floor and single-storey rear extension; erection of front porch
Raj of India Kenwood Chelmsford Road. GR/TL 523-150. Mr Ranham.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 23 August 2004

NOTATION: Development Limits S1.

DESCRIPTION OF SITE: This application relates to an end of terrace building of three cottages in the central part of the village of Hatfield Heath. At present a hot food takeaway service is provided from what was the front room of a dwelling with the kitchen in the back room. There is a small rear extension with two bedrooms above.

To the front of the premises is a service road shared by other properties in this part of the village where parking is permitted. To the west of the site is a further small cottage used as a Chinese takeaway with an alley between the two properties providing access to the rear for both. Adjoining the property to the east and forming the remainder of the terrace is a cottage named Primley, which is in residential occupation. Further to the west of the site is a village post office and further east are several restaurants, two public houses, a supermarket and a public car park. To the south is a village green and to the north is a housing estate named Beehive Court.

DESCRIPTION OF PROPOSAL: The development proposes a two-storey and single-storey extension to the rear elevation to provide a lounge and dining room at ground floor level and a bedroom at first floor level. The footprint of the ground floor extension would be approximately 17 sqm. Above this and the existing ground floor rear extension would be a bedroom with a floor area of approximately 8 sqm. The ridge height of the extension would be 6.3m (0.4m lower than the ridge height of the existing property) with an eaves height of 4.7m to match the existing property. A porch is also proposed to the front elevation with a footprint of approximately 7 sqm and a ridge height of 3.5m and an eaves height of 2.4m.

RELEVANT HISTORY: Single-storey front and rear extensions (to facilitate creation of forty seat restaurant) and first floor rear extension to existing living accommodation refused 2001 and dismissed on appeal 2002. An application for a rear extension was withdrawn in May 2004.

CONSULTATIONS: Environment Agency: No comment.

English Nature: The development is not likely to affect a Site of Special Scientific Interest.

Environmental Services: No objections. The existing drainage is combined with the adjoining premises and has given rise to complaints in the past. As the extension is likely to necessitate drainage changes, the opportunity should be taken to improve the drainage system generally.

PARISH COUNCIL COMMENTS: This application is an improvement on previous applications. Concern relating to drains and blockages.

REPRESENTATIONS: Three. Notification period expired 21 July 2004.

1. Amberton Cottage – Object. Concern relating to over development and drainage. The extension should not be used as a restaurant.
2. Elsmore – Object. Concern relating to loss of light from kitchen window, potential restaurant within the extension and parking problems. Drainage problems.

3. Primley – Object. Over development. Potential restaurant within the extension and parking problems. Drainage problems.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the design and scale of this extension is appropriate in relation to the parent building (ADP Policy DC1 and DLP Policy GEN2) and
- 2) whether there would be any detrimental impact upon residential amenity (ADP Policy DC14 and DLP Policy GEN4).

1) The two storey projection to the rear elevation of the building would extend to the rear building line of Primley adjacent, which is considered appropriate. The flat roof single storey extension to the rear elevation is plain and utilitarian in appearance and would not have a detrimental impact upon the appearance of this and other rear facing plots, which have no particular architectural merit. Matching materials are proposed consisting of pebbledash render and tile roof. The kitchen flue has been redesigned and is now less in bulk, in appearance and restricted to the side elevation (west) adjacent to Ming's Garden Chinese such that this is considered an improvement over the existing situation. As such, the extensions have been designed primarily with consideration to residential amenity.

The extensions are restricted to the rear elevation of a range of mixed commercial and residential properties and such plain rear additions and flat roof extensions are not uncommon or uncharacteristic of this area. There would be no impact to the street scene from Chelmsford Road as the extensions are not visible to the general public.

A porch is also proposed to the front elevation. This is a relatively small addition to this property and it would not be uncharacteristic to the front elevation of the property and Elsmore (dwelling adjacent Primley) that also has a porch to the front elevation. It is therefore considered that the porch would be a consistent feature in the street scene.

2) The building line of the rear extension would extend approximately 1.7m beyond the rear of the adjacent dwelling, Primly. Following a previously withdrawn scheme (due to concern relating to overshadowing of the kitchen window of Primley), this proposal has been negotiated in order to limit overshadowing to this property. It is now considered that there would be no material overshadowing due to the angle of the return of the extension limiting shadow to no more than half of the kitchen window.

The applicant has been requested to clarify whether the ground floor area of the extension is for residential or commercial use as the application form states extension only and the application drawing states lounge/dining, which is ambiguous. Clarification of this point was requested from the applicant but has not been forthcoming. This aspect is of concern stemming from the previous appeal dismissal due to parking problems and disturbance to residential amenity resulting from an intensification of commercial activity. It is considered, however, that the ground floor use of the extension can be controlled by condition.

COMMENTS ON REPRESENTATIONS: It is considered that the fundamental issues relating to residential amenity have been overcome by this scheme such that there would be now no material overshadowing of the kitchen window of Primley. The design is also considered acceptable in this location. Concerns relating to the use of the extension as a restaurant and associated parking problems can be controlled by condition such that the extension is for residential use only. Drainage problems are noted but this matter should be considered at building regulations stage to ensure that the extension is structurally built to a satisfactory standard.

CONCLUSIONS: This application is considered to accord with policy relating to extensions and residential amenity in accordance with ADP Policy DC1, DC14 and DLP Policy GEN2 and GEN4 and is therefore recommended for approval subject to conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.19.1. Avoidance of overlooking – 1.
4. C.19.2. Avoidance of overlooking – 2.
5. The use of the ground floor extensions hereby permitted shall be for ancillary residential use only (Class C3) and for no commercial purpose.
REASON: In order to protect residential amenity and in the interests of traffic and highway safety.

Background papers: see application file.

UTT/0627/04/FUL – ELMDON

Erection of new detached dwelling.

White Friars, Duddenhoe End. GR/TL 457-363. Mr H Macey & Ms H Elias.

Case Officer: Mr G Lyon 01799 510458

Expiry Date: 22 June 2004

NOTATION: ADP and DLP: Outside Development Limits. Public right-of-way to west and south of the site.

DESCRIPTION OF SITE: The site is located approximately 400 metres to the south west of Duddenhoe End village and consists of a small-detached dwelling and detached garage along with a field to the north measuring 2.19 hectares. The entire site itself is 2.75 hectares. Adjacent the site is White Friars Farm, which is a two-storey rendered property probably of late 19th century construction with attached single storey range and outbuildings. Opposite the farm and adjacent the site is a black stained weather boarded barn structure with clay pantile roof, which is also part of white ditch farm.

Access to the site is via a single tree-lined track serving both the existing dwelling and White Friars Farm. The field is enclosed with a post and rail fence.

DESCRIPTION OF PROPOSAL: The applicant is seeking full approval for the erection of a replacement dwelling and detached garage. The two-storey dwelling is roughly 11.5 metres square in plan with the two-storey element arranged in an L-shape with a single-storey lean to forming the square plan. The building would be set over two floors with a basement level below. The dwelling would have a height to eaves of 4.7 metres and a height to ridge of 7.7 metres. External materials would be a mixture of brick, featheredged boarding and render with clay plain tiles and slate roof.

The detached garage would be 9.2 metres wide and 5.6 metres deep with a height to ridge of 2.4 metres and a height to eaves of 4.45 metres. The garage would provide two parking spaces with a garden store and workshop.

The applicant is proposing to demolish the existing house and garage as well as amend the existing access. The new dwelling would be positioned 10 metres away from its current location with the garage re-sited close to the position of the existing dwelling.

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

RELEVANT HISTORY: Erection of replacement dwelling and garage approved July 2002. (UTT/0555/02/FUL).

CONSULTATIONS: Essex County Council Highways and Transportation: No objections as deminimus application.

Environment Agency: Advisory comments regarding private means of foul effluent disposal.
Anglian Water: No comments received.

PARISH COUNCIL COMMENTS: The house looks enormous both in footprint and height and the garage looks as large as the existing dwelling. However, the garage should act as a barrier between the new house and White Friars. There should be no change from the 4 bedroom two-storey house that has already received planning consent, which is still large considering the size of the previous cottage. This consent allows for a much larger dwelling.

REPRESENTATIONS: Two neighbours were consulted and the period for the return of comments expired on 20 May 2004. One letter has been received.

Summary of comments: The property in question is actually called White Friars Cottage. Concern at the size of the proposed dwelling and the possibility for a third floor. The scale of the property is out of proportion with the site. We were not consulted regarding the proposed relocation but would welcome relocation further north. There are still bedroom windows overlooking our property. Access is not clear and, as it is entirely owned by White Friars Farm, we would expect full consultation. I understand that the site is not eligible for mains drainage connection. There are therefore implications for the surrounding land with respect to the necessary discharge consent.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) **the proposed development accords with the policies relating to replacement dwellings (PPG3, ERSP POLICY C5, H3, ADP Policy H8 and DLP Policy H6),**
- 2) **the impact of the development on adjoining neighbours would be acceptable (ERSP Policies H3, ADP Policy DC1, DC14 and DLP Policy GEN2, GEN4) and,**
- 3) **the access and parking arrangements are acceptable in terms of highway safety implications (ERSP Policies T3, T6, T7, T12, ADP Policy T1, DLP Policy GEN1, GEN4 and GEN9).**

1) DLP Policy H6 considers replacement dwellings in the countryside. It states that "outside settlement boundaries, a replacement dwelling will not be permitted unless, through its location and appearance and associated scheme of landscaping enhancement it would protect or enhance the particular character of the countryside in which it is set."

In this instance, the existing dwelling is a small 1-½ storey dwelling with a single-storey rear extension. Consent has already been given for a larger replacement and the proposed replacement, the subject of this application would be bigger again, although the height would remain the same at 7.8 metres. The proposed dwelling would have the form, in the south eastern elevation, of a barn like structure. The use of black-stained weatherboarding would replicate the adjacent building. The other three elevations would be less barn-like, dominated by the large roof on the front and rear elevations with the elevation to drive, dominated by the lean-to structure. Indeed, it is the lean-to structure that is one of the main issues to consider in respect of the design of the proposed dwelling. The elevation to drive will form the primary view of the building when entering the site. The applicants have a desire for a large open plan dwelling. The size of the lean-to is a consequence of this desire to have a galleried living area and therefore is a limiting factor in the ability to amend the proposed scheme. The applicants have stated that this element will look like an extension and will be built using different materials for the roof (slate). Members therefore need to consider whether this element is acceptable in the overall context of the dwelling or should be subject of revision. The rest of the dwelling is generally acceptable from a design perspective with a brick plinth, feather-edged boarding and clay tile roof in accordance with the general principles of the Essex design guide.

The dwelling would be situated outside of development limits, in what is reasonably open countryside, screened to some extent by existing hedging and woodland to the north. The applicant has not provided details of proposed boundary screening or landscaping but it would be necessary to ensure that any boundary elements are post and rail planted with a mixed native hedge. The use of urban fencing would not be acceptable.

Whether the location, appearance and associated scheme of landscaping enhancement would protect or enhance the particular character of the countryside in which the proposed dwelling is set is certainly a difficult assessment to make. Certainly, the replacement dwelling

is significantly larger than the existing small cottage but there is an extant consent for a large replacement structure already. An appropriate landscape scheme and the patina of age will soften the impact of the dwelling, which will begin to resemble a barn-like structure, albeit a large one.

Officers are therefore of the opinion that, although the lean-to element is of some concern, the overall design of the dwelling is suitable subject to the imposition of appropriate conditions, including a landscaping scheme.

