

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 20 SEPTEMBER 2004

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: 31 August 2004 (see report copy attached)
REMARKS: Deferred for further negotiations to produce an application which shows details of siting and design of buildings and the slurry pit. TPO'S required
RECOMMENDATION: Approval with conditions
Case Officer: Mr R Aston 01799 510464
Expiry Date: 8 January 2004

APPL NO: **1) UTT/1248/04/GD, 2) UTT/1249/04/GD & 3) UTT/1250/04/GD**
PARISH: **SAFFRON WALDEN**
DEVELOPMENT: 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, café) (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
APPLICANT: English Heritage
LOCATION: Audley End House Audley End Road
D.C. CTTE: 31 August 2004 (see report copy attached)
REMARKS: Deferred at the request of EH for further negotiations
RECOMMENDATION: Deferral
Case Officer: Mr T Morton 01799 510654
Expiry Date: 16 September 2004

APPL NO: **UTT/0358/04/FUL**
PARISH: **GREAT CANFIELD**
DEVELOPMENT: 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
APPLICANT: Mr & Mrs T Chambers
LOCATION: Ashfields Polo and Equestrian Centre
D.C. CTTE: 31 August 2004 (see report copy attached)
REMARKS: Deferred for a smaller scheme within the footprint of the existing buildings, including the proposed dwelling. Bring back for refusal next time of not willing to negotiate
RECOMMENDATION: Refusal
Case Officer: Mr R Aston 01799 510464
Expiry Date: 26 April 2004

APPL NO: **UTT/1327/04/FUL**
PARISH: **LITTLEBURY**
DEVELOPMENT: Erection of detached house and garages. Detached shed/greenhouse
APPLICANT: Mr & Mrs I Roberts
LOCATION: Land off Howe Lane
D.C. CTTE: 31 August 2004 (see report copy attached)
REMARKS: Deferred for further consultations explaining the proposal in detail to include lowering of roof and to allow for notification period to expire
RECOMMENDATION: **Approval with conditions**
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 27 September 2004

APPL NO: **UTT/2062/03/FUL**
PARISH: **HATFIELD HEATH**
DEVELOPMENT: Replacement dwelling and detached triple open fronted garage
APPLICANT: Mr & Mrs Fish
LOCATION: Mill End Mill Lane
D.C. CTTE: 31 August 2004 (see report copy attached)
REMARKS: Deferred for site visit
RECOMMENDATION: **Refusal**
Case Officer: Miss K Benjafield 01799 510494
Expiry Date: 23 January 2004

APPL NO: **UTT/1141/04/FUL**
PARISH: **SAFFRON WALDEN**
DEVELOPMENT: Loft conversion with 6 dormer windows
APPLICANT: Mr & Mrs Damary-Homan
LOCATION: 14 Little Walden Road
D.C. CTTE: 31 August 2004 (see report copy attached)
REMARKS: Deferred for site visit
RECOMMENDATION: **Approval with conditions**
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 30 August 2004

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 recognized 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 applicants 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.

Addendum

Following members comments relating to the lack of information and details of the scheme further confirmation has been sought from the applicant. The applicant has stated that he wants the application to be considered as it stands as it purely seeks outline permission or the principle of development for the Dairy unit in this location. Furthermore, that the lack of detailed plans allows the applicant to work with the Council to achieve a more purpose built and satisfactory design and layout whilst taking into account the views and opinions of all statutory bodies, consultees and neighbouring residents. It is therefore proposed that the application is determined as it stands and that outline planning permission subject to conditions 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.

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.

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 4215m² whilst that proposed is 4206m². 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.

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

Members deferred this application from the meeting on 31 August 2004, to enable reconsultation with the Parish Council. Below sets out the full wording of recommended condition C.4.1, making specific reference to the provision of a native species hedge as part of the landscaping condition. Condition C.4.2 would require the approved scheme to be planted in the next available planting period.

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

Within one month of the date of this permission, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority.

Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) means of enclosure
- b) car parking layout
- c) hard surfacing, other hard landscape features and materials
- d) existing trees, hedges or other soft features to be retained
- e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix. This specification shall include details of additional planting along the boundaries marked A to C (on drawing no. P242 – 02 REV C, date stamped as received 2 August 2004), this planting to be in the form of native species hedge plants.
- f) management and maintenance details

C.4.2. Implementation of landscaping

All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the grant of this permission. Any trees or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

For clarification, the current proposal differs from the scheme refused under UTT/2065/03/FUL by the omission of 3 rooflights in the rear elevation of the proposed garage, and the reduction in ridge height of that building from the refused 7m to 6.7m (300mm). The ridge height of the link section would reduce from 6.7m to 6.3m.

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

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (31 AUGUST 2004): Building Surveying: No adverse comments.

ECC Archaeological Advice: Recommend Excavation and Monitoring condition.

PARISH COUNCIL COMMENTS: Comments to be verbally reported

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (31 AUGUST 2004):

See letter dated 20 August 2004 attached at end of this Supplementary List of Representations.

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

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (31 AUGUST 2004): 2 further letters have been received:

1. See letter dated 22 August 2004 attached at end of this Supplementary List of Representations.
2. Note that on the current plans a very large existing walnut tree in the southernmost corner of this plot has not been indicated. This tree provides a valuable screen to the south (as well as being a venerable tree) and precaution should be taken to make sure that this tree is given protected status.

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.

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 163m². 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 149m² with a total floor area of 278m². 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 68m² 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 100m² 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.

Addendum:

At the last meeting the agent spoke on behalf of the proposal and provided examples of other developments, Officers would comment as follows:

- Within the Metropolitan Green Belt (MGB) a number of policies apply which are not relevant to other areas. This includes national planning guidance issued within PPG2 – Green Belts. The aim of these is to protect the open character of the Green Belt in order to do this, the size and types of acceptable development are much more strongly controlled. Forms of development which may be acceptable in areas outside Development Limits will not necessarily be acceptable at locations within the MGB. It is necessary to consider applications, such as those for replacement dwellings, against policies and guidance relating to the MGB and not solely against the Development Plan policies relating to replacement dwellings.
- The submitted information draws a comparison between two sites in the north of the district where dwellings have been approved. These sites are not located within the MGB and would have been considered against different Development Plan policies and criteria.

- The agent also orally referred to two properties in Hatfield Heath that he considered to be comparable; these properties are both located within the MGB. One of these, “Parkside”, was the replacement of a two-storey dwelling with a new two-storey dwelling of a comparable size on a similar footprint. This complies with local and national policy. The second, “The Moorings”, was approved almost 8 years ago. Whatever the merits of each particular case, the issue in relation to this application is whether this particular proposal would be acceptable for this particular site.
- The agent also orally referred to an inaccuracy in the Officer’s Report in that the ridge height of the proposed dwelling is stated as being 8m high. This has been checked on the submitted application drawings which show the proposed ridge height to be 8m.

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.

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: Object on the grounds of overlooking and loss of privacy to the adjoining properties, and consider the impact on 1 Pound Walk is not able to be assessed as the property is not shown on the block plan.

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.

1) UTT/1194/04/DFO & 2) UTT/1320/04/DFO – BIRCHANGER

(Joint report)

Reserved matters submission of access and materials details pursuant to condition C1.1 and C.90B of UTT/0443/98/OP (Erection of 315 dwellings, construction of access to Highway, provision of public open space, play area and site for school).

Land at Rochford Nurseries Stansted. GR/TL 514-241. Taylor Woodrow Developments Ltd.

Case Officer: Mr J Pine 01799 510460

Expiry Date: 06 September 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/1194/04/DFO

The main estate (link) road would run through the site from Foresthall Road, northeast towards Church Road on the alignment shown in the masterplan. A mini-roundabout would be provided at the Church Road junction, and a "T" junction would be formed with Foresthall Road. The road would be tree lined to reflect its status as the main link distributor, and would have a design speed of 30mph. The road would be part of a local bus route, and would be lit by 8m high columns. A bridleway crossing close to the "T" junction with Foresthall Road would be provided.

Secondary access would be provided from the estate road, including to the Croudace owned land to the west, other minor forms of access being mews, parking courts and private drives. 17 houses would have their own direct access on to Church Road to avoid complexity at the main estate junction. The alignment of these secondary access roads may be affected to some degree by the recent disapproval of reserved matters relating to the site layout, but there should be no material effect upon the main link road.

In accordance with Condition C.90B of the outline planning permission, details have been provided of the materials that would be used in the improvement works to Pesterford Bridge. The works would be carried out using red and slate blue engineering quality bricks to match existing and fair faced concrete for new parapets.

UTT/1320/04/DFO

In accordance with Condition C.90D of the outline planning permission, an ecological survey has been carried out by Penny Anderson Associates Ltd on behalf of the applicant and submitted to the Council. The condition requires that the survey "shall adequately assess the impact of the development on the resident flora and fauna and enable an appropriate programme of mitigation works to be identified. This programme of works shall subsequently be agreed in writing with the local planning authority and implemented in accordance with the agreed details, including any phasing".

The summary and conclusions of the survey are set out as the applicant's case.

APPLICANT'S CASE: Ecological survey: See Summary and Conclusion section of the ecological survey (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
- 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

The reserved matters application relating to access (UTT/1194/04/DFO) was the subject of an advanced report of issues to the DC Committee meeting on 9 August, along with the applications for siting, design and external layout (UTT/1024/05/DFO) and landscaping (UTT/1026/04/DFO), when Members resolved to visit the site. At the subsequent meeting on 31 August, UTT/1026/04/DFO was approved but UTT/1024/04/DFO was disapproved.

