

UTT/0701/05/FUL - STANSTED .....	3
1) UTT/0277/05/FUL & 2) UTT/0321/05/LB - HATFIELD HEATH.....	5
UTT/0771/05/FUL - CLAVERING.....	9
UTT/0734/05/SA – TAKELEY .....	12
1) UTT/0718/05/FUL & 2) UTT/0720/05/LB - STANSTED .....	16
UTT/0902/05/FUL - CLAVERING.....	18
UTT/0712/05/FUL - GREAT HALLINGBURY .....	21
UTT/0813/05/OP - SAFFRON WALDEN.....	25
UTT/0838/05/FUL - WIDDINGTON .....	28
1) UTT/0743/05/FUL & 2) UTT/0744/05/LB - SAFFRON WALDEN.....	31

**PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 20 JULY 2005**

APPL NO: **UTT/0701/05/FUL**  
PARISH: **STANSTED**  
DEVELOPMENT: Proposed erection of dwelling and single garage  
APPLICANT: The Battlement Trust  
LOCATION: Site adjacent to Flint Cottage 20 Bentfield Road  
D.C. CTTE: 29 June 2005 (see report copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Approve**  
*Case Officer: Mr T Morton 01799 510654*  
Expiry Date: 24 June 2005

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APPL NO: **UTT/0277/05/FUL & UTT/0321/05/LB**  
PARISH: **HATFIELD HEATH**  
DEVELOPMENT: Alterations to 'Grooms Cottage' and incorporate adjoining stables, tack room, garage and greenhouse to form into house  
  
APPLICANT: D G Wilson  
LOCATION: Grooms Cottage Gladwyns Sheering Road  
D.C. CTTE: 29 June 2005 (see report copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Refuse**  
*Case Officer: Mr N Ford 01799 510468*  
Expiry Date: 18 April 2005

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APPL NO: **UTT/0771/05/FUL**  
PARISH: **CLAVERING**  
DEVELOPMENT: Proposed erection of eight dwellings and garaging  
APPLICANT: Mr & Mrs J Noble  
LOCATION: Land at Barlee Close  
D.C. CTTE: 29 June 2005 (see report copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Approve**  
*Case Officer: Mr T Morton 01799 510654*  
Expiry Date: 13 July 2005

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**UTT/0701/05/FUL - STANSTED**  
***(Referred by Councillor Sell)***

Proposed erection of dwelling and single garage  
Site Adjacent to Flint Cottage 20 Bentfield Road. GR/TL 508-252. The Battlement Trust.  
*Case Officer: Mr T Morton 01799 510654*  
Expiry Date: 24/06/2005

**NOTATION:** Within Settlement Boundary / Within Conservation Area

**DESCRIPTION OF SITE:** The site is an area of open garden land forming part of the site of Flint Cottage and screened from the road by a red brick wall. The site is on the inside of a corner on a fairly busy road linking the Bentfield Green area to the centre of Stansted. The east boundary of the site has a line of tall trees running along it, with a chalet-style house east of the trees, whose roof is the only part visible from the street. The principal house itself, Flint Cottage, has recent planning permission for reconstruction and extension, which will also provide a new vehicle access, and the proposed house here will share that access.

**DESCRIPTION OF PROPOSAL:** The application proposes a new one-and-a-half-storey three-bedroom dwelling, with brick and timber clad elevation and clay plain tile roof, with shared vehicle access onto Bentfield Road.

**RELEVANT HISTORY:** UTT/1920/04/FUL. Erection of two-storey and single-storey side extension erection of detached garage, creation of vehicular access.

**CONSULTATIONS:** Environment Agency. No objection.  
Local Plan and Conservation: No objection subject to conditions.

**PARISH COUNCIL COMMENTS:** Members object on grounds of overdevelopment of the site. Members also raised concerns about the proposed access/egress which is located between two blind corners and opposite to another unsuitable access. Members third objection to this application is detrimental to the Conservation Area.

**REPRESENTATIONS:** This application has been advertised and one representation has been received. Period expired 27 May 2005.

The respondent objects to additional traffic using the new access, which is adjacent to his own home and drive. There is concern about the sight line, in view of the road being very dangerous. It is suggested the road be made a 20 MPH zone. He is concerned that there might be a requirement for his fence to be reduced in height to provide a sightline.

**COMMENTS ON REPRESENTATIONS:** The road outside of the property is narrow here, close to a junction, and is taken very carefully by motorists. The new access has already been approved as part of the previous proposal for the reconstruction of Flint Cottage itself, and will be constructed between the end of the donor house itself, and the boundary fence to the adjoining house. There is no requirement to lower the boundary fence. A comparable access arrangement currently exists for the adjoining house, immediately next to the proposed access, which apparently does not cause problems.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) principle of development. (ULP Policy H3;
- 2) design (ULP Policy GEN2);

- 3) residential amenity (ULP Policy GEN2);
- 4) vehicle access (ULP Policy GEN1).

1) The site is within the settlement boundary for Stansted and residential development is acceptable in principle. Government policy does encourage more intensive use of land within towns, though this should not be achieved at the expense of the existing character of the area. The suggested density of development within towns is in the range of 30 to 50 dwellings per hectare. The total site area of the Flint Cottage site is 753 sq.m. and with two houses on it the density will be equivalent to 26 dwellings per hectare. Such a low density cannot be regarded as overdevelopment.

2) The design is based upon traditional cottage forms, and is modest in height, and related in scale to Flint Cottage itself. The brick boundary wall to the road will limit views of the house, with the roof and its dormers being the most visible element. This building design is considered appropriate for a Conservation Area setting, making a positive contribution to the character of the area.