2) White Friars Farm and White Friars Cottage are approximately 25-30 metres apart from each other. The existing cottage has only one small window at first floor level, whereas the existing farmhouse has three windows at first floor level. Therefore the farm currently overlooks the front part of the cottage to some degree. The proposed replacement dwelling would be 40-45 metres away from White Friars Farm. Although the proposed replacement would have three first floor windows in the elevation facing the farm, it is the opinion of officers that the degree of overlooking between the two properties would not be such as to be detrimental to the reasonable occupation of either of these dwellings. Indeed, the private amenity areas of both are on the opposite sides and will therefore not be affected.

3) The existing access is a single track road with a wide grass verge either side. The proposed access to the replacement dwelling is 100 metres along the track and shared with White Friars Farm. Access onto the rural road network is good with adequate visibility. The replacement dwelling would be served by a detached garage with two spaces and sufficient space in front for a further six cars. Officers are therefore of the opinion that the access and parking arrangements are acceptable.

CONCLUSIONS: The proposed development would comply broadly with all the relevant development plan policies subject to the imposition of relevant conditions.

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. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. Any fencing to be erected around the boundary of the land hereby approved as part of this application shall be of post and rail type and planted with a mixed native hedge.
REASON: To ensure that boundary treatment is appropriate for its countryside setting in the interest of visual amenity.
6. C.5.1. Samples of materials to be submitted and agreed.
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), no development within Classes A to E of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order (i.e. any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the local planning authority.
REASON: The site encompasses additional land within its curtilage as part of this approval. Given the site's location within the countryside, further additional permitted development rights within classes A-E (as stated above) is considered inappropriate and could lead to damage and erosion of countryside character of this sensitive site.
8. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
9. C.8.27. Drainage Details.

10. No construction works shall take place before 8am Mondays to Fridays and 9am on a Saturday. No construction works shall take place after 6 pm Mondays to Fridays or after 1 pm on Saturdays nor at any time on a Sunday or Public Holiday.
REASON: In the interest of residential amenity.
11. C.19.2. Avoidance of overlooking
12. C.23. Demolition of existing dwelling.

Background papers: see application file.

UTT/0958/04/FUL – FELSTED
(Referred at the request of Cllr Thawley)

Construction of two replacement dwellings. Demolition of existing dwelling. Alteration to existing access.

Moana Braintree Road. GR/TL 6889-210. M & P Dunn Ltd.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 03/08/2004

NOTATION: Development Limits S1.

DESCRIPTION OF SITE: This application relates to a site (approximately 960 sqm) in Watch House Green, Felsted currently occupied by an existing two storey detached dwelling named Moana and its curtilage. This is situated north of Braintree Road (B1417) and north east of two existing bungalows named Moritz and Chale. To the north east of Moana is a pair of semi detached chalet style dwellings nearing completion granted planning permission in 2002 (UTT/1478/02/FUL).

DESCRIPTION OF PROPOSAL: The existing two storey building on this site is considered to be unlistable and consists of white colour weatherboarding and a metal sheet roof. It also has a few outbuildings located to its rear. The proposal relates to the demolition of this dwelling and the erection of a pair of semi detached four bedroom chalet style dwellings that would be similar in design to the neighbouring pair of new dwellings to the north east. This plot of land is approximately 24m in width and 40m in length. The dwellings would have a ridge height of approximately 5.6m and an eaves height of approximately 2.2m. Materials would consist of a brick plinth with a rendered façade and an interlocking tiled roof.

APPLICANT'S CASE: The buildings have been reduced in depth from that shown on my preliminary sketch submission and the buildings have also been moved slightly further forward on the site to reduce the projection at the rear relative to the adjoining dwellings. Elevationally, this proposal follows the design of the recently constructed pair of chalet type dwellings on the site immediately to the north east, with the exception that in this instance the parking can be contained within integral garages.

Also see supporting email dated 2 July 2004 attached at end of report.

RELEVANT HISTORY: In 2002 planning permission was granted for a new vehicular access to Moana. Adjacent the site planning permission was granted in May 2004 for the erection of a pair of semi detached chalet bungalows with car parking area (UTT/1478/02/FUL).

CONSULTATIONS: ECC Highways: On original reply required further information relating to the parking and turning of vehicles (for a vehicle to approach the highway in a forward gear) and raised concern at a double access onto the highway providing a further point of conflict. Revised plans have been received regarding these issues and Highway advice will be reported to members regarding these drawings.

Water Authority: To be reported. (due 30 June 2004).

Environment Agency: To be reported. (due 30 June 2004).

PARISH COUNCIL COMMENTS: To be reported. (due 5 July 2004).

REPRESENTATIONS: One. Notification period expired 5 July 2004.

Chale – Objection. Dwelling would be close to our boundary with two windows overlooking our kitchen and bathroom areas. Light will be reduced to the kitchen and overlooking will occur into our house and garden.

PLANNING CONSIDERATIONS: The main issues are

1) **whether the replacement dwellings would be in scale with neighbouring properties, if the siting is in close proximity to the original structures, if the design is an appropriate scale and context in relation to the street scene and if there is any impact upon residential amenity through any overbearing, overshadowing or overlooking impact in accordance with ADP Policy H8, DC1 and DC14 and DLP Policy H6, GEN2 and GEN4.**

1) Moana is an existing two storey detached dwelling in a generous plot fronting Braintree Road. It is considered to be an modest building with weather boarded walls and metal sheet roofing. Two new chalet style dwellings are nearing completion of development immediately to the east of Moana granted planning permission in May 2004.

The principle of erecting dwellings on this site within the development limit is therefore appropriate subject to the details. In this particular instance the replacement proposed is a pair of chalet style dwellings in order to efficiently use this plot. These three bedroom dwellings are one and a half storey and have a similar height and design to the new chalet style dwelling adjacent which are similar to the existing property. To the west is a pair of detached dwellings bungalows which are similar in height. Given these circumstances it is considered that in relation to ADP Policy H8, the scheme would accord with the scale of neighbouring properties. Additionally, the siting of the replacement dwellings is in close proximity to the foot print of Moana, the original dwelling.

A 2.5m gap would be maintained between the proposed dwellings and Chale to the west and the dwellings to the east. . It is considered that this set back is adequate in terms of potential over shadowing and that the provision of an existing hedge to the boundaries also provides a level of privacy. The only side elevation windows proposed are to the living room and ensuite at ground floor level at 1.6m to cill level

COMMENTS ON REPRESENTATIONS: Comments relating to privacy and overlooking are noted but it is considered that the erection of this pair of dwellings would not cause any material detrimental affect to the residential amenity of the occupants of Chale.

CONCLUSIONS: This scheme is considered to provide acceptable replacement dwellings appropriate both in relation to the street scene and residential amenity in accordance with ADP Policy H8, DC1 and DC14 and DLP Policy H6, GEN2 and GEN4.

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.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
7. C.23. Demolition of existing dwelling.

Background papers: see application file.

UTT/0884/04/FUL – FELSTED
(Referred at the request of Cllr. Thawley)

Erection of replacement dwelling.
Longdale, 18 Stevens Lane, Bannister Green. GR/TL 697-207. Ms J E Smith.
Case Officer: Mr N Ford 01799 510468
Expiry Date: 21 July 2004

NOTATION: Development Limits S1.

DESCRIPTION OF SITE: The existing property is a single-storey detached bungalow named Longdale located on Stevens Lane, Bannister Green, Felsted. The footprint of the existing dwelling is approximately 99 sqm. The ridge height is 5.8m with an eaves height of 2.3m. A single-storey flat roof single bay garage is attached to the north-west elevation and a single-storey flat roof extension is attached to the south-west elevation. A TPO Field Maple tree is located within the curtilage of Stevens Lane, fronting Stevens Lane.

The street scene from Priory Croft (detached dwelling) to Dunvegan (semi detached dwelling) is linear and steps back to the north-west following the bend of Stevens Lane. Longdale forms the centre property of three detached dwellings near the beginning of the street adjacent Priory Croft. However, as the properties begin to step back to the north-west, the dwellings are semi detached until the street terminates at Drummonds, which is again a detached dwelling.

DESCRIPTION OF PROPOSAL: The application which has been revised by reducing the height of the dwelling slightly since its original submission proposes the replacement of this bungalow with a one-and-a-half-storey four bedroom detached dwelling. The first floor would be contained almost entirely within the roof space. The footprint of the dwelling would be approximately 169 sqm. The ridge height (gable end) would be approximately 6.5m and the eaves height would be approximately 2.4m. Materials proposed consist of slate roofs with red brick and render.

APPLICANT'S CASE: Revisions proposed are a reduction in the foot print enabling the proposed dwelling to sit more comfortably on the plot and leaving satisfactory residual distances from the building edge to site boundaries. The reduction in the effective span widths of the building and reduction in size to reduce the bulk and visual impact of the proposed dwelling. The dwelling orientation has been handed to respect the theme layout and positioning of the dwelling lying east and west of the site. It is hoped that the amendments presented in this revised scheme overcome the principle grounds for refusal.

RELEVANT HISTORY: On 10 March 2004 planning permission was refused for the erection of a replacement dwelling on this site (UTT/2180/03/FUL) for reasons of size, bulk and scale, impact on street scene and neighbours.

CONSULTATIONS: UDC Landscaping: To be reported.

PARISH COUNCIL COMMENTS: To be reported.

REPRESENTATIONS: Two. Notification period expired 22 June 2004.

1. Cuchara – Concern relating to over development of site. Parking and traffic problems. May affect trees with preservation orders.
2. Benningtons – Concern relating to height of new dwelling and overlooking from rear balconies.

PLANNING CONSIDERATIONS: The main issues are:

- 1) **whether the replacement dwelling is in scale with neighbouring properties and the siting of the dwelling is in proximity to the original structure in accordance with ADP Policy H8 and DLP Policy H6 and**
- 2) **whether there would be any detrimental impact upon residential amenity (ADP Policy DC14 and DLP Policy GEN4).**

1) This scheme has been revised following negotiations to overcome the principal reasons for refusal of a previous scheme earlier this year, which was considered unacceptable by officers due to its excessive size, bulk, scale, inconsistent design and siting of the proposed dwelling in the street scene.

The proposal now shows a gable end adjacent to Priory Croft set back from the line of its own gable projection. This projection was formerly proposed adjacent to Ailsa Craig and would have been an inconsistent feature, and provided a bulky feature in the street scene. The amendments are considered to overcome this with the gable as proposed providing a feature which steps back in the street scene from Priory Croft to Ailsa Craig. The footprint of the dwelling has also been reduced by approximately 30 sqm in order to trim the increase in the footprint of the dwelling such that approximately 1m has been reduced in the width of the dwelling and approximately 0.5m in depth.

It is now considered that the proposed replacement dwelling represents a scheme, which is consistent with the scale of neighbouring properties given that although the one of Longdale's immediate neighbours is a bungalow this scheme should also be viewed in the context of Priory Croft, a large dwelling terminating the street scene the scale of which results from a number of cumulative extensions. Additionally, the main bulk of the dwelling would be sited in proximity to the existing building.

2) In terms of residential amenity, it is not considered that there is any potential for material overshadowing from this one-and-a-half-storey dwelling which is set well back from dwellings either side. Windows to side elevations at first floor level are set in the roof plane at an oblique angle, which would limit the potential for overlooking.

COMMENTS ON REPRESENTATIONS: Comments relating to over development are noted. The scheme has, however, been negotiated and is now considered to represent a dwelling, which given its context now accords more fully with the scale of neighbouring properties. In relation to overlooking it is considered that there would be no material overlooking. With regard to balconies the application drawings do not show any projection that would allow persons to walk out and overlook the gardens of neighbouring properties but the drawings do show guard rails to full height doors at first floor level on one rear elevation. Condition can ensure that they do not create full balconies.

