

**PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 31 AUGUST 2004**

APPL NO: **UTT/1014/04/FUL**  
PARISH: **WENDENS AMBO**  
DEVELOPMENT: Change of use of building from offices to three dwellings  
APPLICANT: N B Piggott  
LOCATION: Courtlands Royston Road  
D.C. CTTE: 9 August 2004 (see report copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Refuse**  
*Case Officer: Mr G Lyon 01799 510458*  
Expiry Date: 8 August 2004

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APPL NO: **UTT/1906/03/OP**  
PARISH: **LITTLE HALLINGBURY**  
DEVELOPMENT: Outline application for erection of agricultural dairy unit and two dwellings with all matters reserved  
APPLICANT: David Milne  
LOCATION: Little Hallingbury Park  
D.C. CTTE: 9 August 2004 (see report copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Approve**  
*Case Officer: Mr R Aston 01799 510464*  
Expiry Date: 8 January 2004

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APPL NO: **UTT/0844/04/FUL**  
PARISH: **NEWPORT**  
DEVELOPMENT: Construction of two detached dwellings with garaging and improved access. Demolish existing bungalow  
APPLICANT: Lovell Sims Ltd  
LOCATION: Hamara Ghar London Road  
D.C. CTTE: 9 August 2004 (see report copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Approve**  
*Case Officer: Mr G Lyon 01799 510458*  
Expiry Date: 13 July 2004

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## 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.*

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## **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.*

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**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 20<sup>th</sup> 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).

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS (9 AUGUST 2004):** UDC Landscaping: Site plan shows existing trees to be removed. Case Officer should establish during site inspection whether expert technical advice is warranted.

**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 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.*

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## **UTT/1006/04/DFO - GREAT DUNMOW**

Approval of reserved matters following the grant of outline permission for erection of 105 dwellings and garages, with associated highway works.

Sector 1 Emblems 2 Land to the North of Godfrey Way. GR/TL 622-226. Wickford Development Co Ltd.

*Case Officer: Mr M Ovenden 01799 510476*

Expiry Date: 05/08/2004

**NOTATION:** Development Limits S1/GD8/GD5 outstanding residential commitments.

**DESCRIPTION OF SITE:** The site consists of a predominantly grassed area of approximately 4.8 hectares to the northwest of Great Dunmow. To the south is an existing estate of modern dwellings off The Mead and Bradley Close leading to Godfrey Way. To the east is a bank of poplars subject to tree preservation orders. To the west lies an area of open space leading to the greater part of the Woodlands Park development. The dwellings to the north east of the site fronting the public open space toward Helena Romanes School are generally large detached 5/6 bedroom dwellings off private drives.

**DESCRIPTION OF PROPOSAL:** This proposal is a reserved matters application for the erection of 105 dwellings (the balance of the 198 permitted at outline in 1993), garages and associated highway works. The scheme consists of a range of detached and semi detached dwellings varying from 3 to 6 bedrooms with garaging set within varying sized plots. Each dwelling would have adequate parking and amenity space for its size. Access would be from the existing Woodlands Park estate to the west with a locked barrier proposed to be provided to prevent traffic access to and from Godfrey Way via Emblems to the south of the application site.

**APPLICANT'S CASE:** The number of dwellings on Sector 1 is restricted; hence the residual development proposed in this application is 105 houses on 5.173 Ha at a density of 20.3 dw/ha (8.21 dw/acre). The plot and road layouts have previously received detailed planning approval under application ref: UTT/0791/98/REN on 6 October 2003. With the exception of house types W and X on 8 no. plot nos. 190 to 197 inclusive, all other house types have previously recently been approved by your Council on the adjoining Woodlands Park development.

**RELEVANT HISTORY:** On 6 October 2003 planning permission was granted for the renewal of permission for the revised layout of roads and plots for residential development subject to a legal agreement relating to the transfer and maintenance of land for public open space Permission granted on appeal in 1993 for 198 dwellings inc. S106 Agreement requiring a barrier to prevent more than 100 dwellings from sector 1 accessing Godfrey Way.

**CONSULTATIONS:** ECC Highways: No objections subject to conditions.

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

Police Architectural Liaison Officer: To be reported. (due 2 July 2004).

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

English Nature: Requests an ecological survey be carried out to determine if protected species are present.

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

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

**TOWN COUNCIL COMMENTS:** A 'rat run' between Stortford Road and The Causeway should not be created. The Town Council are concerned regarding the disproportionately

steep pitches shown in many of the house designs. Such designs invite loft conversions with consequent increase in residents for which parking provision has not been made. These bulky and exceptionally high roofs are unattractive and would dominate the landscape. The Town Council accept the need for a variety of designs, including a few steep roof designs located away from the boundaries of the development (so as not to impinge on the landscape), but are strongly of the opinion that most of the properties should have a lower pitch.

**REPRESENTATIONS:** This application has been advertised and representations 47 have been received. Period expired 15 July 2004.

Summary: Impact on residential amenity. Plot 103, 104, 105 directly overlook our property. Increased traffic, road congestion Godfrey Way road is inadequate for the volume of traffic and noise. Effect of the illumination. Long delays. Plot 116 is far too close to our property, overbearing and will darken our kitchen. Concern regarding the treatment of the frontage of the ten plots (nos 189-198).

**PLANNING CONSIDERATIONS: The main issues are**

**1) whether the development is of an appropriate scale, design and landscaping in accordance with ADP Policy DC1 and DLP Policy GEN2.**

1) The road and plot layout of this scheme has previously been approved in 2003 and this scheme is in accordance with this, albeit with some minor alterations to the provision of ramps and raised tables to accommodate current highway standards. The proposed house types also generally follow the scale and designs of previously approved dwellings elsewhere on the Woodlands Park Estate and are considered acceptable. Plots 190 to 197 are larger house types reflecting their setting within more generous plots fronting public open space. Each garden is considered to be of appropriate size with more generous rear gardens provided for the larger dwellings, especially plots 189 to 198.

**2) whether there would be traffic conflict, sufficient parking provision and any detrimental affect to residential amenity (ADP Policy T1, T2, DC14 and DLP Policy GEN1 and GEN4).**

2) The highway layout is based upon details of a previous design guide but following the applicant's negotiation with ECC Highways now contains elements of the current design guide particularly with regard to speed reduction measures and associated visibility requirements. ECC Highways have therefore raised no objections to this proposal.

In relation to residential amenity, it is considered that the dwellings provide sufficient set backs and spacing to prevent overlooking and overshadowing. Some representations have been received regarding potential overlooking from new dwellings bordering properties along 'The Mead' and 'The Poplars' but it is considered that there are adequate set back distances in this regard.

In relation to the potential for traffic access through 'The Mead' and in turn the implications for noise, disturbance and traffic conflict, it is considered that the provision of a locked barrier to prevent this (except only emergency access) is necessary and has been secured by a legal agreement dating back to 1993. Parking provision is considered to be adequate for the size of house types proposed and is in accordance with adopted standards.

**COMMENTS ON REPRESENTATIONS:** Many of the representation letters received concerned access from the new development via The Mead to Godfrey Way and in turn the implications for congestion, highway safety and the general detrimental impact upon the

local environment and residential amenity for occupants of dwellings in The Mead, Emblems and The Poplars leading to Godfrey Way. However, following consultation the layout drawing has been revised to show a locked barrier located between Plot 97 and 98 that would prevent such access. Access to the site would occur via an estate road to the west of the application site.

A number of occupants of dwellings to the northern edge of Bradley Close and the eastern edge of The Poplars have raised concerns regarding the proximity of dwellings to their own and the potential for overshadowing or overlooking. However, the plots of concern are set apart by a distance of approximately 25m and this is considered an adequate separation to prevent any affect upon residential amenity. A gap of 3m between 15 The Poplars and Plot 116 is considered adequate (no habitable room windows are proposed to the side elevation of this house type adjacent 15 The poplars).

**CONCLUSIONS:** This reserved matters scheme for the erection of 105 dwellings proposes house designs, which are considered appropriate in this location and provide adequate amenity areas and parking provision. It is considered that there would be no detrimental impact upon residential amenity provided a barrier is secured to restrict vehicular access through Godfrey Way.

Members may wish to note that a number of conditions were attached to the previous planning permission (approval of road layout and plots) relating to details of a landscaping scheme, retention and protection of existing trees, shrubs and hedges during construction, an archaeological survey, a scheme of brick walls and close boarded fences and various highway matters. A condition restricting the hours of delivery and removal of materials is also attached to that permission. Therefore, conditions only related to the details proposed in this scheme are considered to be necessary.

The affordable housing requirement is already catered for by Sector 1 and is therefore not a requirement as a result the details of this proposal.

### **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.5.2. Details of materials to be submitted and agreed.
4. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
- 5-9. C.10.5. Standard highway requirements.
10. C.20.2. Protection of other species.
11. All footpaths shall be laid out to a minimum of 2m in width, shall be lit and, where necessary shall be drained adequately.  
REASON: In order to ensure a satisfactory standard of development.
12. Plots 94 to 119 inclusive shall not have any further windows added to the rear roof plane these dwellings.  
REASON: In order to protect the amenity of residents located to the near to these dwellings.
13. No development shall commence until the design of the proposed locked barrier has been submitted to and approved in writing by the local planning authority, together with a timetable for its erection/provision once erected the barrier shall remain closed except for use by vehicles travelling to or from an emergency.
14. No development shall commence until either the locked barrier referred to in the previous condition or a temporary barrier performing the same function has been provided/erected or installed in the location identified on the approved drawings. This

barrier the approved locked barrier or an approved alternative shall thereafter remain to preclude the passing of non emergency vehicular traffic  
REASON 13+14: In the interest of highway safety and the amenity of neighbours.

*Background papers: see application file.*

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## **1) UTT/1024/04/DFO & 2) UTT/1026/04/DFO – BIRCHANGER**

*(Joint report)*

- 1) Reserved matters application for erection of 315 dwellings, pursuant to condition C.1.1 of UTT/0443/98/OP - siting, design and external appearance of the buildings.
- 2) Reserved matters submission of landscaping under conditions C.4.1. & C.4.2. of UTT/0443/98/OP (erection 315 dwellings, construction of access to highway, public open space, play area and school site).

Land at Rochford Nurseries. GR/TL 514-242. Taylor Woodrow Developments Ltd.

Case Officer: Mr J Pine 01799 510460

Expiry Date: 20/08/2004

**NOTATION:** Within Development Limits/Allocated for residential development in both ADP (400 dwellings – Policy SM6) and DLP (600 dwellings – Policy SM4/BIR1). Allocation in DLP increased to 720 dwellings at the recommendation of the Local Plan Inquiry inspector, and agreed by Environment Committee and Full Council on 8/6/04 and 22/6/04 respectively.

**DESCRIPTION OF SITE:** Rochford Nurseries lies on a plateau immediately south of Stansted Mountfitchet. It has been underused for many years, and comprises significant areas of mainly derelict glasshouses. This site, which forms the eastern part of the residentially allocated land, is bordered to the north by houses in Manor Road, to the west by the Croudace land and to the south and east by Foresthall Road and Church Road respectively. Newman's Plantation, a significant area of preserved woodland, extends northwards away from Foresthall Road, bordering a bridleway.

### **DESCRIPTION OF PROPOSALS: UTT/1024/04/DFO**

As per the outline planning permission, 315 dwellings would be erected at a density of 37/hectare, with 25% (79) being affordable. The density would be lower around Foresthall and Church Roads and higher around the main square, as set out in the approved masterplan. The layout would provide the permeability for pedestrians and cyclists required in the masterplan, avoiding "dead end" cul-de-sacs throughout. Affordable housing would be in 2 locations along the northern edge of the site, separated by an area of private housing. The affordable housing would consist of 2 and 3-storey flats and 2-storey terraced and semi-detached houses, 60 of the 79 units being either 1 or 2-bed. The private housing would be mainly terraced and semi-detached, ranging from 2-storey to 2 + attic through to 3-storey, and would be predominantly 3 or 4-bed.

Pitched roofs would be covered in either tile or slate, with all brick chimneys capped with clay chimney pots. Facades would be mainly brick faced, but with some painted brickwork and render. There would also be some timber cladding. Front gardens to the larger houses would be defined by railings, and rear boundaries which front public areas would be constructed of brick.

The layout would be broadly in accordance with the masterplan, but would reflect the changes required both via the landscaping submission (see next paragraph) and by the protection of an access easement that exists in favour of Croudace Limited, which has resulted in small northward relocations and alterations to the shapes of both the main and additional school sites.

A main link distributor road would run through the site, linking Foresthall Road and Church Road. This road would be tree-lined to reflect its status. Secondary access would be provided from the link road, including to the Croudace owned land to the west and immediately to the south of the linear drainage feature along the northern boundary of the

site. Other minor forms of access would be mews, parking courts and private drives. 17 houses would have their own direct access onto Church Road to avoid complexity at the main estate junction. Car parking would be provided by a combination of “drive through” houses and parking courts to minimise visual impact by concealing parked cars behind principal frontages. Confirmation is awaited from the agent on the total number of car parking spaces provided and the ratio between housing type and size. Focal spaces would use raised speed tables to achieve traffic management.

#### UTT/1026/04/DFO

Peripheral and internal landscaping would be carried out, broadly as per the masterplan. The individual elements of the planting and harder floorscaping are described in the Landscape Strategy Statement (see applicant’s case). The main change from the masterplan would be the provision of a newt mitigation area (2 acres or 0.8 hectares) along part of the southern boundary of the site. This area is required to protect the habitat of great crested newts that dwell in ponds on the southern side of Foresthall Road. Reptiles that are resident on the application site (including some which do not enjoy statutory protection) would be translocated to an off-site location under a scheme prepared by the applicants’ consultant ecologist. In addition, the form of the urban squares has been adjusted to fit the layout, and the layout of the LEAP area has been amended to link the various areas of open space, including the smaller urban square. Via this reserved matters application, the applicant is therefore seeking consequential amendments to the masterplan to accommodate the landscaping scheme now proposed.

**APPLICANT’S CASE:** Site layout: This layout follows from pre-application discussions with the District Council, Stansted and Birchanger Parish Councils and CABE. In relation to the comments of Essex Police, the approach is similar to that at Bishops Mead in Chelmsford, which features in ODPM’s “Safer Places” publication. See letter from Reeves Bailey dated 22/7/04 (copy attached at end of report).

Landscaping: This layout follows from pre-application discussions with the District Council, Stansted and Birchanger Parish Councils and CABE. See Landscape Strategy Statement prepared by Allen Pyke Associates (copy attached at end of report).

Drainage: The surface water drainage system would have adequate capacity, and the stream beside Church Road would be retained and enhanced to encourage natural habitat. See letter from Bettridge Turner & Partners dated 16/7/04 (copy attached at end of report).

**RELEVANT HISTORY:** Outline planning permission for 315 dwellings, new vehicular access, public open space, play area and school granted on the eastern part of the allocated land (Pelham Homes) in February this year. At the same time, outline planning permission was also granted for 285 dwellings on the western part of the allocated land (Croudace Limited). Both permissions included an approved master plan / design brief, and were granted subject to appropriate conditions and a Section 106 Agreement.

The conditions that were imposed related to:

- Time limits for submission of reserved matters and implementation
- Implementation in accordance with masterplan
- Details of materials
- Landscaping
- Density requirements (min 30/hectare) + phasing
- Ecological survey
- Archaeological work
- Drainage requirements
- Parking and circulation areas
- Provision of street furniture

- Limits on construction noise
- Limits on hours of delivery
- Approval of contractors' vehicles routes
- Dust / mud suppression measures
- Submission of an affordable housing scheme
- Details of play areas and bus shelters

These reserved matters applications were the subject of an advanced report of issues to the last DC Committee meeting on 9 August, when Members also resolved to visit the site. The points raised by Members at the last meeting are summarised in the Conclusions section of this report, along with officers' comments. Separate applications for approval of reserved matters relating to access and bridge materials details (UTT/1194/04/DFO) and for ecology (UTT/1320/04/DFO) have been made. Both of these are still under consideration.

**CONSULTATIONS:** *(Officers' comments are in italics).*

ECC Highways & Transportation: The Estates Design Manager has commented on the internal layout, and has required a number of revisions. *The developer has agreed the required layout changes with the Estates Design Manager, which can be the subject of conditions.*

ECC Archaeology: Recommended that trial trenching be undertaken prior to reserved matters approval, as the importance and extent of archaeological deposits should be taken into account in layout design. If this layout is approved, there will be no option but to have full-scale excavation on all archaeological deposits identified. *A reserved matters application relating to archaeology is shortly to be submitted, following agreement of timescales for investigation with ECC Archaeology.*

ECC Built Environment Branch: Have made some detailed comments on layout and building design (see letter dated 14/7/04 attached at end of report). *The developer is considering these comments.*

Commission for Architecture & the Built Environment (CABE): General approach seems sensible. Provides a hierarchy of routes and densities and tackles the difficult issue of minimising the impact of car parking by providing parking courts and drive through garages. Have some concerns about the size and enclosure of the large square. *These were initial comments made to the developer.*

Disappointed that earlier advice appears to have been ignored. Having received requested additional architectural information, thinks that a decent environment could result. Have made some detailed comments on building design (see later letter dated 6/8/04 attached at end of report). *The developer is considering these comments.*

ECC Schools Service: The additional school site is too narrow to accommodate the second football pitch that would be needed for the larger school. Splitting the school and additional sites by a footpath would be unacceptable as it would limit the layout and would decrease pupil safety. *These concerns have been discussed with ECC's Strategic Planning Officer. It is likely that the layout can be rearranged to satisfactorily accommodate ECC's requirements. Confirmation is awaited from ECC. It is also likely that the rearrangement could allow the main school building to front the large square along its western side, giving it a public focus and answering some of the concerns from CABE about how to enclose the remaining parts of the square. Under the masterplan, it needs to be pointed out that there is also uncertainty over enclosure of the western boundary of the square at this stage because it is formed by the additional school site, which may or may not be required by ECC at a later date.*

Essex Police Architect: Does not support due to excessive vehicular and pedestrian permeability. Numerous areas will give ease of access through parking courts across private drives and mews areas. Many shared car / pedestrian routes lead nowhere and do not link homes with schools / shops etc. Rear parking courts are not overlooked other than by the rear of properties. They are also flanked by brick walls and fences, which will add to

crime problems. Footpath passing plots 138 & 139 affords no natural surveillance for users. Queries the space between the school and health centre sites. *See letter from Reeves Bailey dated 22/7/04, (copy attached at end of report). Permeability of layout is specifically required in the masterplan.*

Thames Water: No objections with regard to sewerage infrastructure.

