

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 11 OCTOBER 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 & 20 September 2004
REMARKS: Deferred for a smaller scheme within the footprint of the existing buildings, including the proposed dwelling. Revised drawings received and consultations have been carried out. New report next time
RECOMMENDATION: Deferral
Case Officer: Mr R Aston 01799 510464
Expiry Date: 26 April 2004

APPL NO: **1) UTT/1248/04/GD, 2) UTT/1249/04/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)
APPLICANT: English Heritage
LOCATION: Audley End House Audley End Road
D.C. CTTE: 31 August 2004 & 20 September 2004
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/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 possible conditions to be drafted in the event approved
RECOMMENDATION: Refusal – see draft conditions attached
Case Officer: Miss K Benjafield 01799 510494
Expiry Date: 23 January 2004

APPL NO: **UTT/1179/04/FUL**
PARISH: **LITTLE CHESTERFORD**
DEVELOPMENT: Change of use to residential. New vehicular access
APPLICANT: Julian Rosalind & Richard Mash
LOCATION: The Coach House Springwell
D.C. CTTE: 20 September 2004 (see report copy attached)
REMARKS: Deferred for site visit
RECOMMENDATION: **Approval**
Case Officer: *Mr G Lyon 01799 510458*
Expiry Date: 9 September 2004

APPL NO: **UTT/1131/04/FUL**
PARISH: **GREAT EASTON**
DEVELOPMENT: Extensions and change of use of stables and garage to
dog training centre
APPLICANT: Ms A Munson
LOCATION: Barnard's Bridge Snow Hill
D.C. CTTE: 20 September 2004 (see report copy attached)
REMARKS: Deferred for site visit
RECOMMENDATION: **Refusal**
Case Officer: *Miss K Benjafield 01799 510494*
Expiry Date: 02 September 2004

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.

At the meeting on 20 September Members deferred the application for conditions to the drawn up.

The recommended conditions are:

1. C.2.1. Standard time limit and reason.
2. C.3.1. To be implemented in accordance with approved plans. Reason: a)
3. C.4.1. Scheme of landscaping to be submitted and agreed
 No development shall take place until full details of both hard and soft landscape works have been 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) proposed finished levels
 - b) means of enclosure
 - c) car parking layout
 - d) vehicle and pedestrian access and circulation areas
 - e) hard surfacing, other hard landscape features and materials
 - f) existing trees, hedges or other soft features to be retained
 - g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix

Reason: The landscaping of this site is required in order to reduce the visual impact of the development hereby permitted.

4. 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 occupation of the dwelling hereby permitted. 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.
Reason: The landscaping of this site is required in order to reduce the visual impact of the development hereby permitted.
5. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order (i.e. any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the local planning authority.
Reason: In order to protect the open and rural character of the Metropolitan Green Belt.
6. C.23. Demolition of existing dwelling.
The existing dwelling shall be demolished and all the materials arising from such demolition shall be completely removed from the site within 1 month of the first occupation of the replacement dwelling hereby permitted.
Reason: 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.

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/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 original and new 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.

Addendum:

Parish Council Comments: Received 17 September – no objections.

At the meeting on 20 September, the agent for this application provided Members with additional information and also spoke on behalf of the application. Officers would respond to the points raised as follows:

- PPS7 promotes sustainable economic growth and diversification in rural areas and states that most development should be focused in or next to existing towns or villages. This proposal is located approximately 600m from the edge of Duton Hill and 900m from the edge of Great Easton, in a location with little public transport. PPS7 also states that “accessibility should be a key consideration in all development decisions” and developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling. This proposal is likely to generate a number of vehicle movements and is not in a location easily accessible on foot or by public transport. It is therefore not considered to be in line with the guidance issued within PPS7 relating to sustainable commercial development within rural areas.
- The applicant has offered to ensure that no commercial use of the stables would take place on the site if Members are minded to grant planning permission. Notwithstanding this, in the event of permission being granted and implemented, the stables would be converted and it would not be possible to have an equestrian use in the stables and on the land in addition to the dog training business. In addition, the permission granted for the stable building in 1985 had two conditions attached to it which restricted the use to ensure that it remains for domestic purposes and incidental to the enjoyment of the dwelling only and that it shall not be used for commercial riding school purposes.
- The applicant has also offered to agree to a condition limiting the number of vehicle movements to a maximum of 50. This would not be enforceable and would be difficult for the applicant to adhere to if unexpected customers or visitors arrived at the site.
- It would also not be possible to enforce a condition preventing right turns when leaving the site. It is possible that such a condition may give rise to customers leaving the site and turning their vehicles round at the closest available point to the detriment of highway safety further along the B184 in an unsuitable area away from the site.
- No further highways comments were available at the time of writing however it should be noted that the local planning authority has not received anything from ECC TOPS indicating that the original consultation response is likely to be altered.

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/1332/04/FUL – STEBBING

Erection of detached dwelling with detached garage. Construction of new access Land r/o Church Cottage, Church End. GR/TL 663-239. Mr S Galpin.
Case Officer: Consultant South 2 telephone: 01799 510452/510471
Expiry Date: 27 September 2004

NOTATION: Within Development Limits of Adopted plan but outside settlement boundary in emerging local plan. With Conservation Area in both plans.

DESCRIPTION OF SITE: The site is located at the southern end of the High Street at its junction with the road that runs west to the former A120 and east to Stebbing Green, near the war memorial opposite the Church. The site forms part of the garden to a property fronting the road between Ruffles Place to the east and Church Farm to the west.

DESCRIPTION OF PROPOSAL: The application proposes the erection of a detached bungalow on land that presently forms the rear garden of Church Cottage. It would be a three-bedroom dwelling and include a single-storey detached double garage and would be located towards the southern end of this plot close to the boundary with 1 Ruffles Field.

APPLICANT'S CASE: The development site was included in an omnibus application under reference UTT/0066/04/FUL with Church Cottage. The whole application was refused as your Council considered that there was unacceptable overlooking from the rear development into an adjacent garden. This reason for refusal has now been overcome as the building is a single-storey structure.

RELEVANT HISTORY: March 2004: Application for new full two-storey dwelling with second floor within roofspace and extension to existing cottage was refused due to impact on neighbours through mutual overlooking and related issues concerning size and relationship with other dwellings in the conservation area. There is a current application for an extension to the dwelling at the front of the site and that is to be determined under delegated powers.

CONSULTATIONS: Design advice: To be reported.
Water Authority: To be reported.
ECC (Archaeology): Watching brief recommended.

PARISH COUNCIL COMMENTS: Object to this development on the grounds that it constitutes backland development and the new build although lower than the previous application will still have a significant impact on adjoining properties, including Church Farm, which is listed. The splendid view of the Church from the footpath to the south-east would be spoilt and the addition of another access roadway to the new property would have an impact on the appearance of the Church End construction area.

REPRESENTATIONS: This application has been advertised and 3 representations were received.

1. Stebbing Society: All the objections this Society raised to application UTT/0066/04/FUL still obtain. The reduction of one storey does not invalidate any of them. It would seem an appalling pity that the very considerable work put in by your Council (and supported by this Society), to ensure that the development of Ruffles Place was totally in keeping with the surrounding conservation area, should be set at naught by this unseemly, commercial project.