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

ECC Highways & Transportation: No objections subject to compliance with the previous Section 278 Agreement. The geometric design of the link road should accord with the requirements of the Essex Design Guide.

English Nature: Satisfied with the ecological proposals provided that the advice and recommendations as described in the ecological report are adhered to. The presence of protected species is a material consideration in a planning application.

PARISH COUNCILS' COMMENTS: Birchanger: To be reported (due 31/8)

Stansted: To be reported (due 31/8)

REPRESENTATIONS: This application has been advertised and 9 representations have been received. Period expired 20/8/04. For the sake of simplicity, a single schedule of representations has been compiled to cover all the reserved matters applications, which was reported in full at the last meeting. The extract of that schedule that is relevant to these current applications is included below:

<u>POINT</u>	<i>OFFICERS' COMMENTS</i>
<u>ACCESS</u>	
No proposed road structure to get to the houses. Current road plan would bring gridlock	<i>Access strategy is as per the masterplan and as agreed with the Highways</i>

to the area. Footpath inadequate along Church Road.	<i>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>

PLANNING CONSIDERATIONS: The main issues are whether:

UTT/1194/04/DFO

the new estate (link) road and junctions would cause highway dangers.

The new estate (link) road would be in accordance with what is shown in the masterplan. The County Highways Authority is satisfied that the alignment and junction detailing of the road should not cause material highway dangers to existing users. Approval of the junction detailing and the alignment of the link road is not affected by the recent disapproval of reserved matters relating to the site layout.

UTT/1320/04/DFO

the submitted survey would meet the applicant's obligations under Condition C.90D

The survey that has been undertaken is comprehensive, providing for the preservation and enhancement of the habitat of the resident population of great crested newts, the translocation of other reptile species to an appropriate off-site location and the protection of breeding birds. Should any revised timetabling be required as a result of the disapproval of the reserved matters relating to the layout, this will need to be agreed under Condition C.90D of the outline planning permission.

COMMENTS ON REPRESENTATIONS: See italicised sections of the report.

CONCLUSIONS: These reserved matters applications would be in accordance with the previously approved masterplan and the requirements of Condition C.90D of the outline planning permission.

RECOMMENDATIONS

1) UTT/1194/04/DFO: APPROVAL WITH CONDITIONS

1. C.3.1. To be implemented in accordance with approved plans.
2. The geometric design of the link road shown on drawing 23049/SK08 shall be in accordance with the Essex Design Guide for Residential and Mixed Use Areas published by the Essex Planning Officers Association in 1997.
REASON: In the interests of highway safety.

2) **UTT/1320/04/DFO: UNCONDITIONAL APPROVAL**

Background papers: see application file.

UTT/1200/04/FUL – CLAVERING

(Referred by Cllr Abrahams)

Erection of single storey side extension for use in connection with children's day nursery Clavering Methodist Church Hill Green. GR/TL 481-323. Miss H Moyer.

Case Officer: Mrs K Hollitt 01799 510495

Expiry Date: 23 September 2004

NOTATION: ADP: Outside Development Limits/Area of Special Landscape Value/Adj Listed Building.

DLP: Outside Settlement Boundary.

DESCRIPTION OF SITE: The site is located at the southeastern edge of the village green/cricket ground and is accessed via an access track from the B1038. The site is mostly taken up by the large former Methodist Chapel, with a small garden area to the front. There is a small fence to the front of the site. To the east of the building is a lean-to extension with a run-down appearance.

DESCRIPTION OF PROPOSAL: The proposal relates to the demolition of the existing lean-to delapidated extensions and its replacement with a new extension to be clad in weather-boarding. The proposed extension would provide a new kitchen and new toilets, including a disabled persons toilet. In addition, it is proposed to insert new rooflights to the roofslopes and new windows to the rear elevation of the building. A mezzanine floor is also proposed, but this does not require planning permission.

APPLICANT'S CASE: Client wishes to establish a Montessori Nursery in present church building. New extension will provide additional coat hanging space, children's cloakrooms and a small kitchen and disabled toilet.

RELEVANT HISTORY: Conversion and extension of church to form house and garage refused April 2000. Conversion and extension of church to form house and erection of detached garage approved July 2000.

CONSULTATIONS: Environmental Services: None received. Expired 14 July 2004.

PARISH COUNCIL COMMENTS: Recommend refusal. Extension would enable the building to be used commercially which would lead to intensification of use. No parking space and nowhere for vehicles to turn. Parish Council is unable to allow village green to be used for parking. Nor are we able to grant permission for them to park on access way. Access track is rough hoggin/ballast surface suitable for use by 3 houses along track but not 40 cars a day. Understand Cllr Abrahams says they may use village hall car park, but this is quite a walk for people with toddlers. Applicant has shown access as pedestrian only – request a condition that this is adhered to. Parish Council would prefer extension to be finished in brickwork.

REPRESENTATIONS: This application has been advertised and 12 representations have been received.

Period expired 25 August 2004.

No comments on constructional details of extension or change of use to children's day nursery. However, extension enables creation of a large children's nursery which will generate significant additional vehicular movements, raising highway and safety issues. Track has no adequate turning point. Traffic would cause dangerous conflights between vehicles and pedestrians. No parking spaces on site at Methodist Church. Cars would need

to park along access track or on hardstanding in front of barn. Alternatively vehicles would park at village hall where egress is dangerous.

Objection. Detrimental effect on Hill Green. Green should not be used as a parking area for private venture. Increased traffic on two dangerous turnings with close proximity to village hall and playground.

Object. Location of building makes it unsuitable for proposed use. Will add extra congestion to dangerous corner opposite village hall entrance. Will be parking on cricket pitch. Classic symmetrical lines of methodist churches are attractive feature when viewed from our house. Suggest plans with extension at back of building will be more appropriate.

Object. Inadequate provision for parking and drop-off facilities. Does not appear to be any form of vehicular access.

Concerned regarding impact proposed extension and development as nursery will have on nature of this quiet rural residential area. Noise and disturbance caused to us and neighbours will be considerable. Concerned about parking. Questions over safety of children. Vehicle movements will add to danger of another accident. Appreciate that applicant has proposed obscure glass in windows to NE and SE elevations. Consider whether our property would suffer from loss of light due to shadows caused by roof of proposed extension.

Object. No suitable parking within 100m of proposed development. Users would park on cricket ground and obstruct access way. Hill Green would become muddy car park and a valuable amenity would be lost to all residents of Hill Green.

Object until reasonable facilities are sought for vehicles to park. Parking must not be allowed on village green.

In principle not against use of chapel as nursery, providing no vehicular access is permitted across the Green. No parking or turning adjacent to Chapel and will lead to damage to the Green.

Concerned unique character of the Green will be spoilt by parking on the green.

Concerned if the green was to become car park. No adequate turning space and this would result in damage to the green.

PLANNING CONSIDERATIONS: The main issue is whether the proposed extension would be of a suitable design and would not have a detrimental impact on the residential amenity of the adjoining property (ADP Policy DC1, DC14, DLP Policy GEN2).

The existing building is of red brick construction with a slate roof. It is proposed to construct the new extension with black weatherboarding and a slate roof. The proposed extension would be located adjacent to a new outbuilding located on the adjoining property, which is also constructed of black weatherboarding. It is not considered that the use of the materials would be detrimental to the character and setting of the building.

The proposed extension would be located approximately 7m to the west of the adjoining residential property. It would have a depth of 10.1m, the depth of the existing chapel building, and a width of 4m at the rear of the site, and 3.2m at the front of the site. As the proposed extension would be in line with the existing building and would have a lower ridge height than this building, it is not considered that the extension should have an adverse impact on the residential amenity of the adjoining property.

The proposed rooflight and windows to the rear elevation are considered acceptable. It is proposed that the windows to the rear elevation would be obscure glazed. In order to protect the residential amenity of the adjacent property, it is suggested that a condition be imposed requiring the rooflights to the northern elevation to be obscure glazed.

COMMENTS ON REPRESENTATIONS: The majority of the representations in respect of this application relate to the lack of provision for parking at the building. However, the

applications only relate to the extension of the building and therefore the policies under which the application can be considered are limited. The proposed use of the building does not require planning permission as the previous use of the building as a church and the proposed use of the building as a children's day nursery are within the same Use Class. This being the case, a planning application for change of use is not required. Should change of use have been required then it is considered that the proposed use may have been unacceptable due to lack of parking provision at the premises. However, this cannot be a planning consideration in respect of the proposed extension. The proposed extensions would enable the building to meet modern standards for access and sanitation, but would not increase numbers of visitors to the premises, and if this application were to be refused, a nursery could still be operated from the site. The comments made in representations are noted. In addition, the comments made by the Parish Council regarding a condition that only pedestrian access to the building be allowed are also noted. However, the issues of parking and access, either vehicular or pedestrian, is outside the scope of planning control and this will now become a civil matter between the applicant and the Parish Council as owners of the land.

CONCLUSIONS: The proposed extensions are considered acceptable from a design point of view and they should not have an adverse impact on the residential amenity of the adjacent property.

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.

UTT/1043/04/DFO – FELSTED

Reserved matters application for erection of 4 detached dwellings
Watch House Farm Industrial Estate Watch House Green. GR/TL 691-212. Jenny Moody
Properties.

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 12 August 2004

NOTATION: ADP and DLP: Outside Development Limit and Settlement
Boundaries/Adjacent to a public footpath.