Environment Agency: Guidance given, which will be passed to the applicant.

BAA Safeguarding: Fuller investigation required on birdstrike hazard. Require detailed planting schemes, including the species to be used, the number of plants and the densities at which trees will be planted. Also need to know water levels in the newt mitigation area and the linear drainage feature, along with how often these features are expected to be wet above the level shown on the plans. *These details have been provided. Remaining concerns relate to the choice of planting for and grass management within the newt mitigation area because of the expanses of water. These can be controlled by condition.*

Environmental Services: Query provision for refuse collection and recycling. *The developer is considering these comments.*

Croudace Limited (Developers of western half of the site): No formal objections, but point out that the location of units 130-137 is some 6m from the northwest boundary. Croudace intend to position units of a similar form and scale the same distance back from the boundary. *When Croudace submit the reserved matters for the adjacent site, officers will ensure that the positioning and orientation of dwellings takes into account any reserved matters approval on the Taylor Woodrow land. The masterplan envisages that this boundary would give a visual focus through to the windmill, so it would be inappropriate for Croudace housing to back onto it.*

**PARISH COUNCILS' COMMENTS:** *(Officers' comments are in italics).*

Birchanger: Road infrastructure needs more detailed and careful planning. Impact of a sizeable development with regard to increased road traffic and greater demands on service infrastructure are concerns. Minor road linkages are not well defined. Would like to see Tott Lane become one-way. Initial plans for the school and health centre show no car parking facilities. Imperative that these facilities meet the demands of the development. Has land been allocated for a school playground? Serious concerns at lack of overlooking of LEAPs and some of the LAPs, leading to no-go areas. Car parking provision needs to be reviewed, as many households now own two cars. Delivery vans, visiting cars and other temporary traffic must be accommodated.

*Traffic impact was taken into account at the outline stage. Traffic management in Tott Lane is a separate issue that it is for the Highways Authority to consider. The school and additional sites would contain appropriate parking and playground facilities. It is considered that only the LAP in the northeastern corner of the site would have substandard natural surveillance. Following discussion with the developer, this will be repositioned slightly to the south to benefit from more natural surveillance.*

Stansted: (Due 16/7)

**REPRESENTATIONS:** This application has been advertised and 9 representations have been received. Period expired 26/7/04. For the sake of simplicity, a single schedule of representations has been compiled to cover all the reserved matters applications.

<b>POINT</b>	<b>OFFICERS' COMMENTS</b>
<b><u>DENSITY / PRINCIPLE</u></b>	
315 dwellings is overdevelopment of the site. An unhealthy environment will result from traffic noise and fumes.	<i>This is the number of dwellings approved in outline as per Deposit Draft Local Plan Policies SM4 / BIR1. The principle of the development is not at issue at the reserved matters stage.</i>



<b>LAYOUT</b>	
Most of the housing is 3-storey.	<i>36 out of 263 houses (14%) would be 3-storey, having a maximum height of 12.2m. A further 137 (52%) would be 2-storey with attic roofspace, not exceeding 10m in height. 6 out of the 10 blocks of flats would be 3-storey, again not exceeding 10m in height.</i>
Huge visual impact on elevated land, out of keeping with the village. Effect of 3-storey blocks of flats on residents of Stoney Common especially re invasion of privacy and loss of natural light. Should be moved back at least 200ft and reduced to 2-storey. TV reception already poor.	<i>All the flats along the northern boundary with Stoney Common would be 2-storey (7.5m in height), set back at least 20m from the site boundary. All houses along that boundary would be similarly set back and 2 / 2+attic storey in height, not exceeding 10m. However, the attic storeys are a concern. There is no evidence that TV reception would be worsened as a result of the development.</i>
Affordable housing is grouped together in one area on the northern boundary, creating a "ghetto".	<i>Affordable housing provision would be in 2 areas close to the northern boundary of the site, separated by a considerable area of private housing. The distribution is as per the wish of the Housing Association and the Council's Housing Enabling Officer.</i>
Street lighting will create unnatural and imposing artificial light.	<i>Street lighting would conform to usual standards. A condition will be imposed to control light spillage from the new lighting along the northern boundary, via the use of appropriate shielding.</i>
<b>ACCESS</b>	
No proposed road structure to get to the houses. Current road plan would bring gridlock to the area. Footpath inadequate along Church Road.	<i>Access strategy is as per the masterplan and as agreed with the Highways Authority.</i>
Will there be any access from Stoney Common? It is an unadopted road not suited to further traffic. Adequate access is available via Pines Hill and Church Road.	<i>There would be pedestrian and cycle access only from Stoney Common, as per the masterplan. All vehicular access would be via Foresthall Road and Church Road.</i>
Concerned at the amount of traffic that would be generated, especially onto the B1383 from the estate and along Church Road, where a roundabout is required. Access to Foresthall Road over the bridge is only single file.	<i>Traffic levels were taken into account at the outline stage. Bridge improvements are required as part of the Section 106 Agreement that forms part of the outline planning permission</i>
Footpath connection from Stoney Common would be used as a cut through / drop-off point for the school, detrimental to safety and exacerbating parking problems.	<i>Noted, but such a footpath is required to give permeability for pedestrians and cyclists as per the masterplan.</i>
Elevation of the proposed road would add to noise, fume and light pollution to existing residents' gardens.	<i>The road would be elevated by 1.5 – 2.5m in places relative to the existing rear gardens, but this should assist with any fume or noise dispersal. There would be sufficient available depth to allow for significant tree planting along the southern edge of the linear drainage feature. This planting can be supplemented by short sections of 1.2m high</i>

	walls by the raised speed tables at vehicle turning points onto the road to reduce the flash from headlights.
<b><u>SCHOOL AND HEALTH FACILITIES</u></b>	
Need to be available before the site is built.	<p><i>The phasing of the school and health centre provision is dealt with in the Section 106 Agreement. These reserved matters applications seek no revisions in that respect.</i></p> <p><i>School</i>  ECC to serve notice on the developer that the school site is required prior to or within 4 months or either bridge works completion or 1<sup>st</sup> dwelling occupation, whichever is the earlier. Developer to pay £680,400 to ECC within 30 days of notice receipt – no more than 75 dwellings to be occupied. ECC to serve notice on the developer that the additional land is required prior to or within 12 months of either bridge works completion or 1<sup>st</sup> dwelling occupation, whichever is the earlier. No other development on the additional land until expiry of that period.</p> <p><i>Health Centre</i>  Fully serviced site to be transferred to the Council before the occupation of 100 open market houses. If the Council indicates that the site is not required, the developer is to pay a contribution towards the costs and expenses reasonably incurred in providing a facility elsewhere. Payment required prior to the occupation of 50 open market dwellings.</p>
<b><u>DRAINAGE</u></b>	
Water will run-off the proposed road into the linear drainage feature and soak away into the back gardens of the houses of residents in Stoney Common.	<i>The developer has confirmed that the feature would be designed for the 1:100 year storm event. In normal use, there should be minimal water levels that would dissipate along the entire length of the feature. The majority of the water would be carried away from the Stoney Common houses, with only a small percentage infiltrating. Any surface water flow from the development site would be intercepted and stored before it enters Stoney Common gardens. Statutory consultees have raised no objections to these arrangements.</i>
Query what is to happen to the stream running through the back gardens of houses in Church Road.	<i>The stream would be retained and enhanced to encourage the natural habitat. The bridleway would cross over the stream with no reduction in hydraulic capacity in the channel. There would be a minor diversion (subject to Environment Agency approval), but no works to the stream as it leaves the site are anticipated.</i>

<b><u>LANDSCAPING</u></b>	
The proposed tree screening along the northern boundary would be inadequate to afford privacy to existing residents.	<i>There would be sufficient available depth to allow for significant tree planting along the southern edge of the linear drainage feature. However, it is doubtful whether there would be effective screening against overlooking from the attic storeys of the north facing houses.</i>

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

**UTT/1024/04/DFO**

- 1) the layout and design would be in accordance with the masterplan, in particular with regard to the form of the large square and its formal relationship to the school and health sites (ERSP Policies H4, T3 and T6, ADP Policies S1, H4, DC1 and SM6, DLP Policies S2, GEN1 & 2 and SM4/BIR1)
- 2) the buildings and minor access road along the northern boundary of the site would have an adverse impact on the amenity enjoyed by existing residents in Stoney Common (ADP Policies DC1 & 14, DLP Policies GEN4 & 5)
- 3) the mix of housing would be acceptable, the location of the affordable housing would be acceptable, there would be sufficient private open space and, in relation to the affordable flats, more communal open space ought to be provided (ADP Policies H4, SM6 and DC1, DLP Policies GEN2, H9 and SM4/BIR1)
- 4) the school sites would be fit for their purpose (ERSP Policies BE5 and H4, ADP Policy H4, DLP Policies GEN6 and SM4/BIR1) and
- 5) adequate car parking would be provided (ERSP Policy T12, ADP Policy T2, DLP Policy GEN9).

1) Subject to the changes referred to in the Description of Proposals section of this report, the layout and design would be in accordance with the masterplan. Whilst there would be changes to the shape of the large square (it would now be more square in shape rather than rectangular), there would be no reduction in its overall area. The large square would enjoy a public focus, being adjoined respectively to the west and south by the school and health centre sites. Further reserved matters applications will need to be submitted for those sites, in which the exact means of enclosure to the square will be determined.

2) Along the northern boundary of the site, the masterplan shows a buffer planting area of about 10m in depth, within which a footpath / cycleway would be provided. On the submitted plans, the buffer area would be formed by the linear drainage feature, to the south of which would be a dedicated footpath / cycleway bordering a minor access road that would serve the north facing houses and flats. The developer has been asked to submit a plan showing the position of the existing houses in Manor Road and Stoney Common and the proposed ones along the northern boundary. This plan is still awaited. It is not considered that there should be any material loss of amenity from the 2-storey houses and flats, but 10 of the houses that face north would have attic storeys containing north facing bedroom windows as the main form of lighting to those rooms. It is considered that the extra height of the attic storeys, coupled with the raised ground level relative to Manor Road and Stoney Common, would result in existing residents feeling overlooked from and overshadowed by those houses, irrespective of the proposed tree screening. The developer has been advised to amend the layout to reduce all the 2+ attic storey houses along the northern boundary to 2-storey, and a response is awaited. This can be secured by condition if necessary.

For the reasons given in the Representations section it is not considered that noise and fumes ought to be a material issue, and the effect of flashing headlights from cars can be

controlled via boundary screening and walling. Street lighting spillage can also be controlled by condition.

3) DLP Policy H9 requires that there is a significant proportion of market housing comprising small properties (2 and 3-bed homes), in addition to affordable housing. Of the 236 open market houses, 134 (57%) would so qualify. Of the 79 affordable housing units, 60 (76%) would be either 1 or 2-bedroom. It is considered that Policy H9 would be complied with. The location of the affordable housing has been agreed with the Housing Association, and would integrate well with the open market housing, some having outlooks either over the school, over various areas of public open space or along the northwest boundary along the vista towards the windmill.

The three 2-storey blocks of affordable flats along the northern boundary of the site would each have a usable area of private open space at the rear, but the six 3-storey blocks facing south would not. These six blocks comprise a total of 36 flats, of which 24 would be 1-bedroom. The Essex Design Guide does indicate that, whilst communal garden provision for 1-bedroom flats is welcomed, residents may be happy to forgo this amenity if there is access to other local open space, and in order to have the benefits of living in a core area. It is considered that this location would so qualify and that extra private open space for the 1-bedroom flats is not essential. As a compromise it would be feasible, however, to provide front-facing balconies to the living rooms of the upper storey 2-bedroom flats in the remaining two blocks, which is a solution recommended in the Design Guide. The developer has been asked to look at open space provision for the affordable flats, but if there is no other feasible option, a condition requiring balconies to the 2-bedroom flats is recommended. All the affordable houses would have adequate private gardens.

The open market housing would have a range of garden sizes, meeting the Design Guide requirement for 100 sqm minimum gardens for houses of 3 bedrooms or more. Generally, the houses along the southern and eastern boundaries would have the largest gardens, reflecting the lower density of development in those areas required in the masterplan. There would be eight 2-bedroom houses that would not have private gardens, but these have been purposely designed at the entrances to parking courts to give natural surveillance. This type of arrangement is promoted in the masterplan.

4) The main school and additional school sites would be of the sizes required in the masterplan and the S106 Agreement. Written confirmation is awaited from Essex County Council (based on indicative sketches prepared by the developer) that the overall revised shape of the combined sites would be able to accommodate the required school facilities, albeit that the main and additional sites may change in location within the overall allocated area. The developer is not required to submit any reserved matters relating to the school facilities – these would come from the County Council in due course.

5) The developer has been asked to provide a schedule of car parking spaces based on house size and tenure (open market / affordable housing / affordable flat). The schedule will be reported. The masterplan recognises the need for restraint in car parking provision as set out in PPG3, but recognises that provision needs to be higher on a site such as this, which is an extension to a village rather than in or near a town centre.

It is considered that the parking layout would achieve the 4 main objectives set out in the masterplan, which are:

- improved urban character and quality
- less car dominated environment

- encouraging more sustainable forms of transport by making it less convenient in some instances to park cars close to home: and
- more efficient use of land.

**UTT/1026/04/DFO**

**1) the landscaping would be in accordance with the masterplan, and would be environmentally appropriate (ERSP Policy H4, ADP Policies H4, SM6 and C3 and DLP Policies S2, GEN7 and SM4/BIR1), and**

**2) the planting mix and water features would cause aircraft safety hazards in proximity to Stansted Airport (Safeguarding Aerodromes etc Direction 2002).**

1) The landscaping of the site would be in accordance with the overall strategy contained in the masterplan, namely:

- Newman’s Plantation would be retained and enhanced
- Northern boundary planting would be provided
- The main access road would be tree-lined
- There would be an open aspect onto Church Road, enhanced by a contiguous area of public open space containing a LEAP
- The large square would have structured planting as part of its form.

In addition, the newt mitigation area would enhance the open appearance of the site from the south, allowing for more informality of layout and a public footpath / cycleway along the northern edge of the area clear of Foresthall Road. 15 trees would be removed, 10 because they are in poor condition and 5 to facilitate the development. These will be replaced. A full planting specification has been provided, ranging from traditional woodland and hedgerow mixes where required and appropriate, through to more ornamental specimens in such locations as mews courts.

2) BAA Safeguarding has advised the Council verbally that its only remaining concerns relate to the choice of planting for and grass management within the newt mitigation area because of the expanses of water. Written confirmation is awaited, but the outstanding matters can be dealt with by condition.

**COMMENTS ON REPRESENTATIONS:** See italicised sections of the report.

**CONCLUSIONS:** Whilst there are inevitable differences from the masterplan, the proposals would accord with its basic principles. There are still some issues to resolve as detailed in this report, but it is considered that these can be dealt with by condition. The table below sets out the issues that members raised at the last Committee meeting and how they have / are being resolved.

<b><u>ISSUES IDENTIFIED BY MEMBERS</u></b>	<b><u>OFFICERS’ COMMENTS</u></b>
Shape of school site.	<b><u>See Consultations section.</u></b>
Parking for school.	<b><u>See Parish Councils’ comments section.</u></b>
Indicative development of school site and health centre.	<b><u>See Consultations and Planning Considerations sections. There is no actual requirement for indicative details to be provided at this stage.</u></b>
Amenity provision, eg shop.	<i>The developer’s obligation under the S106 Agreement is to provide a plot of land for a shop and to agree its location, size and design with</i>

	<i>the local planning authority. The developer must then use all reasonable endeavours to achieve the sale or letting of the shop, but if that has not been done by the occupation of 200 open market houses, the developer can apply for release.</i>
Community facilities.	<i>The layout plan meets the developer's obligations under the S106 Agreement. In addition, the developer is required to pay £500,000 towards the costs and expenses of the leisure centre at the local High School or providing other agreed leisure, recreational and/or community facilities that are reasonably related to the needs of the new residents. The money is to be paid in 2 instalments, the final one being before occupation of 200 open market dwellings.</i>

**RECOMMENDATIONS:**

**1) UTT1024/04/DFO: APPROVAL WITH CONDITIONS, WITH CONSEQUENTIAL AMENDMENTS TO THE APPROVED MASTERPLAN**

1. C.3.3. To be implemented in accordance with original and revised plans.
2. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
3. The 10 type "F" and "L" houses along the northern boundary of the site as shown on drawing 02/713-SK08 shall be omitted in favour of 2-storey dwellings having a maximum ridge height not exceeding 8.5m above ground level and with no rooms in the roof.  
REASON: To prevent overlooking of and an overpowering impact upon the houses of existing residents to the north.
4. The upper floor 2-bedroom flats to the blocks marked U2.1 (plots 146-151 and 234-239) on drawing 02/713-SK08 shall be provided with front facing living room balconies prior to their first occupation.  
REASON: To ensure that adequate amenity space is provided for residents.
5. In relation to the details of street lighting that is required to be submitted pursuant to Condition C.90G of the outline planning permission reference UTT/0443/98/OP, all lighting along the northern boundary shall be positioned and shielded so as to prevent glare to the residents of existing dwellings in Manor Road and Stoney Common.  
REASON: To protect the amenity of residents of dwellings to the north of the application site.
6. Highway layout amendments (wording to be details if revised plans are not submitted in time).  
REASON: In the interests of highway safety.