CONCLUSIONS: It is now considered that this scheme represents an acceptable scheme for a replacement dwelling, which is commensurate with the setting and scale of its neighbours and their residential amenity in accordance with ADP Policy H8 and DC14 and DLP Policy H6 and GEN4. Therefore this application is recommended for approval subject to conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. 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.6.4. Excluding extensions without further permission.
7. C.19.2. Avoidance of overlooking – 2.
8. C.23. Demolition of existing dwelling.
9. For the avoidance of doubt the railings shown on the rear elevation shall be protective railings only and not create any balcony.
REASON: To avoid overlooking of adjacent properties.

Background papers: see application file.

UTT/1007/04/DFO - LITTLEBURY

Erection of detached house and garage - details following grant of outline planning permission UTT/1094/01/OP.

Wadhams Builders Yard (Plot 1 Corner Plot), Catmere End. GR/TL 489-395. Phelps Travel.

Case Officer: Mrs K Hollitt 01799 510495

Expiry Date: 09/08/2004

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

DESCRIPTION OF SITE: The site is located at the western end of Catmere End which is a small group of houses. Catmere End is located in an elevated position and is visible from various vantage points in the locality. The application site is located at the corner of Catmere End and Cuckoo Hill and is a former builder's yard. The site has a frontage of 17m to Catmere End and a frontage of 48m to Cuckoo Hill. The site slopes downwards away from Catmere End towards the property to the north, which is also known as Cuckoo Hill. The land on the opposite side of Cuckoo Hill (road) is open farmland with views across to Strethall. To the east of the application site is a new dwelling and a range of properties of different styles. To the south of the site are two listed cottages.

DESCRIPTION OF PROPOSAL: This application seeks approval of details following an earlier grant of outline planning permission for a new dwelling on the site. When planning permission was granted an advisory note was added to the decision notice, at Member's request, that the new dwelling should not have a footprint exceeding 77m². A previous application which gave details of a dwelling having a footprint of 118m² was refused and was consequently the subject of an appeal. The Inspector concluded that as no formal conditions were imposed restricting the size and scale of the new dwelling the scale of this previous proposal was considered acceptable, although the appeal was dismissed on design grounds. This revised proposal shows a dwelling having a footprint of 90.2m², together with a double garage with a rear workshop/store. The proposed dwelling would have a frontage to Catmere End of 5.4m and a frontage to Cuckoo Hill of 5.8m, and it is proposed that this would be the principal elevation of the property. The proposed dwelling would have a ridge height of 7.1m, being approximately 100mm lower than the new property on the adjacent plot, and some 700mm lower than the previously refused scheme. The proposed double garage would front onto Cuckoo Hill and would have a frontage of 5.4m, a depth of 7.5m and a ridge height of 4.75m.

RELEVANT HISTORY: Outline planning permission granted in 2001 for replacement dwelling, subject to details not exceeding 77m², as shown on indicative plan (see comments above). Planning permission was granted on the basis that it would be likely to enhance the nature and character of the area. Detailed application submitted for substantial two storey dwelling in 2002, but withdrawn following negotiations. Detailed application for substantial two storey dwelling refused November 2003 on ground that proposed dwelling did not respect the scale, form, layout or appearance of development in the locality. Dismissed on appeal on the basis of proposal not respecting the scale or appearance of buildings in the locality and would be detrimental to visual interests of its surroundings.

CONSULTATIONS: Water Authority: None received. Expired 3 July 2004.

Environment Agency: Guidance notes regarding foul and surface water drainage.

Building Control: No adverse comments.

PARISH COUNCIL COMMENTS: To be reported. (due 17 July 2004).

REPRESENTATIONS: Two. Notification period expired 8 July 2004.

No indication of ridge height has been provided on drawings. Lack of information enabled first house to be too tall. Adding a second property to this site would only make the situation worse. Other modifications (removal of utility room and garden room) are structures which could easily be added at a later date. Inspector's decision based upon the fact that proposed house did not respect scale or appearance of buildings in locality and would be detrimental to visual interests of surroundings.

Under no circumstances should ridge height of proposed house be any taller than house on plot 2. Strong argument that house on plot 2 is too tall and to have a second house on plot 1 of identical height will be compounding the error. Design lacks imagination.

PLANNING CONSIDERATIONS: The main issues are whether the proposed dwelling would

- 1) **meet the terms of the outline planning permission, in particular in relation to size and location, and whether the proposed dwelling would accord with design criteria as contained in ADP Policy DC1 and DLP Policy GEN2 and**
- 2) **whether the proposed dwelling would have an adverse impact on adjacent properties (ADP Policy DC14, DLP Policy GEN4).**

1) The previous scheme on this site was refused on the basis that the proposed dwelling was too high and would have too large a footprint. This decision was subsequently considered at appeal where the Inspector considered that the proposed footprint of the dwelling was considered acceptable. However, the Inspector considered that the proposed dwelling was too high and the design was too complex when compared to the more traditional buildings in this locality. This revised scheme has been reduced in height by 700mm in comparison to the original scheme, and the elements of the proposals which the Inspector considered contributed towards the complex design have also been removed. Whilst the proposed footprint is larger than advised as being acceptable in the outline planning permission, the Inspector did not consider that a dwelling of this size would be detrimental to the locality. Therefore, it is considered that the proposed footprint of the dwelling is acceptable. The proposed dwelling is more simplistic in design terms and would be constructed with a render finish, similar in character to many of the dwellings in this locality. It is considered that the proposal satisfies the requirements of the relevant policies.

2) The proposed dwelling would be likely to result in a degree of overshadowing of the adjacent plot to the east. However, this area of the property forms the driveway and parking area and the garage is located in this area. Therefore, it is not considered that the proposal would result in adverse overshadowing issues. It is proposed that two first floor windows would be inserted into the rear elevation overlooking the new property to the east. One window would serve a landing and the other a bathroom. The proposed landing window would be a secondary window, the landing being adequately served by a large window to the front elevation. In view of this, both windows could be obscure glazed in order to maintain the residential amenity of the occupiers of the new property to the east, and this could be secured by condition. The proposed bedroom window in the northern (garden) elevation should not result in adverse loss of amenity to the occupiers of Cuckoo Hill, due to the 30m distance between the side elevation of the proposed dwelling and the boundary with Cuckoo Hill. Similarly, there would be a distance of some 25m between the southern (side) elevation and the property to the south. This satisfies the design criteria as laid out in the Essex Design Guide. Therefore, it is considered that the proposed dwelling should not have an adverse impact on the residential amenity of adjacent properties.

COMMENTS ON REPRESENTATIONS: Whilst the elements which have been removed from the refused scheme could normally be constructed as permitted development, it is

possible to remove the permitted development rights in relation to the new dwelling to ensure the acceptability of the design of the property. With regard to the question of height of the proposed new dwelling, a condition can be imposed requiring the submission of drawings showing cross sections of the site and the relationship of the proposed dwelling with the adjacent property.

CONCLUSIONS: It is considered that the proposed dwelling satisfies the requirements of the original outline planning permission and the relevant policy criteria.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.3.2. To be implemented in accordance with revised plans.
2. C.4.1. Scheme of landscaping to be submitted and agreed.
3. C.4.2. Implementation of landscaping.
4. C.11.7. Standard vehicle parking facilities.
5. C.5.1. Samples of materials to be submitted and agreed.
6. C.19.1. Avoiding of overlooking 1.
7. C.7.1. Slab levels.
8. C.8.27. Drainage Details.

Background papers: see application file.

UTT/0607/04/FUL - LITTLE DUNMOW
(Referred at the request of Cllr Thawley)

Change of use from public land to garden.
Land adjacent to 1 Baynard Avenue. GR/TL 666-210. Mr P Morgan.
Case Officer: Mr R Aston 01799 510464
Expiry Date: 08 June 2004

NOTATION: ADP & DLP: Outside Development Limits/Settlement Boundary/Within Oakwood Park.

DESCRIPTION OF SITE: The site lies adjacent to 1 Baynard Avenue and forms part of the public open space provision. The area of grass measures 7m x 41m and does not at present form part of the structural planting for the site and is used for developers hoardings, providing no real amenity to the existing residents.

DESCRIPTION OF PROPOSAL: The proposal details the incorporation of a strip of open space into the curtilage of 1 Baynard Avenue, the erection of a 2.15m high wall across the width of the site in line with the house, a brick wall along the side boundary and 0.95m high iron railings enclosing the front boundary.

RELEVANT HISTORY: Outline application for reclamation of despoiled land and demolition of redundant structures approved 1996. Temporary storage of soil reclaimed from settlement lagoons, allowed on appeal 1999. Amendment to condition to allow 250 dwellings to be constructed prior to completion of A120 approved 2000. Erection of 80 dwellings and associated garaging approved 2000. Erection of 85 dwellings and associated roads approved 2000. Reserved matters for 69 dwellings approved 2000. Variation of Condition 12 of UTT/0302/96/OP to allow occupation of not more than 305 dwellings prior to opening of A120. Variation to allow construction of up to 350 dwellings, prior to opening of A120. Redevelopment up to 655 dwellings, being a net addition of 170. Revised Master plan approved January 2002.

CONSULTATIONS: Environmental Health: No comments.

PARISH COUNCIL COMMENTS: No objections to the application. It does not take useful land from within the development and the walls/fencing seem appropriate. We suggest that the materials proposed form part of the planning permission.

REPRESENTATIONS: None. Notification period expired.

PLANNING CONSIDERATIONS: **The main issue is whether the proposed change of use would represent an unacceptable reduction in the amount of public open space and whether the proposal would create a more attractive gateway into the site in the interests of good urban design.**

The area at present is not fully utilised as public open space and the relationship between the landscape buffer zone fronting Station Road, the dwellings on Baynard Avenue and this space does not form a satisfactory gateway into the site and is currently only used for developers hoardings. The current proposal details the inclusion of the grass strip of land between to the side elevation of 1 Baynard Avenue covering an area of 287m². The application details that a 2.15m high brick wall would be erected 1m back from the front elevation in the same brick as the main dwelling, spanning the width of the strip of land and

the existing timber boarded fence relocated to enclose the garden. The application also details the erection of 0.95m iron railings around the boundary of the front garden.

Although this does reduce the amount of public open space shown in the Master plan, it is not quality usable open space and there are no footpaths intended for this particular piece of land. However, it is considered that the height of the proposed wall is excessive and the proposed railing would be too urban. The erection of a lower, 1.8m high brick wall and the planting of a hedgerow, along the front boundary rather than wrought iron railings as proposed would be more visually appropriate entrance to the site could be created in the interests of good urban design. For information, this is part of a more holistic attempt to increase the attractiveness of the gateway and officers are currently in discussions with the developer to provide two large specimen trees to act as a focal point for the sites entrance.

COMMENTS ON REPRESENTATIONS: None.

CONCLUSIONS: The proposal does result in the reduction of open space as shown in the Master plan. However the space is not considered to be of a quality, or worthy of retention. The proposal, which is part of other measures to improve the entrance to the site would result in a more visually attractive frontage to the dwelling and the gateway when turning into Baynard Avenue from Station Road. Subject to the use of hedging and planting to be agreed by the local planning authority, it is recommended that planning permission be granted subject to conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. This permission shall only relate to the change of use of the land outlined in red on the attached site plan and not the erection of the wall or the iron railings as detailed in the applicant's letter received 13 April 2004.
REASON: The height of the wall and the use of iron railings are considered to be visually inappropriate given the nature of the proposal.
6. C.17.1. Revised drawings. Reduction in the height of the wall to 1.8m.