DESCRIPTION OF SITE: The site is located on the eastern side of the hamlet of Watch House Green, 2km (1 mile) east of Felsted. It is situated to the rear of dwellings facing the green, with a relatively modern access sweeping around the rear of those properties, to a junction opposite Ravens Crescent. Within the site are a number of former agricultural buildings, some in commercial use for car repairs and security screen storage, others are vacant.

DESCRIPTION OF PROPOSAL: This is a reserved matters application following the grant of outline planning permission (with all matters reserved except means of access) for four houses in 2002, and approval of an amended scheme in May this year. All commercial, former agricultural and horse riding related buildings on site would be demolished and replaced with 4 houses with garages:

Plot 1 – a two-storey five-bedroom detached house, with a height of 8m. A double garage would be provided in front of the site. The plans indicate brick walls. Distance to the dwelling on plot 2 would be approximately 5m.

Plot 2 – a two-storey five bedroom detached house, with a main height of 8 m, with a render finish. A four bay garage building would be shared with plot 3. Distance to House 3 would be approximately 8m.

Plot 3 – This would be similar to the dwellings on plots 1 & 2 but would be clad with weatherboarding. A four bay garage building would be shared with plot 2. Distance to House 4 would be over 6m.

Plot 4 – This would be a two-storey five-bedroom detached house of slightly different design to the other units and main height of 8.3m. It would have a minimum separation of 2m to the western boundary.

The group would be served by the existing access road (repaired and resurfaced) to the front of the properties. A turning head would be provided at the end of the road. The site layout and size of properties is similar to that approved at the outline stage. The layout plan indicates the removal of an Oak tree in the rear garden of Plot 3, but it is in poor condition and the Landscape Officer has already confirmed its removal would be acceptable.

RELEVANT HISTORY: Permission for livery use granted and permission for reuse of adjacent buildings for B1 purposes in 1992. Application for use of two of the buildings on the site for B1 and B8 refused 2001 and dismissed on appeal in October 2002. Outline permission for erection of four detached houses with integral garages, to replace the existing uses and building granted 2003 following a site visit, and an amended scheme approved May 2004. Conditions were attached to the outline permission requiring landscaping, details of earth works, retention and protection of trees, submission of samples of materials, removal of permitted development rights, cross sections, details of drainage system, provision of parking facilities, archaeological watching brief, cessation of all uses and demolition of all buildings.

CONSULTATIONS: Ramblers Association: no response received – (due 4 July).
TOPS: Informative received concerning footpath.

PARISH COUNCIL COMMENTS: No comment on original plans.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 22 July 2004.

PLANNING CONSIDERATIONS: **The main issues are whether the details of the proposed dwellings would accord with the terms of the outline planning permission and would be acceptable in relation to the location and the amenity of adjacent residents**

The principle of residential development has already been accepted by the grant of outline planning permission for four houses, and the Local Plan Inspector's recommendation is that the site be included within the Settlement Boundary for Felsted (Watch House Green). The layout is similar to the indicative plan shown at the outline stage although with narrower gable spans more in keeping with traditional dimensions required in the Essex Design Guide. The dwellings would be sited approximately 18 metres away from the common boundary with the properties to the south and therefore would not create material overlooking. In the context of Members' decision to permit the redevelopment of the site contrary to recommendation and in the context of the Local Plan Inspector's decision to recommend including this site within the settlement boundary, this proposal would protect the character of the area.

COMMENTS ON REPRESENTATIONS: None received.

CONCLUSIONS: The development shown in the application is an appropriate submission following the outline permissions granted last year and earlier this year.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.3.2. To be implemented in accordance with revised drawings.

Background papers: see application file.

UTT/1333/04/DFO – CHRISHALL

Detailed application following outline planning approval UTT/1065/01/OP erection of replacement dwelling and garage.

Longview, Mill Causeway. GR/TL 446-402. Mr & Mrs E May.

Case Officer: Mr T Morton 01799 510654

Expiry Date: 28 September 2004

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

DESCRIPTION OF SITE: This is a site located on the northern side of Mill Causeway, currently occupied by a small bungalow and three outbuildings. It stands within a loosely knit group of houses in open countryside north of Crawley End. The plot is approximately 0.2 Ha / 0.5 acre in extent. Boundary treatment consists of limited planting along part of the frontage with mature low hedgerows to the sides and rear. The land to the north is arable and falls away to give long views into Cambridgeshire.

DESCRIPTION OF PROPOSAL: The application seeks approval of details following the grant of Outline planning permission for a replacement dwelling in November 2001. The design is a traditional cottage form with attic rooms lit by dormers, the building finished externally with white stained timber boarding and brick plinth and chimney stack. A detached garage is proposed to the west side of the house with storage space within its roof.

APPLICANT'S CASE: The Essex/Hertfordshire borders are renowned for their architecture and picture postcard cottages, and the submitted design has evolved to reflect cottages such as those at the entrance to Hogs Lane and "Amber" in the High Street. The design is a modest three bedroom cottage with narrow gables, finished with off white shiplap boarding over a soft red brick plinth. Window positions are generally of a random nature to portray the cottage as a traditional dwelling and the rooflines have been shown at different levels for the same reason. The simple 2 bay garage is proposed for parking and storage. The house is placed centrally on the plot to respect the provision of daylight to adjacent properties.

RELEVANT HISTORY: UTT/1065/01/OP –Erection of replacement dwelling and garage. Approved 7 November 2001.

PARISH COUNCIL COMMENTS: the comments of Chrishall PC have not been received by the close of the consultation [period expired on 3rd September].

REPRESENTATIONS: None. Notification period expired 25th August 2004.

PLANNING CONSIDERATIONS: The main issues are

- 1) Design and siting in accord with Policy H8 of the Uttlesford District Plan**
- 2) Protection of neighbours amenity.**

1) The principle of the replacement dwelling has already been agreed with the grant of Outline planning consent, and that consent approved the siting and means of access, reserving the design, landscaping and external appearance for later approval. The Uttlesford District Plan Policy H8 calls for replacement dwellings to be in scale with neighbouring dwellings, and the siting to be in proximity to the original structure.

The site is adjoined to the west by "Ridgewood", a traditional single storey cottage with rooms in the roof, and the proposal will sit well with this. To the east the plot is adjoined by an agricultural field. To the south across the road is "Glenlyn", a bungalow of typical interwar suburban design, and the proposal will form an attractive prospect from that house. The house that was indicated in the Outline application would have been slightly larger than the current submission, and of a more suburban appearance, and the current submission is seen as an improvement in design.

2) The end gable wall of "Ridgewood" has a first floor bedroom window looking towards this site, but will be separated from the proposed garage by a gap of 9 metres. The end elevation of the proposed garage has no windows in it, and the space between the two buildings will allow sufficient daylight to reach the window in "Ridgewood" with no material impact upon daylight. The outlook from "Glenlyn" is currently directly towards the existing bungalow on the plot, but the new house will be sited just to the west of this, thereby opening up a view of the prospect into Cambridgeshire and improving the outlook from "Glenlyn".

CONCLUSIONS: The design of the new house is considered satisfactory.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. This detailed permission shall only be implemented in accordance with all the conditions imposed on the previous outline permission dated 7 November 2001 Reference Number UTT/1065/01/OP (see copy attached).
REASON: To ensure the satisfactory implementation of the development hereby permitted and to avoid repeating the original conditions.

Background papers: see application file.

UTT/0418/04/FUL – STEBBING

Erection of two storey dwelling and detached garage.
Sabre Sport Sabre House Braintree Road. GR/TL 683-228. Mr K D Newnham.
Case Officer: Mr R Aston 01799 510464
Expiry Date: 12 May 2004

NOTATION: ADP & DLP: Outside Development Limit/Settlement Boundaries

DESCRIPTION OF SITE: The site lies outside development limits to the immediate north of the B1256 between Little Dunmow and Gransmore Green. The site is accessed directly off the B1256 and is currently used as the offices and store/warehouse for the Sabre Sport motorcycle racing team, which is owned and managed by the applicant, Mr K D Newnham. To the immediate west of the office building lies the existing dwelling on the site, a modest post war bungalow. The site has a frontage of 67m and extends some 175m to the north with the buildings located no further back than 40m into the site.

DESCRIPTION OF PROPOSAL: Erection of two-storey dwelling and detached garage.

APPLICANT'S CASE: See supporting statement dated 16 February 2004 attached at end of report.

RELEVANT HISTORY: Change of use of storage buildings to mechanical workshop, approved 1977. Proposed new motel, workshop and showroom, refused 1980. Outline application for new motel, workshop and showroom, approved 1982. Proposed extension to bungalow, approved 1982. Retention of 2m close boarded fencing, approved 1999. Replacement pitched roof and extensions to incorporate first floor offices and workshops, approved 2000. Construction of office and store with hardstanding to replace existing buildings, refused 2000. Extension to existing building for storage of lorry, approved 2002. Replacement dwelling, refused 2002.

CONSULTATIONS: None.

PARISH COUNCIL COMMENTS: The Parish Council objects to the construction of a dwelling which extends development into the countryside. It would not object to a dwelling replacing an existing building and on the same site provided its ownership was permanently restricted to the owner of the adjacent Sabre House.

REPRESENTATIONS: No neighbours to notify. Two representations received.

General Summary – The Stebbing Society and CPRE wishes to object to the application as the site is outside village development limits, the site is not an infill site and the site is not in a group of dwellings, contrary to district plan policies S2 and H6. Further, it is nearer than the existing building to dwellings on Stebbing Green and could compromise their amenity.