2. Would detract from the appearance of the Church End Conservation Area: garden would be no longer peaceful or private.
3. Comments related to application boundary, reference made to previous decisions and locality, which sought to protect the character of the Conservation Area.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) **the principle of this development of this site is in accordance with Structure Plan Policy C5, ADP Policies S2 & H6 and DDP Policy S7;**
- 2) **the design and the related impact upon the character and appearance of the Conservation Area with Structure Plan Policy HC2, ADP Plan DC2 and DDP Policies GEN2 & ENV1,**
- 3) **the proposal avoids a material impact upon the amenities of adjoining occupiers in accordance with ADP Policy DC14 and DDP Policy GEN4.**

1) This site is presently within settlement limits in the adopted plan and therefore under the current plan the proposal is acceptable in principle. However the review plan, which is very close to adoption, now excludes this area from the defined settlement limits.

The replacement local plan contains no policy on infilling with new dwellings and the replacement local plan explicitly states at paragraph 6.6 that infill proposals will be considered in the context of Policy S7.

Although the replacement local plan has not been adopted it is at an advanced stage and should be given considerable weight in the determination of this application.

The proposal is broadly acceptable in line with the Development Plan but unacceptable in the context of the emerging plan. Given the superior status of the adopted plan and because the previous proposal was refused on matters of detail not principle, it is considered that on balance the principle can be accepted.

Having reached this conclusion, it remains that the matters of detailed should be considered.

2) In terms of broad design, the introduction of a bungalow at this site would simply reflect the existing diversity of character and form of built development in the locality. This is a very mixed area, comprising two storey dwellings of various shapes and sizes, and other bungalows, not least being Church Bungalow adjoining site to the north. In terms of the size of the curtilage of the new dwelling, and that remaining for Church cottage, these would broadly reflect the scale of others in the locality and thus would not result in an inappropriately cramped development at this site.

In terms of more detailed design issues, the dwelling would have appropriately steep pitched roofs and limited roof spans such that the overall shape and design would be appropriate and result in an attractive dwelling. In these circumstances it is considered that the design, and layout, would have no adverse impact, and therefore preserve, the character and appearance of the Conservation Area. Materials of construction would be significant and therefore a condition to require the submission of samples is proposed.

3) Now that the size and scale of this dwelling has been significantly reduced, it is considered that there would be no serious impact on the amenities of adjoining occupiers by way of serious loss of light, outlook or overlooking of that garden area. To ensure privacy is maintained, it is proposed that a 1.8 metres fence should be erected on the southern boundary of the site, where it adjoins 1 Ruffels Field. Also, rooflights should be prevented by condition in the south facing roof slopes. Extensions should also be controlled for similar reasons.

There is adequate parking for this new dwelling and the existing dwelling. Both dwellings would have a good sized garden adequate for normal use, and also be of the size that is appropriate in the context of others in the locality. The access would have no highway safety implications given the layout indicated.

COMMENTS ON REPRESENTATIONS: The neighbour comments have been addressed in the above report.

CONCLUSIONS: Therefore, in summary, the application should be approved.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no rooflights or windows shall be inserted in any south or east facing roof slope or gable end wall, no extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission), or freestanding buildings erected on any part of the site without the prior written permission of the local planning authority.
REASON: To ensure that the impact of any further building work upon the amenities of neighbouring occupiers is properly controlled.
5. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
6. C.10.26. Standard highway requirements.
7. A detailed layout to show a car parking area, including surfacing materials and access thereto from the public highway shall be submitted and approved by the local planning authority. Such details as may be agreed must be implemented prior to the occupation of the dwellings hereby approved. Thereafter these areas shall remain available for the parking of domestic vehicles, including the garages in connection with the normal residential use of the dwellings to which they relate and shall not be built over or similarly developed, notwithstanding Permitted Development Rights of extensions contained in the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification).
REASON: In the interest of highway safety.
8. Prior to the occupation of the dwelling hereby approved, a 1.8 metres fence shall be erected, and thereafter permanently retained, on the southern boundary of the application site, where the application site adjoins the curtilage of 1 Ruffels Field.
REASON: In the interest of the amenities of adjoining occupiers.
9. C.16.1. Archaeological watching brief.

Background papers: see application file.

1) UTT/1440/04/FUL & 2) UTT/1441/04/LB – CLAVERING

(Referred by Cllr Abrahams)

1) & 2) Change of use of building from agricultural to live/work unit.

Butts Farm Barns, Bird Green. GR/TL 453-338. David House.

Case Officer: Mr T Morton 01799 510654

Expiry Date: 13 October 2004

NOTATION: Outside Village Development Limit / Settlement Boundary / Within area of Special Landscape Value / Setting of Listed Building.

DESCRIPTION OF SITE: The site lies on the north side of the road and consists of a building of three sections, which lies adjacent to the road with some screening provided by trees growing in the verge to its front. It is constructed of timber clad timber framing comprising a small, probably 16th century, aisled barn at the eastern end, and two buildings dated from the early/mid 1800s of much slighter construction forming the central and west sections. All three buildings are in poor repair. To the north lies the Listed Butts Farm house, with other detached houses on the opposite, south side of the road. A Registered Village Green lies immediately to the west, with a farm and industrial buildings further west beyond that.

DESCRIPTION OF PROPOSAL: The application is described as change of use of building from agricultural to live/work unit. The proposal would create a 4-bedroom house with an office room.

APPLICANT'S CASE: This is a re-application of recently refused proposals, but omits a new freestanding cartshed garage/workshop building which formed part of those proposals. The previous application was dealt with under delegated powers, and the applicant requests that this application be dealt with by Committee. This request has now also been made by a Member.

The applicant submitted a supporting statement with the previous application, which it is presumed they wish to be considered in this application as well. The information provides a history of the site going back to the mid 1700's which is mostly irrelevant to planning, but the more recent history includes ownership by the County Council until 1990 when the farm buildings were sold to the agricultural tenant, and the Listed House was sold separately. The applicant takes the view that the Listing of the farmhouse should include the barns. The proposal is to convert the buildings into a live/work unit, consisting of a three/four bedroom unit with a self contained office. The design aims to reflect the original historic courtyard layout of the farm. The applicant believes that a purely commercial conversion of the buildings is not desirable because of the narrow width of the lanes and conflict with the amenity of Butts Farm. The proposed use would improve the sustainability of the site.

RELEVANT HISTORY: UTT/0836/99/FUL: Conversion of barn to single family dwelling. Refused and Appeal dismissed 6 April 2000.

UTT/0175/04/FUL and UTT/1078/04LB: Change of use of building from agricultural to live/work unit and erection of cartshed parking/ workshop. Refused 5 August 2004.

PARISH COUNCIL COMMENTS: There are no objections to the application.

REPRESENTATIONS: These applications have been advertised and one representation has been received. Period expired 15 September 2004.

1. With reference to above mentioned application we should like to state how surprised we were to receive another notification so soon after the refusal of application UTT/1075/04/FUL and UTT/1078/04/LB on said property. We remain completely against any development of this site. It is our understanding that this subsequent application has merely removed the additional cartshed/garage/workshop from the proposal. We fail to see how lack of inclusion of this structure in this new application has changed any of the fundamental reasons for the previous refusal of planning. Whilst the removal of the cartshed may qualify the statement "The proposed development would involve the construction of new buildings for primarily residential use" it goes no way to satisfy other criteria noted i.e conversion of the existing buildings are not covered by any of the specified exceptions within policy. We would also like to reiterate another point mentioned on the refusal notice that "conversion would detract from the open character of the countryside by increasing the amount of built development."