Background papers: see application file.

UTT/1066/04/FUL - GREAT CANFIELD

Erection of replacement one and a half storey dwelling and garage.
The Gunns Great Canfield Road Little Canfield. GR/TL 568-201. Foxley Builders Ltd.
Case Officer: Mr N Ford 01799 510468
Expiry Date: 16 August 2004

NOTATION: Outside Development Limits S2.

DESCRIPTION OF SITE: This application relates to an existing dwelling off Great Canfield Road, Little Canfield. This vacant bungalow with outbuildings sit in a large roughly square plot predominantly bordered by open agricultural fields to the north and west with the nearest dwelling being Poplicornes to the south east.

The existing bungalow is located in the north west corner of this plot. The existing foot print is approximately 189 sqm. Four outbuildings are distributed along the northern and western edge of the site with a combined footprint of approximately 164 sqm.

DESCRIPTION OF PROPOSAL: It is proposed to demolish the bungalow and all of the outbuildings and replace them with a new four bedroom one and a half storey dwelling in the centre of the plot facing east with a new detached garage adjacent to the south of the new dwelling. The dwelling would have a ridge height of 7.4m and an eaves dropping down to 2.2m at the front, Gable ends would be a feature to front and rear elevations with pitch roof dormer windows. The proposed garage and store would have a foot print of approximately 84 sqm with a ridge height of 6m and an eaves height of 2.3m.

APPLICANT'S CASE: None.

RELEVANT HISTORY: Planning permission was refused on 29 April 2004 for the erection of a replacement one and a half storey dwelling and garage (UTT1066/04/FUL).

CONSULTATIONS: None.

PARISH COUNCIL COMMENTS: None received. (due 21 July 2004).

REPRESENTATIONS: None. Notification period expired 12 July 2004.

PLANNING CONSIDERATIONS: The main issues are

1) **whether this replacement dwelling through its size or appearance accords with the rural characteristics of the countryside in accordance with ADP Policy H8 and would be in scale and character with neighbouring properties in accordance with DLP Policy H6.**

1) The site is located outside of development limits and the character of the area is particularly rural, with open agricultural land to the north and west. To the south of the curtilage lies pasture and to the south east lies a small two storey dwelling with Great Canfield Road adjacent the site leading firstly to Hope End Green and then the A120 near Takeley. There is only a scattering of dwellings in the vicinity of the existing dwelling and they are generally set far apart within generous plots. The nearest dwelling north east is named Field House and is some 200 metres away. Poplicornes is approximately 70 metres south east with Hart View and White Dale further south.

The site is very prominent on Great Canfield Road due both to the open rural views to the north and west and it's setting on the bend of Great Canfield Road. The existing bungalow is low key in nature and although it is situated in the north east of the plot adjacent the road it is not considered to be visually prominent due to its height, modest scale and foot print.

The scheme subject of this application has been negotiated. Officers refused a previous scheme earlier this year, which proposed a five bedroom house. This provided a higher ridge height, scale and foot print to that now proposed with a garage situated adjacent the road providing a detrimental prominence that was considered to detract from the open characteristics and appearance of the countryside. This four bedroom house has been scaled down with the garage moved to a less prominent location to the south of the proposed dwelling with a lower ridge height itself.

As such, it is now considered that this scheme provides a dwelling more in keeping with neighbouring dwellings and its countryside setting with the resiting of the garage providing more of a modest appearance in the street scene. It is therefore considered that this proposal now forms an appropriate replacement dwelling in the countryside for this location and combined with a condition in order to secure the enhancement of landscape for this plot, this application is recommended for approval.

CONCLUSIONS: This dwelling is considered to overcome the concerns of a previous proposal relating to this site and provides a scale, siting and design, which is considered appropriate subject to conditions in accordance with Policy H8 of the Adopted District Plan 1995 and Policy H6 of the revised Deposit District Plan 2002 relating to replacement dwellings.

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. Sample of materials to be submitted and agreed.
6. C.6.13. Excluding extensions and erection of freestanding buildings and siting of chattels.
7. C.23. Demolition of existing dwelling.

Background papers: see application file.

UTT/1014/04/FUL - WENDENS AMBO

Change of use of building from offices to three dwellings
Courtlands, Royston Road. GR/TL 505-362. N B Piggott.
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 24/08/2004

NOTATION: ADP and DLP: Outside Development Limits, within fluvial flood plain, adjacent to Grade II listed building.

DESCRIPTION OF SITE: The site is located approximately 500 metres west of the settlement limits of Wendens Ambo on the B1039 and nearly 200 metres west of the M11 motorway. The site area measures 4600 square metres and contains development in a U-shaped arrangement, which is a result of development in association with its present B1 office use. The main building is situated to the western end of the site and is adjacent to Oak Cottage, which is a Grade II Listed building. The central section of Courtlands is the oldest remaining element and was previously the original residential dwelling with western and eastern sections approved in 1987 and 1990, respectively following change of use to commercial purposes. The two extensions to the building are of totally contrasting styles, the later extension being in the form of a "barn-like" structure. Access to the property is from the north west corner of the site and approximately 34 car parking spaces are already available for use. To the east of the property, the site is extensively landscaped with trees around the southern and eastern boundaries and a large grassed area. There is a stream/ditch running along the rear boundary and the property falls within the floodplain of this watercourse. The property currently lies vacant.

DESCRIPTION OF PROPOSAL: The applicant is seeking full approval to convert the existing building into three residential dwellings with the addition of two detached garages to serve house 1 and 2. The applicants indicate the creation of a new access onto the B1039 to serve house 1 but have not applied for this as part of the application.

House 1 would be formed from the barn like extension approved in 1990 following an appeal. Minimal external alterations are proposed to this part of the building. The link with the rest of the building will be demolished and two new windows inserted in its place along with external repairs following demolition of the link. The fire escape on the rear elevation would be removed and two new windows inserted. Most works to House 1 would be internal with the insertion of partitions to create a five-bedroom house. The proposed garage would be 5.75 metres square with a height to eaves of 2.2 metres and a height to ridge of 5.2 metres. It would feature a lockable single garage and a carport under the same roof span. The garden for House 1 would be to the east of the dwelling with a size in excess of 2000 square metres.

House 2 would be formed from the central and original part of the property. This element was in fact a dwelling prior to the change of use in 1987. External alterations include the creation of an integral garage (In the location of a former garage), addition of one new window on the ground floor front elevation and changes to the ground floor rear windows in the lean-to. Again there will be internal alterations, although the level change would be far less than for House 1 and House 3. The property would have four bedrooms and the amenity space would be to the rear, measuring in excess of 500 square metres.

House 3 would be formed from the extension approved in 1987. External alterations include the insertion of three new windows on the ground floor in the west elevation, two new windows and doors on the ground floor and four windows in the first floor on the east

elevation with one new opening on the rear elevation. To counter potential overlooking of the garden to House 2, the applicants are proposing to obscure glaze the first floor windows in the west elevation. New internal partitions will be inserted to create a five-bedroom house. The proposed garage would be sited to the west of the dwelling and would be 5.75 metres square with a height to eaves of 2.2 metres and a height to ridge of 5.2 metres. It would feature a lockable single garage and a carport under the same roof span. The garden for House 3 would be to the west of the dwelling with a size in excess of 650 square metres.

Access into the site would be via an existing access in the western corner of the site.

APPLICANT'S CASE: The applicant has not provided a supporting statement with the application other than the submitted plans. The applicant has provided a Flood Risk Assessment following advice from the Environment Agency.

RELEVANT HISTORY: The original residential property was changed to a design studio in 1987 with subsequent approvals for the western extension approved in 1987 and the eastern extension approved in 1990 following an appeal. The property has remained in this same use since 1987 and B1 use is personal to the then applicant. Consent was refused and dismissed at appeal for one bungalow and construction of new access in 1989. Consent was also refused for erection of two-storey linked extension and construction of a new access.

An application to convert the building into 13 residential dwellings was refused on 16 December 2003 for reasons of intensification of activity on an isolated site well away from existing settlement limits having poor means of access by modes other than the private motor vehicle, lack of demonstration how the site could be used for other purposes than residential and failure to demonstrate active marketing for its current B1 usage.

CONSULTATIONS: Environment Agency: No objection subject to finished floor levels set at or above 56.12m AODN.

PARISH COUNCIL COMMENTS: No comments received (due 06 August 2004).

REPRESENTATIONS: This application has been advertised with 1 neighbour consultation. Advertisement expired 20 May 2004. No comments have been received.

PLANNING CONSIDERATIONS: The main issues are whether:

- 1) the proposal meets with the criteria relating to the residential conversion of rural buildings outside development limits (PPG3, PPG7, ERSP POLICY RE2, ADP Policy C6, S2 and DLP Policy H5),
- 2) the impact of the development on the countryside would be acceptable (ERSP Policies CS2 & C5, ADP Policy C2 and DLP Policy S7),
- 3) the proposed conversion would affect the setting of Oak Cottage, which is a listed building (PPG15, ERSP POLICY HC3, ADP Policy DC5 and DLP Policy ENV2.

1) The dwelling is situated well outside the defined settlement limits of Wendens Ambo and is in the countryside. The site is previously developed land but any proposals to develop previously developed land should be considered in conjunction with other policies, particular when situated in a rural location.

The mere fact that the property was once a dwelling does not mean that it could be re-converted back to a dwelling without a clear planning justification. The original property has been significantly altered and extended to more than twice its original size. These extensions

were only allowed in view of the exceptional circumstances of the B1 office use classification and following an appeal. Extensions of similar proportion would never have been granted as residential extensions to this property.

DLP Policy H5 refers to the conversion of rural buildings to residential use. It states that "The conversion of rural buildings to dwellings will be permitted if **ALL** the following criteria apply.

- a) It can be demonstrated that there is no significant demand for business uses, small scale retail outlets, tourist accommodation or community uses;
- b) They are in sound structural condition;
- c) Their historic, traditional or vernacular form enhances the character and appearance of the rural area;
- d) The conversion works respect and conserve the characteristics of the building; and
- e) Private garden areas can be provided unobtrusively.

Although the proposal meets the criteria of B, D and E, it fails to meet parts A and C. The applicant has not provided any detail of proposed marketing of the property for full commercial purposes and it is the view of the Council that the applicant has not gone far enough to show a lack of demand for the current B1 use of the whole of the site. The applicant has also ruled out any other form of development without showing adequate evidence of marketing for other uses. The property could be divided up into small units to suit small businesses, and other solutions such as a hotel, nursing home or tourist accommodation should be considered before residential development. This is supported by ADP Policy C6.

Officers are therefore of the opinion that the proposal does not accord with DLP Policy H5.

2) The character of the surrounding countryside is wooded in appearance with little or no long-distant views. In summer the area is surrounded by substantial and mature deciduous and coniferous trees as well as native and non-native hedging, which creates a sense of enclosure from the countryside beyond. The high embankment of the M11 Motorway, 150 metres to the east further enhances this sense of enclosure. Proposals have been put forward to widen the M11 this side of the motorway and this will bring with it additional noise and pollution over and above the existing levels as landscaping for such a scheme would take time to mature. The property is, however, outside of the 67-metre protection zone from the central reservation of the M11 (DLP Policy ENV12).

In winter when leaf cover has fallen existing brick and flint walling would provide screening. Officer's are therefore of the opinion that the proposed development will not detrimentally affect the character and appearance of the countryside.

3) The site is adjacent to Oak Cottage, formerly known as Hawley Bishops, which is a grade II listed property. The property fronts onto the B1039 but is separated from Courtlands by an existing garage and wall and substantial mature trees and hedges. Although the two properties form a distinct grouping, because of the proposed minimal alteration to the external appearance of Courtlands it would be difficult to argue that the proposal would affect the setting of the listed building.