PLANNING CONSIDERATIONS: The main issue is whether

1 The proposal is satisfactory having regard to the provisions of ADP H8, DLP H6 and the Inspectors decision in September 2003 which dismissed a similar proposal pursuant to UTT/1177/02/FUL.

1 A proposal for a replacement dwelling for the existing bungalow located adjacent to the Sabre Sport offices was refused in November 2002 and the subsequent appeal was

dismissed in September 2003. The proposal detailed the erection of a 1 ½ storey dwelling, 5-bedroom dwelling with a 8m high ridge height and a detached garage. In dismissing the appeal, the Inspector agreed with the appellant that a replacement dwelling located across the other side of the curtilage of Sabre Sports from the existing dwelling could be regarded as being ‘*sufficiently proximate to meet the present policy*’. The Inspector concluded that the scale of the 5-bedroom house would appear excessively large and complicated compared to the original. Furthermore, that its bulky form and overemphasis on gables, dormers and jetties would be too dominant for the site and would adversely change the balance of built to open land and was ultimately a poor design for the site. The proposal has been revised in accordance with this decision and now details the erection of a 4-bedroom dwelling to a ridge height of 7.4m and the erection of a detached three bay garage. The design of the revised scheme is much simpler than the previous and the expanse of dormers and jetties have been replaced with four pitched roof dormers, which appear as minor alterations in the roof plane and are of a scale and form that is more appropriate in this rural area. Turning to the impact of the garage, in dismissing the previous appeal, the Inspector raised no objections to either the siting or design of the garage so it is reasonable to assume that this was considered acceptable. The applicant therefore has considered the findings of the Inspectors report and revised the scheme to be in accordance with those findings. It is considered that on balance because the dismissal of the appeal was a direct result of the design of the dwelling and not the siting or principle of a replacement dwelling that planning permission should be granted.

CONCLUSIONS: The proposal has been revised in accordance with the Inspectors comments made in dismissing a proposal for a replacement dwelling, pursuant to UTT/1177/02/FUL. The design of the dwelling has been amended to a much more simpler form and as a result the proposed dwelling would not appear excessively large and complicated compared with the one it would replace. Accordingly, the design of the dwelling is considered appropriate and it is recommended that planning permission subject to conditions be granted.

RECOMMENDATION: APPROVAL WITH CONDITION

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. Implemented of landscaping.
5. C.5.1. Samples of materials to be submitted and agreed.
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
7. The dwelling hereby approved shall only be occupied by Mr K D Newnham and his immediate dependants.
REASON: Permission is only granted having regard to the adjoining Sabre Sport use on the site.
8. Within one month of the habitation or substantial completion of the dwelling whichever is the sooner of the dwelling hereby approved, the existing bungalow shall be demolished and all materials arising from such demolition shall be completely removed from the site and the land reinstated in accordance with a scheme which will have been submitted to and approved in writing by the local planning authority prior to the commencement of development.
REASON: To the site lies within an area where permission for new dwellings is not normally granted and the local planning authority would not be prepared to permit a second dwelling in this location.
9. C.8.27. Drainage Details.

Background papers: see application file.

UTT/1296/04/FUL - STANSTED

Erection of additional 16 bedrooms with car parking.
Old Bell Hotel Pines Hill. GR/TL 508-245. Mr & Mrs J E Stewart.
Case Officer: Mr T Morton 01799 510654
Expiry Date: 23 September 2004

NOTATION: Within Development Limits/Settlement Boundary.

DESCRIPTION OF SITE: The premises consist of a hotel and its car park. The hotel building is two storey and sited partly on the road frontage and partly around the south and east sides of the site.

DESCRIPTION OF PROPOSAL: The application proposes 16 additional bedrooms in 2 blocks of two storey buildings, one continuing the range on the east side of the site and the other on the street frontage adjacent to the entrance,

APPLICANT'S CASE: Approval was granted in 1990, and subsequently renewed in 1994 and 1999 for a 16 bedroom extension including a new restaurant, lounge and kitchen, and with the vehicle entrance moved to the north corner of the site. It is not economic to construct this, and the current proposals omit the restaurant, lounge and kitchen, placing the new bedrooms in buildings around the perimeter of the site and leaving the vehicle entrance in the existing position.

RELEVANT HISTORY: UTT/0384/90 Extension of hotel to provide 16 bedrooms, lounge restaurant and kitchen. Approved 04 May 1990.
UTT/1328/94FUL renewal of UTT/0384/90/. Approved 17 January 1995
UTT1176/99/FUL renewal of UTT/1328/94FUL Approved 22 November 1999
UTT/0580/04/FUL Erection of additional 16 bedrooms with car parking. Withdrawn.

PARISH COUNCIL COMMENTS: The comments of the Parish Council have not been received at the time of drafting. The consultation period expired on 2nd September 2004.

REPRESENTATIONS: Two representations have been received. One states that the proposal is a significant improvement on the last proposal (which was withdrawn) and the completed building should not affect the amenity of their property in Old Bell Close. They are concerned about disruption and noise during construction. The second letter is also from a house in Old Bell Close whose occupiers feel that Block A would have a huge visual impact from any aspect of their rear garden and rear facing windows resulting in loss of privacy and amenity. People occupying the end rooms in the new block would have clear views into a large part of the rear garden and rear bedrooms. The current fence would not provide screening to the new block. It is not clear whether the trees would be lopped or felled. The new block would reduce daylight to the rear of their house.
Notification period expired 25th August 2004.

PLANNING CONSIDERATIONS: The main issues are

- 1) **The principle of the development,**
- 2) **Siting and design of the buildings and**
- 3) **Vehicle access and parking.**

1) The proposal provides the same number of bedrooms as with the earlier approvals, and therefore this raises no issues. The omission of the restaurant, lounge and enlarged kitchen makes the amount of building smaller overall than the existing approval.

2) The current proposals are an amendment of those submitted under UTT/0580/04/FUL, which raised concern about the effect upon the daylighting to houses on Old Bell Close. That scheme involved placing one of the blocks across the north end of the site, only some 18 metres away from the rear wall of 4 Old Bell Close, and was considered to be detrimental to the amenity of the adjoining houses. The application was withdrawn upon your officer's request for a revised design to be negotiated.

The proposal now submitted has removed the block from the north end of the site and relocated it to a position on the frontage to the main road, adjacent to the entrance. This follows the arrangement of buildings approved in the 1990 scheme, which also placed the buildings along the road frontage.

This increases the spacing from the rear of 4 Old Bell Close to the new Block A to 23 metres, and the width of the end elevation presented to Old Bell Close is only 4.5 metres. Although Block A will be visible from the houses in Old Bell Close, the mere fact that a development can be seen is not sufficient reason to refuse it. It has to be demonstrated that the proposal would cause harm to daylight or to privacy within habitable rooms. There is no planning requirement to prevent a garden from being overlooked. It also has to be accepted that the rear of houses in Old Bell Close can already be overlooked from the car park of the pub in any case.

The removal of the original northern block in this revised scheme will remove the problem of daylighting to the houses in Old Bell Close. There are no end windows in Block A so overlooking cannot arise. The new range of buildings in Block A adjoin a telephone exchange to the east, and raise no daylighting issues on that side.

The new bedroom extensions will continue the courtyard form of the hotel and are in keeping with the overall design of the site. The frontage block is similar in overall height and massing to the 1990 scheme, and although this will be a rather plain elevation, it is considered acceptable.

3) The proposals retain the current vehicle access, which is satisfactory. The extensions bring the total number of bedrooms to 39, and the car park is laid out to provide 40 spaces, which meets the adopted standard of one space per bedroom.

COMMENTS ON REPRESENTATIONS: The concerns of an occupier in Old Bell Close are noted and have been discussed above. The current proposals are considered to be satisfactory, and there is no basis to refuse consent.

CONCLUSIONS: The proposal is considered satisfactory

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.5.3. Matching materials.
4. The north end elevation of the accommodation in Block A shall have no windows or other form of opening inserted into it at any time.
REASON: To protect the amenity of properties in Old Bell Close which adjoins the site on the north side.
5. C.25.1. Ban on airport related parking.

Background papers: see application file.

UTT/1131/04/FUL - GREAT EASTON

Extensions and change of use of stables and garage to dog training centre
Barnard's Bridge Snow Hill. GR/TL 610-263. Ms A Munson.
Case Officer: Miss K Benjafield 01799 510494
Expiry Date: 02 September 2004

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

DESCRIPTION OF SITE: The site is located in Snow Hill between Great Easton and Duton Hill on the B184. The site covers an area of approximately 0.8ha and is currently comprised of a detached dwelling with garden to the north and stables and two paddocks to the south. There are two existing accesses to the site which are located adjacent to each other, 8m to the south of the dwelling. The western boundary has mature hedging adjacent to the road along both the garden and half of the paddock. The eastern boundary of the site is primarily open with views across the adjacent farmland to the east.

DESCRIPTION OF PROPOSAL: The application relates to the extension of the existing stables and garage and the change of use of these buildings and two paddocks for use as a dog training centre. It is proposed to double the size of the stables by erecting an extension which would cover an area of 72m². The extension would have a maximum ridge height of 4m to match the existing stables ridge. This extension and the existing building would provide an indoor training area, kitchen and toilets. The land to the west of the stables would be hardened in order to provide sufficient parking and turning.