**2) UTT/1026/04/DFO: APPROVAL WITH CONDITIONS, WITH CONSEQUENTIAL AMENDMENTS TO THE APPROVED MASTERPLAN**

1. C.3.3. To be implemented in accordance with original and revised plans and schedules.
2. The Local Area for Play (LAP) shown located in the northeastern corner of the application site on drawing 1743-SK-01 shall be relocated immediately to the south east to a position within The Green.  
REASON: In order that the LAP will benefit from more natural surveillance in the interests of public safety.
3. The planting along the southern edge of the linear drainage feature shown on drawing 1743-SK-01 shall be supplemented by sections of 1.2m high walls at all the junction points of the minor access road with mews courts. The walls shall be in

place before the minor access road is first used by vehicular traffic in association with the residential occupation of the site.

REASON: To protect the amenity of residents of dwellings to the north of the application site.

4. The planting to be carried out within the newt mitigation area shown on drawing 1743-SK-01 pursuant to Condition C.3.3. shall be of a type and shall be so managed so as to minimise the likelihood of birdstrike to aircraft using Stansted Airport.

REASON: In the interests of public safety.

*Background papers: see application file.*

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## **UTT/1204/04/FUL - GREAT DUNMOW**

Erection of replacement 15m monopole, installation of 6 antenna's, 1 dish, equipment cabinets. Retention of existing ancillary works, removal of redundant monopole. ntl Transmitting Station Eastern Elec Sub-Station Station Road. GR/TL 633-214. ntl Group Limited.

*Case Officer: Miss K Benjafield 01799 510494*

Expiry Date: 09 September 2004

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

**DESCRIPTION OF SITE:** The site is located to the southeast of the town centre, adjacent to the B1256 (former A120) and its embankment. The land is fenced with a 1.8m high chain link and planting of various heights. There is an existing mast and antenna, with a maximum height of 18m which is centrally located within the site with its own 1.6m high security fence. The immediate area slopes southward with residential properties in Station Road, Sunbank, The Avenue and Oakroyd Avenue to the northwest, on slightly higher ground. The existing mast and antenna is visible over the present vegetation from these residential areas and from various points along the Chelmsford Rd and bypass bridge. The Fritch Lane development and properties in Normansfield, across the B1256, to the south, are on a lower level and are screened by heavy mature planting.

**DESCRIPTION OF PROPOSAL:** This application relates to the erection of a replacement of the existing mast with a 15m monopole with 6 antennas, 1 dish and equipment cabins. It is also proposed to retain two existing cabinets on the site while the existing monopole would be removed. The maximum height of the equipment on the site would be 17.5m with a 2m high lightning spike above this.

**APPLICANT'S CASE:** See supporting statement dated 30 June attached at end of report.

**RELEVANT HISTORY:** Erection of 20M telecommunications mast, 2 equipment cabins, 1meter cabinet security fencing, 5 600mm dishes, 3 dual polar antennae and 6 sector antennae to replace existing monopole mast refused 2000. Replace existing tower with a 21m tower, installation of two equipment cabins, 1 metre cabinet and associated telecommunications equipment refused 2001. Erection of 15m monopole and installation of 2 dishes and 3 antennas, equipment cabin, meter cabinet, cabling and ancillary development within a fenced compound refused March 2004 (appeal pending).

**CONSULTATIONS:** ECC Archaeology: No recommendations.

Environmental Services: No concerns.

**TOWN COUNCIL COMMENTS:** Object. Members resolved to oppose the application that they deem is wholly inappropriate to have further telecommunication installations emitting high power signals in a residential area.

**REPRESENTATIONS:** Four letters of objection. Notification period expired 6 August.

1. My objections remain the same as for prior applications. I hope that ESP Policy BE8 and Policy DC14 still apply and that this application will be turned down again.

2. Our objections regarding our personal and environmental concern remain unchanged.

3. We strongly object to permission being granted for the above in a residential area, we feel that this would be a totally unsuitable site for such a tall, large and unsightly structure being erected in what is currently an attractive, pleasant and sought-after area in our quaint



and historic town. If permission is granted for this application then not only will this monstrosity be a terrible eyesore, but there are also the issues of potential health risks.

4. I do most strongly object to the erection of this mast being extremely close to the boundaries of my property. I feel that this structure, constitutes a possible health hazard, I do not understand why this mast cannot be placed upon the site of the water town which is already being used for this on the outskirts of Dunmow, to have this ridiculously high structure erected in such a built-up areas, and so close to bungalows of smallish size is to be considered an eyesore and an intrusion.

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

The supporting information submitted with the application indicates that there is a need for a replacement monopole because whilst the existing monopole on the site is suitable for the 2G network it cannot support the additional equipment needed for the 3G network. In order to support the additional equipment, it would be necessary for the replacement monopole to be stronger than the existing which would result in it being slightly bulkier. The equipment at the top of the monopole would be slightly more visible than the existing equipment. However, it is considered that the proposed monopole and equipment would not be so visually prominent that it would adversely affect either the character of the townscape or the general visual amenity of the southern and south-eastern approaches to Great Dunmow. It is also proposed to relocate the new monopole approximately 6m to the southeast of the site of the existing monopole. This would increase the distance between the mast and the existing residential properties.

**COMMENTS ON REPRESENTATIONS:** The applicant has submitted a Declaration of Conformity with ICNIRP Public Exposure Guidelines. Guidance issued within PPG8 states that if an applicant is able to provide this declaration, then "it should not be necessary for a local planning authority to consider further the health aspects and concerns about them". There is a technical requirement for the monopole and equipment and the applicant has provided justification for the increase in the amount of equipment on the site.

**CONCLUSIONS:** The applicant has provided information stating that the proposed development is required for technical reasons and justified the need for a bulkier monopole and the additional equipment. It is considered that the increase in bulk and equipment is minimal and would not have a detrimental impact on either the character of the townscape or the general visual amenity of the southern and south-eastern approaches to Great Dunmow thereby complying with ADP Policy DC13 (ERSP Policy BE8, DLP Policy T4)

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. The telecommunications apparatus hereby permitted shall be removed from the land, building or other structure, as soon as reasonably practicable after it is no longer required for telecommunications purposes. Such land, building or structure shall then be restored to its conditions before the development took place.  
REASON: In order to prevent the proliferation of redundant equipment on the site.
4. The existing monopole shall be dismantled and removed from the site within 21 days of the replacement monopole hereby permitted being erected.  
REASON: In order to prevent the proliferation of redundant equipment on the site.

*Background papers: see application file.*

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## **1) UTT/1166/04/FUL & 2) UTT/1167/04/LB - BROXTED**

1 & 2) Change of use from redundant agricultural buildings to 4 no. live/work units  
Broxted Hall Farm. GR/TL 574-262. The Broxted Hall Trust.  
*Case Officer: Mr N Ford 01799 510468*  
Expiry Date: 01/09/2004

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

**DESCRIPTION OF SITE:** This site is located to the south of Broxted and north of Molehill Green within the curtilage of Broxted Hall Farm. The site is a close mix of barns and outbuildings. The application relates to a number of barns adjacent to the unclassified road where access is obtained, a Grade II Listed outbuilding and some further ranges (listed by virtue of being within the curtilage). The existing barns are a range of single and double storey shallow and high pitch structures in a range of timber framed, weatherboard, flint and brick under slate and clay tile roofs.

To the east of this range lies a further complex including Broxted Hall, which is Grade II Listed and a number of further barns set in a courtyard. The area is surrounded by open countryside with the nearest residential dwellings located some 120m to the south-west, namely 'Clovelly' and 'The Caravan'.

**DESCRIPTION OF PROPOSAL:** The agricultural barns subject of this application are three separate structures. Two smaller ranges to the north (Building 2 – The Malt Shop) and south (Building 3 – Slate Barn) of a larger range set in an 'F' shape (Building 1 – The Stables).

It is proposed to convert these buildings into four dwellings. The stables would be converted to two dwellings, one with two bedrooms and the other with five bedrooms and an office. Two parking spaces are provided for the smaller unit and a substantial garden area. The larger dwelling would have a first floor providing a small bedroom with roof lights. This is kept to a minimum to retain a void from floor to eaves. Four parking bays are located to the north of this unit and its walled garden.

The Malt Shop would be a two bedroom dwelling with existing first floor space utilised for bedrooms, with an office room and two parking bays at ground floor level within the cart shed. A garden area is to be located to the north of this dwelling with adequate informal parking and turning. The units converted from the Malt Shop and The Stables would utilise the existing access to Broxted Hall to the west of this range.

The slate barn would be converted to a three bedroom dwelling with an office area within the lean-to section. The applicant, in order to retain the open spatial character of this range and reduce any requirement for internal partitioning, has left much of the central bay entrance hall open to the roof as a void. This unit would be served by its own drive utilised from an existing access to the west and would have an adequate amenity area to the south. As part of the scheme a large modern barn adjacent to the southern side of Barn 1 would be removed.

**APPLICANT'S CASE:** A seven page supporting statement dated June 2004 available for inspection at the Council Offices, Saffron Walden. The conclusion is reproduced below:

The buildings to be converted are no longer suitable for modern agricultural requirements and in order to avoid inevitable deterioration and decay an alternative use is sought. The traditional buildings have historic merit by virtue of their condition and structures.

This report quite clearly indicates that on a policy and highways basis the most suitable use for the traditional buildings upon Broxted Hall would be residential. Taking into account the location, nature of access, the proposed design layout and the existing openings of the building we consider that the proposed scheme will enhance the locality, whilst respecting the amenity of the adjoining residential property.

**RELEVANT HISTORY:** Change of use of existing building from agricultural use to housing and operation of mobile feed mill units refused 1980.

**CONSULTATIONS:** Water Authority: To be reported (due 24 July 2004).

Environment Agency: Standard advice letter regarding small residential development (with private treatment plant).

ECC Archaeology: Recommend a condition requiring building recording and archaeological monitoring.

English Nature: The proposal is not likely to have a damaging affect upon Elsenham Woods SSSI but construction activities may. The proposed development land could provide a suitable habitat for protected species, requests an ecological survey be carried out.

Essex Wildlife Trust: To be reported (due 24 July 2004).

UDC Building Surveying: To be reported (due 22 July 2004).

UDC Landscaping: To be reported (due 29 July 2004).

UDC Specialist Design Advice: See planning considerations.

**PARISH COUNCIL COMMENTS:** No objections.

**REPRESENTATIONS:** These applications have been advertised and no representations have been received. Period expired 5 August 2004.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) **whether the conversion of these barns conserves the characteristics of the buildings and would not involve substantial reconstruction or extension in accordance with Policy C6 of the ADP 1995 and Policy H5 of the DLP 2002.**
- 2) **whether the conversion of these barns would involve alterations, which would not impair the special characteristics of the Listed buildings and would preserve the buildings special architectural and historical characteristics in accordance with Policy DC5 of the ADP 1995 and Policy ENV2 of the DLP 2002.**

1) In order to promote rural enterprise and economic activity preference is generally given to business use following conversion of rural buildings (ESRP Policy RE2). Normally, the conversion of a rural barn to a commercial use is promoted in order that its character and historic structure may be retained. The applicants have not comprehensively demonstrated that there is no significant demand for business use, small-scale retail outlets, tourist accommodation or community uses. The application refers to live-work units although the work elements are vestigial and would be de minimus. The scheme should be considered as a conventional residential conversion with minor elements in commercial use. However, in this instance it is considered that the requested residential scheme will enhance the historic, traditional form of these rural structures and therefore is an acceptable use.

It is considered that the conversion respects the fabric and character of these historic buildings in accordance with ADP Policy C6. The buildings are in sound structural condition and suitable for conversion as the scheme proposes low-key alterations in order to facilitate the proposal.

ESRP Policy RE2 supports the re-use of rural buildings where, as in this instance, the buildings are of sound construction capable of conversion without substantial reconstruction. It is also considered that their conversion would not prejudice the vitality of this rural locality or adversely affect the amenity and character of the countryside.

2) The scheme is considered acceptable in design terms and retains much of the existing character of the historic buildings in accordance with planning policy. The buildings have historic and architectural merit that fulfils policy relating to conversion of such structures to residential use and in doing so require minimal works of alteration to facilitate the scheme.

**CONCLUSIONS:** Subject to appropriate conditions to ensure that the character and appearance of the se buildings is maintained, the proposal is considered to be acceptable and is recommended for approval.

**RECOMMENDATIONS:**

**1) UTT/1166/04/FUL - APPROVAL WITH CONDITIONS**

1. C.2.1. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.1. Samples of materials to be submitted and agreed.
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
7. C.8.27.Drainage details.
8. C.11.6.Standard vehicle parking.
9. C.16.2.Full archaeological excavation and evaluation.
10. C.20.2.Protection of other species.
11. All new additional boundary treatment shall be of post and rail and hedging.  
REASON: In order to ensure a satisfactory standard of development that protects the setting of these Listed buildings.
12. Any commercial use occurring within the development shall be limited to B1(c) only and shall not be operated other than by occupiers of the units to which they relate.  
REASON: To protect residential amenity.

**2) UTT/1167/04/LB - APPROVAL WITH CONDITIONS**

1. C.2.2. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.16.No historic timbers to be cut.
4. C.5.8. Joinery details.
5. C.5.9. Stained wood.
6. All flint works to the roadside elevation of building 1 (long range) shall be repaired in situ and finished in flint and not brickwork as indicated.  
REASON: In order to ensure a satisfactory appearance of the building that respects its architectural and historic character,
7. All roofs shall be finished with plain clay tiles or natural slates, samples of which shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of development.  
REASON: To ensure a satisfactory standard of development in relation to these Listed buildings.
8. Where necessary, existing brick plinth shall be repaired using matching brick type, bonding and pointing.

REASON: To ensure a satisfactory standard of development in relation to these Listed buildings.

9. All new internal partitions shall be timber framed.

REASON: To ensure a satisfactory standard of development in relation to the internal fabric of these Listed buildings.

*Background papers: see application file.*

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## **UTT/1034/04/LB – STANSTED**

*(Referred by Cllr Mrs Marchant)*

Construction of single storey side extension and internal alterations. Installation of replacement windows.

Corner Thatch 17 Bentfield Road. GR/TL 508-252. The Battlement Trust.

*Case Officer: Consultant North 2 telephone 01799 510469/510478*

Expiry Date: 13 August 2004

**NOTATION:** Listed Building; within settlement limits.

**DESCRIPTION OF SITE:** This is a two storey thatched cottage with the upper storey within the roof, sited in a corner position within Stansted.

**DESCRIPTION OF PROPOSAL:** Application seeks consent to carry out works including the extending of this building to the rear and internal and external alterations. Two external windows would be replaced and the internal layout would be sub-divided.

**CONSULTATIONS:** Design: no objections subject to conditions.

**TOWN/PARISH COUNCIL COMMENTS:** Members object on grounds of over-development in a conservation area overlooking neighbouring properties and partly in Green Belt. Members request a site visit.

**REPRESENTATIONS:** None. Period for representations expired 12 July 2004

**PLANNING CONSIDERATIONS:** The main issues are

**1) The sole issue is impact on the listed building.**

1) The rear extension is appropriately designed for this building. It is clearly subordinate in scale and visually would be very well articulated in plan and detailed design to ensure that the character of the main dwelling is retained. The replacement windows would satisfactorily reflect those already present and the internal alterations would not harm the broad character of the internal layout of rooms.

Therefore the proposed alterations are satisfactory. There are no other implications arising from this proposal and therefore this application should be approved.

**COMMENTS ON REPRESENTATIONS:** None.

### **RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.2. Time limit for commencement of development – listed building [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. No elements of the historical timber frame of this dwelling are to be cut or removed without the prior inspection and consent from the local planning authority.  
REASON: To protect the character and appearance of the listed building.
5. All new weatherboarding in the alterations hereby approved shall be feather edged and painted black.  
REASON: To protect the character and appearance of the listed building.

6. All external windows shall be single glazed and constructed with painted timber frames with non-mounded glazing bars. Prior to the commencement of the works hereby approved, a large scale detailed section of the proposed windows shall be submitted and approved in writing by the local planning authority.  
REASON: To protect the character and appearance of the listed building.

*Background papers: see application file.*

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## **UTT/0358/04/FUL - GREAT CANFIELD**

Erection of 5 buildings to provide stables, office, tack room, feed store, replacement club house, forge, carriage display building, alterations to indoor riding school to include carriage workshop, provision of 4 flats, dwelling and garage.