Furthermore we would like to add the following comments with regard to the new plans. These follow very much those that we made for the previous application back in July.

Since the application is for a live/work unit it contains no detail regarding the type of work to be undertaken, we would expect that further information should be required by the planning committee prior to making a decision. Our understanding of the criteria for designating a property as live/work is that a minimum percentage of the area is declared as work space. This criteria does not appear to have been met.

We have noted that a mezzanine floor has been added in the aisled barn. We are assuming that this will not require the roof to be raised. We would propose that the dimensions for the conversion are no greater than the existing building.

It is not clear from the plans that provision has been made for mature screening along the dividing boundary. We would hope that this will be made a condition of planning consent should the application be successful.

The proposed access to the property is on a dangerous bend in the road, with restricted views of oncoming traffic in both directions. In light if the application for a live/work unit and the current use of the road by heavy farm and industrial vehicles we would suggest that the question of access should be considered as a significant issue within the proposal. Furthermore any attempt to resite the access off Beards Lane, similar to the last but one application (Ref UTT/0836/99/FUL) will result in a necessity to cross Registered Village Green VG58 and the ensuing legal problems.

We have enclosed a Land Registry document showing the boundaries of the site and surrounding properties. You will note that there is a pocket of land (shaded) included in the application that is not registered to the applicant. We feel that any questions of ownership need to be dealt with prior to this application being considered. In addition this piece of land is bordered by Registered Village Green VG58. (Enclosed are documents to this effect)

We refer to the appeal decision notice dated 6th April 2000 Appeal (Ref T/APP/C1570/A/00/1036648/P4 (Copy enclosed)). For reasons specified in this document the last application to develop this site was unsuccessful. We would draw your attention in particular to the following sections regarding the building.

- a. Item 7 "...its intrinsic merit does not warrant preservation".
- b. Item 8 "...there is not the inherent interest in the barn as an architectural or historic entity or in its contribution to the area to justify its retention..." Given that the previous

listed building application was withdrawn on grounds that the building was not curtilage listed this adds further weight to this point.

- c. Item 10 "...A considerable amount of work to the existing structure would be necessary in converting the building. The net result would be tantamount to a new building in the countryside.

None of these issues have changed in the last five years and have not been satisfied this time around.

We feel that any development of the site would compromise the rural qualities of the immediate locality, since any conversion would give the property the appearance of a dwelling rather than an agricultural building.

We would expect that an application for a live/work unit would provide, at least a basic outline of the type of work to be engaged in at the site. We currently suffer regular noise and traffic disturbance from both the farmyard and the light industrial units located 200 yards from our property at Brices Yard. Any further development, to include live/work units at Butts Green could result in this type of disturbance being present in immediate proximity to our property. Should this application be successful, will there be restrictions on hours of business? Will there be restrictions on the type of business that can be executed from this site?

Is there a real requirement for a single live/work unit in this area. There are already many properties available locally that provide similar facilities that are proposed here.

Since we have a young family and given its close proximity to our house and garden and in addition to the fact that we already suffer disturbance from local businesses, would strongly urge that there be some restrictions on the hours that building work can take place should this application be successful. We are in no doubt that should this conversion get the go ahead it will be a project that will take some considerable amount of time to complete, quite possibly up to a year. We should like to request that there be no weekend working at all and that no work be conducted outside the hours of 8.00am to 5.00pm Monday to Friday, to include deliveries.

PLANNING CONSIDERATIONS: The main issues are;

- 1) residential development outside of a defined settlement in the open countryside (ESRP Policy C2, ADP Policy S2, and DLP Policy S7),**
- 2) effect upon the setting of the nearby Listed Building at Butts Farm (ERSP Policy HC3, AD Policy DC5 and DLP Policy ENV2) and**
- 3) effect upon the amenity of nearby residential properties (ADP Policy DC14 and DLP Policy GEN4).**

1) The site lies within the Open Countryside, well outside of the defined settlement boundary of the nearest settlement at Clavering shown in the adopted Uttlesford District Plan. The site comprises a group of three buildings which consist of a small, probably 16th century, aisled barn, and two buildings dated from the early/mid 1800s of much slighter construction. They are immediately adjacent to the road with doors onto the verge, and the buildings are partly screened along the road frontage by trees. The buildings are in a fairly advanced state of decay and in poor condition. The aisled barn has a traditional/historic timber frame of pegged Oak timbers, but the timbers are heavily peppered with beetle holes, and the ground beams in poor state. The other two 19th-century buildings are in poor condition, and the western one looks close to collapse. Though submitted as a change of use implying 'conversion' it is clear that the building would have to be largely reconstructed,

with possibly only the Oak timber frame in the aisled barn being reusable and playing a decorative role only, rather than a structural role. This is effectively a new building proposal. The Conservation Officer advises that the buildings are of no architectural or historic merit and contribute nothing to the rural setting. The Planning Inspector in the last appeal said, *“a considerable amount of work to the existing structure would be necessary in converting the building for residential use. A new floor would be required to the western section of the building: it would be necessary to build a new plinth probably incorporating foundations; numerous repairs to the base of the frame and strengthening of the structure would be required and the whole building would have to be re-clad and re-roofed”*. She concluded it would be tantamount to a new building in the countryside and that *“the building provides a useful historic farming document but its intrinsic merit does not, in my view, warrant preservation”*. Four years has since elapsed and the building has probably deteriorated even further. The Inspector noted that care had been taken over design, but that the building would look like a dwelling rather than a barn, giving the appearance of an additional dwelling in a rural area, contrary to strict controls on development imposed by local and national policies. The Appeal was dismissed.

The proposed building contains a floorspace of 270 sq.m. for residential use and 32 sq. m. for office use; i.e. roughly 12% would be ‘commercial’ and the majority is a 4-bedroom house. On plan form this looks like a house with one room separated off as an office. Anyone can do office work from his or her home without needing planning permission for change of use; that does not make a house into a live/work unit. The development appears to be a residential proposal.

2) The two-storey Grade II Listed farmhouse is sited some 20 to 25 metres away to the north-west, and this spacing would appear to be sufficient to minimise any negative effect upon the setting of the house.

3) The two-storey Grade II Listed farmhouse is sited some 20 to 25 metres away to the north-west, and this spacing would appear to be sufficient to minimise any disturbance from the proposed development. However the objections from the occupier of that house are reported above. Residential properties on the opposite, south, side of the road are well separated and unlikely to suffer any negative amenity impact.

COMMENTS ON REPRESENTATIONS: The points raised are addressed in the report.

CONCLUSIONS: Planning policy is generally opposed to development in the countryside, and this policy has not changed since the last refusal at Appeal. Although an exception is allowable under adopted policy for the conversion of buildings that are substantial and in good repair to business use, that is not the case here, since the buildings are in poor repair and would need to be substantially reconstructed.

The form of the new building would provide a small office space for the residential unit more akin to the nature of a study, and the layout of the building would appear to be a residential use. The proposal can only be seen as a new residential development in the open countryside, clearly contrary to policy.

The Structure Plan policy to restrict development in the open countryside to those uses appropriate to a rural area is long established, and it is reflected and supported by the policy of the Uttlesford District Plan and draft Uttlesford Local Plan. This proposal does not meet any of the circumstances set down in adopted policy for an exception to be made, and as a matter of principle, there is no reason to support the proposed development on this site.