It is also proposed to extend and convert the existing garage. The extension would cover an area of 8m² and would have a lower ridge height than the existing building at a height of 3.3m. The garage would be used as an office, consulting room, store and reception area.

The applicants supporting information states that the paddock closest to the stables would be the main area for the training to take place with the southern one being used occasionally.

A number of group training sessions are proposed which would involve a maximum of 12 owners, in addition to this one-to-one sessions would also be available. The courses would be held for an hour once a week and would last for 12 weeks. They would be held between 10.00 and 21.00 or dusk and between the months of November and February they would usually finish by 16.00. The indoor training area would enable sessions to be held during bad weather and later in the day in the autumn and spring months.

The applicant has stated that a maximum of 80 vehicle movements would result from the proposal.

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

RELEVANT HISTORY: Erection of prefabricated stable block conditionally approved 1985. Construction of new vehicular access conditionally approved 1985. Erection of garage to replace existing conditionally approved 1986. Two-storey extension and conversion of dwellinghouse to form B&B hotel and construction of car park refused 2003.

CONSULTATIONS: Environmental Services: 1. No comments. 2. In order to prevent any loss of amenity to nearby residents from noise, I recommend that the noise control

conditions suggested by the applicant are imposed, with the addition of no outdoor training groups for more than 1 hr in total on a Sunday.

ECC TOPS: The application should be refused for the following reasons:

1. The proposal would intensify the use of a substandard access on a stretch of classified highway where the principle use is that of carrying traffic freely and safely between centres of population. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that conflict and interference which this proposal would engender, would lead to the deterioration in the efficiency of the through road as a traffic carrier and be detrimental to highway safety.
2. Furthermore, the substandard visibility to the left of the site fails to meet the desired level as stated in TD 41/95 Vehicular Access to All-Purposed Trunk Roads and therefore would be of detriment to highway safety.

PARISH COUNCIL COMMENTS: (due 2 August).

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

Period expired 12 August.

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

- 1) **ADP Policy S2 – Development in the Countryside (ERSP Policy C5, DLP Policy S7)**
- 2) **ADP Policy DC14 – General Amenity (DLP Policy GEN2)**
- 3) **ADP Policy T1 – New Development and General Highway Considerations (ERSP Policy T3, DLP Policy GEN1)**

1) Outside Development Limits, policies apply which state that development will not normally be permitted unless it relates to agriculture or forestry. This proposal is not related to either agriculture or forestry and proposes to increase the amount of built form on the site. The site and the existing buildings are visible from a number of locations to the east across open countryside including the B184 to the northeast. The additional built form on the site would be visible from these locations and would be detrimental to the open and rural character of the countryside.

2) Policy DC14 states that proposals which would result in a loss of amenity to neighbouring properties will normally be refused, however it is not considered that this proposal would result in any loss of amenity in terms of noise generated. The closest dwellings are located approximately 40m from the northern paddock proposed for use as the main training area and the consultation response from Environment Services indicates that the use of conditions would enable any potential noise issues to be controlled.

3) Proposals which would generate traffic hazards as a result of the nature or volume of traffic will normally be refused. ECC TOPS have indicated that the proposal would generate a volume of traffic which would impede the flow of traffic to the detriment of highway safety. In addition, it has also been stated that the visibility to the left of the site would be of a substandard level which would also be to the detriment of highway safety.

The applicant's statement suggests that the proposal would generate a maximum of 80 vehicle movements. This would be a significant increase from that currently generated by the residential use of the site. A comparison between the proposal and the current use which may involve the movement of horseboxes and trailers is not considered to be comparable as

the current stabling on the site is not of a level to result in significant levels of traffic movements.

COMMENTS ON REPRESENTATIONS: None.

CONCLUSIONS: The proposal would result in an increase of the built form on the site which would not be related to agriculture or forestry and the volume of traffic using an access with substandard visibility would have a detrimental impact on highway safety and the free and unimpeded traffic flow along a classified highway. The proposal would therefore fail to accord with the provisions of ADP Policies S2 and T1 (ERSP Policies C5 and T3; DLP Policies S7 and GEN1). It is not however considered that the proposal would result in any loss of amenity to neighbouring properties in terms of noise and in this respect the proposal complies with ADP Policy DC14 and DLP Policy GEN2.

RECOMMENDATION: REFUSAL REASONS

1. The proposed extensions and change of use to dog training centre would result in additional built form on the site which would be visible from a number of locations some distance from the site. The proposal does not relate to either agriculture or forestry and would be detrimental to the open and rural character of the countryside contrary to ERSP Policy C5, ADP Policy S2 and DLP Policy S7.
2. The proposal would give rise to a level of traffic movements which would impede the flow of traffic to the detriment of highway safety. In addition the level of visibility to the left of the site would be substandard which would also be to the detriment of highway safety. The proposal is therefore contrary to ERSP Policy T3, ADP Policy T1 and DLP Policy GEN1.

Background papers: see application file.

UTT/1179/04/FUL - LITTLE CHESTERFORD

Change of use to residential. New vehicular access.

The Coach House, Springwell. GR/TL 520-411. Julian Rosalind & Richard Mash.

Case Officer: Mr G Lyon 01799 510458

Expiry Date: 09/09/2004

NOTATION: Outside Development Limit/Settlement Boundary; Area of Special Landscape Value (ADP only); Access onto Class B road; Adjacent Listed Building; Special Verge.

DESCRIPTION OF SITE: The site forms part of a group of buildings to the north of Joseph Farm and Springwell Nursery, on the eastern side of the B184 Walden Road, to the south of Little Chesterford.

DESCRIPTION OF PROPOSAL: This application seeks the conversion of a former coach house in the curtilage of Springwell Place to a 3-bedroom dwelling. It is understood the building has been used as grooms' accommodation and stabling but more recently for domestic storage. It is a two-storey brick building with slate roof, in sound structural condition but in need of repair (it was attached to stable building which has been demolished following a fire).

Proposed alterations include:

Front elevation: replace pair of timber doors with glazed doors and panels. Replacement first floor and roof window. New rooflight (to serve en-suite bathroom). Remove paint to reinstate original brickwork.

Rear elevation: Brick up first floor window. New rooflight (to serve landing).

Western side elevation: Insert two first floor windows (both serving bedrooms).

Eastern side elevation: Remove external staircase. Replace door with window (to serve bedroom).

There are currently two access points in close proximity: one which serves this site and the two other dwellings, and which is substandard. The second serves Springwell Nursery and Josephs Farm, but is in the control of the applicant. This is a wider access and has better visibility than the second. Alterations to widen this vehicular access and further improve sight lines are proposed, and the second access point would be closed. The improved access would serve the converted building, Springwell Cottage, Springwell Place, Joseph Farm and the nursery.

APPLICANT'S CASE: The highways authority confirms that the new access would improve road safety at the difficult junction, both for applicants and the adjacent garden centre. The realigned entrance drive allows the curtilage of the listed cottage to be increased, and for improved access to both Springwell and the Coach House. There is more than adequate parking available for all three properties. The adjacent stables and barn burnt down recently and a separate application is to be submitted to reconstruct the stables within the adjoining garden of Springwell.

RELEVANT HISTORY: Reconstruction of the adjacent fire-damaged Springwell Cottage was approved December last year. Permission for a dwelling to be occupied in connection with stables refused July 2003.

CONSULTATIONS: TOPS: No objections subject to conditions.

Design Advice: No objections subject to conditions.

ECC (Special Verge): Development will affect Special Roadside Verge U24A, which supports rare plants Wild Liquorice and Chalk Flora, but no objection as recent survey indicates no plants of note are present. Repeated mowing has destroyed plants in this area. Application could provide opportunity to re-create area suitable for chalk grassland plants where the existing access is to be removed. Wildlife status of Special Verge would be enhanced, and would outweigh the small amount of damage caused by widening of the access.

English Nature: Not likely to affect SSSI but suggest survey as building could be suitable habitat for bats and barn owls.

UDC Landscape Advice: Boundary reinstatement scheme required for existing access gap.

PARISH COUNCIL COMMENTS: See copy of letter dated 11 August 2004 attached at end of report.

REPRESENTATIONS: This application has been advertised and 1 representation has been received. Period expired 20 August 2004.

Believe application is defective. Boundary hedge could be affected by development. Inadequate detail on site plan prevents full assessment by neighbours and officers. Entrance is not adequate to accommodate another dwelling and would cause conflict with deliveries and customers of garden centre. Previous appeal made clear increasing de-acceleration splay would be preferred safety option but this application would remove it. Garden centre could cause nuisance to future residents of building. No adequate sewage disposal and all have borehole water supply. Any further development would pose risk to basic water supply. First floor windows would overlook Josephs Farm causing loss of amenity. Building is not redundant and was used until fire. Future stables would require unnecessary extra building in the countryside. Widening of access would affect setting of listed buildings either side. No justification for separate dwelling, would make suitable annex. Springwell is large house and could build building of this type as permitted development. No history of stables on the site and any future proposals should be carefully controlled.

PLANNING CONSIDERATIONS: The main issues are whether the proposal would

- 1) **meet the criteria of conversion policies (ERSP Policy RE2, ADP Policy C6 & DLP Policy H5);**
- 2) **have acceptable access and parking arrangements (ERSP Policy T12, ADP Policies T1 & T2, and DLP Policies GEN1 & 9);**
- 3) **have any adverse impact on surrounding residents (ADP Policy DC14 & DLP Policy GEN4); and**
- 4) **adversely affect the setting of adjacent listed buildings (ERSP Policy HC3, ADP Policy DC5 & DLP Policy ENV2).**

1) The building is mostly in a sound condition, and is of a construction and appearance that would meet the requirements of the Council's conversion policies. Design Advice supports conversion of the building.