Ashfields Polo and Equestrian Centre. GR/TL 587-190. Mr & Mrs T Chambers.

*Case Officer: Mr R Aston 01799 510464*

Expiry Date: 26 April 2004

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

**DESCRIPTION OF SITE:** The site is located about one-and-a-quarter miles west of the B184 north of High Roding in the parish of Great Canfield. The site extends to approximately 15 hectares and at present comprises a number of low level former piggery units, used as stabling by the former owner in connection with the main activity of the site, that of a Polo and Equestrian Centre. In addition to these buildings there is a large agricultural barn and various other agricultural style buildings in a rundown state. The land to the east and west of the group of buildings includes the polo pitches and practice ground and paddocks for the grazing of the horses. Members visited the site in May 2004 as part of the advanced reporting procedure.

**DESCRIPTION OF PROPOSAL:** The proposal details the redevelopment of the site including the retention of the existing agricultural barn and the creation of a mixed use including the retention of the existing polo facilities and the creation of a horse drawn carriage training and show facility including a carriage display area, carriage workshop, replacement club house, feed store, tack room and the erection of a detached dwelling and 4 units of other ancillary living accommodation for visiting guests.

**APPLICANT'S CASE:** See supporting 'Planning Appraisal' dated February 2004, copies of which have been placed in the Members' Room at The Council Offices, London Road, Saffron Walden.

**RELEVANT HISTORY:** Changes of use of farm buildings to stabling, light industry equestrian centre, stabling for polo ponies, storage and distribution, vehicle maintenance permitted in 1990, 1991, 1993, 1998, and 2001. Use of farmland for polo purposes, and change of use of farm building to polo club permitted in 1993. Retrospective application for change of use of farm building to dwelling house granted temporary permission in 1998.

**CONSULTATIONS:** ECC Highways: No objections to the proposal as it is not contrary to the policies contained within the ECC Structure Plan.

Thames Water: No objections to the application.

Environment Agency: Standard comments with regard to foul effluent disposal.

Environmental Services: No adverse comments.

**PARISH COUNCIL COMMENTS:** Approves of the development, this would appear to be a superb development that can only be of benefit to the area and work should be permitted to commence as soon as possible.

**REPRESENTATIONS:** This application has been advertised and 1 representation has been received. Period Expired.

General Summary – Having lived on the farm complex next door for 6 years, in my opinion the scheme is a wonderful design and controls the use of the buildings that have given us



concern for many years. I offer my support to the application and wish the applicants every success.

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

- 1) the redevelopment of the site and its resultant physical layout and form is appropriate in this rural area (PPG7, ERSP C5, ADP S2, C4, C5 and DLP S7, E4, LC4),**
- 2) the redevelopment of the site would have a detrimental impact on rural amenity and the residential amenity of adjoining occupiers (ADP DC14, DLP GEN4),**
- 3) the proposal would have a detrimental impact on the surrounding rural road network (ADP T1, DLP GEN1),**
- 4) sufficient justification has been given for the erection of a dwelling and other ancillary accommodation and its design, siting and scale is acceptable (PPG7, ADP DC1 and DLP GEN2, S7) and**
- 5) the proposal addresses other issues members raised under the advanced reporting procedure.**

1) It is considered that the proposed activities on the site are acceptable and appropriate use in this rural area beyond development limits/settlement boundaries. The main issue relates to the appropriateness of the physical redevelopment i.e. the layout and form of the site and whether this complies with structure and local plan policies relating to development within the open countryside. The aim of the structure and local plan policies is to protect the countryside for its own sake from inappropriate development by ensuring that new uses are appropriate to the rural area with strict control on new building to that required to support agriculture, forestry or other rural uses and that such development should be well related to existing patterns of development and of a scale and design sympathetic to the rural landscape character. Furthermore, the policies encourage appropriate changes of use of land and buildings in character with their surroundings but make it clear that any associated buildings should be secured by the conversion of existing structures and that new buildings will be permitted only in exceptional circumstances. In considering such a scheme beyond development limits and the outside Metropolitan Greenbelt, regard must also be had to Policy RE2 of the ERSP which permits the re-use and adaptation of existing rural buildings in the countryside provided that the buildings are of a permanent and substantial construction and if, in the open countryside, are capable of conversion without major or complete re-construction. This is continued through to Policy C5 of the ADP and E4 of the DLP which states, that development proposals which effectively result in a total rebuild of a structure, for example where a building has become too derelict, are not appropriate to the countryside.

Although, the proposed buildings are largely replacements for structures that the applicant considers unacceptable for the stabling of horses and the intended future functions of the site, the proposal amounts to the wholesale redevelopment of the site bar the retention of the existing indoor training school building to the north. The amount of floor space occupied by the existing uses amounts to 4215m<sup>2</sup> whilst that proposed is 4206m<sup>2</sup>. Although this would result in a minimal reduction the resultant structures would be totally new buildings with a different footprint, layout, form and design. The new buildings would also not be confined to the existing pattern of development of the site and would encroach beyond the established building line, appearing as stand alone structures where previously there were none. It is considered that the proposal therefore does not conform to the provisions of the above policies due to the substantial amount of new buildings and the encroachment beyond the built form of the existing layout.

In line with advice given in PPG1 and the ADP it is important therefore to consider whether there are any material considerations or exceptional circumstances to warrant the setting aside of above planning policies. The applicant's supporting statements suggest that one of the reasons to allow development is to prevent the possible industrial use of some of the buildings in line with previously approved planning applications and that if the proposal is not allowed then the buildings will remain *'the eyesore they have been for many years'*. The industrial use has always been low key and has little impact on rural or residential amenity with no complaints having been received by the local planning authority with regard to this use. Furthermore, the buildings are not prominent in the rural landscape and whilst not attractive are not considered to be an eyesore but are established former agricultural buildings of a type to be expected in the countryside. Whilst the applicants case alluded to in the accompanying planning statement in respect of the current quality of accommodation, the need for purpose built stabling, the existence of asbestos and the considerable investment the applicant is willing to put into the site have been taken into account, it is not considered that these are sufficient justification or exceptional circumstances, which could warrant the comprehensive setting aside of established planning policies. Which would be necessary to permit this development.

2) Given the established use of the site as a polo and equestrian facility it is considered that the proposals would not result in a level of intensification, which would have a sufficiently detrimental impact on the residential amenity of adjoining residential occupiers to warrant refusal on these grounds. The frequency and timing of the events would be similar to the existing use resulting in no significant intensification of the equestrian use. On polo days and carriage events however, the number of people using the proposed facility is likely to exceed the number of visitors to previous events purely because the proposed centre is of a better quality, although it is considered that there would be little real impact on rural amenity. Members raised the issue of noise emanating from the clubhouse, but this would clearly have no more of a material impact than the existing use of the clubhouse. Even in its revised location the impact of the clubhouse would be minimal.

3) The traffic movements associated with the previous use of the site as an equestrian and polo facility are stated to exceed those created as a result of the current proposal. This is due to the previous use including practice evenings (chukkas), an equestrian riding school with 10 livery horses and weekly polo tournaments between April and September. The riding school use would cease as part of the new proposal, the livery facilities would be reduced, only one polo tournament would be held once a month and the carriage driving shows would be infrequent (two dates for 2004). This would result in a decrease in the amount of vehicle/horsebox movements to and from the site and consequently it is considered that the proposal would not adversely affect highway safety or result in traffic generation, which would be to the detriment of the surrounding rural road network. No objections have been received from ECC Highways.

4) Given the fact that the need for a dwelling in line with the equestrian and polo facility and approved pursuant to planning applications in 1998 and 2002 it is considered that there are no new considerations for this similar use which would warrant a decision contrary to the above. Given the intended use for the site and the subsequent need for a dwelling for security and animal husbandry purposes, there would be no objections to the erection of a dwelling to serve the development in principle. The dwelling's location however would appear as a stand-alone dwelling in the countryside, poorly related to the site's existing pattern of development. Whilst the applicant has stated his intention to erect a timber framed two-storey dwelling, the height and scale of the dwelling, coupled with its siting would be inappropriate and detrimental to the visual interests of its surroundings.

5) Under the advanced reporting procedure, at the committee on 17 May 2004 Members raised some issues that have not been covered above. These include the use of

an alternative access; control of noise from clubhouse; the disposal of asbestos from buildings to be demolished; level and impact of lighting proposed. These matters have not been pursued as the application is recommended for refusal. The issues are capable of being covered by conditions if members were minded to grant permission.

**COMMENTS ON REPRESENTATIONS:** None.

**CONCLUSIONS:** The proposal would result in the erection of a very significant amount of new buildings on the site and although these would be replacements for existing structures, the resultant form of development would extend beyond the existing pattern of development. The applicant's argument that the scheme would improve the site visually is acknowledged but this is not sufficient justification to set aside the strong presumption against new buildings within the open countryside and the proposal is therefore contrary to structure and local plan policies.

**RECOMMENDATION: REFUSAL REASONS**

1. The proposal by virtue of the amount of new building involved in the re-development and encroachment beyond the existing built form of the site would be inappropriate and would not respect the site's existing pattern of development. Furthermore, no exceptional circumstances exist to warrant approval of the scheme which is contrary to policies C5 and RE2 of the Essex & Southend on Sea Replacement Structure Plan, April 2001, policies S2, C4 and C5 of the Adopted District Plan 1995 and policies S7 and E4 of the Uttlesford Local Plan Revised Deposit Draft October 2002.
2. The scale, form and siting of the proposed dwelling house would be poorly related to the existing pattern of development and would be detrimental to the visual interests of its surroundings, contrary to policy DC1 of the Adopted District Plan 1995 and policies S7, GEN2 of the Uttlesford Local Plan Revised Deposit Draft, October 2002.

*Background papers: see application file.*

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**1) UTT/1248/04/GD, 2) UTT/1249/04/GD & 3) UTT/1250/04/GD**

**SAFFRON WALDEN**

- 1) Proposed erection of marquees on 56 days of the year for the use of corporate and private functions.
- 2) Proposal to expand the existing use from being a Heritage Visitor Attraction with the supporting infrastructure to facilitate that use (office, shop, cafe) (Category D1 use) to include corporate and private functions including dinners, drinks receptions and civil wedding ceremonies (subject to a licence being granted).
- 3) Proposed car park, new access and ticketing building.

Audley End House Audley End Road. GR/TL 524-381. English Heritage.

Case Officer: Mr T Morton 01799 510654

Expiry Date: 16 September 2004

**NOTATION:** Outside Village Development Limit/Settlement Boundary/Within area of Special Landscape Value (ADP only)/Conservation Area/Historic Park and Garden/Scheduled Monument/Affecting the setting of a Listed Building.

**DESCRIPTION OF SITE:** The notification concerns Audley End House and the gardens surrounding it.

**DESCRIPTION OF PROPOSAL:** This is a notification from English Heritage on behalf of the Secretary of State who determines the application. This authority is a consultee and if no comments are submitted by the Council within eight weeks from submission of the application, then consent will be deemed to have been given by this authority.

UTT/1248/04/GD: Erection of two marquees on 56 days of the year for use for corporate and private functions including dinners, drinks receptions and civil weddings ceremonies (subject to a license being granted). The two marquees would be (1) 20m x 20m for up to 250 guests, with a 5m x 10m catering marquee, located on the bowling green; and (2) 20m x 30m for up to 300 guests with a 5m x 20m catering marquee, located to the east of the house. These will be of aluminium frame design to a high industry standard and not pegged to the ground. Guest access will be by the Lion Gate until the new car park in the Orchard (see separate application) is constructed.

UTT/1249/04/GD: To expand the use from being a Heritage Visitor Attraction with ancillary office, shop, café (Use Class D1), to include corporate and private functions including drinks receptions and civil wedding ceremonies. See attached statement.

UTT/1250/04/GD: Proposed car park, new access and ticketing building. The proposals would involve the creation of a 158-space car park, plus 6-coach space area, and the remainder of the orchard would be available for a 200-space overspill car park. A new vehicular access would be created to the north of the orchard, south of Nursery Lodge. An internal access road would serve the car park, lighting bollards would be provided throughout the permanent car park. Sixteen bicycle spaces would be provided. See attached statement.

A visitor reception and ticket building would be added: 12m x 5.4m and 4.9m high, built from timber cladding, glazed screens with a natural slate roof.

**APPLICANT'S CASE:** UTT/1248/04/GD & UTT/1249/04/GD: English Heritage are under instruction from the Department of Culture Media and Sport to identify new commercial revenue streams at their sites as a result of the government's requirement for English Heritage to become more self sufficient. They believe that appropriately staged corporate

events are commensurate with the existing use as a heritage visitor attraction. Research has shown there is a strong demand for the provision of facilities for such events.

UTT/1250/04/GD: The existing access entails vehicles passing in front of the house and parking in an inadequately sized car park within the historic landscape of the Deer Park, causing vehicle / pedestrian conflict. Coaches park on adjoining land. The new car park will be to the west of the Kitchen Garden, with pedestrian access to the house via that garden. At some point in the future, English Heritage plan to construct a new restaurant servery, exhibition area and kitchens, and loading area. The area used as car park at present will be returned to parkland, however, reinforcement will be added to allow parking for hospitality events held within the house.

The area for the new car park was formerly an orchard but is not currently in use for this purpose. The overspill car park area is partly planted as an orchard. The access road coach park and car bays are to be surfaced in bound gravel, the aisles in tarmac. The overspill car park will remain as grass surface. The new ticketing building will be in timber frame and cladding with glass front and slate roof.

**CONSULTATIONS:** TOPS: The formal comments of the ECC Highway Authority have been prepared by consultants who have assessed the applicant's transport assessment report.

They point out that in the Saturday off peak hour, visitor traffic on the B1383 will equate to a 30% increase southbound and a 50% increase northbound. They question the assessment's assumptions about times of peak traffic flow and growth factors, and ignore any other committed developments planned within the vicinity of the site. They are asked to provide information on a worst case scenario, for actual number of tickets sold per day in August. The assessment assumes that 75 visitors per day will arrive by public transport cycle or walk, and this should be justified. The assessment does not appear to include trips by employees. Actual distribution of visitors' arrivals and departures through time in a day have been assumed not counted. Distribution of trips northward on the B1383 have been assumed at 67% of the total but not justified. There are a number of discrepancies in the physical modeling of the proposed site access junction and the veracity of flow calculations and proposed trip distribution. There is a discrepancy in the stated capacity of the car park, with figures of 340 and 306 being cited. There is concern about the visibility splays, which require a relaxation from standards, which are not permitted on the immediate approach to junctions. The horizontal alignment through the junction southbound is tortuous with sharp transitions at the entry and exit of the widened carriageway, likely to lead to over-run of the ghost island or loss of control type accidents. Lane widths vary from 3.0m to 2.7m which will lead to over-run of the hatched areas and the right turn facility, which may lead to side-swipe type accidents. Maximum car park occupancy may have been underestimated on Saturday Peak hours. The assessment text contains no reference to the number of cycle parking spaces to be created, standards suggest, 1 per 4 staff plus one per 35 sq.m. [COMMENT: The drawing shows 16 spaces, a provision far below the mentioned standard]. Additional signage is proposed to direct cyclists, this should aim to prevent cyclists from using the potentially hazardous right turn into the south orchard access. It is proposed to widen the footpath alongside the B1383 close to the new access junction, with a refuge island. Dropped kerbs should be provided to this. The south orchard gate is to be retained and used as pedestrian access. Signage should be erected to direct pedestrians to this. The assessment does not provide any information on the actual location of bus stops, and a summary of existing bus stop locations and designs should be provided. [COMMENT: Both sets of consultants appear to be under the mistaken impression that Audley End House is served by a bus service. In fact there is no such service. ]

Drainage comments: A flood risk assessment should be carried out for this proposal as it is likely that surface water disposal will be into the River Cam.

ECC Heritage & Conservation Service: Advise that the Scheduled Monument Roman Road possibly runs through the development area, and archaeological field evaluation should be required prior to a planning decision being made.

**TOWN COUNCIL COMMENTS:** Saffron Walden: To be reported.

Littlebury Parish Council: Have submitted an 11-page objection to the impact on the historic environment and fabric, loss of the organic orchard and negative impact on the HDP A garden, site access, road safety and traffic forecasts, parking provision, lighting, lack of public transport, pollution, and have complained about English Heritage being the proposer of the application.

**REPRESENTATIONS:** This application has been advertised and 16 letters of objection have been received. Period expires 13 August 2004.

The points raised are essentially those made by Littlebury Parish Council and discussed in the report. There is a general sense of outrage at insensitive development. Alternatives have been suggested, like provision of a shuttle bus to the railway station and Saffron Walden, and raising the entrance charge to people who come by car. Many feel that the proposals would diminish the experience for visitors. The poor accessibility for disabled people is mentioned.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) whether this would be appropriate development in the open countryside (ERSP Policy C5, ADP Policy S2 or DLP Policy S7),
- 2) effect upon the setting of the Listed Building, Ancient Monument, Historic Garden and Conservation Area (ERSP Policies HC2, HV4 & HC5, ADP Policies DC2 & DC5 and DLP Policies ENV1, ENV2 and ENV8),
- 3) traffic generation and parking (ERSP Policies T3 & T12, ADP Policies T1 & T2, and DLP Policies GEN1 & GEN9) and
- 4) sustainable development (ERSP Policy CS1).