CONCLUSIONS: The site is located on an isolated site well away from the existing settlement limits of Wendens Ambo. The proposal does not accord with policy requirements and the applicant has not provided any suitable material circumstances to justify a departure from policy. Refusal is recommended.

RECOMMENDATION: REFUSAL REASON

It is the policy of Central Government Guidance (Policies PPG3 and PPG7), the Essex Replacement Structure Plan (Policies CS2, C5, RE2, HC3) the Adopted Local Plan (Policies S2, C6, C2 and DC5) and the Deposit Local Plan (Policies S7, H5 and ENV2) to ensure that applications for re-use of rural buildings for residential purposes are located in appropriate locations and will not result in inappropriate development in the countryside.

It has not been adequately demonstrated that the site could be used for purposes other than residential development and nor has active marketing of the property for its current intended B1 office use been shown. The development is not therefore acceptable in terms of the above policies, in particular Policy H5 of the DLP and C6 of the ADP.

Background papers: see application file.

UTT/1159/04/OP - GREAT CANFIELD

Outline application for erection of replacement two storey dwelling with all matters reserved.
Colindale Bullocks Lane. GR/TL 572-203. Inter County Est. Agents Ltd.
Case Officer: Mr N Ford 01799 510468
Expiry Date: 30 August 2004

NOTATION: Outside Development Limits.

DESCRIPTION OF SITE: The site consists of an existing detached bungalow located in Hope End Green, off the Great Canfield Road, with access off Bullocks Lane. The area consists of a scattering of dwellings in significant sized plots. Oakwood Cottage and Lynton are two dwellings located either side of Colindale to the west and east respectively. Further east lies Little Bullocks Farm.

DESCRIPTION OF PROPOSAL: The proposal relates to the demolition of the existing dwelling and the erection of a two storey dwelling. The application is in outline with all matters reserved for subsequent approval.

PARISH COUNCIL COMMENTS: To be reported. (due 5 August 2004).

REPRESENTATIONS: None. Notification period expired 27 July 2004.

PLANNING CONSIDERATIONS: The main issues are

1) **whether the erection of a replacement two storey dwelling in this location is acceptable in principle and would accord with the provisions of Policy H8 of the ADP and Policy H6 of the DLP in so far as it would be consistent with the rural characteristics of the countryside and be in scale with neighbouring properties.**

1) This application is in outline form with all matters reserved for subsequent approval. Generally, the principle of the replacement of one dwelling for another is acceptable subject to detail. In this case the only matter that may be considered at this stage is whether the principle of a two storey dwelling in place of a bungalow would accord with neighbouring properties and its countryside setting.

To the east is a Bungalow named Lynton and to the west, Oakwood Cottage is two storey in height but has a modest scale and height that sits comfortably with a street scene consisting of generally medium sized dwellings set within large plots. To the south from a track of Bullocks Lane are more modern dwellings with Hyden Lodge being a particularly large scale detached dwelling.

Given the nature and range of dwellings in the vicinity, it is considered that a replacement two storey dwelling could be appropriate in this rural area. However, any dwelling would need to be of more modest proportions in order to be characteristics of the scale, size and height of neighbouring dwellings. This detail can be considered and controlled at the reserved matters stage.

CONCLUSIONS: The principle of a two storey replacement dwelling for Colindale is considered acceptable in this location and at outline stage, accords with ADP Policy H8 and DLP Policy H6.

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. C.1.4. Time limit for commencement of development.
5. C.3.1. To be implemented in accordance with approved plans.
6. C.4.1. Scheme of landscaping to be submitted and agreed.
7. C.4.2. Implementation of landscaping

Background papers: see application file.

UTT/0724/04/FUL – TAKELEY

Change of use to residential, demolition of existing buildings and erection of 5 new dwellings with garaging. Construction of new access.

Cambridge Road Service Station The Street. GR/TL 557-212. K M P Associates.

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 21 June 2004

DESCRIPTION OF SITE: The site covers an area of 0.14ha (1400 sqm) and is located to the south of the B1256, approximately 400m to the west of the Four Ashes crossroads. A public footpath runs along the western boundary of the site. The site is currently disused and was formerly used for car sales with a repair workshop.

DESCRIPTION OF PROPOSAL: It is proposed to demolish the existing buildings on the site and to erect 5 dwellings with associated parking. The dwellings would be located in two groups with access running between them to parking to the rear, creating a small terrace of 3 dwellings and a pair of semi-detached dwellings. The dwellings would have a range of ridge heights from 7.8m to 7m. The lowest ridge heights would be located adjacent to the site boundaries. There would be 14 parking spaces in the form of carports and open parking spaces allocated for the development located behind the dwellings.

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

RELEVANT HISTORY: Various permissions relating to the former car sales and repairs use. Erection of office building, provision of 27 car parking spaces and creation of new access road refused 1991. Outline application for the erection of four detached dwellings and construction of new access conditionally approved 1995. Demolition of garage and erection of four semi-detached and four terraces houses, construction of vehicular access and parking areas withdrawn by applicant 2003. Demolition of garage and erection of 3 detached dwellings dismissed at appeal (appeal against non-determination) February 2004.

CONSULTATIONS: English Nature: The proposed development land could include suitable habitat for protected species. If protected species are suspected or present on a proposed development site then an ecological survey should be carried out.

Highways Agency: The application site is remote from a trunk road and the proposed development would not affect trunk road traffic.

ECC TOPS: The Highway Authority would not wish to raise an objection to the above application subject to conditions being imposed relating to highway safety.

Environment Agency: To be reported (due 23 May).

Environmental Services: Recommends Condition 8.23 (decontamination of land) should be applied.

Thames Water: Makes recommendations to the applicant in relation to the disposal of surface water.

ECC Archaeology: On our current knowledge no archaeological recommendations are being made on this application.

PARISH COUNCIL COMMENTS: No objection subject to the footway being made wider and kept clear, accessible and safe for pedestrians.

REPRESENTATIONS: None. Notification period expired 28 May (Revised plans: 30 June).

PLANNING CONSIDERATIONS: The main issues are whether the proposal would comply with Adopted District Plan Policies S1 – Development Limits, DC1 – Design of

Development, DC14 – General Amenity, T1 – New Development and General Highway Considerations and Planning Policy Guidance 3 – Housing. (DLP Policies S1, GEN1, GEN2, GEN4).

The site is located within Development Limits and as such there is no objection in principle to residential development on this site. The principle of some form of residential development on this site has also already been established through the granting of outline permission for 4 dwellings in 1995.

The character of the locality is broadly one of linear development with some variation of the type and size of dwellings. The dwelling immediately to the east of the site is weatherboarded with a ridge height of 6.4m and is set close to the rear of the pavement. The dwelling to the west is a one and half story, 1960s chalet bungalow which is set back approximately 12m from the rear edge of the pavement.

Guidance stated in PPG3 aims to make the most efficient use of land suggesting densities of between 30 – 50 dwellings per hectare. In relation to this site, this would equate to between 4 – 7 dwellings. It is considered that a proposal of 5 dwellings would be in accordance with the aims of PPG3 and would be compatible with the character of the surrounding area.

This application has been negotiated and it is considered that the proposal complies with ADP Policies DC1 and DC14. The design and layout of the proposal makes the best use of the site without resulting in any loss of amenity to neighbouring properties. Revisions have been made to the proposal in order to minimise the impact on the properties immediately adjacent to the site. In addition, subject to the conditions recommended by Highways, the proposal also complies with ADP Policy T1 relating to highway safety.

It is proposed to impose a condition restricting the insertion of windows into the east and west (side) elevations facing the neighbouring dwellings, in order to prevent overlooking and loss of privacy to the existing dwellings.

COMMENTS ON REPRESENTATIONS: None.

CONCLUSIONS: The principle of residential development on this site has previously been established and there are no objections to this. The proposal has been negotiated and is considered to comply with the relevant national and development plan policies.

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. 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.7.1. Slab levels.
7. C.8.23. Decontamination of land.
8. No dwelling hereby approved shall be occupied until such time as a 1.8m wide footway across the entire site frontage with the B1256 has been provided or completed to the satisfaction of the Highway Authority.
REASON: In the interests of highway safety.
9. No dwelling hereby approved shall be occupied until the two existing accesses from the site to the county road have been permanently closed in a manner and at a time to be agreed with the local planning authority after consultation with the Highway Authority.
REASON: In the interests of highway safety.

10. No dwelling hereby approved shall be occupied until a 2m parallel band visibility splay has been provided across the entire site frontage with the access being constructed to a minimum of 5.5m in width. Within the visibility splay there shall be no obstruction above 0.6m in height.
REASON: In the interests of highway safety.
11. No dwelling hereby approved shall be occupied until parking and turning areas have been provided within the site clear of the highway, and property laid and paved to accommodate all vehicles regularly visiting the site. The parking and turning areas shall be maintained thereafter free of any impediment to its designated use.
REASON: In the interests of highway safety.
12. There shall be no direct pedestrian access onto the B1256.
REASON: In order to discourage short term parking on the B1256 in the interests of highway safety.
13. No windows shall be inserted into east (side) elevations of Unit 1 or the west (side) elevations of Unit 5 without the prior written consent of the local planning authority.
REASON: To avoid overlooking of the adjacent properties in the interests of residential amenity.

Background papers: see application file.

1) UTT/0985/04/FUL & 2) UTT/0986/04/LB – DEBDEN

Refurbishment and one-and-a-half-storey extension to windmill.
The Old Windmill, Mill Road. GR/TL 555-336. Mr and Mrs Alwood.
Case Officer: Geoff Lyon 01799 510458
Expiry Date: 03 August 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 one and a half-storey extension with cellar floor below, which is to be attached to the listed mill via a link-section. The works will 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 would consist of a one and a half storey element, 8 metres long and 5 metres wide with a height to eaves of 3 metres and a height to ridge of 6.5 metres. There would be two dormer windows on the northern elevation. Attached to this element is a single storey range 4.25 metres wide with a depth of 4.5 metres Height to eaves would be 2.2 metres with a height to ridge of 5.25 metres. These two elements are joined to the windmill via an off-centred pitched roof link, which is partly glazed on the eastern elevation. The additional accommodation would provide three bedrooms, music room, two bathrooms and a utility room, boot room and store.

APPLICANT'S CASE: The applicant has not provided a supporting statement other than the submitted plans. The application has been the subject of negotiation with the Specialist Buildings Adviser.

RELEVANT HISTORY: An application for refurbishment and two and single storey extensions to windmill were refused 16 March 2004. The main reasons for refusal were the height, size and volume of the proposed extension, which would cause detriment to the character, appearance and setting of the listed windmill. 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: This proposal has been negotiated and I consider the reduced volume of the extension acceptable subject to the following conditions:

1. No elements of historical fabric of the mill to be cut or removed without inspection and consent;
2. New roofs to be hand made plain clay tiles and natural slate accordingly and to Local Authority approval;
3. All new external joiner to be painted timber;
4. All render to be smooth;
5. All boarding to be featheredged and painted.

UDC Landscaping: There is a group of mature pine trees to the east of the windmill, which are of an 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: The application needs to be carefully considered.

REPRESENTATIONS: This application has been advertised with both press and site notices and six neighbour notifications. Advertisement expired 29 July 2004. No comments have been received to date. (Any additional comment to be verbally reported)

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) and**
- 2) **there would be any adverse impacts to neighbouring properties (ADP Policy DC14 H7, DLP Policy H7, GEN4).**

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, the subject of this application, is, according to the listed 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 where 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 ones 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 is the result of further negotiation following refusal earlier in 2004. The original application was considered inappropriate due to its overall size and the effect that this would have on the setting of the listed windmill as described above.