2) The existing access is substandard, and there is no objection from ECC Transportation to the access widening, subject to the closure of the second access point. It is considered that the new arrangement would improve access to all the properties in the vicinity. Although there has been representation that the proposal would conflict with traffic to the nursery site, it is considered that the widened access would improve the traffic arrangements at the junction, and there would be sufficient space within the site to accommodate the manoeuvring of all vehicles.

The closure of the access could contribute to the reintroduction of rare plants in the special verge, and this would offset any damage created by the access widening.

3) The conversion does not involve any windows which could cause overlooking of Springwell Cottage to the northwest, and any side facing bedroom windows would overlook the access road and newly created garden, rather than the more private garden area to the cottage.

There is a distance of over 35m between the main habitable windows of Joseph farmhouse and the conversion building. A gable window would be closer at almost 30m, but is at an angle and less directly affected. There could be some increased overlooking of that building, but not its private garden area, and not to such a level to warrant refusal of the application.

It is not considered that the activity of the garden centre would be detrimental to the amenities of future occupants of the building to warrant refusal, and any purchaser would be aware of the existence of the business at the time. The Council's Environmental Health Officers are satisfied that the building is sufficiently distant from the nursery to avoid any material disturbance beyond reasonable levels.

4) The conversion would involve the creation of a garden area to serve Springwell Cottage, on an area which is currently access and hardsurfacing. This would therefore result in an improved setting for that listed building. As it is a conversion, the built form near the cottage would be unchanged.

The access nearest Joseph Farm would be widened, but at the point furthest from that property. It is not considered this would materially affect the setting of that building.

COMMENTS ON REPRESENTATIONS: Most points are addressed above. Issues of water supply and foul drainage provision would be addressed under the Building Regulations. The conversion of the building would not materially affect the boundary hedge, which in any event makes little contribution to the setting. The application must be determined on its merits, and if it is considered appropriate for conversion under the Council's policies there would be no justification to require it to be an annex only. Any future stabling proposals will be considered on their own merits if submitted.

CONCLUSIONS: The proposed conversion would meet the requirements of policy, and could take place without adverse impact on adjacent residents and highway safety.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.1. Samples of materials to be submitted and agreed.
6. C.5.4. Natural Slate 'converted building'.
7. C.5.8. Joinery details 'converted building.'
8. The rooflights hereby permitted shall be of the Conservation Range, details of which shall be submitted to and approved in writing by the local planning authority before any commencement of the development. The rooflights shall be installed in accordance with the approved details and thereafter so retained.
REASON: In the interests of preserving the characteristics of the building.
9. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
10. C.6.5. Excluding fences and walls without further permission.
11. C.11.5. Standard vehicle parking facilities.

12. Space shall be provided within the site to accommodate the turning of all vehicles regularly visiting the site, clear of the highway and laid out and paved in accordance with details submitted to and approved in writing by the local planning authority before any development commences. Such space shall thereafter be maintained free of any impediment to its designated use.
13. There shall be no obstruction above 0.6m in height within the area of a 2m parallel band visibility splay required across the entire site frontage.
14. The first 6m of the approved widened access road, as measured from the highway boundary, shall be treated with an approved bound material to prevent any loose material from entering the public highway.
15. The existing vehicular access marked 'X' on drawing no. 03-110-06 shall be permanently closed for vehicle access, in accordance with details first submitted to and approved in writing by the local planning authority before any work commences on site. The access shall thereafter remain permanently closed.
REASON 12-15: In the interests of highway safety.
16. C.19.1.Avoidance of overlooking.
17. C.20.2.Protection of other species' owl roosts and bats'.
18. No development shall commence until details are submitted of boundary treatment to the newly created residential curtilages to Springwell Cottage and the converted building hereby permitted.
REASON: To ensure any subdivision does not adversely affect the setting of the listed building.
19. C.8.27.Drainage Details.

Background papers: see application file.

UTT/1363/04/DFO - LITTLE CANFIELD

Erection of a detached dwelling and double garage (Outline permission granted under reference UTT/0590/02/FUL).

Langthorns Plantery. GR/TL 591-205. Mr E Cannon.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 04 October 2004

NOTATION: Outside Development Limits S2.

DESCRIPTION OF SITE: Langthorns Plantery is located at Canfield End off Highcross Lane West, approximately 0.8km (0.5 mile) south of the B1256 about 3km (2 miles) west of Great Dunmow. The nursery occupies an area of approximately 2.8ha (7 acres) in total. The nursery is open in appearance with countryside to the south with buildings and polytunnels toward the north of the site.

DESCRIPTION OF PROPOSAL: The scheme relates to the erection of a two storey detached three bedroom dwelling with an associated detached two bay garage. The application requests the approval of details following the grant of outline planning permission in 2002 for the erection of a dwelling with means of access only to be considered. The approval was restricted by condition such that any dwelling could only provide a maximum of three bedrooms.

The dwelling would have a foot print of approximately 95 sqm. The ridge height would be 8.7m with an eaves height of 5.2m. The garage would be set adjacent the dwelling (north) and would have a foot print of approximately 43 sqm with a ridge height of 5.3m and an eaves height of 2.5m. Materials proposed consist of brick and tiles with no specific type stated.

RELEVANT HISTORY: Outline application for erection of a dwelling refused May 2002. Outline planning application for the erection of a dwelling granted planning permission on August 2002.

CONSULTATIONS: Water Authority: No objection.

Environment Agency: Standard letter providing advice for small residential development with a private treatment plant.

ECC Archaeology: No archaeological recommendations.

English Nature: The development is not likely to affect the SSSI. If protected species are suspected an ecological survey should be submitted.

Essex Wildlife Trust: To be reported. (due 26 August 2004).

Health and Safety Executive: No comment.

PARISH COUNCIL COMMENTS: No objection.

REPRESENTATIONS: None. Notification period expired 31 August 2004.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the erection of the dwelling proposed is of an appropriate scale commensurate with this holding, and design that accords with this countryside location and is not detrimental to the amenity of the area in accordance with ESRP Policy C5, ADP Policy S2, DC1, DC14 and DLP Policy S7, GEN2 and GEN4.**

1) This application follows the grant of outline planning permission for the erection of a dwelling following the successful demonstration of a functional and financial need for a dwelling in the location now proposed in order for on site occupation to provide on site maintenance of plants and equipment and provide security.

Conditions are attached to the outline planning permission such that the dwelling can only be occupied by those employed by the business or any dependents. Furthermore, there is a restriction on permitted development and a maximum of three bedrooms.

The detail of the dwelling proposed by this application follows the siting and access previously approved by Members in 2002. The dwelling would face west overlooking the nursery and provide a detached two bay garage adjacent. The dwelling would also provide three bedrooms, which is in accordance with the condition attached to the outline planning permission. The scale and design of the dwelling is considered to be acceptable with part of the bulk of the dwelling obscured from public view by a gable attached to the rear elevation. Details of the materials to be used to the external surfaces can be controlled by a condition. The design of the dwelling is therefore considered to be acceptable.

CONCLUSIONS: The siting and design of this dwelling is considered to accord with its countryside location and is recommended to members for approval subject to conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.3.1. To be implemented in accordance with approved plans.
2. C.4.1. Scheme of landscaping to be submitted and agreed.
3. C.4.2. Implementation of landscaping.
4. C.5.2. Details of materials to be submitted and agreed.

Background papers: see application file.

UTT/0523/04/FUL – BERDEN

Change of use of barn from single dwelling to two dwellings (alternative to planning permission UTT/0016/01/FUL)

Potash Barn. GR/TL 487-294. Mr Dominic Leacy.

Case Officer: Mr G Lyon 01799 510458

Expiry Date: 22 June 2004

NOTATION: ADP and DLP: Outside development limits. Within flood risk zone.

DESCRIPTION OF SITE: The site the subject of this application is situated approximately 2km east of Berden, 2.5 km north of Manuden and 2.5 km south of Clavering. The site is accessed via an unmade farm track 0.5 km in length, which serves six other dwellings and is approximately 5250 square metres in size. The site currently comprises of two abutted double height box-frame timber barns, approximately 55 metres in total length with two single storey ranges 36 metres in length and a detached cart lodge, 17 metres in length. There is a more modern addition on the eastern side of the barn 35 metres long and 17 metres wide. The condition of the barns is deteriorating with time. Some of the external timbers (weatherboarding) are severely decaying and have fallen off in places. The slate roof is slipping, although appears to be in reasonable condition, but is certainly not watertight. Internally most of the structural members of the frame appear to be in reasonable condition and the overall buildings appear to be reasonably structurally sound, except for some sagging in the ridge line of the single-storey ranges.

DESCRIPTION OF PROPOSAL: The applicant is seeking full approval to convert the barns into two separate dwellings. The works will involve the demolition of the modern range and the extensive renovation of the existing older structures. Such works entail recladding, re-slating along with all other modifications to bring the buildings upto residential standard including the insertion of a first floor in part of the double height barns. The western dwelling (Barn1) would consist of one of the double height barns, one linked annexe and a detached garage/office. The footprint of these buildings would be approximately 625 square metres set on a site area of over 2,800 square metres. The property would have at least six bedrooms and would be set over two floors with an 11-metre wide void either side of the porch. Four parking spaces would be provided in the detached cart shed, which will also have a mezzanine floor inserted to create an additional study.