PROPOSAL 1: UTT/1248/04.GD – MARQUEES AND CORPORATE EVENTS

- 1) The site lies within the Open Countryside, as shown in the adopted Uttlesford District Plan, where careful controls are placed on new development and intensification of existing activities.
- 2) The proposed marquees are connected with a proposed change of use that is the subject of another notification, reported separately. This type of building is one which would not normally be accepted for any substantial period of time, even within Development Limits. In the Open Countryside the policies set out above do not make provision for this type of development. The classic view of the front of the house from the old A11 includes the Bowling Green lawn and its Cedar tree at the side of the house, and the marquees there would be clearly visible, and intrusive, in this view. The second site at the rear of house is on rising ground and forms part of the open view across the rear of the house from the public footpath which runs beside The Slade stream through the fields to the north, and again this would be intrusive in the landscape. This is contrary to the aims of Structure Plan policy to protect the landscape and historic value of the countryside. Although it might be argued that Audley End house has a recreational value, the proposal is not connected with the current use of displaying an historic building and landscape to the public, but rather more concerned with developing a commercial opportunity, and open countryside policy does not support this new commercial initiative here.

3) The Policies listed above clearly set a policy framework intended to give the highest protection sites that have been designated for their historic or architectural interest, and it is difficult to think of a site which has a higher level of designation in this District than Audley End House. This proposal is considered to be wholly contrary to the aims of policy and wholly inappropriate for the property and its surroundings.

4) The comments of the County Highway Authority upon the Traffic Impact Assessment submitted with these applications are reported more fully in respect of application UTT/1250/04/GD for the new car park. Insofar as an existing access will be used in the short term, there are no highways issues. The new car park and access are still under negotiation with County Highways who have concerns about the design from a safety point of view, and are aware that the travel plan makes no provision for travel to the site by public transport. There is no bus service to the site, and the nearest public transport opportunity is Audley End Station, some 45 minutes walk away. It might have been appropriate to provide a free courtesy bus to meet trains at the station, for example. Cycle parking spaces are to be made available in the new car park, but there is no cycle track access outside the site.

5) ERSP Policy CS1 sets out the County principles aimed at achieving sustainable urban regeneration, as follows:

Development and economic growth will be accommodated in a sustainable manner which counters trends to more dispersed patterns of residence, employment and travel by:

1. Giving the emphasis to improving the quality of life in urban areas, and achieving a significant enhancement of the vitality and viability of the urban environment, making them more attractive places to live, work, shop, spend leisure time and invest;
2. Concentrating new economic and housing development and redevelopment within the existing urban areas, wherever possible, and maximising the use of spare capacity in terms of land, buildings and infrastructure within urban areas;
3. Applying a sequential approach when considering development requirements and proposals so as to give preference to development within urban areas;
4. Giving priority to infrastructure and transport proposals that will facilitate the development and regeneration of urban areas and increase choice of sustainable means of transport;
5. Reducing disparities between the economic prospects of different parts of the Structure Plan area;
6. Seeking to achieve a balance between housing and employment provision within local areas;
7. Promoting mixed use neighbourhood development.

The Deposit Uttlesford Local Plan implicitly supports the UK national strategy for sustainable development but has no separate policy statement for this.

Following on from the above point 3, for most visitors the site can only be reached by car, and promotion of the site and expansion of the activities carried on here will all increase the use of the private car, with concomitant increase in Carbon Dioxide production and negative impact upon the environment. This is not a sustainable form of development.

#### PROPOSAL 2: UTT/1249/04/GD – ADDITIONAL USES

The proposed change of use has been partially divorced from the 'buildings' that will be used to accommodate it, by the way that the applicant has chosen to split the Notifications. The use will be partly conducted from within the house, but partly conducted from marquees, which are the subject of UTT1248/04/GD. The existing use of the building does not sit happily within any of the defined Use Classes, and should be regarded as *Sui generis*, that is to say a use in its own right. Any change in the character of that use or additional uses can

amount to material development requiring planning permission. The existing use is probably best described as display of a Listed Building to the public as a Heritage Visitor Attraction, but the provision of corporate hospitality type events and weddings are not readily seen as part of the current purpose of the site, since they are private events and not necessarily connected with the display of the historic building, and therefore constitute a change of use requiring permission.

In terms of the County Structure Plan the question is whether the use is appropriate to rural area, and in terms of the emerging Local Plan, does the use have to take place here in the countryside. Arguably it does not, these uses can take place in existing hotels which offer catered events, and in existing premises registered for marriages. Although part of the use can be conducted within the house itself, and thus would have limited effect upon the countryside, it is clear that the intent is to operate it from temporary marquees. The impact of those is considered in the report on application 1249/04/GD.

It is considered that the proposal is not connected with the current use of displaying an historic building and landscape to the public, but rather more concerned with developing a commercial opportunity, and open countryside policy does not support this new commercial initiative here.

2) The proposed change of use cannot be divorced from the manner in which it will be conducted, in temporary marquees, these Policies clearly set a policy framework intended to give the highest protection to sites that have been designated for their historic or architectural interest. This proposed use is considered to be contrary to the aims of policy and inappropriate for the property and its surroundings.

3) The concerns of Essex County Council regarding the proposed access and level of traffic are set out under Proposal 3.

4) The same issues of sustainability apply to all three proposals, as set out above.

### PROPOSAL 3: UTT/1250/04/GD – NEW CAR PARK AND TICKET BUILDING

1) The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. There will be strict control on new building.

The proposed development will be largely contained by the walls around the orchard, however, part of the historic walls are lost in the provision of the new access. The development is extensive in nature and will totally alter the nature of the orchard, from a former part of a working estate into a car park, and every visitor will see that. The proposal involves removal of large sections of the rows of Apple trees in order to provide overspill parking, which is a negative impact upon the appearance of the countryside. In the Open Countryside the policies set out above do not make provision for construction of large new car parks.

2) These Policies clearly set a policy framework intended to give the highest protection to sites that have been designated for their historic or architectural interest, and it is difficult to think of a site which has a higher level of designation in this District than Audley End House. This proposal will result in a marked change in the appearance of the working gardens that form a part of the historic landscape of this large country house, as well as requiring the removal of part of the flint boundary wall. The new ticketing building is in a modern style, but located close to existing service buildings that were a part of the working



estate. The proposal is considered to be wholly contrary to the aims of policy and wholly inappropriate for the property and its surroundings.

3) The comments of the County Highway Authority via its consultants upon the Traffic Impact Assessment submitted with the application are set out above. These comments are fairly critical of the assumptions that have been made and of the design of the new access for vehicles, pedestrians and cyclists. Provision for cycle parking is lower than standards would suggest, however the likely use by cyclists is also likely to be low in reality. The approach to the cycle entrance is along the B1383, which is narrow, twisty and carries fast and heavy traffic that is very daunting to most cyclists. A potential hazard has been identified in requiring cyclists to turn right across the flow of traffic to enter the designated gate.

The new car park and access are still under negotiation with County Highways who have concerns about the design from a safety point of view, and are aware that the travel plan makes no provision for travel to the site by public transport. There is no bus service to the site, and the nearest public transport opportunity is Audley End Station, some 45 minutes walk away. It might have been appropriate to provide a free courtesy bus to meet trains at the station, for example.

In terms of access for the disabled, 12 parking spaces are provided close to the ticketing building, however the new car park is even further from the house than the old one, all visitors have to negotiate the Victorian Kitchen garden to enter the site as a whole, and this arrangement is undoubtedly a worsening of the provision for those with a physical disability.

4) Following on from the above point 3, for most visitors the site can only be reached by car, and promotion of the site and expansion of the activities carried on here will all increase the use of the private car, with concomitant increase in Carbon Dioxide production and negative impact upon the environment. No serious attempt has been made to provide alternative transport facilities, like a bus link to the station or to Saffron Walden Cycling will never make a major contribution to visitor trips, since so many visitors come from a long distance away. This is not a sustainable form of development.

**CONCLUSIONS:** (All three proposals). The proposal is considered harmful to open countryside policy, to Conservation and Heritage Protection Policy, and to Sustainability Policy. It is recommended that the Applicant be advised that this District Council objects to the proposed development. It is essential that these matters are considered at this meeting as the local authority is obliged to forward its views within eight weeks. However, this has not enabled the receipt of specialist advice by the time of report preparation. The following recommendation is therefore likely to be expanded once such advice has been received, and will be amended verbally at the meeting.

**RECOMMENDATIONS: THE APPLICANT GOVERNMENT DEPARTMENT BE ADVISED THAT THIS COUNCIL OBJECTS TO ALL THE PROPOSED DEVELOPMENTS FOR THE FOLLOWING REASONS**

1. The proposed marquees and their intended use for corporate and private events, with associated car park and reception facilities are considered harmful to this rural location, and represent an unacceptable intensification of commercial activity, contrary to ERSP Policy C5, ADP Policy S2 and DLP Policy S7.

Audley End House is a Grade I Listed Building and Ancient Monument of national historic importance, and its setting be protected from inappropriate and harmful development. The proposed marquees would be of an appearance and design fundamentally damaging to the historic setting, character and appearance of this building, contrary to ERSP Policies HC2, HC3 & HC5, ADP Policies DC2 & DC5,

DLP Policies ENV1, ENV2 & ENV8 and advice contained in PPG15. Furthermore, the proposed car park would destroy an important and prominent part of the working estate.

2. There is no provision for visiting the site by any means other than private vehicles, and the site is poorly served by public transport and cycleways. Although the public already visit the site for its national historic importance, the proposals would significantly increase traffic to the site without providing alternative and more sustainable means of transport. The proposal would be contrary to ERSP Policy CS1, and the general principles of sustainability contained in national and local policy.
3. The traffic impact assessments fail to demonstrate that the local highway network is capable of accommodating the additional uses and vehicular activity at the site, and that the proposed access would be acceptable in terms of highway safety, contrary to ERSP Policies T3 & T12, ADP Policies T1 & T2 and DLP Policies GEN1 & GEN9.

*Background papers: see application file.*

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## **1) UTT/0701/04/FUL & 2) UTT/0702/04/LB - LITTLE HALLINGBURY**

- 1) Change of use of barn to dwelling and detached double garage.
- 2) Change of use of barn to dwelling with internal alterations and detached garage.

Little Hallingbury Hall. GR/TL 509-163. Mr & Mrs S Hardwick.

Case Officer: Mr R Aston 01799 510464

Expiry Date: 16 June 2004

**NOTATION:** ADP & DLP: Outside Development Limits/Settlement Boundaries/Metropolitan Greenbelt/Grade II Listed Building.

**DESCRIPTION OF SITE:** The barn is located to the north of Little Hallingbury Hall to the east of the A1060 within the Metropolitan Greenbelt and forms part of the complex of buildings that make up the Little Hallingbury Hall and Equestrian Centre. The barn forms the enclosure to the historic farmyard to the north-west and is located between the Hall and the Kings Transport building.

**DESCRIPTION OF PROPOSAL:** The proposal relates to the conversion of a Grade II listed barn, currently being used as stabling to residential use and the formation of a new access road, associated garaging and the demolition of recent extensions to the barn.

**APPLICANT'S CASE:** See statement received 21 April 2004 attached at end of report.

**RELEVANT HISTORY:** Change of use from storage to 1000sqft of light industrial use, with remainder as storage, permitted development 1985. Erection of Dutch barn for storage of hay and straw, approved 1989. Erection of wrought iron gates and fencing with brick piers, approved 1989.

**CONSULTATIONS:** Specialist Design Advice: The structure is a listed timber framed barn. The building fulfils all the necessary criteria of the relevant policies and in order to assure an economically viable future for this structure, a residential conversion would be acceptable in this instance. The scheme has been negotiated and should there be no other policy objections, I recommended approval subject to conditions.

Building Surveying: Access roads will need to be suitable for fire tender access in respect of unobstructed width and tonnage. There is a requirement for escape windows to upper floors containing habitable rooms and inner rooms, but not bathrooms, kitchen or utility rooms. There is no requirement for external wall finishes for this conversion, roof is controlled however. There may be restrictions on cladding of the garage as it exceeds 11.2m<sup>2</sup> within 1m of boundary. Suitable surface for the parking area will have to be formed for disabled access.

Environment Agency: Standard letter 8, relating to small residential development with a private treatment plant.

ECC Archaeology: It is unlikely that the barn conversion will uncover deposits relating to the earlier hall. No recommendations.

Thames Water: No objections.

English Nature: The conversion will not have a significant effect on any designated site. Makes standard comments with regard to protected species.

**PARISH COUNCIL COMMENTS:** No objections to the proposal.

**REPRESENTATIONS:** These applications have been advertised and no representations have been received. Period Expired.

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

- 1) **the proposal is an appropriate conversion of a rural building to residential use (ADP C6, DLP H5) and whether the proposal would have an impact on the Metropolitan Greenbelt (ADP S3, DLP S6),**
- 2) **the proposal would be detrimental to the character and setting of adjacent listed buildings (ADP DC5, DLP ENV2) and**
- 3) **close proximity of adjoining uses would have a detrimental impact on the residential amenity of future occupiers and whether the proposed access is satisfactory (ADP DC14, T1, DLP GEN4, GEN2).**

1) The barn the subject of this proposal is an early 14<sup>th</sup> Century Grade II timber framed structure with part thatch, part grey slate and a ½ hipped roof. The external treatment is part weather boarded, part brick clad walls and the barn contains five large bays with a more recent extension on its eastern side. Its conversion to a dwelling is an appropriate re use of this rural building as its traditional and vernacular form and position within an historic group of farm buildings enhances the character and appearance of this rural area and the metropolitan Green Belt. Therefore the proposed conversion complies with the provisions of both ADP and DLP policies subject to other considerations as set out in 2) and 3) below.

2) With regard to the impact of the conversion on the character and setting of the listed building, the design of the scheme is low-key and does not materially change the character or form of the barn except the removal of three modern extensions which would be a benefit. The external appearance would be changed by the introduction of a number of glazed areas on the south-west, north-east and north-west elevations in the form of narrow glazed panels, but these are considered to be a common characteristic of residential barn conversions. In addition two, four paneled glazed doors and three single casement windows are proposed in the south-east elevation to serve the utility area. The changes to the external appearance would not fundamentally affect the character and appearance of the barn. The design and location of the garage is acceptable and would not cause any demonstrable harm to the setting of the listed building. The proposal has been negotiated with the Council's Conservation Officer. Accordingly, it is considered that the conversion and associated works would not materially affect the character or setting of the listed building or the historic farmyard.

3) The close proximity of the Equestrian Centre and stabling will undoubtedly have some impact on the amenity of future occupiers due to associated movements, noise and odours. There is an existing manure heap on the site of the proposed amenity area to the east at present, which will be relocated to another part of the complex with this area becoming the private amenity area and enclosed by a 2.4m high brick wall. The close proximity of activities related to the Kings Transport building may also have an impact on the residential amenity of adjoining occupiers through its day-to-day use, however no heavy machinery is used and the impact is unlikely to be material. Turning to the proposed access to the barn, this would be located between the access for the equestrian centre and the forecourt of the Kings Transport building, running a distance of approximately 70m to join up with the west elevation of the barn and enclosed by a new boundary treatment (to be agreed by condition), which is considered to be appropriate and would mean that residents would have their own independent access so as to not conflict with adjacent users.

**COMMENTS ON REPRESENTATIONS:** None

**CONCLUSIONS:** The proposed conversion of this barn, which is Grade II listed and enhances the area through its architectural and historical merit complies with the provisions of the relevant policies relating to the conversion of rural buildings to residential use. The design of the scheme would not materially affect the character or setting of the listed building

and the works detailed respect the fabric of the barn. Although the close proximity of the equestrian centre and industrial use is likely to have some impact, this is not considered to be material. Subject to appropriate conditions to ensure a satisfactory standard of development and to protect the visual quality, character and fabric of the barn, it is recommended that both planning permission and listed building consent be granted.

**RECOMMENDATIONS:**

**1) UTT/0701/04/FUL – APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.1. Sample of materials to be submitted and agreed.
6. C.6.2. Removal of permitted development rights.
7. C.20.1. Protection of bat roosts.

**2) UTT/0702/04/LB – LISTED BUILDING CONSENT WITH CONDITONS**

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.5.9. Stained wood.
5. C.5.16. No historic timbers to be cut.
6. The existing brick plinth of the building shall be retained and repaired as necessary with the brick, bonding and pointing to match the existing.  
REASON: To protect the visual quality and character of the listed building.

*Background papers: see application file.*

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## UTT/1327/04/FUL - LITTLEBURY

Erection of detached house and garages. Detached shed/greenhouse.  
Land off Howe Lane. GR/TL 514-395. Mr & Mrs I Roberts.  
*Case Officer: Mr G Lyon 01799 510458*  
Expiry Date: 27/09/2004

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

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

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

The garage would have a height to eaves of 4 metres and a height to ridge of 7.3 metres with a full height porch over the central garage bay. The garage with accommodation above would measure 10.6 metres in length with a width of 5.8 metres (6.5 metres including porch).

There are three windows proposed at ground floor level facing Peggy's Walk but the applicant has now decided to omit the three roof lights originally proposed at first floor level. The link between the garage and the house is L-shaped and would measure 3.5 metres high to eaves and 6.6 metres high to ridge with a lowered ridge adjacent to the house. This would also have windows on the ground floor elevation facing onto Peggy's Walk.