The proposed extension, although still large in comparison to the volume of the mill, is certainly more subservient than the refused scheme and represents a more acceptable form of development.

It could still be argued that long distant views of the tower will also be lost in part if the extension is constructed, especially looking from Purton End towards Debden. However, the extent of the view lost would not be so bad as to warrant refusal in itself. Officers are therefore of the opinion that the proposed development would generally accord with the policy requirements in respect of extensions to listed buildings.

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 one and a half-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.

CONCLUSIONS: The proposal represents a significant alteration to the character and appearance of the listed building that will inevitably alter its setting. The applicant has taken on-board the concerns raised by the earlier refused scheme and has reduced the level of extension accordingly. Although still large in size when compared to the volume of the mill, it is considered that the proposed extension is acceptable in this instance subject to conditions.

RECOMMENDATIONS:

1) UTT/0985/04/FUL: APPROVAL REASONS

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.5.4. Natural Slate.
5. C.5.5. Clay plain tiles.
6. C.5.8. Joinery details.
7. C.5.11. Smooth rendered walls.

2) UTT/0986/04/LB: APPROVAL REASONS

1. C.2.2. Time limit for commencement of development - listed buildings [conservation areas].
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted and agreed.
4. C.5.4. Natural Slate.
5. C.5.5. Clay plain tiles.
6. C.5.8. Joinery details.
7. C.5.11. Smooth rendered walls.
8. C.5.16. No historic timbers to be cut.

Background papers: see application file.

1) UTT/2204/03/FUL & 2) UTT/2205/03/LB – STEBBING

Conversion of barn to holiday/short term let accommodation.
Carters Farm. GR/TL 649-267. D A & A D R Hills & Sons.
Case Officer: Mr N Ford 01799 510468
Expiry Date: 16 February 2004

NOTATION: Outside development limits S2. Area of Special Landscape Value C2/Adj: to Listed Building.

DESCRIPTION OF SITE This application relates to an agricultural building at Carter's Farm between Duck End and Lindsell on the B1057. The area is located in the open countryside and rural in nature. The wider area is characterised by a scattering of farmsteads including Poplar Farm to the north east, Hill Farm to the south east with a single isolated dwelling named Tilsbrook also located to the south east.

DESCRIPTION OF PROPOSAL: The proposal details the conversion of row of redundant farm buildings, by virtue of being within the curtilage of a listed farmhouse, a listed to holiday let accommodation. The buildings are approximately 21m by 5m and 5.8m to ridge at its highest point. The elevations consist of weatherboarding with a tiled and slate roof. The conversion would provide two bedrooms with en-suites, a living room, breakfast room and kitchen.

APPLICANT'S CASE: The applicant has provided an extensive supporting statement. In summary it states: It is considered that the most suitable use of these building would be for tourist use. The building is of permanent and substantial construction, would not lead to dispersal of activity to damage village vitality, the buildings' form is in character with its surroundings and the building can be converted without major or complete reconstruction in accordance with national and local planning policies.

RELEVANT HISTORY: None relevant.

CONSULTATIONS: County Surveyor: No objections.

Water Authority: None received. (due 14 January 2004).

UDC Environmental Services: No objection.

Environment Agency: This site was formerly situated within a Fluvial Flood Risk Area as shown on the Agency's Indicative Floodplain Maps. The Agency therefore formerly maintained an objection to this application (15 January 2004) as no Flood Risk Assessment was submitted with the application. Following this, new Flood Zone Maps later replaced the Indicative Floodplain Maps. The effect of this change is that the application site area now lies outside of zone 3 of the Flood Zone Map and therefore the Agency no longer requires a Flood Risk Assessment. The Agency therefore removed its objection to this application on 13 July 2004.

Essex Wildlife Group: None received. (due 21 January 2004).

Building Surveying: None received. (due 5 January 2004).

UDC Specialist Design Advice: The outbuildings form part of the historical farmstead. The C19 cartographical evidence indicates that these buildings existed and some elements of the timber frame also point to even earlier origins. In view of the above the structures would deem to be Listed by the virtue of the curtilage. Some elements of this range are in a poor state of repair but the fact that the proposal would hopefully improve the economic well being of this working farm is likely to outweigh the concerns relating to the need for substantial reconstruction. In design terms I consider the scheme would alter the character of these farm buildings in a minimal way and is acceptable subject to conditions.

PARISH COUNCIL COMMENTS: None received. (due 21 January 2004).

REPRESENTATIONS: These applications have been advertised and no representations has have been received. Period expired 29 January 2004.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Whether the development accords with the provisions of tourist accommodation in the countryside in accordance with ADP Policy REC3 and DLP Policy LC6 and**
- 2) **Whether the holiday accommodation proposed is a suitable use for these Listed rural buildings in accordance with ADP Policy C5, DC5, DC6 and DLP Policy ENV2.**

1) The conversion of rural buildings to provide tourist accommodation is acceptable in principle provided that there is no detrimental impact upon the rural character of the countryside. The conversion of this building would be low key in nature, providing one unit of holiday let accommodation and the unit would have good access off the B1057. It is therefore considered that the proposal accords with Policy REC3 of the ADP 1995 and Policy LC6 of the RDDP 2002. This use is also generally supported by central Government guidance, which encourages farmers to diversify their business through the re-use of redundant farm buildings. A scheme of landscaping can be secured by condition in order to ensure that the proposal integrates with this rural area.

2) The conversion of soundly constructed rural buildings for tourist related purposes is acceptable in principle. The works proposed to the building consist of minimal alterations windows and doors generally utilising existing openings. The conversion of the barn has taken into account the varying levels of the building and timber heights. The provision of natural light would be achieved through the utilisation of existing doorways and vents. The concrete block lean-to would be clad in timber to match the remainder of the barn, which is considered appropriate. Some elements of the structure are in a poor state of repair but overall this is an acceptable proposal for conversion.

CONCLUSIONS: It is considered that the conversion would accord with the aims of PPG7 and ADP Policy C5. Additionally, it is considered that the proposal would provide the most practical way of preserving this Listed buildings traditional architectural and historic characteristics in accordance with PPG15, ADP Policy DC6 and DLP Policy ENV2.

RECOMMENDATIONS

1) UTT/2204/03/FUL – APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.11.7. Standard vehicle parking facilities.
6. C.13.6. Short-stay holiday let only.
7. C.25.1. No Airport related parking.

2) UTT/2205/03/LB – APPROVAL WITH CONDITIONS

1. C.2.2. Time limit for commencement of development – listed buildings.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.9. Weathering and windows to be dark stained.
4. All new roof shall be hand made clay plain tiles or clay pantile and natural slate, samples of which shall be submitted to the local planning authority and approved in writing prior to the commencement of development.
REASON: In order to preserve the traditional character and appearance of this Listed Building.
5. C.5.8. Joinery to be painted timber.

Background papers: see application file.

UTT/0719/04/FUL – THAXTED

Conversion and extension of barn to form dwelling. Alterations to existing outbuilding to provide garaging and store.

Stones Corner Bardfield End Green. GR/TL 642-305. Mr & Mrs I Harrison.

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 29 June 2004

DESCRIPTION OF SITE: The site is located approximately 2km east of Thaxted within Bardfield End Green and covers an area of 0.13ha. The building is a barn within the curtilage of a dwelling and is currently used for storage and keeping chickens. The barn is attached to another barn which is in the ownership of the adjacent property and does not form part of this application.

DESCRIPTION OF PROPOSAL: This application relates to the conversion of one barn to form a two bedroom dwelling with associated garaging. It is proposed to add modest extensions to the side and rear elevations of the barn. The side extension would consist of a single storey element to provide a kitchen and utility area joined to the barn and the garaging. The rear extension would provide a low two storey extension in place of a single storey lean to element. It is also proposed to reuse existing openings in the barn to form window and doors with additional windows being inserted into the rear elevation.

Access to the converted barn would be via the existing shared access, used by both the barn and the existing dwelling on the site. A section of the existing garden to the dwelling would be separated off to provide the converted barn with a sufficient area of garden.

Garaging and storage space would be created using the existing outbuildings adjacent to the barn which would be capable of providing two parking spaces with storage to the rear. In addition, there would be sufficient open parking in front of the barn.

RELEVANT HISTORY: Conversion of existing barn to dwelling and erection of two garages refused 1984. This was refused on the basis of contemporary resturant policy: that the building was not considered worthy of conversion because it is not listed and extra use of a vehicular access.

CONSULTATIONS: Building Control: (due 20 May).

Essex Bat Group: I think a bat survey should be an essential part of the planning process involving redundant farm buildings and I would encourage you to ask for one on this occasion.

Design Advice: No objections subject to conditions relating to use of materials and boundary treatment.

PARISH COUNCIL COMMENTS: No objections.

REPRESENTATIONS: One letter. Notification period expired 27 May.

Main points: I would like to see reference to some form of soundproofing and certainly fireproofing for the party wall. It has been indicated by Mr Harrison that the proposed garden area for the new dwelling would now share a common boundary. Roughly half the boundary is fenced and has fir trees which form a good natural barrier as far as privacy is concerned. The other half is exposed but offers pleasant views over the adjoining farmland. I would like a reassurance from Mr Harrison that both will remain as is so that neither privacy nor outlook is compromised.

PLANNING CONSIDERATIONS: The main issues are whether the proposal complies with

- 1) **ADP Policy C6 – Conversion of rural buildings to residential use (ERSP Policy RE2; DLP Policy H2) and**
- 2) **ADP Policy DC14 – General Amenity (DLP Policy GEN4).**

1) ADP Policy C6 requires buildings suitable for conversion to be in sound structural condition which through their historic, traditional or vernacular form enhance the character and appearance of the rural area. The proposed conversion works would not involve substantial reconstruction or extension and would maintain the traditional form of the building.

Although the barn is not listed, it is considered to enhance the character and appearance of the rural landscape. The Council's Conservation Officer has no objections in principle to the proposed conversions subject to conditions being imposed. It is also proposed to add landscaping conditions in order to maintain rural character of the area.

2) The proposed conversion and extension would not result in any material loss of amenity to the either the existing dwelling or the adjacent dwelling in terms of loss of privacy or overlooking or loss of light.

COMMENTS ON REPRESENTATIONS: Issues relating to soundproofing and fireproofing the barn during the conversion to a dwelling are matters that would be dealt with during the building regulations stage rather than by the planning system. In relation to landscaping of the site, it is proposed to add landscaping conditions in order to maintain the rural character of the area.

CONCLUSIONS: Although the barn is not listed, it does make a positive contribution to the countryside and are capable of being converted in line with the requirements of ADP Policy C6, DLP Policy H5 and ERSP Policy RE2. In addition, the conversion would not give rise to any material loss of amenity to neighbouring properties in line with ADP Policy DC14 and DLP Policy GEN4.

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.5.9. Stained wood.
6. C.5.6. Clay pantiles.
7. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission
8. All new boundary treatment shall be post and rail and hedging.
Reason: The landscaping of this site is essential in order to protect and enhance the existing visual character of this attractive rural area.
9. C.20.1. Protection of bat roosts.

Background papers: see application file.

UTT/0844/04/FUL – NEWPORT
(Referred at the request of Cllr Bowker)

Construction of two detached dwellings with garaging and improved access. Demolish existing bungalow.

Hamara Ghar London Road. GR/TL 521-332. Lovell Sims Ltd.