The eastern dwelling (Barn 2) would consist of one of the double height barns and one detached annexe. The footprint of these buildings would be approximately 470 square metres set on a site area of over 2,400 square metres. The property would have three bedrooms and would be set over two floors with a 10-metre wide void in the porch section. Four parking spaces would be provided within the annexe, which would also contain a store and games room.

In terms of access to the site, the applicant has submitted a plan showing proposed junction improvements to be implemented as part of any consent.

An indicative flood relief scheme has also been submitted with the application.

RELEVANT HISTORY: Application for change of use from agricultural barn to residential dwelling with detached annexe, four bay garage and office accommodation refused December 1999 for reasons of concerns about access and flood risk. Subsequent appeal withdrawn.

Application for conversion of redundant farm buildings into a single dwelling house with annex accommodation and garaging. Demolition of remaining traditional farm buildings, widening of vehicular access approved June 2001.

CONSULTATIONS: Thames Water: No objection.

Environment Agency: Advisory comments regarding residential development and culverting or works affecting the flow of a watercourse.

UDC Drainage Engineer: The Environment Agency should be consulted as the site lies in the floodplain of the Stort.

PARISH COUNCIL COMMENTS: No objections.

REPRESENTATIONS: Four neighbours were notified on 29 April with a further 2 notified on 18 May 2004. Following revised plans, the six neighbours were reconsulted on 15 July 2004. Advertisement expired 04 August 2004. No comments have been received.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) **the proposal meets with the environmental, historic and architectural quality criteria relating to the residential conversion of rural buildings (PPG7, ERSP POLICY RE2, ADP Policy C6 and DLP Policy H5),**
- 2) **the impact of the development on the countryside would be acceptable (ERSP Policies CS2 & C5, ADP Policy S2, C2 and DLP Policy S7),**
- 3) **there are other material circumstances which affect determination of the application and**
- 4) **Other relevant issues.**

1) When considering the conversion of rural buildings for other uses it is normally desirable to first seek a suitable commercial use such as B1 office and light industry before pursuing residential conversion. The principle of residential redevelopment has however already been accepted, and there is an extant permission. The buildings remain structurally sound.

The converted barns would occupy generous plots thus giving ample space around the building for private amenity space. The applicant is proposing to grass land to the rear of the buildings with front gardens a mixture of grass and gravel. The applicant has not indicated any proposed boundary treatments. Any fencing should be post and rail and, around the boundary of the site, should be planted with a native species hedge. Once matured, the private garden would be unobtrusive but to prevent inappropriate structures from being erected around the building it may be necessary to remove permitted development rights.

2) The site in question affords long distant views across the countryside and sits within the Stort Valley. The site is visible from the public highway between Manuden and Clavering. Therefore any works to the buildings would have to respect the overall characteristics of the surrounding land. In terms of traffic levels and noise disturbance etc, the proposed use of the barns will create less trip generations than B1 office or light industrial use and such a commercial use may have a greater impact on the adjacent farmhouse. The provision of a second unit would not have a significantly greater impact than the approved single dwelling.

3) Although the buildings themselves are not listed, it has already been concluded in the 2001 application that they are worth retaining as they have environmental and historic merit. This consent authorised the conversion of the buildings (875 square metres) into one dwelling. Realistically, it is unlikely to be economically viable to convert such a large amount of structures into one dwelling. An unimplementable scheme will only further delay the possible renovation of an historic building.

This application will involve the creation of two dwellings, both of which are still in themselves large. However, it is more realistic to expect that this scheme would be

implemented as the economic factors would be more favourable. Although economic viability is not a planning consideration, such factors are material in making a decision.

4) Access and flooding were two issues raised in the previous 2001 approval. In that application, the Environment Agency agreed to floodplain compensatory measures and the applicants have now provided an indicative relief scheme. Another issue raised was access. Again, the 2001 application had resolved these concerns with the widening of the access and improving the site lines by relocating a small section of hedge. These issues have therefore been resolved and all relevant conditions could be transferred to any future consent.

CONCLUSIONS: Officers are of the opinion that the proposed buildings could be converted for residential use in accordance with adopted policies provided that appropriate care and consideration is taken with regard to materials used and the quality of repairs undertaken.

RECOMMENDATIONS: 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.5.1. Samples of materials to be submitted and agreed.
4. C.5.4. Natural Slate.
5. C.5.8. Joinery details.
6. C.5.9. Stained wood.
7. C.5.17. Window & door details and sections to be submitted and agreed.
8. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
9. C.4.1. Scheme of landscaping to be submitted and agreed.
10. C.4.2. Implementation of landscaping.
11. Any new fencing erected around the boundaries of the dwellings hereby permitted shall be post rail type. The fence shall be planted with indigenous species on the field side of the fence, in accordance with the submitted scheme as part of Condition C.4.1.
REASON: To ensure that the boundary treatment is appropriate in relation to the open countryside.
12. 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 garages/cartlidges hereby permitted as part of the approved works shall not be converted to another use without express planning consent.
REASON: The site is located in a sensitive location where the space for any further development is limited and further outdoor car parking would impact on the open countryside.
13. The existing barns/silos shall be demolished in accordance with the approved plans and all the materials arising from such demolition shall be completely removed from the site within 1 month of the first occupation of the dwelling hereby permitted.
REASON: The demolition works from part of visual improvements to the setting of the barns and retention of the buildings would lead to over development of the site.
14. No works shall commence on site until all the entrance improvement works shown on drawing in the submitted drawings have been completed in full. Thereafter, the sight lines shall be retained in free of obstruction.
REASON: In the interests of highway safety.
15. No development shall take place until details of the existing and proposed finished floor levels have been submitted to and approved by the local planning authority. The detailed drawings to be submitted for approval shall include a topographical survey of existing ground levels above Ordnance Datum (Newlyn) contoured at 250 mm

intervals, together with details of proposed finished levels. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the development is subject to minimum risk of flooding.

16. No development shall take place until details of compensatory flood storage works have been submitted to and approved in writing by the local planning authority. No development shall take place until the approved compensatory flood storage works have been implemented.

REASON: To alleviate the increased risk of flooding that would otherwise be caused by a reduction in flood storage capacity.

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

18. All rainwater goods i.e. soil, vent and waste pipes to the conversion hereby permitted shall be concealed internally.

REASON: To safeguard the environmental, historical and architectural qualities of these buildings.

19. The existing brick plinth to the building shall be repaired with matching materials, brickwork and bonding.

REASON: To safeguard the environmental, historical and architectural qualities of these buildings.

20. C.6.14. Restriction on rebuilding.

21. C.8.27. Drainage Details.

22. 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 1 pm on Saturdays nor at any time on a Sunday or Public Holiday.

REASON: In the interest of residential amenity.

23. C.6.10. Residential annexe ancillary to rest of site.

Background papers: see application file.

UTT/0832/04/FUL - LITTLE DUNMOW

Proposed replacement dwelling with garage outbuilding.
Haydens Farm. GR/TL 658-234. Mr C Butler & Mrs J Butler
Case Officer: Mr R Aston 01799 510464
Expiry Date: 08 July 2004

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

DESCRIPTION OF SITE: Haydens farmhouse is located to the south west of the village of Stebbing in an Area of Special Landscape Value. The dwelling is accessed from the highway to the west of Linwood and then to the rear of Haydens cottage and the Bakehouse via a recently approved new access. The existing dwelling lies to the west of the Bakehouse and Haydens Cottage which are listed buildings with the site sloping west-east with meadowland to the north and east.

DESCRIPTION OF PROPOSAL: The proposal details the erection of a replacement dwelling and detached garage

APPLICANT'S CASE: The scheme has been negotiated with officers.

RELEVANT HISTORY: Replacement of single storey rear extension with two-storey replacement and three bay detached garage, approved February 2003. Change of use of agricultural land to garden, approved April 2003.

CONSULTATIONS: Specialist Design Advice – Haydens Cottage and the Bakehouse are the two listed buildings within this site. Relocating the principle farmhouse away from the cottage would improve its setting. However what is proposed in terms of its bulk would have an overpowering effect on the character of this rural area. This proposal has to be assessed in terms of the policies for replacement dwellings. Revised scheme, none received.

Environment Agency – Standard comments (8)

PARISH COUNCIL COMMENTS: Original Scheme – No objections

Revised Scheme – None received

REPRESENTATIONS: This application has been advertised and 0 representations have been received. Period Expired

PLANNING CONSIDERATIONS: The main issues are

- 1) **Whether the size, scale, location and design of the proposed replacement dwelling is acceptable in accordance with Policy H7 of the ADP and H6 of the DLP and whether the proposed dwelling would have a detrimental impact on this Area of Special Landscape value, ADP C2.**

This application was initially to be recommended for refusal as it was considered that the original location and siting of the proposed dwelling and its scale would have a detrimental impact on the visual amenity of this rural area. The proposed scheme has been amended following negotiations with officers and the following revisions have been made.

- Omission of the entire basement level reducing the volume of the proposed dwelling to that of the existing dwellinghouse.
- The ridge and eaves height of the conservatory roof have been reduced by 1.45m and 0.95m respectively
- The dwelling has been sited 3.75m from the existing dwelling as opposed to the previously proposed 25m separation.
- The difference in the ridge heights of the two dwellings has been reduced from 1.2m to 0.7m.
- The outbuilding/garage has been relocated onto part of the footprint of the original dwelling.