RECOMMENDATIONS:

1) UTT/1440/04/FUL & 2) UTT/1441/04/LB – REFUSAL REASONS

R.3. The site is located within countryside beyond Development Limits as defined in the adopted District Plan.

Essex & Southend on Sea Replacement Structure Plan Policy C5 states that;

Within the Rural Areas outside the Metropolitan Green Belt the countryside will be protected for its own sake, particularly for its landscape, natural resources and areas of ecological, historic, archaeological, agricultural and recreational value. This will be achieved by the restriction of new uses to those appropriate to a rural area, and the strict control of new building in the countryside outside existing settlements to that required to support agriculture, forestry or other rural uses or development in accordance with Policies H5, RE2 and RE3. Development should be well related to existing patterns of development and of a scale, siting and design sympathetic to the rural landscape character. Essex & Southend on Sea Replacement Structure Plan Policy RE2 Re-used of Rural Building states that;

The re-use and adaptation of existing rural buildings in the countryside, within the Metropolitan Green Belt and beyond, will be permitted provided that:-1. The buildings are of a permanent and substantial construction, and if in the open countryside, they are capable of conversion without major or compete reconstruction 2. They do not damaged the amenity of the countryside, or introduce additional activity likely to materially and adversely change the character of local area or place unacceptable pressure on the surrounding rural road network (in terms of traffic levels, road safety, and amenity); and, 3. Conversion does not result in economic activity on such a scale as to prejudice town and village vitality. To promote rural enterprise and economic activity, preference will be given to the business after-use of any conversions subject to the above criteria. The residential conversion of listed farm buildings and the re-use of other rural buildings for residential use on isolated sites within the countryside located well away from existing settlements, will not be permitted. Adopted Uttlesford District Plan Policy S2 states that;

"Permission 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." The proposed development is considered unacceptable as it would involve the construction of new buildings for a primarily residential use contrary to the aims of policy, is not covered by any of the specified exceptions within the policy, and would detract from the open character of the countryside by consolidating development in this locality.

Background papers: see application file.

UTT/1430/04/FUL - TAKELEY

Construction of new access; pair of 3 bed semi's with garages; pair of 2 bed semi's with garages; 6 x 3 bed semi's linked with garages and linked detached 3 bed house.

Land at The Street. GR/TL 548-211. Foxley Builders Ltd.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 08/10/2004

NOTATION: Development Limits S1.

DESCRIPTION OF SITE: The site is located on the southern side of the B1256 at the eastern end of Takeley Street and forms part of a former builders yard. There is one new dwelling located on the western half of the frontage and the Flitch Way footpath forms the rear boundary. The site is now clear and consists of mostly scrub and earth. The site area is approximately 0.27ha.

DESCRIPTION OF PROPOSAL: The scheme relates to the erection of 9 no. two storey three bedroom dwellings and 2 no. two storey two bedroom dwellings. Two semi-detached dwellings would be situated on the road frontage (Plots 1 and 2) with two dwellings in a similar form approximately 20m to the rear (Plots 3 and 4, which form the two bedroom dwellings). Plots 5 to 11 would be located at the back of the site with rear gardens abutting the bank of the Flitch Way.

The size of the plots would vary slightly. Each plot would have varying levels of usable rear garden amenity area with the two bedroom dwellings having the smallest gardens and plots adjacent the Flitch Way having larger rear gardens. Each plot would have two off street parking spaces (one hard standing and one garage space).

A mixture of materials is proposed to elevations and roofs varying from clay plain tiles, clay pantiles, slate, weatherboarding, render and brick.

RELEVANT HISTORY: On 11 February 2003 planning permission was granted for the erection of five detached two storey dwellings with garages, 1.8m boundary walls and associated landscaping. On 29 September 2000 planning permission was granted for change of use from builders yard to domestic and erection of two storey dwelling.

On 4 June 2004 a planning application was withdrawn for a similar development to that now proposed following advice from ECC Highways that internal road layout and turning was unsatisfactory with regard to highway safety.

CONSULTATIONS: ECC Highways: To be reported (due 2 September 2004).

Water Authority: No objection.

Environment Agency: Standard advice letter for residential development.

English Nature: The proposed development is not likely to affect the Hatfield Site of Special Scientific Interest or the National Nature Reserve. The proposed development land could include suitable habitat for protected species.

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

ECC Archaeology: Recommends an excavation condition.

ECC Learning Services: To be reported (due 2 September 2004).

PARISH COUNCIL COMMENTS: Object. Over development and poor design.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 16 September 2004.

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

- 1) be an appropriate design and form of development for this site (ADP policies S1, DC1 and H10 and DLP Policies GEN2 and H3) and;
- 2) not be detrimental to the residential amenity of neighbouring properties, provide adequate access and be satisfactory to highway safety (ADP Policy T1, DC14 and DLP Policy GEN1, GEN2 and GEN4).

1) This application seeks to increase the density of the development on this site. The scheme has been negotiated such that dormer windows have been removed from elevations and pitch roofs have been provided to garages in place of pyramid roofs. In addition plots 3 and 4 are now shown as two bedroom dwellings such that there is now considered to be an appropriate mix of dwelling size on the site.

The scheme is now considered to fulfil the potential of the site whilst maintaining adequate amenity and parking provision and accords with Government advice for increasing the density of development. This is not at the expense of the character of the area, which is fairly diverse in this location in terms of design and size of dwellings. Westwood House adjacent the site (west) is a large two storey detached brick faced dwelling set back from the road, whilst nos. 1 and 2 The Street adjacent (east) are semi detached dwellings set nearer to the road with rendered surfaces. The most visible part of the development from The Street would be plots 1 and 2, which are semi detached dwellings. Given their consistent height and contact of adjacent dwellings as described above they are considered to be of a design and siting that is in character with this area.

2) It is not considered that there would be any detrimental affect to the residential amenity of neighbours. Plot 1 is set back over 3m from no. 1 The Street, which is considered adequate not to be overbearing or overshadowing. The access road for the site would lie adjacent (approximately 2m) to Westwood House but it is not considered that the potential traffic generation could be material in terms of noise and disturbance to this dwelling.

No advice from ECC Highways has been received to date but in all other respects the scheme is considered acceptable. ECC Highway comments will be reported to members.

COMMENTS ON REPRESENTATIONS: Parish Council concerns relating to density and design are noted but given the above considerations it is considered that the development and its design is in character with this area and its street scene.

CONCLUSIONS: This application is considered to provide a satisfactory standard of residential development which accords with the character and design of its location and provides market housing with an adequate mix of smaller dwelling sizes.

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.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
6. C.6.7. Excluding conversion of garages.

7. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
8. C.8.13. Restriction on hours of deliveries and construction: 0800 –1800 Monday – Friday, 0900-1300 Saturday, not at all on Sundays or Bank and Public Holidays
9. C.11.6. Standard vehicle parking condition.
10. C.12.1. Boundary screening requirements.
11. C.15.1. Superseding previous permission.
12. C.16.2. Full archaeological excavation and evaluation.
13. C.25.3. No airport related car parking.

Background papers: see application file.

UTT/1455/04/OP - GREAT CHESTERFORD

Outline application for residential redevelopment.
Former allotment site Rose Lane. GR/TL 511-427. Mr D Plumb.
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 29 October 2004

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

DESCRIPTION OF SITE: The application site is located at the end of Rose Lane, a single track lane which extends south eastwards from the High Street. The track has residential properties to either side and adjacent to the entrance of the application site the track narrows to a public footpath. The site measures approximately 68m by 68m with an access point at the boundary with Fairycroft in the northwestern corner of the site. The site is screened by existing mature vegetation and fencing. The site itself was formerly used as allotments and has since become overgrown.