Case Officer: Mr G Lyon 01799 510458

Expiry Date: 13 July 2004

NOTATION: ADP: 3/5 of the site is within development limits and 2/5 outside development limits of Newport. DLP: Entire site within Development Limits of Newport. Small section of site within flood plain.

DESCRIPTION OF SITE: The site is located on the eastern side of the B1383 London Road, close to the entrance into the village of Newport.

The site is approximately 19 metres wide, 67 metres deep and is currently occupied by a single bungalow property dating from the mid to late 20th century. This property is situated approximately 10 metres from the carriageway edge and, due to the sloping nature of the site, sits lower than the highway. An extensive range of landscaping surrounds the site. At the front of the site is a 2 metre high coniferous hedge and both side boundaries feature a mixture of hedging and fencing, some of which are of low quality. The rear of the site is fairly open with a post and rail fence and there are a mixture of old structures within the rear garden. Within the site are numerous larger specimens including a willow tree. None of the trees on site are the subject of any preservation orders.

To the south of the site is "The Bramleys", which is a two-storey detached dwelling with a front double garage. This property is set slightly back from the existing dwelling on the application site and again has numerous large trees in the rear garden. There are very few windows in the side elevation of "The Bramleys" facing the application site.

To the north of the site is the residential dwelling known as "The Potteries" along with its access road. This property is again two-storey in height and has an attached pool room, which is used by local residents for swimming lessons. This dwelling is set back approximately 60 metres from London Road and therefore the majority of the application site is bordered by the access road to the site. The access road contains numerous trees along its edge.

DESCRIPTION OF PROPOSAL: The applicant is seeking full approval to demolish the existing dwelling and construct two detached dwellings, one fronting onto London Road and the other to the rear of this with access via a new road adjacent to The Potteries.

The front dwelling (House type A) would be a two-storey detached brick built dwelling with detached front garage. The property would be 13 metres back from London Road, 12 metres wide and 7.6 metres deep with a rear projecting gable 4.4 metres wide and 3.7 metres deep. The height to eaves would be 5.5 metres with a height to ridge of 9.2 metres. The garage would be 5.3 metres wide and 5.2 metres deep with a height to eaves of 2.6 metres and a height to ridge of approx 5 metres. The dwelling would have five bedrooms with a rear amenity space of 250 square metres

The rear dwelling (House type B) would be served by a new 3.5 metre wide gravelled access road, which would be approximately 45 metres in length and dissected at 37 metres by a pair of entrance gates. The dwelling would be a two-storey brick built property with link-

detached front double garage. The dwelling would be approximately 47 metres back from London Road, 14.5 metres wide at ground floor level, 11.8 metres wide at first floor level with a depth of 7.75 metres. There are two projecting gables along the central axis, one at the front, 4.8 metres wide and 1.6 metres deep, and one at the rear, 4.8 metres wide and 3.2 metres. The height to eaves of the dwelling would be 5.4 metres with a height to ridge of 9.2 metres. The garage would be 5.9 metres wide and 5.6 metres deep with a height to eaves of 2.6 metres and a height to ridge of approx 5 metres. The dwelling would have five bedrooms and a rear amenity space of 350 square metres.

In terms of boundary treatment, the front hedge would remain but would be reduced in height and planted with additional indigenous species. The existing side boundary with "The Bramleys" of closed boarded fencing would be retained. House type A would be provided with a 2-metre high fair-faced brick wall around the rear amenity area and side of the house. A 2-metre closed boarded fence would be erected on the boundary with "The Potteries". House type B would have a pair of 1.8 metre high entrance gates. A 2 metre high closed boarded fence would screen the rear amenity area.

The applicants have indicated that most existing trees on the site would be removed but would be replaced with semi-mature specimen to local authority approval.

APPLICANT'S CASE: The applicant has submitted a supporting statement (Copy of applicants statement available for inspection at the Council offices).

RELEVANT HISTORY: No relevant history

CONSULTATIONS: Essex County Council Highways and Transportation: no objections subject to conditions.

Anglian Water: No comments received (due 04 June 2004).

Environment Agency: No comment.

English Nature: Not likely to affect the SSSI (Debden Water) Advisory comments on protected species.

Essex Wildlife Trust: No comments received (due 04 June 2004)

UDC Policy: Recommend Approval subject backland requirements being met.

UDC Landscaping: No comments received (To be verbally reported).

PARISH COUNCIL COMMENTS: Objection. The nature of this development is not in keeping with nearby properties and would contribute to the destruction of character of the area. The proposal would have an overbearing impact on the adjacent properties, The Potteries and The Bramleys. There are examples where similar development has been refused. There are serious concerns about flooding. The vehicular access is totally inadequate for the two dwellings and could lead to potential conflict. Request a site visit.

REPRESENTATIONS: Eight neighbours surrounding the proposed development were notified and the period for return of comments expired on 19 May 2004. Two letters of objection were received.

"The Potteries" – Concern about the impact of the swimming pool use at our property on the future residents of proposed House B in terms of loss of privacy and amenity. The examples quoted in the supporting statement are not relevant to this application as they had a road frontage where as this application does not (House type B). Concern about flooding in the rear half of the site. Concern about overall impact in terms of noise, light, loss of privacy, overbearing impact and overshadowing and does not meet backland policy criteria.

"The Bramleys" – House A causes no concern to us. Strongly object to House B as it would create an overbearing impact. It does not fit into the character of the area. The examples quoted by the applicants would be much preferable as they both have a road frontage.

Water levels are an additional concern as the flood plain runs to the east of the site and the bottom end of Hamara Ghar and The Bramleys have all flooded a few times in the past two years.

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, H6 and DLP Policy S1, H1, H2),**
- 2) the impact of the development on adjoining neighbours would be acceptable (ERSP Policies H3, ADP Policy H10, DC1, DC14 and DLP Policy H3, GEN2, GEN4),**
- 3) the proposed development respects the scale and characteristics of surrounding properties (ERSP Policy H3, ADP Policy H6, DC1, DLP Policy H2, GEN2),**
- 4) the access and parking arrangements are acceptable in terms of highway safety implications (ERSP Policies T3, T6, T7, T12, ADP Policy T1, DLP Policy GEN1, GEN4 and GEN9) and**
- 5) Other relevant issues.**

1) In the current Adopted Local Plan, 3/5 of the application site lies within the development limits with the remaining part of the site outside of development limits. However, in the new Deposit Local Plan, the site lies wholly within the development limits of Newport. Given the progress of the Deposit Local Plan towards adoption following the Inspectors Comments, the weight given to this plan is now considerable. Furthermore, the fact that the revised position of the development limits has not been challenged or objected to, it is unlikely that there will be any further modification to the village development limits prior to the adoption of the revised plan.

Therefore, as the site lies entirely within the development limits of Newport in the Deposit Local Plan, it is considered to be an appropriate location in principle for residential development subject to meeting other policy criteria, in particular those relating to backland development.

2) The proposed development, especially the rear dwelling (House type B) would be considered as back land development with the front property a replacement for the existing dwelling.

The front dwelling (House type A) is located in a similar position to the existing dwelling. The main difference is the additional floor of development and the new front garage. The dwelling has been designed so that there are no windows at first floor level to overlook adjoining neighbours, especially on the south east elevation facing "The Bramleys". The windows on the north west elevation are for bathroom windows only and would be obscure glazed. There is one small window on the side elevation of "The Bramleys" but it is considered that the proposed new dwelling (House type A) would not have an overbearing impact nor cause material overlooking or overshadowing of any other adjoining property.

The rear dwelling (House Type B) appears to be the only real concern from comments received by adjacent neighbours. Again, the dwelling has been designed so that there are no windows at first floor level that will significantly overlook adjoining neighbours. The two-storey element of this property is no less than 20 metres away from "The Bramleys" and the angle between the two dwellings means that overlooking from windows in the western elevation would be negligible and certainly not a material increase in the existing level of overlooking of Hamara Ghar from "The Bramleys". In terms of any potential overlooking of "The Potteries" from the new dwelling, this would again be negligible, particularly from the

north elevation although the large rear amenity area of "The Potteries" would be overlooked to some degree by windows in the master bedroom and bedroom 2.

In terms of the overbearing impact of House type B, neighbours have suggested that the property would have a significant impact. It is fair to say that there will be some level of impact, particularly when changing from an undeveloped rear garden to a two-storey dwelling. However to imply that there would be an overbearing impact would suggest an over dominant or repressive structure. The two-storey element of the dwelling would be five metres from the boundary with "The Bramleys" and 20 metres away from this dwelling, which is considered a satisfactory relationship. In terms of impact on "The Potteries", House type B is not considered to have an overbearing impact on the living accommodation although the flank wall would be close to the parking area of the neighbouring property.

In terms of overshadowing of adjoining properties, due to the aspect of the site, only properties to the north of the application site could be overshadowed. However, given the presence of the access road to "The Potteries" it is unlikely that House type B would overshadow the dwelling, especially as the closest point is 14 metres away.

The suitability of the access will be considered in section 4 below but, for the purposes of assessing the access from a backland development perspective, the main issue is whether the access road would cause disturbance to nearby properties. Given the location of the proposed access adjacent to "The Potteries" existing access, there will be no impact to that dwelling nor would there be any impact to Dudley Cottage or "The Bramleys". The only potential disturbance would be to the occupiers of proposed House type A at the front of the site. This has been considered by the applicants who would construct a 2-metre high brick wall to shield this property from any vehicular noise. Therefore it is considered that there will be no material disturbance to nearby properties.

Officers are therefore of the opinion that the proposed dwellings, in particular House type B, meet with the policy requirements relating to backland development.

3) One other issue that has been raised in the letters received concerns the overall density of development in relation to surrounding dwellings and the overall effect on the character of the area. The existing site is approximately 0.13 hectares in size and, given the presence of one dwelling, has an overall density of 7.7 dwellings per hectare. This is somewhat below the minimum density requirements of 30 dwellings per hectare as stipulated in PPG3. The proposed development of two dwellings will increase the overall density of the site to 15.4 dwellings per hectare. This is still below minimum density requirements but is considered to be a more efficient use of urban land than the existing.

Increasing density can have an obvious effect on the character of an area. The character of this part of Newport is that of ribbon development along London Road. However, there have been recent additions behind the frontage development and it could be argued that "The Potteries" is a prime example of a backland development situation. Given the fact the proposed development accords with the backland policies, although the intensity of development would increase, it would not be of such detriment to the character of the area to warrant refusal in its own right. Questions have been asked about whether the scheme would set a precedent for the occupiers of other dwellings to do the same thing. Provided that any future proposals meet with the backland policy requirements, it may be possible for further similar development along London Road but the only the merits of this individual case are for consideration.

Officers are therefore of the opinion that the overall density of development is acceptable in this instance and would not impinge on the overall character of the area.

4) Another issue raised in the letters of objection received as well as in the comments from Newport Parish Council, focused on highway and access arrangements and the implications of safety. ECC Highways have been consulted and have no objection to the proposed development subject to standard conditions. Both dwellings would have adequate on-site parking and turning facilities and visibility is good in both directions when entering and leaving the site. Officers are therefore of the opinion that the proposed development would not cause a detriment to highway safety.

5) Another relevant issue is the relationship between proposed House type A and House type B. The two dwellings would be between 20 and 25 metres apart and House type A has a rear 2-metre high brick wall around the amenity area. The inter-relationship is considered acceptable.

To counter this issue and in order to improve the visual appearance of the site, the applicant is proposing to plant numerous semi-mature species in the rear gardens of both dwellings to Local authority approval. This would provide additional screening at the rear of both and help to soften any visual impacts. The existing willow tree in the middle of the site is probably the best specimen and would be worth retaining if possible. However, if this is not possible, it should be replaced with a similar species. A landscaping scheme would be necessary covering all aspects of hard and soft landscaping.