It is considered that these revisions, significantly reduce the impact of the scheme to an appropriate level. The re-siting of the house would make the building appear more closely associated with the adjoining buildings rather than appearing as a stand alone dwelling poorly related to its original location, whilst at the same time improving the setting of the adjacent listed buildings. The reduction in the heights of the conservatory, bring the overall scale and bulk of the dwelling down and significantly reduce its visual impact on this rural Area of Special Landscape Value. Furthermore, the basement level of the dwelling has been omitted and as a result the volume matches that of the original building in accordance with local plan policy. The revised scheme therefore accords with the provisions of ADP H7, C2 and DLP H6 and it is recommended that planning permission subject to conditions be granted.

CONCLUSIONS: This proposal has been negotiated with officers and the revised scheme would not have a material impact on the character or appearance of this rural area and is in accordance with ADP H7, C2 and DLP H6. Furthermore the proposed siting of the dwelling would improve the setting of the adjacent listed buildings.

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. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
7. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.

Background papers: see application file.

UTT/1220/04/FUL - SAFFRON WALDEN

Erection of steel framed industrial building for use as class B1 office & light industrial, class B2 general industrial and class B8 warehouse use.

Shire Hill Industrial Estate. GR/TL 549-382. Graphicshow Cable Accessories.

Case Officer: Mr R Madell 01799 510606

Expiry Date: 22/09/2004

NOTATION: Within Saffron Walden settlement; in safeguarded employment area in deposit draft replacement Local Plan (site-specific area SW5).

DESCRIPTION OF SITE: The site lies at the eastern end of the Shire Hill Industrial Estate, the adjoining estate road at this point abutting the settlement boundary of Saffron Walden. This vacant plot slopes markedly from south to north, and forms part of the last undeveloped area in the industrial estate. There are no trees on the land, which is partially overgrown with scrub vegetation.

To the north and west are single storey industrial buildings and a two storey ancillary office block. Immediately to the south is the remainder of the vacant land (just under half of the current undeveloped area to be left for future development), and beyond is a 3 storey office/business centre, in multiple occupation.

DESCRIPTION OF PROPOSAL: It is proposed to erect a single storey building of 854 sq m (gross) with an 'L' plan form and divided into 3 units, to be used for business (Class B1), industrial (Class B2) or warehouse (Class B8) purposes – flexibility being sought to assist in letting the units. The layout and design of the building, in terms of natural light, depth of units and indicative materials and finishes, suggests a conventional industrial or warehouse building rather than primary office use.

The profiled metal sheeting, low pitched roof (6m to eaves) and overall size are comparable with others in this part of the Shire Hill Estate. Access from the service road is shown near the northern boundary of the site, well away from the bend leading back towards the outlet at Thaxted Road. A total of 22 parking spaces is shown, with a substantial turning and loading/unloading area serving all units.

APPLICANT'S CASE: The applicant is a local electrical firm based in Clavering, who seeks to develop a series of units for leasing, but who may be in a position at a later date to occupy part or all of the building itself.

RELEVANT HISTORY: New road and drainage to serve extension to Shire Hill Trading Estate (Area 1) – approved 1978 (Ref. UTT/0824/77); construction of road and drainage – approved 1980 (Ref. UTT/0824/77/A); 9 industrial units in 3 buildings – approved 1981 (Ref. UTT/0522/81).

CONSULTATIONS: Building Control: No adverse comments on fire service access or drainage.

Environmental Services: Awaited

TOWN COUNCIL COMMENTS: No objections (letter of 23.8.04).

REPRESENTATIONS: None received. Notification period expired 12.8.04.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the use is acceptable in relation to the Shire Hill employment area (ADP Policy E1 and DLP Policy E1),
- 2) whether the design and scale of the building is appropriate in relation to the area (ADP Policy DC1 and DLP Policy GEN2) and
- 3) whether the access and traffic generation are acceptable (ADP Policy T1 and DLP Policy GEN1).

1) In terms of intended uses, although a range is sought (B1, B2 and B8) for the new building, each are within the Business Use Class. There are no adopted or deposit District Local Plan policies which preclude such a combination in the Shire Hill Estate. Although the character of the Estate is mainly industrial, warehousing and office use are also acceptable, and as already mentioned, the design and layout appears unsuited to total office use. Neither the overall building size, nor the 3 units (none would be over 500 sq m) would be likely to attract a regional distribution depot.

2) The extensive, single storey mass of the new building would be generally similar to others constructed towards the eastern end of the Shire Hill industrial estate. Site coverage and relationship with boundaries is comfortable, and no daylight or overlooking problems would be caused. The plastic-covered, profiled metal sheeting is commonly specified for such buildings, and is acceptable in the street scene amongst other industrial and office buildings. No landscaping details have been supplied, and the opportunity should be taken through conditions to require a detailed planting scheme that could help to soften the appearance of this end of the Estate.

3) From observation, this part of the Shire Hill service road carries a limited volume of traffic, due to the small number of premises beyond the application site. There would seem to be no significant problems for the local road network in accommodating the additional commercial and car traffic likely to be generated by the development. The access for all vehicles is over 9m wide, with good visibility to the highway. At the rear of the parking area are shown 14 cycle storage rails, which are a welcome feature.

Conditions to require no obstruction to visibility above 0.6m, and to retain all of the parking, manoeuvring and loading facilities free of open storage or other activities are recommended. On that basis, there are no foreseeable highway objections to the scheme.

CONCLUSIONS: This application is considered to accord with policy relating to employment uses, layout and design, and access and traffic in accordance with ADP Policies E1, DC1 and T1 and DLP Policies E1, GEN1 and GEN2 and is therefore recommended for approval subject to conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
 2. C.3.1. To be implemented in accordance with approved plans.
 3. C.5.1. Samples of materials to be submitted agreed and implemented.
 4. C.4.1. Scheme of landscaping to be submitted and agreed.
 5. C.4.2. Implementation of landscaping.
 6. C.10.7. Provision of site splay.
 7. C.9.1. No outdoor storage.
 8. C.6.8. Removal of PD rights.
 9. No individual unit shall exceed 500 sqm in floor area.
- REASON: The site is considered unsuitable for more intensive use for B8 purposes.

Background papers: see application file.

UTT/1328/04/FUL – STEBBING

Erection of changing rooms for football club
Field behind Collops Villas Braintree Road. GR/TL 673-235. Stebbing Parish Council.
Case Officer: Mr N Ford 01799 510468
Expiry Date: 27 September 2004

NOTATION: Outside Development Limits S2.

DESCRIPTION OF SITE: This application relates to Stebbing Football Club located south of Collops Villas off Warehouse Road in Stebbing to the south west of the main part of the village. The site is open in character and bounded to the west and east by a bank of trees. To the north are Collops Villas, which form a linear development of semi detached dwellings.

DESCRIPTION OF PROPOSAL: The proposal relates to the erection of a new building to provide improved changing facilities in accordance with current sport standards. The existing portacabin that provides changing facilities is located south of 3 Collops Villas just off the existing access track.

The new building would be sited on the site of an existing dug out providing a central position in relation to the football pitch. Three changing rooms, showers, toilets, a tea room and storage would be provided within the structure. The building would have a foot print of approximately 94 sqm, a ridge height of 4.5m and an eaves height of 2.4m. A canopy would be provided to the north elevation. Materials proposed consist of smooth render or smooth steel panels to elevations and a dark green steel profiled sheet roof.

RELEVANT HISTORY: Erection of changing rooms for football club granted planning permission in 1989.

CONSULTATIONS: EEC Highways: To be considered by UDC under the deminimus agreement.

Water Authority: To be reported. (due 21 August 2004).

PARISH COUNCIL COMMENTS: Application submitted by Stebbing Parish Council.

REPRESENTATIONS: One. Notification period expired 26 August 2004.

1. The Stebbing Society - No objection in principle. Suggests materials should consist of rendered walls and roof tiles.

PLANNING CONSIDERATIONS: The main issues are

1) whether the proposal accords with planning policy relating to development in the open countryside and provides an acceptable standard of design in relation to ADP Policy S2 and DC1 and DLP Policy S7 and GEN2.

1) Policy S2 of the Adopted District Plan 1995 states that development will not normally be given for development in the countryside beyond development limits unless the proposals relate to agriculture, forestry, appropriate outdoor recreational uses or appropriate changes of use of suitable existing buildings compatible with a rural area. It is considered that this proposal (football related building) relates to an appropriate outdoor recreational use such that the principle of the scheme is accepted in this location.

Turning to matters of detail, it is considered that the scale of the building is appropriate in relation to its end use and well located to the pitch. It is slightly larger than the current building but it is considered that there remains no impact on the countryside in this location due to its modest scale and height. Subject to a condition removing the existing rather dilapidated structure that currently houses the football changing rooms (in order to prevent a proliferation of buildings in the countryside) it is considered that this scheme is acceptable.

COMMENTS ON REPRESENTATIONS: Officers do not consider the type of materials to be a fundamental consideration. The building is utilitarian in response to its intended use and the choice of materials proposed by the applicant is considered satisfactory for this location.

CONCLUSIONS: The erection of the proposed football changing rooms in this location is considered to accord with planning policy relating to design and development in the countryside and is recommended to members for approval.

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 existing portacabin housing football changing rooms shall be completely removed from the site on completion of the development hereby permitted.
REASON: In order to protect the character and appearance of the countryside and prevent the proliferation of buildings.

Background papers: see application file.