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

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

**RELEVANT HISTORY:** A detached dwelling with triple garage was approved as part of the Clays Meadow scheme in 1988 (UTT/1596/87). This consent still existed, due to the completion of the five other dwellings, and could have been implemented at any stage. The current applicant submitted two schemes but they were withdrawn due to concerns about size. An application was submitted to vary the 1988 consent (UTT/1478/03/FUL) with gable ends rather than hipped ends as the rest of Clays Meadow have. Various alterations to the fenestration detailing were considered to be minor amendments to the original 1988 consent.

Committee refused consent earlier in 2004 for a similar scheme to the application now proposed (UTT/2065/03/FUL) Members were concerned about the impact of the roof lights facing onto Peggy's Walk. The dwelling has now been substantially constructed.

**CONSULTATIONS:** Anglian Water: Comments to be verbally reported  
Environment Agency: Comments to be verbally reported

**PARISH COUNCIL COMMENTS:** Comments to be verbally reported

**REPRESENTATIONS:** This application has been advertised with both press and site notices and 15 neighbour notifications. Advertisement expires 02 September 2004. All additional correspondence will be verbally reported at Committee.

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

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

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

If the previous consent from 1988 had expired, a higher density of development would have been required in line with Central Government Guidance. The site would therefore necessitate a minimum of 9 dwellings, based on 30 dwellings per hectare. In this instance, the consent has been implemented and therefore the issue of numbers or densities is not of relevance to this application.

2) The main issue is the impact of the proposed additions on the residential amenity of surrounding residents at Peggy's Walk, Clays Meadow and neighbours to the south such as The Gatehouse. The closest residents to the new garage and link will be those living on Peggy's Walk. There is currently a tall coniferous hedge along the boundary with Peggy's Walk but, if this were to be removed, the building would be clearly visible to these residents and be potentially overbearing. The applicant has acknowledged this concern and has amended the plan with the removal of the skylights at first floor level facing onto Peggy's Walk. This will remove the potential for overlooking to occur, thus ensuring that the residential amenity of the adjoining residents is not affected. The buildings would still be clearly visible if the hedge was removed and there is only a distance of 20 metres between the back wall of the houses on Peggy's Walk and the wall of the garage block proposed. However, given the removal of the roof lights, there would be no overlooking potential to affect the residential amenity of the residents on Peggy's Walk.

The summerhouse, which has already been erected adjacent to the boundary with No.2 Clays Meadow, will not result in material overlooking of No.2, as there are no windows on this elevation. The structure needs consent because permitted development rights were removed as part of the 2003 approval. A dwelling does not have permitted development

rights until it is occupied for residential purposes and this structure is therefore unlawful until such time as the works are approved.

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

3) The complete dwelling proposed is, without doubt, large in size having a footprint of over 300 square metres (3000sq feet) and an overall floor space in excess of 500 square metres (5000 sq feet). It is much larger than surrounding dwellings, particularly those on Clays Meadow, which are large in size and therefore the main issue is whether the combined level of accommodation provided is considered excessive. The dwelling occupies a generous plot of 0.36 hectares and, given current density requirements, has a garden area of over 2000 square metres, more than twenty times the minimum size requirement. It would be difficult therefore to argue, particularly in an appeal situation, that the site is or would be overdeveloped.

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

Members should be aware that the applicant has appealed against the scheme refused by Committee in February (UTT/2065/03/FUL). This scheme for determination has been revised to take on-board the comments of that Committee.

**CONCLUSIONS:** Officers are of the opinion that, although the proposed dwelling will be very large, it is difficult to establish that there will be any harm to the residential amenity of surrounding residents. The applicant has amended the scheme to take on board earlier concerns and, with the use of appropriate conditions further development can be controlled on the site in future. This is probably the largest that the dwelling could be enlarged to without serious harm to the character and appearance of the area.

#### **RECOMMENDATIONS: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted and agreed.
4. C.15.1. Superseding previous permission.
5. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) there shall be no habitable rooms in the roof space of the dwelling hereby permitted without the prior written permission of the local planning authority.  
REASON: In the interest of private amenity and to prevent overlooking of adjoining properties.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) there shall be no external lighting fixed to the external surfaces of



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

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

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

REASON: To prevent over development of the site.

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

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

10. C.19.1. Avoidance of overlooking.

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

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

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

13. C.4.2. Implementation of landscaping.

*Background papers: see application file.*

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## **UTT/1737/03/FUL - GREAT DUNMOW**

Erection of 3 shops with 3 flats above with parking to the rear  
Land to the west of The Chequers Inn Stortford Road. GR/TL 625-220. Mr D G Whitney.  
*Case Officer: Mr M Ovenden 01799 510476*  
Expiry Date: 10 December 2003

**NOTATION:** Within development limit / Within Conservation area / Adjacent to listed buildings / immediately adjacent to Business area (GD4).

**DESCRIPTION OF SITE:** The site is located within the Town Development limit on the western approach to the town centre. The site is on the corner of Stortford Road and Chequers Lane and currently forms part of the car park associated with the Chequers PH where informal car parking for non-patrons also occurs. The application site measures approximately 25 metres by 25 metres with the north west corner chamfered off. Opposite the site to the north is a row of historic or traditional buildings in mixed commercial use built tight to the rear edge of the footway. To the east is the Chequers PH that in common with properties further to the east is also sited close to the back edge of the highway. To the south is a hair salon sited directly adjacent to Chequers Lane behind which is a terrace of dwellings sited some way from the highway. To the west and on the opposite corner of the road is the C19th police station building. The site itself is on an incline from Stortford Road up towards Redbond Lodge and from the Chequers towards the Police.

**DESCRIPTION OF PROPOSAL:** The application proposes the erection of a two storey building along the north and west edges of the site. The design of the building has a number of elements giving it the appearance of being a number of different buildings. The buildings would be two storey, incorporating tall pitched roofs, render, weatherboarding, peg tiles etc. On the ground floor it would provide three shops with three flats at first floor level. Seven parking spaces would be provided for the public house with a separate car park with twelve spaces provided for the shops and flats.

**APPLICANT'S CASE:** The proposal has been negotiated and as part of the application the applicant has included a photograph from the early C20th to show that there was at that time a substantial two storey building on the site, located even closer to the road than either the Chequers PH or the application proposal.

**RELEVANT HISTORY:** Permission for conversion of outbuilding to form staff accommodation 1997. Application for 20 bedroom motel refused. Permission for erection of 16 units motel block 2000. Permission for erection of eight flats on land to rear of public house 2002.

**TOWN COUNCIL COMMENTS:** Support.

**CONSULTATIONS:** Specialist design advice: The above site is located in Great Dunmow Conservation Area and is in the vicinity of a selection of listed buildings. At present it is an open space used for car parking. In principle such a use in the centre of a historic town result in a car dominated street scene, which is better avoided. In addition the fundamental characteristic of historic Dunmow is its tightly knit development set mostly at the back of the footpaths, where earliest of historical buildings sit cheek by jowl with later structures all greatly contributing to the rich tapestry of the street scene. The earliest of OS maps indicated that at least part of this site contained structures fronting Stortford Road. The rationale of providing a built up frontage to this site is in my view sound. In design terms the

proposed two-storey development consisting of mixed uses, varying height and frontages is unlikely to detract from the character of the conservation area.

Specialist Archaeological advice: Request full survey prior to commencement of development.

**REPRESENTATIONS:** This application has been advertised and 1 representation has been received.

Period expired 14 November 2003

Dunmow Society: Object an over development of the site and insufficient car parking space and turning space within the parking area at the rear of the shops. There is also insufficient parking left for staff and customers who will use the pub, bearing in mind that a planning approval already exists for housing units at the rear of the pub which will, if implemented, prevent parking in this area and use by through traffic.

**PLANNING CONSIDERATIONS: The main issues are**

- 1) **Impact of proposal on the setting of listed buildings and character of the conservation (ERSP Policies HC2 HC3, ADP Policies DC2 DC5, DDP Policies ENV1 & ENV2) and**
- 2) **Provision of car parking and impact of proposal on highway safety (ERSP Policies T4 T12, ADP Policies T1, DDP Policy GEN1).**

1) The site is prominently located within the Great Dunmow conservation area. The character of this part of the conservation area is of traditional two storey buildings being located close to the back edge of the footway. This characteristic begins in this part of the town and continues east into the town centre. In this context the open nature of this site is out of character with the town. Other open sites within the town have and are being developed including the former filling station in the High Street and near the corner of the High Street and Braintree Roads. The site itself is not attractive and its use as a car park does not make a positive contribution to the character of the area. There is some photographic and cartographic evidence to show that there was a substantial building on the site in the early part of the last century although it is not known when it was removed and therefore this site is not an historic open space. On that basis there would be no objection in principle to the development of such a site.

The application proposes an approximately L-shaped range of buildings split into five elements close to the rear edge of the footway, clear of the visibility splay related to Chequers Lane. The buildings would use peg tiles, render, timber windows and black painted plinths to pick up similar details on adjacent buildings. The height of the buildings would continue the progression of heights up the Stortford Road. With regard to the proposed mix of commercial and residential uses both would be in keeping with those in the locality.

2) The proposal would maintain the 4.5 metre deep sight splay from Chequers Lane and it is understood that this is satisfactory to County Highways. If further comments are received they will be reported at the meeting. The proposal would provide the public house with 7 parking spaces. A separate car park with twelve spaces would serve the 3 flats and 3 shops and flats. These would be screened from public view by the new buildings and accessed by an archway leading from Chequers Lane.

**CONCLUSIONS:** The proposal is to develop a prominent site on the approach to the town centre for a mix of commercial and residential uses in a manner that seeks to enhance the character of the conservation area. The proposal aims to do this by using traditional forms

and materials and siting the building close to the edge of the site thereby reinforcing the established character of the street scene. One of the benefits of the proposal is that due to its siting it would screen the required parking spaces for the pub and the development itself.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.2. In accordance with revised drawings.
3. C.4.6. Protection of TPO Yew Trees.
4. C.5.1. Submission of materials.
5. C.7.1. Cross sections required.
6. The car parking spaces for the public house shall be made available prior to the commencement of the development and thereafter retained for the parking of patrons and staff vehicles.  
REASON: To provide satisfactory parking for this public house.
7. The car parking spaces for the shop and flats shall be made available prior to the first occupation of the development and thereafter retained for the parking of occupier's vehicles.  
REASON: To provide satisfactory parking for the shops and flats.
8. Prior to the commencement of the development details of the windows and doors shall be submitted. These shall be constructed from painted timber and shall thereafter not be changed to other materials.  
REASON: To protect the character of the area and that of this prominent development.
9. C.16.2. Full archaeological excavation and evaluation.

*Background papers: see application file.*

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## **UTT/1065/04/FUL - GREAT CHESTERFORD**

*(Referred by Cllr Mrs Tealby Watson)*

Planning permission to remove condition C90C of planning consent on application UTT/0213/02/FUL.

All Saints' Church Yard. GR/TL 506-427. PPC of All Saints' Church.

Case Officer: Mr T Morton 01799 510654

Expiry Date: 24 August 2004

**NOTATION:** Within Village Development Limit/Settlement Boundary/Within area of Special Landscape Value / Within Conservation Area.

**DESCRIPTION OF SITE:** the site is the churchyard of All Saints, where permission has already been granted for a new freestanding church hall, sited to the rear (south) of the church.

**DESCRIPTION OF PROPOSAL:** The approval for the church hall (UTT/0213/02/FUL) was subject to conditions, including condition C.90C which required, "The church hall hereby granted consent shall be used only as an ancillary facility to the use of the main church building and at no time shall it be separately hired or used by external groups, organisations or individuals without the written agreement of the Local Planning Authority.

**REASON:** In the interests of highway safety and in the interests of the nearby residential properties, given the hall has no dedicated on-site parking and any separate independent use is likely to lead to increased on-street parking."

This application seeks the removal of this condition.

**APPLICANT'S CASE:** The condition is very restrictive in terms of obtaining grant funding for the hall, since many grant sources require the building to be able to be used by the community at large, and the Parochial Church Council (the PCC) also hope to derive some income from the letting out of the building. Any use of the hall would be strictly controlled by the PCC for example as a social meeting point for the elderly or disabled, coffee mornings for pensioners, pre-school play groups etc, all of which would be barred by the current condition on the consent. The room will not be available for one off events like third party parties, rock concerts or the like. The intent is a room for local uses, and most of the users will walk to the hall. The PCC has never received complaints about parking in the street and parking has never presented a problem for local residents.

**RELEVANT HISTORY:** This application relates to an approval UTT/ 0213/02/FUL for a new church hall, approved subject to conditions including C.90.C which required the hall to be used only as an ancillary facility to the use of the main church building, and at no time to be separately hired or used by external groups, organisations or individuals without the prior written agreement of the Local Planning Authority. This was motivated by policies that require off street car parking, and by an objection received that raised concern at problems of car parking in Church Street that they did not wish to see exacerbated.

**PARISH COUNCIL COMMENTS:** The Parish Council has no objection to the request to remove condition C90C of the consent on UTT/0213/02/FUL.

**REPRESENTATIONS:** This application has been advertised and 3 representations have been received. Advertisement expired 28<sup>th</sup> July 2004.

All three respondents say they have no objection to the removal of the condition, and that during the time that they have known the area they accept church activities and the parking that arises from it. There has never been an accident in the street as a result of parking, and if you live there you just accept that it is the nature of the street to find vehicles parked there.

**PLANNING CONSIDERATIONS: The main issues are**

**1) Provision of on site parking (ERSP Policy T6, ADP Policy T1 and DLP Policy GEN9).**

1) The concern in dealing with the original planning application was based upon ERSP Policy T6, ADP Policy T1 and DLP Policy GEN9 which all require parking for new development to be provided off street in accordance with adopted standards, in order to prevent on street parking problems. The development makes no provision for off street parking, and given the nature of the churchyard there is no available land for car parking. One objection had been made to the application in 2002 on the grounds of concern about on street car parking.

Church Street is narrow, with residential properties opposite the church, and if any vehicles are parked in the road it reduces the road to single track width. The restriction of the use of the hall was seen as necessary to address the lack of car parking. Another condition of the consent required bicycle parking to be provided.

It is clear that this condition has proven very restrictive in nature in terms of attracting grants towards provision of the building, and that it may almost be seen as 'unreasonable' in planning law terms, in that the condition prevents implementation of the approval. The Church clearly wish to be able to provide a place for the whole community to use, for a range of community based activities wider than those associated with the use of the main church building, and this is understandable. Parking in the street is bound to happen as a result of this, but clearly local residents are willing to live with this, and some non church related parking occurs in this road in any case, which would fall outside of the scope of control under this planning application. If parking problems arise in future on a scale that is unacceptable in highway terms, the proper way to address that would be a parking control order.

It is recommended that the application be approved.

**COMMENTS ON REPRESENTATIONS:** The support which has been expressed for the application is noted.

**CONCLUSIONS:** The special circumstances surrounding the proposed buildings and its operation for the benefit of the local community are noted, and it is accepted that the requirements of this condition would unduly restrict provision and operation of the facility. An exception to policy can be accepted in this case.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. This consent is to be implemented in conjunction with the approval granted under application UTT/0213/02/FUL and all of the conditions pertaining thereto with the exception of condition C.90C, and is not to be implemented in isolation.

REASON: In the interest of the proper planning of the site.

*Background papers: see application file.*

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## **1) UTT/1160/04/FUL & 2) UTT/1161/04/LB – TAKELEY**

Partial demolition of outbuilding. Erection of rear/side two storey extension to coach house to provide bed and breakfast accommodation. Erection of new garage with playroom.

The White House Smiths Green. GR/TL 565-211. Mike Shields.

*Case Officer: Mr N Ford 01799 510468*

Expiry Date: 31/08/2004

**NOTATION:** Outside Development Limits S2. Grade II Listed building DC5.

**DESCRIPTION OF SITE:** The White House is a 17<sup>th</sup> Century Grade II Listed house, timber framed and plastered with a red tile roof located off Dunmow Road (B1256/former A120) in Smiths Green east of Takeley. To the north west of this is a range of outbuildings, which are Listed by virtue of their group value. Smiths Green lies outside of the development limit of Takeley and is rural in character with dwellings set back from the road and set within large open plots.

**DESCRIPTION OF PROPOSAL:** The proposal primarily relates to an outbuilding to the north west of the White House. This is a single and two storey coach house and stables with brick, black and white stained weatherboarding to elevations and a clay and concrete pantiled roof.

It is proposed to convert and extend this building to accommodate bed and breakfast accommodation. The single storey stables to the north of the coach house (36 sqm) would be demolished and a two storey extension would be built on the west elevation with a single storey return to the south. This would provide a 78 sqm foot print of new building. The ground floor would house four bedrooms, a breakfast room, kitchen and laundry room. At first floor level there would be a further three bedrooms. Materials would consist of natural slates to replace concrete tiles and plain clay tiles to roofs with stained weatherboarding to elevations. Seven parking spaces would be located within the curtilage of the site close to the building to accommodate parking requirements.

The scheme also proposes the erection of a further outbuilding for use as a two bay garage and store with a playroom located over in the roof space. This garage would have a foot print of approximately 47 sqm, a ridge height of 5.3m and an eaves height of 2.2m. Materials proposed consist of opaque stained or painted weatherboarding and clay plain tiles.

**RELEVANT HISTORY:** Conversion of outbuildings to residential annexe and associated internal works granted planning permission in 2000.

**CONSULTATIONS:** ECC Highways: No objection subject to conditions.

English Nature: The proposed development land could include a suitable habitat for protected species. Requests an ecological survey.