DESCRIPTION OF PROPOSAL: The proposal seeks outline planning permission for residential development. The indicative plans show 5 dwellings to be served off a single access road, but numbers of units are not specified. Whilst the application is in outline only, plans have been submitted indicating that the proposed properties would be three bedroom bungalows with integral garages.

APPLICANT'S CASE: Proposal has been specifically designed to meet a local need for reasonable sized low lying bungalows aimed at elderly or retired persons. While not strictly brownfield the site is within the spirit of central government guidelines designed to encourage the redevelopment of deliverable sites for residential use. There are several similar examples in Saffron Walden and the surrounding area where consent has been granted to redevelop active allotment sites or where changes of use are currently being considered for residential use. These were largely granted on the basis of need and minimal impact on the existing local environment.

RELEVANT HISTORY: Outline application for one house refused in 1990 and dismissed on appeal in 1991. Outline application for erection of bungalow and garage refused 1997 and dismissed on appeal in 1998 on basis that site would *"represent an extension beyond the present village limits of built development. ... It would constitute an intrusion into the countryside on this side of Rose Lane which, notwithstanding existing hedge and tree screening, would be materially damaging to the character and appearance of this rural area and contrary to the objectives of the local plan policies referred to."*

CONSULTATIONS: Archaeology: Lies in a highly sensitive area of Roman deposits. Recommend field evaluation condition imposed.

Highways and Transportation: Deminimus application.

Policy: Development in this location would be contrary to long established District Council policy to protect the countryside from inappropriate development. Application should be refused.

PARISH COUNCIL COMMENTS: Site is outside the development limit and we therefore object to the proposal.

REPRESENTATIONS: Nine. Notification period expired 29 September 2004.
Object. Site outside development limits.

Object. Site outside development limits and lane of inadequate capacity for additional traffic.
Object. Outside development limits. Adjacent to footpath and this would blight this attractive route. Access cannot be widened and is inadequate. Development not necessary to village's growth or prosperity.

Rose Lane is narrow track with 15 houses currently sharing access and does not have a turning circle meaning delivery vehicles have to reverse down the length of Rose Lane. Rose Lane is part of the Ickneld Way and used by a lot of ramblers. New dwellings will increase traffic and create further potential for accidents.

Object. Entrance to proposed development is opposite the entrance to my driveway. Concerned over the amount of traffic from a safety perspective. Increased highway dangers to pedestrians. Concerns about where any excess cars will be parked.

Object. No specific village needs or requirements being addressed which would warrant the granting of development. Change of use of land removes potentially valuable asset from village. Allotments were thriving until a few years ago when the owners of this land gave notice to allotment holders to quit. Insufficient off-street parking would be provided.

Concerned about the extra volume of traffic as lane is just a single track.

Access is really appalling. Plans make Rose Lane and its continuing footpath look much wider and more urban than it actually is. Lane is not wide enough for large lorry let alone more cars once the bungalows are lived in.

Object. Beyond development. No justification for change of use. Rose Lane would not be able to accommodate safely the additional traffic resulting from the proposed development. Increased highway dangers.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the proposed development is suitable for this rural location (ERSP Policy C5, ADP Policy S2, DLP Policy S7),**
- 2) whether the proposed development would have a detrimental impact on the residential amenity of adjoining properties (ADP Policy DC14, DLP Policy GEN2) and**
- 3) whether the proposed access is suitable to accommodate the proposed development (DLP Policy T1, DLP Policy GEN1).**

1) The site is located outside the village development limits and therefore within an area where there is a presumption against new development. No justification has been forwarded to warrant an exception being made to this policy. Whilst the applicant states that there is a need for bungalows for elderly residents in the village, there is no evidence submitted to support this. Therefore, it is not considered that there has been a change in circumstances since the previous application for a single dwelling was refused and dismissed on appeal in 1998. The Inspector when considering this case stated that the development would *"represent an extension beyond the present village limits. ... It would constitute an intrusion into the countryside on this side of Rose Lane..."*. It is considered that this proposal, which relates to a larger site and a higher number of properties would be more detrimental to the character of the area. Therefore, the proposal is contrary to the relevant policies.

2) The proposal is submitted in outline only, but should the development relate to bungalows it is not considered that any adverse overlooking or overshadowing issues would be raised. However, it is considered that the proposals would result in increased noise and fumes from vehicles accessing this site, to the detriment of residential amenity of properties in this lane. Therefore, the proposals are contrary to the relevant policies.

3) The proposed development would be accessed via an existing single track lane which serves as a public right of way. The footpath forms part of the Ickneld Way and appears to be heavily used by walkers. The erection of five (or more) additional dwellings in this location would result in increased vehicular movements on this public footpath, to the

detriment of highway safety, in particular to pedestrians and users of the route with limited mobility. Therefore, it is considered that the proposals are contrary to the relevant policies.

It should be noted that although the indicative plans suggest a development of five units, at almost 0.5ha, the site would need to be developed with a minimum 10 units in order to meet central Government and draft Local Plan policy density guidelines. This would exacerbate the adverse impact outlined above.

COMMENTS ON REPRESENTATIONS: Concerns raised in representation to these proposals have been discussed above.

CONCLUSIONS: The proposals are contrary to various policies and permission should be refused.

RECOMMENDATION: REFUSAL REASONS

1. The site is located within open countryside beyond development limits where there is a presumption against new development, unless it needs to take place in the countryside. The proposed development of this site would be contrary to ERSP Policy C5, ADP Policy S2 and DLP Policy S7 as it would constitute development which does not need to take place in the countryside. It would represent an extension of built development into the countryside, to the detriment of the character and appearance of the rural area.
2. The proposals would result in increased volumes of traffic using Rose Lane, which is of insufficient width to accommodate the extra traffic. The increased volume of traffic would compromise the safety of users of Rose Lane, in particular pedestrians, cyclists and people whose mobility is impaired. This would be contrary to the provisions of ADP Policy T1 and DLP Policy GEN1.

Background papers: see application file.

UTT/1421/04/OP – TAKELEY

Outline application (with all matters reserved except siting and means of access) for erection of single dwelling.

Land to the South of The Laurels Dunmow Road. GR/TL 568-211. Messrs R & D McGowan.

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 08 October 2004

NOTATION: Within Takeley Local Policy 1 Area in Adopted District Plan (ADP) and within Takeley / Little Canfield Local Policy 3 – Prior's Green Site in the Deposit Draft Local Plan (DLP).

DESCRIPTION OF SITE: The site is located to the north of the B1256 approximately 700m to the east of the Four Ashes crossroads and covers an area of 0.047ha. The site currently forms the front garden to a detached two-storey dwelling. The existing dwelling is located approximately 35m to the rear of the site in a position which is not in line with the adjacent properties. The neighbouring dwellings are located approximately 12m to the rear of the highway.

The eastern boundary to the site consists of a 1m high close boarded fence while the southern and western boundaries are formed by mature vegetation. There is currently no form of boundary treatment between the site and the existing dwelling.

The site is one of several sites within the Prior's Green site which lie outside the outline planning application site for 650 dwellings but within the Takeley/Little Canfield policy area.