Officers are therefore of the opinion that the relationship between the two proposed dwellings is satisfactory in this instance.

CONCLUSIONS: The proposed development meets the policy requirements and has been designed so as to minimise any impacts on adjoining neighbours.

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 submitted and agreed.
4. C.4.1. Scheme of landscaping to be submitted and agreed.
5. C.4.2. Implementation of landscaping.
6. All existing trees, shrubs and hedges indicated in the conditions above shall be protected by suitable fences to a height of not less than 1.5 m for the duration of the construction period of the development hereby permitted at a distance equivalent to not less than the spread of the branches from the trunk. No materials shall be stored, no rubbish dumped, no fires lit, no buildings erected inside such fences, nor any changes in ground levels be made unless the local planning authority gives written consent.
REASON: In the interests of the appearance of the site and the surrounding area.
7. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
8. C.8.27.Drainage Details
9. No construction works shall take place before 8am Mondays to Fridays and 9am on a Saturday. No construction works shall take place after 6 pm Mondays to Fridays or after 1 pm on Saturdays nor at any time on a Sunday or Public Holiday.
REASON: In the interest of residential amenity.
10. 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), No additional windows, other than those approved as part of this scheme, shall be inserted at first floor level or in the roof space of any of the elevations of the dwellings hereby permitted.

REASON: To avoid overlooking of the adjacent properties in the interests of residential amenity.

11. The windows in the north west elevation of House type A, as indicated in red on drawing No.2046a04/01 Rev B, dated 16/04/04, received 18 May 2004 shall be obscure glazed with glass of obscuration level 4 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall be retained in those windows at all times and shall be inserted prior to the first occupation of the dwelling hereby permitted.

REASON: In the interest of private amenity and privacy of the occupants.

12. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
13. C.6.7. Excluding conversion of garages.
14. The car standing areas in front of the dwellings, as indicated on drawing 2046a04/04 Rev C, dated 30 April 2004, received 18 May 2004 shall be constructed and made available for the parking of vehicles prior to the first occupation of the dwellings hereby approved. Such space shall be maintained and retained for the parking of domestic vehicles in connection with the approved dwellings.
REASON: To ensure that the dwelling has adequate off-street parking provision.
15. The first six metres of the shared private access road measured from the highway boundary shall be treated with an approved bound material.
REASON: In the interest of highway safety and to prevent any loose material from entering the highway.
16. There should be no obstruction above 0.6 metres in height within the area of a 2.0 metre parallel band visibility splay required across the entire site frontage.
REASON: In the interest of highway safety.

Background papers: see application file.

UTT/1041/04/FUL - GREAT HALLINGBURY

Change of use and extensions of dwelling to form school.
Howe Green Lodge, Howe Green. GR/TL 509-187. The Howe Green Educational Trust.
Case Officer: Mr N Ford 01799 510468
Expiry Date: 12/08/2004

NOTATION: Outside Development Limits S2.

DESCRIPTION OF SITE: Howe Green Lodge is a two storey dwelling with a 'T' shape single storey wing to the rear. This building lies adjacent (north) of Howe Green House School. This area is semi rural with Howe Green Cottage and West Lodge to the north set in significant plots, countryside to the west and east with Howe Green Moat Hall and Barns to the south-west beyond Howe Green House School.

DESCRIPTION OF PROPOSAL: This application relates to the change of use of this building from residential (Class C3) to a non residential school (Class D1). Two single-storey extensions are proposed as part of this proposal. These would be onto existing single-storey elements, close to the centre of the building.

APPLICANT'S CASE: The change of use of Howe Green Lodge is intended to allow for additional accommodation (recommended by the Independent School's Council Inspection Report dated 18-22 October 1999). It should be noted that the school is not looking to expand pupil numbers but instead provide more accommodation for its existing intake. As such the change of use will not increase the school's demand for car parking provision. The modifications are intended merely to rationalise and expand accommodation for the school's existing intake. See applicants planning report dated June 2004 appended to the end of this report.

RELEVANT HISTORY: Single-storey rear extension granted planning permission on 19 August 1988. Change of use of residential dwelling to Class D1 school use granted planning permission 9 July 2004.

CONSULTATIONS: English Nature: The development is not likely to affect the nearby SSSI or National Nature Reserve.
Essex Wildlife Trust: None received (due 4 July 2004).

PARISH COUNCIL COMMENTS: No objections.

REPRESENTATIONS: None. Notification period expired 17 June 2004.

PLANNING CONSIDERATIONS: **The main issue is whether the change of use of this building and extensions are compatible with its rural setting (ADP Policy S2 and DLP Policy S7) and whether there would be any detrimental affect upon residential amenity (ADP Policy DC14 and DLP Policy GEN4).**

Policy S2 of the Adopted District Plan 1995 restricts development in the countryside, such as this location, but allows exceptions for agriculture, forestry, appropriate outdoor recreational uses and appropriate changes of use of suitable existing buildings compatible with a rural area.

The principle of school use accommodation within this building was agreed with the recent grant of planning permission for change of use. The remaining issue is whether the extensions are compatible with the rural setting.

Howe Green Lodge constitutes a fairly substantial two-storey detached dwelling located just north of and in close proximity to Howe Green House School.

Members will recall that planning permission has recently been granted for the change of use to a school with this new proposal having been submitted before this decision was reached and therefore proposes the same but with the combined addition of an extension in order to rationalise space elsewhere within the school. Again, the applicant confirms that no additional pupil capacity is required such that any impact may be passed onto parking provision, the road network or residential neighbours. The extension would provide a further 58 sqm of accommodation and be well related to the existing building and screened to a large extent by the rear single storey 'stable' wing. It would replicate this to a large extent in terms of height, scale and design and would utilise matching materials i.e. clay roof tiles, render and timber framed windows.

CONCLUSIONS: It is considered that the change of use of this building to a school and associated extension would be an appropriate use in this location, which would be well related to the existing building and integrated with existing school buildings and not adversely affect the amenity of adjacent residents.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.6.1. Excluding future changes of use without further permission.
4. C.20.2. Protection of other species.

Background papers: see application file.

UTT/0867/04/FUL – BIRCHANGER
(Referred at the request of Cllr Mrs E J Godwin)

Erection of detached outbuilding forming garage, carport and games room. Alteration to existing vehicular access.

17 Bradley Common. GR/TL 504-230. Mr P J Devlin.

Case Officer: Mr R Aston 01799 510464

Expiry Date: 19 July 2004

NOTATION: ADP & DLP: Within Development Limits/Settlement Boundary/TPO walnut tree.

DESCRIPTION OF SITE: The site forms the rear garden of 17 Bradley Common. There is an existing access along the southern boundary adjacent to the boundary with No 15 Bradley Common and to the west of this access lies a Walnut tree subject to a Tree Preservation Order. The site lies opposite the terrace of No 34 – 41 Highview and there are no existing outbuildings on the site. To the east of the site there is a double flat roof detached garage belonging to No 15, a single garage used by the occupiers of 11 Birchanger and a detached double garage belonging to 42a Highview.

DESCRIPTION OF PROPOSAL: The proposal details the erection of a 1-½ storey outbuilding to form a double garage with games room with balcony above.

RELEVANT HISTORY: Erection of two storey dwelling with two parking spaces, refused 2002. Two storey rear extension and conservatory approved 2003.

CONSULTATIONS: Environmental Health – No comments.

Landscape Officer – The proposed developments are not considered likely to affect existing trees on the site. In the circumstances of planning permission be granted, it is recommended that a condition be applied requiring the submission for approval of details of the foundation of the detached outbuilding and the construction of the vehicular access in order to ensure that the root plate of the protected Walnut tree on the southern boundary is not detrimentally affected.

PARISH COUNCIL COMMENTS: None received (due 23 June).

REPRESENTATIONS: Three representations have been received. Notification period expired.

General Summary – Mr Devlin has increased the size of this property without adding a building of this size and height which will be as large as a two bedroom house. The balcony will cause a loss of privacy for the residents of Highview as our bedrooms face the front. Vehicular access is becoming more and more restricted. The access should be from the front of the property. Concerned he will remove the Walnut tree. A two storey structure nearer to the highway will be imposing.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the proposal's design and siting would have a detrimental impact on the character and appearance of the streetscene (ADP DC1, DLP GEN2) and
- 2) whether the proposal has satisfactory access and would affect the residential amenity of adjoining occupiers (ADP DC14, T1, DLP GEN2, GEN4).

1) This area of Highview has a varied character with the rear gardens of Bradley Common and associated garaging and outbuildings on its northern side and a row of post war terraced house on its southern side. The garages to the rear of the dwellings off Bradley Common are a mixture of flat roof and pitched roof single and double garages with the largest belonging to 42a Highview with a ridge height of approximately 4.7m. The proposed outbuilding would have a floor Area of 28.6m² with a ridge height of 5.5m to allow for a games room in the roof space with a balcony overlooking the applicant's rear garden. The proposed outbuilding would be unlikely to have no more of an impact than the detached double garage at No 42 and through its design and scale would not have a detrimental impact on the character or appearance of the streetscene.

2) Although the property has sufficient space to accommodate two vehicles, the garage would be accessed from Highview in a similar manner to the garages belonging to 11, 15 Bradley Common and 42a Highview. The proposal which would utilise and alter the existing access would not be detrimental to highway safety and would not cause a hazard to users of the highway. In this respect the proposal is considered acceptable subject to a condition requiring the repositioning of the garage 2 metres further back to allow for a space of 6m between the back edge of the highway and the garage door as recommended by the Essex Design Guide for Residential and Mixed Use Areas. It is understood that this part of the Highview estate has significant on street parking. The increased use of the access will require the point of access to be free from parking, however the proposed garage would allow parking off the road and therefore on balance should not exacerbate existing problems. Turning to the impact of the proposed outbuilding on the residential amenity of adjoining occupiers, the size, design and proposed location would not give rise to material overshadowing, loss of privacy, outlook or day/sun light to neighbouring properties and although a balcony is included, this overlooks the appellants garden and 41a Highview which has its boundary 16m to the west and the rear elevation of the dwelling approximately 26m to the west which is sufficient distance to reduce any impact to an acceptable level. It is therefore considered that a refusal on these grounds could not be justified.

COMMENTS ON REPRESENTATIONS: The proposed balcony faces into the rear garden of the dwelling, it would not cause a material loss of privacy to the occupiers of Highview. This is an attempt to reduce the pressure for car parking on Highview as the applicant would now be parking his vehicles in the garage rather than on the highway. If the Walnut tree is removed then appropriate Enforcement action can be taken as the tree is the subject of a TPO.

CONCLUSIONS: The proposal would not have a detrimental impact on the character and appearance of the streetscene and has no more impact than the garages to the east. Subject to a condition requiring a 6m gap between the back edge of the highway and the garage door to prevent cars parking on both the front hardstanding and the highway it is considered that the proposal would not adversely affect highway safety. The proposals scale, design and location would not materially affect the residential amenity 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. The garage hereby permitted shall not be used for any purpose other than the parking of a vehicle owned by the occupier of 17 Bradley Common, Birchanger.
REASON: To prevent on street car parking in the interests of highway safety and residential amenity.
5. C.17.2. Detailed amendments to be incorporated into design (relocation of garage).

6. Prior to the commencement of development the details of the foundations of the building hereby approved and the construction of the hardstanding shall be submitted to and approved in writing by the local planning authority.
REASON: To prevent possible damaged to the root plate of the protected Walnut Tree.

Background papers: see application file.