Essex Wildlife Trust: To be reported. (due 23 July 2004).

UDC Environmental Services: To be reported. (due 28 July 2004).

UDC Specialist Design Advice: No objections. See planning considerations.

**PARISH COUNCIL COMMENTS:** No objections with the condition that the use of the building should be ancillary to the use of the main house.

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

1. Inappropriate development within the curtilage of a Listed building. Coach house and former bakery are important historical elements to the domestic unit and their loss would be detrimental to the Listed unit. The constructions and urban car parking would dominate the site and destroy its character. The development constitutes a small hotel and is inappropriate in terms of scale and use such that the property would no longer be domestic but a commercial establishment.

**PLANNING CONSIDERATIONS: The main issues are**

- 1) whether the use and extension of this building to provide bed and breakfast accommodation accords with the rural interests of the countryside in accordance with ESRP Policy RE2, ADP Policy C5, REC3 and DLP Policy LC6 and**
- 2) whether the conversion and extension of this Listed rural outbuilding presents an acceptable use that preserves its architectural and historic characteristics, and the new garage building does not adversely affect the setting of the Listed buildings in accordance with ESRP Policy HC3 and HC4, ADP Policy DC5, DC6 and DLP Policy ENV2.**

1) Policy RE2 of the Essex and Southend-on-Sea Replacement Structure Plan Adopted 2001 supports the re-use of rural buildings where, as is the case relating to this scheme, the buildings are of sound construction capable of conversion without substantial reconstruction. Predominantly the existing structure of the outbuilding would be renovated and would enhance its appearance. The extensions are restricted to the rear of the building and would in part cover the foot print of existing stables that are proposed for demolition as they are in a dilapidated condition. They are not considered to contribute any merit to the historic and architectural qualities of the building. The extensions would not compete with the scale, design and materials of the coach house and bake house.

The building is well screened by existing trees and shrubs from the highway and dwellings further west and it is considered that a scheme of landscaping would enhance this setting. It is considered that the scale and siting of the scheme would not prejudice the vitality of this rural locality or adversely affect the amenity and character of the countryside in this location. Therefore, the scheme is considered to accord with policy relating to the conversion of rural buildings in the countryside for bed and breakfast accommodation.

2) The scheme is considered to reflect the context of the existing Listed building in design terms, aiming at the retention of much of the present character of the buildings in accordance with PPG15 (Planning and the Historic Environment). Visual features of interest would be retained and details enhanced such as the provision of a canopy to the east elevation. It is therefore considered that the conversion and extensions would not be detrimental to the fabric, character and appearance of the building as much of its detail would be maintained and reflected in the additions in accordance with the above policies. Furthermore, specialist design advice states that the proposed conversion is acceptable subject to conditions.



**COMMENTS ON REPRESENTATIONS:** The representation appears to be of the opinion that the coach house and bake house will be lost as part of the development. It is agreed that the coach house and bakery are important elements of the Listed building. In fact they will not be lost but will be renovated in order to accommodate rooms as part of the scheme. Demolition is restricted only to dilapidated stables where an extension that is considered to be sympathetic to the scale and design of the building will be situated to accommodate further accommodation.

The scale of the development is not considered to detract from the Listed building or compete with its domestic use, the development is set well away from other dwellings in the vicinity of Smith's Green and is a thought to accord with its countryside location.

**CONCLUSIONS:** This scheme is considered to provide bed and breakfast accommodation that is sympathetic to the qualities of the Listed building and its countryside location in accordance with planning policy.

## **RECOMMENDATIONS**

### **1) UTT/1160/04/FUL – APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.1. Sample of materials to be submitted and agreed.
6. C.11.7. Standard Vehicle Parking Facilities.
7. C.14.4 Use ancillary to main dwelling.
8. C.20.2. Protection of other species.
9. C.25.1. No Airport related parking.
10. Space shall be provided within the site to accommodate the parking and turning of all vehicles regularly visiting the site, clear of the highway and properly laid out and paved to be agreed in writing prior to the commencement of development with the Local Planning Authority.  
REASON: In the interests of highway safety.
11. There shall be no obstruction above 0.6m in height within the area of a 2m parallel visibility splay across the entire site frontage.  
REASON: In the interests of highway safety.

### **2) UTT/1161/04/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.5.8. Joinery details.
4. All weatherboarding shall be painted and feather edged.  
REASON: In order to ensure a satisfactory standard of development in relation to the Listed building.
5. All new roofs shall be of natural slate and hand made clay plain tiles samples of which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.  
REASON: In order to ensure a satisfactory standard of development in relation to this Listed building.
6. Large scale details of the glass and cast iron veranda shall be submitted to and approved in writing by the local planning authority prior to commencement of

development. Subsequently the development shall be carried out in accordance with the approved details.  
REASON: In order to ensure a satisfactory standard of development in relation to this Listed Building.

*Background papers: see application file.*

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## **1) UTT/0790/04/FUL & 2) UTT/0791/04/LB - GREAT DUNMOW**

Conversion of barn and stable to dwelling. Erection of detached double cart shed/store and creation of new access. Change of use from agricultural land to garden use.

Highwood Farm Buttleys Lane. GR/TL 608-215. Mr & Mrs J A Maffia.

*Case Officer: Miss K Benjafield 01799 510494*

Expiry Date: 02 July 2004

**NOTATION:** Outside Development Limits / Grade II Listed Barn.

**DESCRIPTION OF SITE:** The site is located approximately 100m south of the former A120 and approximately 0.7km west of the Tesco roundabout. The listed barn is located adjacent to the eastern boundary of the site with the existing access immediately to the south of the barn. The barn is orient at a 90° angle to the dwelling on the site with existing parking provided within the semi-courtyard area in front of the buildings. There is a paddock located along the eastern boundary of the site, to the south of the existing access and the barn. The Fritchway runs to the south of the site.

**DESCRIPTION OF PROPOSAL:** The applications relate to the conversion of one barn to form a dwelling with associated garaging. The external works to the barn would consist of reusing existing openings to form doorways and windows with the insertion of some additional glazed panels and conservation rooflights to provide additional light to the buildings.

The proposed garage would be located to the south of the barn and would provide covered parking for residents of both the dwelling and the converted barn. The garage would cover an area of approximately 68m<sup>2</sup> and would have a maximum ridge height of 5m. It is also proposed to create an additional access approximately 35m to the south of the existing access. This would provide access to the existing dwelling on the site and the proposed garaging. The existing paddock between the proposed and existing accesses would be used as garden for the converted barn.

**APPLICANT'S CASE:** See statement dated 29 April attached at end of report.

**CONSULTATIONS:** Design Advice: The farmstead subject of this application contains farmhouse and a barn listed in their own right and a cart lodge listed by the virtue of the curtilage. The whole group represent an attractive landmark in the countryside. The barn appears to be redundant for farm use. Clearly it is important to consider an alternative, economically viable use for this range so its long-term survival can be assured.

The proposed residential use fulfils the criteria of the relevant policies. The over all design and detailing is low key, with the emphasis on the retention of as much as possible of the existing character of these farm buildings. In conclusion I recommend approval subject to conditions.

English Nature: Recommends conditions to be added to the decision notice in order to protect the High Wood SSSI and recommends surveys are undertaken in relation to protected species.

Building Control: No adverse comments – road has recently been resurfaced.

Fisher German: The Government Pipelines and Storage System is not located within the vicinity of the site and we have no further comments to make.

**TOWN COUNCIL COMMENTS:** Supports the application.

**REPRESENTATIONS:** These applications have been advertised and one representation has been received. Dunmow Society: Supports the application.  
Period expired 10 June.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposals would be acceptable as a residential barn conversion in the countryside (ADP Policy C6, ERSP Policy RE2, DLP Policy H5) and the conversion would protect and enhance the character and setting of the listed dwelling and barn (ADP Policy DC5, ERSP Policy HC3, DLP Policy ENV2).

The group of buildings are considered to make a valuable contribution to the character of the countryside and the listed barn and stables are worthy of retention. The applicant has submitted a structural survey indicating that the barn is capable of being converted without substantial reconstruction and no extension of the existing buildings is proposed. The proposals therefore comply with ADP Policy C6 (ERSP Policy RE2 & DLP Policy H5). In addition, the Council's Conservation Officer has no objection to the proposed conversion and alterations to the barn and the erection of a detached garage, subject to conditions being imposed relating to the use of materials. It is considered that the proposals would protect and enhance the character and setting of the listed barn and dwelling in accordance with ADP Policy DC5 (ERSP Policy HC3 & DLP Policy ENV2)

**CONCLUSIONS:** The proposed conversion does not involve the extension of the existing buildings and would be sympathetic to the listed barn and the adjacent listed dwelling.

**RECOMMENDATIONS:**

1) **UTT/0790/04/FUL - APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. No vehicles, materials or waste shall be stored, assembled or deposited within or on the boundary of High Wood SSSI.  
REASON: In order to prevent or reduce the risk of any accidental impact upon High Wood SSSI during conversion of the barn.
4. C.4.1. Scheme of landscaping to be submitted and agreed.
5. C.4.2. Implementation of landscaping.
6. C.5.1. Samples of materials to be submitted and agreed.
7. C.6.2. Remove Permitted Development Rights
8. All new roofs shall be hand made pantiles or plain tiles as indicated on the approved drawings.  
REASON: In order to protect and enhance the character, setting and appearance of the listed buildings.
9. C.5.9. Stained wood.
10. C.20.1. Protection of bat roosts.
11. There shall be no fence or wall within the existing yard between the farmhouse and the barn conversion hereby approved.  
REASON: In order to protect and enhance the character, setting and appearance of the listed buildings.

2) **UTT/0791/04/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.5.1. Samples of materials to be submitted and agreed.

4. All new roofs shall be hand made pantiles or plain tiles as indicated on the approved drawings.  
REASON:In order to protect and enhance the character, setting and appearance of the listed buildings.
5. C.5.9. Stained wood.
6. C.5.16. No historic timbers to be cut.

*Background papers: see application file.*

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## **UTT/1241/04/FUL – DEBDEN**

New village hall and pitched roof to existing shop.  
Debden Village Hall. GR/TL 555-334. Debden Parish Council.  
*Case Officer: Mr G Lyon 01799 510458*  
Expiry Date: 13 September 2004

**NOTATION:** ADP & DLP: Outside Development limits of Debden. TPOs adjacent to the site.

**DESCRIPTION OF SITE:** The site is located on the eastern side of Mill Road, close to the junction with High Street and adjacent to the Pond, White Hart Public House and Debden Primary School.

The application site is approximately 1680 square metres in size, 50 metres wide and 37 metres deep and is dominated at the front, adjacent Mill Road, by a large number of mature trees, some of which are the subject of Tree Preservation Orders (4no. Horse Chestnut, 2no. Oak and 1no. Lime). The existing village hall building consists of a pitched roof single storey structure with flat roof additions. The building contains Debden Village shop in the southern part with the remaining being used for village hall purposes.

It is fair to say that the existing building is of no architectural merit and has been masked on most sides by the flat roof additions.

Surrounding the buildings on the southern and eastern sides is a large gravelled car park, which serves both the village hall, and shop as well as the adjacent sports ground to the east. Access to the site is off Mill Road.

**DESCRIPTION OF PROPOSAL:** The applicant is seeking full approval to demolish the existing village hall and replace it with a purpose built structure. The new building would house both the existing shop (4.5 metres x 13.5 metres) as well as the village hall (20 metres x 9 metres and 4.5 metres x 7 metres floor area). The building would be single-storey for the most part with a small meeting room built within the eaves at first floor level. It would have a maximum length of 26 metres and a maximum width of 16.5 metres. The building is designed to replicate a barn type structure with a timber frame (Queen post and collar rafter roof), feather-edged boarding and clay tile roof. The structure would have a height to eaves of 2.2 metres with a height to ridge of 4.5 metres (northern range), 5 metres (southern range) and 6.5 metres (principle roof over central range) The frontage with mill road would have 6 no. of rooflights inserted.

**APPLICANT'S CASE:** The applicant has not submitted a supporting statement other than the enclosed drawings.

**RELEVANT HISTORY:** Application for village hall replacement withdrawn by the applicant in October 2003 to allow further local consultation with Parish members.

**CONSULTATIONS:** NATS – No safeguarding objection to the proposal

**PARISH COUNCIL COMMENTS:** No comments received (This application has been submitted by Debden Parish Council)

**REPRESENTATIONS:** The application has been advertised with both press and site notices. Four neighbours surrounding the proposed development were notified and the

period for return of comments expires on 19 August 2004. No comments have been received to date.

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

- 1) The proposed use on this site is considered acceptable (ERSP POLICY RE1, ADP Policy S2 and DLP Policy LC2),**
- 2) the impact of the development on adjoining neighbours would be acceptable (ADP Policy S2 and DLP Policy GEN2),**
- 3) the proposed development respects the scale and characteristics of surrounding properties (ADP Policy DC1, DLP Policy GEN2) and**
- 4) the access and parking arrangements are acceptable in terms of highway safety implications (ERSP Policies T3, T6, T12, ADP Policy T2, DLP Policy GEN9).**

1) Given the pre-existence of a village hall and shop on the site, it is considered that a replacement building retaining these existing uses would be acceptable subject to meeting all other policy requirements, and would make a positive contribution to community facilities for the village.

2) The proposed replacement village hall and shop would be no less than 50 metres away from the nearest residential dwelling, "Little Gables" and approximately 30 metres away from The White Hart Public House. It is apparent that the village hall would have a greater visual presence than the current building but it is not considered that the building itself would cause any harm to the amenity of neighbouring properties. The parking arrangements for the hall and shop are along similar lines to the current use of the site. At busy periods, especially at the beginning and end of the day, the car park can be very full with parents collecting and dropping off children for Debden Primary School. It would also be busy when the hall is being used for events or the sports ground is being used. The coming and going of traffic therefore will have some impact on neighbouring properties from the resultant noise, etc. However, given the distances involved, officers are of the opinion that the proposed development would not result in a material increase in vehicular traffic using the site and therefore there would be no additional disturbance as a result.

3) The overall character of the area surrounding Debden Village Hall is dominated by mature tree specimens fronting onto Mill Road. The existing village hall building is well screened behind these trees. From the rear of the site, the village hall becomes the dominant element with a backdrop of mature trees. When full, the car park, or more importantly the parked cars, can become visually prominent and detract from the overall character of the area.

From Mill Road, the proposed new hall would again be screened in most part by the mature trees. Its vernacular barn-like appearance would certainly enhance the visual appearance of the site. From the rear, the building would still remain the dominant element, but would certainly be more visually pleasing than the existing structure. Officers are therefore of the opinion that the new hall would not impinge on the overall character of the area.

4) Mill Road is a Class III road and, as such, applications for development on these roads are normally left for consideration by the local authority rather than the Highways Authority. Given the pre-existence of the uses on the site along with the associated access, which will remain the same, there could be no sustained objection to this use continuing. In terms of parking provision, current standards require 1 parking space per 25 metres squared of floor space for a village hall and 1 parking space per 20 metres squared of floor space for the shop. The applicants have met these requirements with 20 spaces shown on the approved plan. Cycles spaces have been indicated on the proposed plan but at present

these are not under cover. To encourage cycle usage, it may be necessary to have covered cycle parking spaces. The applicants have been contacted regarding this issue and have expressed that they feel it would be possible to achieve this. An additional bay to the building could accommodate this or another structure could be built. Officers would therefore recommend additional conditions to this effect to secure covered cycle parking. Officers are of the opinion that the car and cycle parking facilities are adequate subject to conditions.

**CONCLUSIONS:** The proposed replacement village hall and shop is acceptable in terms of design and visual appearance with adequate parking facilities. The extent of the use is not dissimilar to the current arrangement and will not therefore result in a material increase in noise or disturbance to local residents. The current site has no relevant planning history and so an extensive range of conditions will be needed to cover all aspects of the proposed development.

### **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.17.1. Revised plan required – for the provision of covered and secure cycle storage.
4. C.5.1. Samples of materials to be submitted and agreed.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping
7. All existing trees, shrubs and hedges indicated in the conditions above shall be protected by suitable fences to a height of not less than 1.5m 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.
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 6pm Mondays to Fridays or after 1pm on Saturdays nor at any time on a Sunday or Public Holiday.  
REASON: In the interest of residential amenity.
10. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
11. The first six metres of the 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.
12. No sound amplification equipment, which is audible outside the premises, shall be installed in the premises without prior written consent of the local planning authority.  
REASON: To protect the amenities of nearby residential properties.
13. The village hall hereby granted permission shall not open for use except within the hours of 8.00am to 11.00pm each day.  
REASON: To protect the amenities of nearby residential properties.
14. Details of any external lighting to the car park and building shall be submitted to and approved in writing by the local planning authority before the building is first occupied. The development shall be carried out in accordance with the approved details.  
REASON: To secure a satisfactory form of development and to protect the amenities of nearby residential properties.
15. The village shop hereby granted permission shall not open for use except within the hours of 8.00am to 11.00pm each day.  
REASON: To protect the amenities of nearby residential properties.



16. The Class A1 village shop, including storage space, shall only take place in the area hatched in green, as indicated on approved drawing No. 403/1A, dated August 2002, received 19 July 2004.

REASON: For the avoidance of doubt.

17. Deliveries of stock for the shop shall only take place between the hours of 9.00am and 5pm. On Mondays to Saturdays, and at no time on Sundays and Bank and Public Holidays.

REASON: To protect the amenities of nearby residential properties and to avoid the conflict between the village hall and shop uses taking space on the site.