DESCRIPTION OF PROPOSAL: The outline application is for the erection of one detached dwelling. The design, landscaping and external appearance would all be determined at the reserved matters stage. It is proposed that the existing access from the B1256 would be shared with the proposed dwelling and no new accesses would be created. The siting of the dwelling is also to be considered as part of this application. The submitted plan indicates that the new dwelling would be located approximately 3m behind the existing building line of the adjacent properties.

APPLICANT'S CASE: See letter dated 17 September attached at end of report.

CONSULTATIONS: ECC Tops: No objections subject to conditions relating to access, parking and turning.

Environment Agency: No comment.

Thames Water: No objection.

PARISH COUNCIL COMMENTS: Object – lack of privacy to insufficient space between new dwelling and The Laurels. Not true infilling, more a tandem development not in keeping with the street scene.

REPRESENTATIONS: Three. Notification period expired 7 September.

1. If the applicants are successful in the erection of a single dwelling in the front garden of laurels. I hope it would be in keeping with my grade II listed cottage, that is situated next but one to laurels.

2. I hope that the building will be in line with our buildings and that it will be kept in character with our new of houses, state roof and rendered and that no garage will be limit at a later date.

3. We have no objection to a single dwelling at the Laurels. We would hope it is a cottage type dwelling, in keeping with our property.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) **the development would be compatible with the Master Plan and the Council's Supplementary Planning Guidance (PPG3, ADP Takeley Local Policy 1 and DLP Local Policy 3) and**
- 2) **social, amenity and infrastructure contributions are required (DLP Policy GEN6).**

1) The Development Plan policies do not permit development of this site in isolation. Development of this site is however acceptable in principle provided it is contiguous with the development of the Prior's Green site overall. The site is not specified as an "island site" within the SPG for this area, however it is the only site within the policy area that could be developed that is not included. There is no specific reason as to why the site has not been included and it is considered that the criteria specified in the SPG should apply to this site. The SPG emphasizes that the principle of development of the "island sites" is acceptable; that new development should gain access from the approved internal road network; that financial contributions should be made towards education, transport, sports, community and landscaping facilities; that affordable housing should be provided; and that no permissions should be granted on the island sites until UTT/0816/00/OP has outline planning permission.

Given the location of this site, which is in proximity to other dwellings that would remain serviced by the B1256, it is considered that access to the site should be from the B1256. The existing access to "The Laurels" would be shared for both the existing dwelling and the proposed and, subject to the use of conditions, ECC Highways have no objections to this. In addition, the siting of the dwelling would be in a location broadly in line with the properties to the east and is considered to be acceptable.

2) SPG requires that all the island sites other than the land adjacent to Takeley Nurseries should make appropriate and proportionate contributions to social, amenity and infrastructure requirements. These are based on an assessment of the costs of primary and secondary education, a contribution to transport enhancement and a contribution to the enhancement of local sports and/or community facilities, a contribution to fitting out, equipping and furnishing the on-site community centre and a financial contribution to structural landscaping and a 15-year landscape sum for its proper maintenance. The total basic financial contribution for wider and longer-term benefits excluding affordable housing and any associated additional educational payments and landscape contributions totals £5,969 per dwelling at current prices. Because this site is outside the Master Plan area these contributions will need to be made in full.

COMMENTS ON REPRESENTATIONS: The three letters of representation relate mainly to the design of the proposed dwelling. This application is for determination of siting and means of access only and the design is one of the factors to be considered at a later stage. Notwithstanding this, the design of the dwelling would be considered in the context of the character of the surrounding area and the existing dwellings.

CONCLUSIONS: The development of this site is acceptable in principle provided it is developed contiguously with planning permission UTT/0816/00/OP and not in isolation. A Section 106 agreement will be necessary to ensure contributions to social, amenity and

infrastructure requirements as set out above and to link this site with the larger development, preventing its development in isolation.

RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO A SECTION 106 OBLIGATION REQUIRING CONTRIBUTIONS IN ACCORDANCE WITH THE TAKELEY/LITTLE CANFIELD SPG AND ALSO COVERING THE ISSUES DETAILED ABOVE

1. C.1.1. Submission of reserved matter: 1. (exclude design and means of access).
2. C.1.2. Submission of reserved matter: 2. (exclude design and means of access).
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. The land the subject of this planning permission shall not be developed other than contiguous with planning permission UTT/0816/00/OP. The site shall be included within the approval of phasing and development densities set out in condition 7 of planning permission UTT/0816/00/OP.
REASON: To secure appropriate phasing and densities in a comprehensive manner.
6. The development hereby permitted shall be carried out in accordance with the Master Plan, drawing no. 1071/MP/6 Rev A dated 10.08.00 unless otherwise agreed in writing by the local planning authority.
REASON: To ensure development proceeds in broad accordance with the principles set out in the approved Master Plan.
7. C.5.2. Details of materials.
8. C.4.1. Scheme of landscaping.
9. C.4.2. Implementation of landscaping.
10. C.4.6. Retention of trees and shrubs.
11. The land the subject of this planning permission shall not be developed other than contiguous with planning permission UTT/0816/00/OP. The site shall be included within the approval of phasing and development densities set out in condition 7 of planning permission UTT/0816/00/OP.
REASON: To secure appropriate phasing and densities in a comprehensive manner.
12. The development hereby permitted shall be carried out in accordance with the Master Plan, drawing no. 1071/MP/6 Rev A dated 10.08.00 unless otherwise agreed in writing by the local planning authority.
REASON:
To ensure development proceeds in broad accordance with the principles set out in the approved Master Plan.
13. Noise construction levels/hours.
14. No development shall take place until a programme of works for the provision of foul and surface water drainage has been submitted to and approved in writing by the local planning authority, following consultation with Thames water. Subsequently the works shall be implemented as approved, including any phasing in relation to the occupation of buildings.
REASON: To ensure there adequate surface and foul drainage systems are provided for the development and there are no adverse effects on the wider community.
15. Prior to the commencement of development, space shall be provided within the site to accommodate the parking and turning of all vehicles regularly visiting the site, clear of the highway and properly laid out and paved as may be agreed with the local planning authority in consultation with the Highway Authority.
REASON: In the interests of highway safety and efficiency.
16. 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.
REASON: In the interests of highway safety.
17. The first 6m of the across as measured from the highway boundary shall be treated with an approved bound material to prevent any loose material from entering the highway.

Prior the commencement of the development, details of the proposed bound material shall be submitted to and approved in writing by the local planning authority. Subsequently, the access shall be implemented in accordance with the approved details.

REASON: In the interest of highway safety.

Background papers: see application file.

1) UTT/1257/04/FUL & 2) UTT/1258/04/LB - SAFFRON WALDEN

1) & 2) Change of use from agricultural farm building to dwelling.
Building adjoining Herberts, Debden Road. GR/TL 546-367. Mr & Mrs H E Wiseman.
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 17 September 2004

NOTATION: Outside Development Limits (Settlement Boundary)/Area of Special Landscape Value (ADP only)/Adjacent Listed Building.

DESCRIPTION OF SITE: This application relates to a barn of red brick and flint construction located in a small farmyard complex. The application site is located approximately 250m to the southeast of Katherine Semar School and the southeasterly edges of Ross Close. The building is accessed via a track off the Debden Road, close to the Herberts Farm Playing Field. The farmyard complex consists of a farmhouse, the application site and to the north east a listed barn of traditional construction. To the east of the site is a large pond surrounded on two sides by mature vegetation, including willow trees, which may indicate the presence of bats. Due to the location of the building and the nature of the surrounding habitat an ecological survey has been requested, in particular in relation to the likely presence bat and newts, although the presence of very large fish in the pond means that the presence of newts is less likely.

DESCRIPTION OF PROPOSAL: The proposal relates to the conversion of a red brick and flint barn, of what appears to be fairly substantial construction, into residential use. The barn has a slate and plain tile roof and appears to be of substantial construction.

APPLICANT'S CASE: Barn is redundant and due to nature of building maintenance of the building is exceedingly high. Commercial use has been considered but building is located immediately behind the house. Property forms part of an old farmyard complex and is within the curtilage of a listed barn.

CONSULTATIONS: Design Advice: No objection subject to conditions.
Archaeology: No archaeological recommendations.
Building Control: To be reported.

TOWN COUNCIL COMMENTS: No objections.

REPRESENTATIONS: These applications have been advertised and no representations have been received. Period Expired 18 August 2004.

PLANNING CONSIDERATIONS: The main issues are whether:

- 1) the proposed building is suitable for conversion to residential development (ERSP Policy HC3, ADP Policies C6, DC5, ADP Policies H5, ENV2)
- 2) the proposed conversion would have a detrimental impact on the residential amenity of the adjacent property (ADP Policy DC14, DLP Policy GEN2)
- 3) the proposal would have a detrimental impact on the habitat of protected species (ADP Policy C3, DLP Policy ENV7).

1) The building which it is proposed to convert is a substantially constructed brick and flint building with a slate roof. It is located within the curtilage of a listed barn of traditional construction. It is considered that the building meets the requirements of the relevant policies for conversion. Conversion to commercial use is unlikely to be considered

acceptable in this location due to the close proximity of the building to the adjacent residential property.

2) The proposed conversion of the building to form a residential unit would result in the installation of a larger window at first floor level in the southern elevation. The existing doors at ground floor level would be retained as external features and new windows would be inserted into the existing openings. The ground floor windows would serve a bedroom and the first floor window would serve a dressing room. It is considered that the first floor window would result in overlooking of the private amenity area to the existing property and that this should be obscure glazed. In the eastern elevation it is proposed to install a new door and a window in a modern brick infill section to the building. The existing door at the southern end of the building would be retained as an external feature and a new door would be inserted into the existing opening. It is proposed to install two skylights to the roof in the single storey element of the building. This elevation would overlook the pond and the site plan indicates that this would be within the ownership of the new property. Therefore, it is not considered that any amenity issues are raised with regard to the alterations to this elevation. In the northern elevation it is proposed to install a new window at ground floor level and at first floor level, both to be located between existing studs. These windows would overlook the listed barn to the north of the property and no amenity issues are raised. The western elevation, which overlooks open fields, would have a new window inserted at ground floor level in the single storey element of the building. No amenity issues are raised in respect of this window. The floor plans show a window to serve the ground floor bathroom, but this does not correspond with the location of the window shown on the elevation plans.

3) The proposed building potentially provides suitable habitat for bats, particularly in view of the presence of the pond and willow trees to the south. However, in this instance, it is considered that any potential impacts could be compensated for by suitable mitigation measures, including bat boxes to be installed on the exterior of the building. The presence of the pond may also provide suitable habitat for great crested newts. It is unclear as to whether this species is present on site and their potential presence is reduced in view of the presence of large fish. However, it is considered essential that a survey to establish whether newts are present on the site or not should be carried out, and any mitigation measures be put in place.

CONCLUSIONS: In principle, it is considered that the building is of substantial construction and would comply with the relevant policies for barn conversions within the open countryside. Some amenity issues are raised with regard to the first floor window in the southern elevation, but these can be overcome by obscure glazing, which can be secured by condition. The proposed conversion appears to be sympathetic to the structure and character of the building.

RECOMMENDATIONS:

1) UTT/1257/04/FUL – APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.19.1. Avoidance of overlooking –1.
4. C.17.1. Revised plan required.
5. C.6.5. Excluding fences and walls without further permission.
6. C.20.2. Protection of other bat roosts.
7. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.

2) LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development – listed buildings.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.17.1.Revised plan required.
4. C.5.1. Sample of materials to be submitted and agreed.
5. The rooflights hereby permitted shall be of the conservation range with a central mullion. No works shall take place until details of the rooflights to be installed have been submitted to and approved in writing by the local planning authority. The rooflights shall be installed as approved.
REASON: To protect the character and setting of the adjacent listed building.
6. C.5.7. Window details.
7. The flues hereby permitted shall be painted matt black.
REASON: To protect the character and setting of the adjacent listed building.
8. C.5.16.No historic timbers to be cut.

Background papers: see application file.

UTT/1426/04/FUL - GREAT HALLINGBURY

Change of use in Warehouse development from B8 (Storage/Distribution) to B1 (Business Use/Light Industrial).

Land at Stansted Distribution Centre. GR/TL 519-212. Coastwind Ltd.

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 08 October 2004

NOTATION: Allocated as Employment Land (extension to the Stansted Distribution Centre) in Revised Deposit Draft Plan (Start Hill Local Policy 1 relates), but beyond Development Limits in Adopted District Plan. Outside Countryside Protection Zone in both Plans. Outside Public Safety Zone.

DESCRIPTION OF SITE: This 2ha site is located to the west of the existing development at the Stansted Distribution Centre and to the east of Tile Kiln Lane. To the north is a steep decline in levels down from the site to the rear gardens of the ribbon of dwellings approximately 30-40 metres away, which front the former A120 (now B1256). To the south of the site is the Flitch Way (former railway line) that is on an embankment and then another half dozen dwellings. To the west there is a steep decline to a group of about 10 dwellings to the north of the former railway bridge. There are a total of approximately 25 residential properties around the north and west sides of the sites. Permission was granted in 2003 for the erection of buildings for B8 (storage/distribution) use and this is currently being implemented.

DESCRIPTION OF PROPOSAL: This application relates to the change of use of the previously approved buildings from B8 to B1 (office/light industrial) use. The units cover a combined area of 6375m². It is not proposed that the units which are currently being constructed would be altered from the approved plans with the exception of some minimal window alterations.

APPLICANT'S CASE: See letter dated 10 August attached at end of report.

RELEVANT HISTORY: Erection of light industrial (B1 Business) building and associated car parking refused 2000. Two applications for erection of B8 (warehouse) use conditionally approved 2003. Two applications for removal (amendment) of conditions relating to hours of use on applications approved in 2003, conditionally approved May 2004.

CONSULTATIONS: ECC TOPS: This matter will be dealt with by the Strategic Development Control Section. An extension of time is therefore requested to allow sufficient time to consider all matters related to this application. (no additional reply received at 29 Sept.)

PARISH COUNCIL COMMENTS: The Parish Council were pleased to see that the hours of work would be as on application UTT/0567/04/FUL. With the interests of local residents in mind, my Members were adamant that this should be a condition of approval as stated:- to have no deliveries, nor outside work to take place outside the hours of 7am – 7pm. The proposed warehouse development has already been a subject of a previous planning application UTT/1515/03/FUL to build for B8 warehouse use which was refused permission and to which Mantle Estates appealed and have recently withdrawn this appeal. An update on exactly what buildings have been given planning consent on the site would be appreciated. And perhaps in light of the refusal for B8 use on this site as above, full details on exactly what B1 and B8 use entail and why the District Council saw fit to refuse this

before. We understand that B1 is Business/Light Industrial and B8 Storage/Distribution but are there more explanatory notes?