18. Prior to the commencement of development, details regarding refuse bin storage serving both the shop and the village hall shall be submitted to and approved in writing by the local planning authority. The storage area shall be implemented in accordance with the approved details.

REASON: To ensure the provision of satisfactory bin storage facilities.

*Background papers: see application file.*

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**UTT/2062/03/FUL - HATFIELD HEATH**  
**(Referred at Members' request: Cllr Lemon)**

Replacement dwelling and detached triple open fronted garage.  
Mill End Mill Lane. GR/TL 518-155. Mr & Mrs Fish.  
Case Officer: Miss K Benjafield 01799 510494  
Expiry Date: 23/01/2004

**NOTATION:** Outside development limit & Within Metropolitan Green Belt.

**DESCRIPTION OF SITE:** The site is located approximately 340m to the north of the A1060 in Hatfield Heath, adjacent to the Greenways Egg Farm. The existing dwelling is single storey with a low ridge height and covers an area of approximately 163m<sup>2</sup>. The dwelling is low key and has a similar shape and size as existing buildings on the adjacent poultry farm. Although the site itself has some existing vegetation, there are open views to the north from the eastern half of the site.

**DESCRIPTION OF PROPOSAL:** This application relates to the erection of a replacement dwelling and associated garaging. The proposed dwelling would have a footprint of approximately 149m<sup>2</sup> with a total floor area of 278m<sup>2</sup>. The new dwelling would be located approximately 21m east of the existing dwelling. The proposed maximum ridge height of the dwelling would be 8m. The new garaging would cover an area of 68m<sup>2</sup> and would have a maximum ridge height of 4.5m.

**APPLICANT'S CASE:** See letter dated 14 November attached at end of report.

**RELEVANT HISTORY:** Erection of agricultural workers dwelling refused 1995 and dismissed at appeal 1997.

**CONSULTATIONS:** Thames Water: No objection.

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

Environment Agency: No objection.

**PARISH COUNCIL COMMENTS:** The Council has no objections to the design of the proposed property which they consider as a considerable improvement on the existing dwelling. However, two Councillors expressed reservations about the design of the window on the Side1 Elevation which they considered was out of keeping with the fenestration of the rest of the property.

The Chairman is concerned that the proposed new property is outside the village development limit and has a footprint greater than that of the existing property. Furthermore, the siting of the proposed new property is some distance from the existing property.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposal complies with policies national and local relating to development within the Metropolitan Green Belt and replacement dwellings (PPG 2; ERSP Policy C2; ADP Policies H8 & S3; DLP Policy H6)

ADP Policy H8 (DLP Policy H6) allows for the replacement of existing dwellings outside Development Limits provided they do not impair the rural characteristics of the countryside. In addition replacement dwellings should be located in proximity to the original structure.

Guidance issued within PPG2 relating to Green Belts also states that replacement dwellings need not be inappropriate “providing the new dwelling is not materially larger than the dwelling it replaces”.

It is considered that the proposed replacement dwelling fails to comply with these policies. The dwelling would not be located in proximity to the original dwelling due to it being relocated 21m away from the position of the existing dwelling and it would also be materially larger than the existing dwelling with there being over 100m<sup>2</sup> of additional floor area. The size and bulk of the proposal would also be much greater than the existing. When viewed from adjacent locations this would result in the dwelling appearing to be much more prominent than the existing modest dwelling, this would also be exacerbated by the relocation of the dwelling to a more open part of the site.

The combined factors of the proposal being relocated within the site, having a two-storey design and the increased floor area of the proposed dwelling would result in an increase of the built form on the site which would be detrimental to the open and rural characteristics of the Metropolitan Green Belt.

A previous application for an 8.5m high two-storey agricultural workers dwelling on this site was dismissed at appeal in 1997. The proposal was for an additional dwelling in a similar location to that currently proposed. The Inspector’s comments in relation to that proposal were that it would be prominent in views from the public footpath along Mill Lane and long distance views may be visible from approximately 1km away to the northeast, across open farmland. The presence of mature trees on the eastern boundary was considered to reduce the visual impact of the dwelling however the existing vegetation and the possibility of additional planting would not, in the Inspector’s view, significantly reduce the harm to the openness and rural character of the immediate surroundings. Whilst there are differences in the design and size of the proposed dwelling from that previously considered, it is considered that the comments made by the Inspector when considering the appeal in 1997 are still relevant and the proposed replacement dwelling would have a similarly detrimental impact on the openness and rural characteristics of the Metropolitan Green Belt.

**CONCLUSIONS:** The proposal, through its size, bulk and the relocation of the dwelling on the site would result in the proposed dwelling appearing to be very prominent when viewed from adjacent land and would increase the built form on the site. This would be detrimental to the open and rural characteristics of the Metropolitan Green Belt contrary to Guidance issued in PPG2 – Green Belts, ERSP Policy C2, ADP Policy S3 and would also be contrary to ADP Policy H8 and DLP Policy H6.

**RECOMMENDATION: REFUSAL REASONS**

1. The proposed replacement dwelling would be prominent when viewed from adjacent land and by virtue of its increased size, bulk and relocation within the site, would be detrimental to the open and rural characteristics of the Metropolitan Green Belt contrary to Guidance issued within PPG - 2 - Green Belts, ERSP Policy C2, and ADP Policy S3.
2. The proposed replacement dwelling fails to comply with ADP Policy H8 and DLP Policy H6 due to the increased size and bulk of the dwelling and the relocation 21m away from the site of the existing dwelling within the site impairing the open and rural character of the area.

*Background papers: see application file.*

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## **UTT/1141/04/FUL - SAFFRON WALDEN**

*(Referred by Cllr Freeman)*

Loft conversion with 6 dormer windows.  
14 Little Walden Road. GR/TL 539-388. Mr & Mrs Damary-Homan.  
Case Officer: Mrs K Hollitt 01799 510495  
Expiry Date: 30/08/2004

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

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

**DESCRIPTION OF PROPOSAL:** The proposal is to convert the existing bungalow to a chalet style house by raising the roof over the main bungalow from 4.65m to 6.3m and the roof above the garage from 3.35m to 4.5m. The footprint of the property would be unchanged. Accommodation would increase from a 2-bed + study bungalow to a 5-bed + study property, two bedrooms and the study being on the ground floor. All first floor habitable room windows would face front and rear.

This is a further revised proposal following refusal of alternative schemes in February 2004 and January 2003. The first refused scheme proposed additional footprint, together with the raising of the ridge height from 4.65m to 9.9m. The scheme refused in February 2004 proposed to increase the ridge height of the dwelling from 4.65m to 7.65m and the garage from 3.35m to 5.65m. This proposal raises the main ridge height to 6.3m (1.3m less than the scheme refused in February 2004), and the ridge over the garage to 4.5m (1.1m less than the previously refused scheme).

The previously refused schemes related to full height two storey dwellings, but this revised proposal relates to the creation of a chalet-style dwelling, with small dormer windows to the front and rear elevations. These dormers would appear as incidental features in the roofspan, as laid out in the Essex Design Guide.

**RELEVANT HISTORY:** First floor to bungalow and two storey front extension refused January 2003 – disproportionate extension having adverse impact on adjacent dwellings; out of scale with original property; overlooking and overshadowing of adjacent properties; overbearing effect on others and street scene; impact on adjacent conservation area. First floor extension to bungalow and two storey front extension refused February 2004 – disproportionate extension, out of scale with original bungalow and surrounding dwellings; dominant and intrusive in street scene; overshadowing, overbearing. Detrimental impact on adjacent conservation area.

**TOWN COUNCIL COMMENTS:** To be reported. Due 6 August 2004.

**REPRESENTATIONS:** This application has been advertised and 3 representations have been received. Period expired 28 July 2004.  
Object. Proposal is out of scale with original property, being at least 2 metres higher than existing. Overlooking, overbearing and overshadowing. Proposal for clear fenestration overlooking my property would result in loss of privacy and detrimental impact on residential amenity. Out of scale with adjoining properties.

Object. Roof will be raised and dormer windows appear to protrude virtually whole width of property. This will cause considerable overshadowing of my garden and result in loss of amenity. This is already large bungalow and this addition will make it disproportionate to adjacent properties.

Object. Proposal is out of scale with existing property and would be overbearing and overshadow my property. Result in dominating development out of scale with adjoining properties. Please note site plan is misleading in that it does not accurately reflect the actual sites of adjoining properties. Existing house at No 14 is on a base that is approximately 6 feet above my garden.

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

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

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

The proposed extensions would increase the visual impact of the building due to the raising of the ridge from 4.65m to 6.3m, an increase of 1.75m. This proposed increase would be less than that previously proposed (3m). When viewed from Little Walden Road (the conservation area), the proposed ridge height of the dwelling would be approximately 1m higher than the adjacent property. It is not considered that this proposed increase in height is now so significant as to have a disproportionate impact on the street scene and the adjacent conservation area. In addition, the proposed dwelling has a chalet-style design, similar in character to the adjacent property at 1 Pound Walk. On balance, it is considered that the proposals now comply with the relevant policies.

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

The previous proposals were considered to be likely to have a detrimental impact on the residential amenity of 1 Pound Walk, in particular loss of light to the rear garden. It was also considered that the proposed extensions would result in an overbearing impact on all adjacent dwellings. However, this proposal has been significantly reduced in scale and it is considered that the potential for adverse impact on the residential amenity of 1 Pound Walk is greatly reduced. Whilst it is accepted that the proposed extension would result in some increased impact on adjoining properties, it is not considered that this is of such a significant degree as to warrant refusal. Therefore, it is now considered that the proposals comply with the relevant policies.

3) As stated above, the reduced scale of these proposals are considered unlikely to have a significant impact on the character and setting of the adjacent Conservation Area. Therefore, it is now considered that these proposals now comply with the relevant policy criteria.

**COMMENTS ON REPRESENTATIONS:** Most of the points raised in representations are covered above. Although the comments regarding overlooking and overshadowing of 3 & 5 Pound Walk are noted it is not considered that these can be substantiated.

**CONCLUSIONS:** These revised proposals are considerably reduced in size in comparison to the previous proposals. It is now considered that the potential impact from these proposals should not be so significant as to warrant refusal of the scheme.

**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.19.1. Avoidance of overlooking – 1.

*Background papers: see application file.*

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## **UTT/0911/04/FUL – TAKELEY**

To remove the second sentence of condition C90D of outline planning approval (UTT/0016/03/OP - five units of A1 (retail), B1(business/light industrial) and B2(general industrial) use) - 'Furthermore no more than 360 sqm shall be used/occupied or operated as a single unit'.

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

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 19/07/2004

**NOTATION:** Within Development Limits S1. Part of Development Opportunity Area in ADP suitable for small scale offices, workshops and housing (TAK 3).

**DESCRIPTION OF SITE:** This 50x40m (0.2ha) site is located to the south side of the B1256, approximately 220m east of the Four Ashes crossroads. A scrapyard lies to the west and Takeley Business Centre to the east. The land to the south of the site (and extending behind and beyond the Business Centre) has the benefit of a Certificate of lawful use for storage or as a distribution centre. Opposite the site, on the north side of the B1256, new houses are currently being constructed as an extension to St. Valery.

**DESCRIPTION OF PROPOSAL:** The proposal relates to the variation of Condition C.90.D of planning permission UTT/0016/03/OP to allow more than 360 sqm of the proposed 775sqm of floorspace to be used/occupied as a single unit'.

**APPLICANT'S CASE:** See supporting letter dated 18 May 2004 attached at end of report.

**RELEVANT HISTORY:** In October 2003 outline planning permission was granted (with all matters reserved except siting and means of access) for five units of A1 (retail), B1 business/light industrial), B2 (general industrial) and associated car parking subject to conditions.

**CONSULTATIONS:** UDC Environmental Services: No objections.

**PARISH COUNCIL COMMENTS:** To be reported. (due 25 June 2004).

**REPRESENTATIONS:** None. Notification period expired 16 June 2004.

**PLANNING CONSIDERATIONS:** The main issues are

1) **whether the variation of this condition would accord with the aims of ERSP Policy BIW4, ADP Policy S1, E1 and DLP Policy E2 in relation to the provision of employment land in this location.**

1) The applicant seeks to vary condition C.90.D relating to the outline permission of business, industrial and retail units due to a restriction on the maximum floorspace occupiable by any use or occupier (360 sqm). The reason that this condition was added at the request of members to ensure that a mix of occupiers is present on the site in the interests of the well being of the locality.

The variation aims to support a specific potential tenant (Uni-Staff) who currently occupies Unit 3 to the east of the application site. It requires further floorspace and if it were to occupy a further two units, necessary to support the business, then the use would not comply with the existing condition. The applicant maintains that such a variation would support a local

employer and allow the retention of local staff such that a variation would be sustainable. Officers consider that the variation would not be contrary to the aims of supporting a mix of employers on this site given that 280sqm would remain unaffected by this permission and the condition can be suitable varied such that no more than 495 sqm) is used/occupied or operated as a single unit, which would accommodate this tenant's requirements and allow the retention of a local employer.

**CONCLUSIONS:** The variation of this condition is considered to accord with policy relating to the provision of employment land in this location.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. The buildings hereby permitted shall not be uses other than for purposes falling within Classes B1, B2 and A1 uses as defined by the Town and Country Planning Use Classes Order 1987 or as may be amended. Furthermore, no more than 495 sqm shall be uses/occupied or operated as a single unit.  
REASON: To ensure a mix of uses on the site in the interests of the economic well being of the locality.

*Background papers: see application file.*

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**UTT/1048/04/FUL – WIDDINGTON**  
***(Officer's application)***

Construction of rear conservatory.  
24 Hamel Way. GR/TL 535-316. Mr T Ellis.  
*Case Officer: Mr T Morton 01799 510654*  
Expiry Date: 13 August 2004

**NOTATION:** Within Village Development Limit/Settlement Boundary/Within area of Special Landscape Value.

**DESCRIPTION OF SITE:** This is an end of terrace 2 storey house which has a rear extension and a rear conservatory previously added under Permitted Development rights.

**DESCRIPTION OF PROPOSAL:** The application proposes a rear conservatory extension attached to the west side of the existing single storey rear extension of the house. This will face down the long triangular garden at the side of the house.

**CONSULTATIONS:** No replies received.

**TOWN/PARISH COUNCIL COMMENTS:** No representation received.

**REPRESENTATIONS:** None. Notification period expired 14<sup>th</sup> July 2004.

**PLANNING CONSIDERATIONS: The main issues are**

- 1) **Appearance and**
- 2) **Effect upon adjoining premises.**

1) In terms of design and appearance, the extension is sited in a position where it is not readily visible from the highway, and is set at some distance from the nearest house. The design is well related to the house and is considered satisfactory.

2) The adjoining houses would not be materially affected.

**COMMENTS ON REPRESENTATIONS:** None.

**CONCLUSIONS:** The proposal is considered satisfactory.

**RECOMMENDATION: APPROVED WITH CONDITIONS**

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

*Background papers: see application file.*

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## **UTT/1067/04/REN - HIGH RODING**

***(Officer's application)***

Single storey pitched roof rear extension.  
3 New Cottages. GR/TL 603-173. Miss E L Petrie.  
Case Officer: Mr M Ovenden 01799 510476  
Expiry Date: 16 August 2004

**NOTATION:** Within Development Limits / Conservation Area / Grade II Listed Building

**DESCRIPTION OF SITE:** The site is located in the centre of High Roding on the east side of The Street and covers an area of approximately 365m<sup>2</sup>. The dwelling is the end property in a row of three terraced Grade II listed dwellings.

**DESCRIPTION OF PROPOSAL:** This application relates to the renewal of listed building consent for the erection of a single storey rear extension to a listed building. The proposed extension would cover an area of approximately 12m<sup>2</sup> and would have a maximum ridge height of 5.2m. The proposal does not require planning permission as its volume does not exceed 50m<sup>3</sup>.

**RELEVANT HISTORY:** Single storey pitched roof rear extension conditionally approved 1999.

**CONSULTATIONS:** Design Advice: I have no objections to the proposed renewal of this previously approved application subject to all relevant previous conditions.

**PARISH COUNCIL COMMENTS:** To be reported. (due 22 July).

**REPRESENTATIONS:** This application has been advertised and no representations have been received.  
Period expired 22 July.

**PLANNING CONSIDERATIONS:** **The main issue is whether the proposal would comply with ADP Policy DC5 – Development Affecting Listed Buildings (DLP Policy HC3 & ERSP Policy ENV 2)**

This application is for the renewal of a previously approved scheme. The proposal was negotiated prior to the original application and the Council's Conservation Officer has no objections subject to the same conditions being imposed as on the original permission.

**CONCLUSIONS:** The proposal would have no detrimental impact on the character, appearance or setting of the listed building in accordance with ADP Policy DC5 (ERSP Policy ENV2, DLP Policy HC3)

### **RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.2. Time limit for commence 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. All joinery shall be painted timber with slender ovolo moulded glazing bars.  
Furthermore, the works hereby permitted shall not commence until large-scale drawings of the windows have been submitted to and approved in writing by the planning

authority. The works shall then be implemented in accordance with the approved details.

REASON: To protect the character of this listed building.

5. All surviving elements of the historic timber frame and its infill shall be retained undamaged.

REASON: To protect the character of this listed building.

6. The roof to the extension hereby permitted shall be clad with hand-made clay plain tiles.

REASON: To protect the character of this listed building.

*Background papers: see application file.*

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