The application form refers to a letter which would presumably give further details but a copy of this was not included within the plans we received. (copy of letter sent to Parish Council 29 Sept.)

Earthworks at the site for development have already given cause for concern regarding trees covered by a preservation order and we would stress that the preservation of existing trees on the northern boundary of the site is of utmost importance.

Subject to the above questions being answered, the condition on working hours as above being implemented and our understanding that this site is clear of the Stansted Airport Public Safety Zone, my Council have no objection to this application.

REPRESENTATIONS: Three. Notification period expired 7 September.

1. In principle we don't have an objection to change of use for the building mentioned. However, this does not mean we would like 24hr use of the property. The noise level does carry across from the estate. A reasonable work time between 7am and 6pm Monday-Friday and 7am and 1pm Saturday, which we believe is the time for works near residential houses.

2. We have no objection to the building or of the appearance of its. However, we do object very strongly to the proposed hours of working. We do not expect to have people working after 4pm on Saturdays or Sundays or Bank Holidays. We are all entitled to a certain amount of quality of life, which includes some peace and quiet! May I also remind you that this Industrial Area is bounded on three sides by Residential development!

We object most strongly to the proposal to change of use from Storage/Distribution to Business Use/Light Industry. You have already granted permission for twenty four hour working. This could potentially be bad enough from traffic noise and external lighting constant through the night, plus the noises that already exist from both aircraft and motorway, without adding machinery, etc. by allowing light industry in with no time limitations. Due to a lot of the natural screening being removed and buried by the developers, the noise levels are becoming a major concern, as the land has now been built up level to our bedroom windows.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) **a B1 use would be acceptable in this location,**
- 2) **the change of use would be detrimental to the amenity of neighbouring properties and**
- 3) **adequate car parking would be available on the site.**

1) The site is allocated within the Revised Deposit Draft Plan for employment uses falling within Classes B1 and B8. Access to the development should be through the existing distribution centre and a landscaping buffer zone should be provided between the new development and the adjacent residential properties. The development as approved complies with these requirements and the current proposal for B1 use on the site would also comply.

2) B1 use is considered to be an acceptable use on this site and the form of the buildings would be the same as that previously approved. There are some minimal alterations to the window details proposed however this would not result in any overlooking or loss of privacy to the adjacent properties. Subject to conditions being imposed relating to hours of use, it is not considered that the proposed B1 use would have a detrimental impact on the amenity of the occupiers of adjacent properties.

3) The car parking standards required by the Revised Deposit Draft Plan are maximum numbers as opposed to the minimum standards required by the Adopted District Plan. The supporting statement states that there would be 137 parking spaces available for use in association with the buildings although only 133 are visible on the plans. Notwithstanding this, the amount of parking spaces is not considered to be so low to warrant refusal of the application given that the Revised Deposit Draft requirements are for a maximum number. The maximum number of spaces would be 182.

COMMENTS ON REPRESENTATIONS: It is considered that subject to conditions being imposed that are similar to those imposed on the previous applications, the proposal would not be detrimental to the amenity of adjacent properties and would be in accordance with specific policies relating to this site.

CONCLUSIONS: The proposed change of use would comply with the relevant policies relating to this site and the amenity of adjacent residential properties.

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.4.2. Implementation of landscaping.
4. C.4.6. Retention and protection of trees and shrubs for the duration of development.
5. C.6.8. Excluding Permitted Development extensions or alterations to industrial [warehouse] premises.
6. The development hereby permitted shall not commence until details of the colour of the cladding have been submitted to and approved in writing by the local planning authority. The cladding shall thereafter be coloured in accordance with the approved details.
REASON: To protect the character of the area.
7. No street lighting shall be erected within the site unless it has previously been agreed in writing by the local planning authority and erected in accordance with those agreed details.
REASON: In the interest of aircraft safety and the amenity of neighbours or users of the Flitch Way.
8. Other than shown on the approved drawings there shall be no doors or windows inserted into the northern elevations of units 18-25 and those that have been permitted shall remain closed when there are activities occurring within the buildings.
REASON: To protect the amenities of neighbours.
9. C.25.1. Airport related parking conditions.
10. No development shall take place until details of any proposed lighting in the area outlined in red on the approved plan have been submitted to and approved by the local planning authority in writing.
REASON: To ensure a satisfactory standard of development in the interests of residential amenity.
11. C.16.1. Watching archaeological brief.
12. No development shall take place until a landscaping scheme for the area edged in green on drawing SK01A has been 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) A comparison of existing and proposed finished levels
 - b) Means of enclosure
 - c) Existing trees, hedges or other soft features to be retained

- d) Planting plans, including specification of appropriate species to minimise the risk of bird strikes to aircraft operating at Stansted Airport, sizes, planting centres, number and percentages mix
 - e) Location of service runs and
 - f) Management and maintenance details.
- REASON: The landscaping of this site is required in order to reduce the visual impact of the development.
13. The approved scheme of landscaping shall be carried out during the first planting season following the first use of the building hereby permitted. Any specimens comprising part of the landscaping scheme which within a period of 5 years from the date of planting 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.
REASON: The landscaping of this site is required in order to reduce the visual impact of the development.
Details of external ground level and internal floor levels to be submitted and agreed by the local planning authority.
REASON: To reduce the visual prominence of the building.
14. No storage shall take place outside of the buildings and no processes shall be carried out or power tools, equipment, machinery or plant of any kind shall be used within the site.
REASON: To protect the amenity of adjacent residents.
15. No development shall take place until details of the means of disposal of both surface water and foul drainage have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in accordance with the approved details.
REASON: To prevent pollution.
16. No development shall commence for units 25 and 26 until the estate access road shown in red to the east of the site on drawing PL-002 has been constructed to at least road base course, connected to the existing road and made available for use by construction vehicles. Subsequently, the use of the building hereby permitted shall not commence until any defects in the road base course have been made good and all footways have been constructed to base course level. The final surfacing to both the road and footways shall be laid within 12 months from the date of the first use of the building hereby permitted.
REASON: In the interests of highway safety and the amenity of adjoining residents.
17. No development shall commence for units 25 and 26 until the means of stopping-up the existing access to the site from Tileclin Lane has been submitted to, agreed in writing by the local planning authority and implemented. Thereafter, the means of stopping-up shall be retained in perpetuity.
REASON: In the interests of highway safety and the amenity of adjoining residents.
18. No development shall commence until a revised plan has been submitted to and agreed in writing by the local planning authority showing the following, in addition to what is shown on drawing PL 010:
- a) The provision of 19 secure storage spaces for cycles
 - b) The provision of 2 spaces for powered two wheeler vehicles
 - c) Relocation of units 25 and 26 3m away from adjacent property
- REASON: In the interests of highway safety and transport sustainability.
19. No construction works shall be undertaken outside the hours of 0730-1800 Monday-Friday and 0800-1300 on Saturday except in an emergency. There shall be construction works on a Sunday or on Bank or Public Holidays.
REASON: To protect the amenity of adjacent residents.
20. All external lighting shall be of flat glass, full cut off design with horizontal mountings so that there is no light spill above the horizontal.

REASON: To avoid confusion or distraction to pilots and air traffic controllers at Stansted Airport.

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

0700 to 1900 hours Monday to Saturday and at no time on Sunday, Bank or Public Holidays.

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

Background papers: see application file.