3) The main impact upon amenity would be between Flint Cottage itself and the new dwelling. The proposed layout places the garage for the new house between the two houses, to contain the rear garden of Flint Cottage and protect its amenity. The new house has one ground floor window to a dining room facing towards Flint Cottage at a 45 degree angle, the closest window in Flint Cottage will be a kitchen window in the new extension to be built as part of the approval for that house. With a typical garden fence in between the two no overlooking would result. The garden area for the new house is protected by the new garage from overlooking from Flint Cottage, and is of satisfactory size, though the garden will be somewhat overshadowed by the existing tree canopy.

4) The new access to the highway has acceptable sightlines, comparable to the existing access immediately adjoining at 22 Bentfield Road, and there is room on the shared driveway for both houses to turn a vehicle so as to enter and leave in forward gear.

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

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

- 1. C.2.1. Time limit for commencement of development.
- 2. C.3.1. To be implemented in accordance with approved plans.
- 3. C.19.1 Avoidance of overlooking - 1
- 4. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission
- 5. C.5.2. Details of materials to be submitted agreed and implemented
- 6-10. Design requirements.

*Background papers: see application file.*

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## **1) UTT/0277/05/FUL & 2) UTT/0321/05/LB - HATFIELD HEATH**

*(Referred by Cllr Lemon)*

1) & 2) Alterations to 'Grooms Cottage' and incorporate adjoining stables, tack room, garage and greenhouse to form into house.

Grooms Cottage, Gladwyns, Sheering Road. GR/TL 514-144. D G Wilson.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 18 April 2005

**NOTATION:** Metropolitan Green Belt ULP Policy S6. Grade II curtilage listed building ULP Policy ENV2.

**DESCRIPTION OF SITE:** Gladwyns is a Grade II listed dwelling located on the north side of Sheering Road between Sheering and Hatfield Heath. The curtilage contains a number of outbuildings associated with the dwelling stretching predominantly in a linear fashion south west from Gladwyns.

These applications specifically relate to 'Grooms Cottage', which is of C19 origins and attached to a stable block. Both structures are within the curtilage of Gladwyns and are therefore considered to be listed by virtue of their curtilage status.

The structure illustrates the rationale of past farming methods where a groom lived in proximity to the animals he was looking after. The structure is modest in the context of Gladwyns, fitting snugly between the stable block and the walled garden. It has two substantial chimneys onto the wall of the garden, a rendered timber frame and a hand made clay plain tile roof. It incorporates the south garden wall and the north stable wall into its fabric. The interior is mainly C20 with rafters, lath and plaster of late Victorian or early C20 origin. It is in a poor state of repair.

**DESCRIPTION OF PROPOSAL:** This application relates to the alteration and extension of Grooms Cottage, incorporating the conversion of an attached stable block and cart shed to form a three bedroom dwelling. The main entrance to the dwelling would be from the original stable access (closing the entrance to Grooms Cottage by forming an extension). A kitchen, dining room, living room, conservatory, study, music room (and en-suite), w.c. and utility room (formed by an extension) would be created by using existing spaces and internal partitioning.

The first floor of Grooms Cottage would incorporate two bedrooms, a bathroom and an en-suite (formed by an extension over the utility room). Windows and doors would be opened up through the garden wall that incorporates the side elevation of Grooms Cottage to provide access and views to the walled garden. The two substantial chimneys to Grooms Cottage would be removed. The conservatory would also require demolition of part of the wall in order to open into the garden. No parking area has been indicated.

**APPLICANT'S CASE:** See copy agent's letter dated 23 May 2005 attached at end of this report.

**RELEVANT HISTORY:** In October 2004 planning permission and listed building consent was refused for the demolition of Grooms Cottage and the erection of a replacement dwelling (UTT/1032/03/FUL and UTT/1033/03/LB).

**CONSULTATIONS:** ECC Highways: No objection.

Water Authority: No objection.

Environment Agency: None received (due 31 March 2005).

UDC Specialist Design Advice: No objection subject to conditions.

UDC Building Surveying: No adverse comments.

UDC Landscaping: None received (due 7 March 2005).

**PARISH COUNCIL COMMENTS**: None received (due 23 March 2005).

**REPRESENTATIONS**: This application has been advertised and no representations have been received. Period expired 24 March 2005.

**PLANNING CONSIDERATIONS**: The applicant is suggesting that the building is a lawful separate dwelling in its own right. The building appears to have been unoccupied for many years and therefore its status is uncertain. It may be that it might have been occupied as staff quarters (i.e. Grooms accommodation). This may give it the status of ancillary accommodation rather than a separate dwelling. It is because of this doubt over status that it would not be appropriate to deal with the proposal as a house extension under Policy H8. However the building that would result if the development subject to this application were to be carried out would have all the facilities of a separate dwelling. Consequently it is appropriate to consider the proposal against Policy H6 conversion of Rural Buildings to Residential Use. The main issues therefore are

whether the conversion of this listed rural barn accords with policy relating to conversion of rural buildings to residential use and consists of alterations that do not impair the special characteristics of the listed building (ERSP Policies C2, RE2, HC3, HC4 & ULP Policies H6, GEN2 and GEN8).

In respect of the principle of a residential use for this listed building, Policy H6 of the Uttlesford Local Plan 2005 is relevant. This asks applicants to accord with ALL of five criteria for schemes relating to the conversion of rural buildings to residential use. Therefore, if a scheme does not meet one or more criteria it would be considered unacceptable development.

Criteria a): *It can be demonstrated that there is no significant demand for business uses, small scale retail outlets, tourist accommodation or community uses.*

Criteria A of policy H6 closely follows the Structure Plan (Policy RE2) and Government guidance provided in PPS7 (Sustainable Development in Rural Areas). Para 17 identifies that it is the Government's policy to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. It is stated that the re-use of rural buildings for economic development purposes will usually be preferable over a residential conversion.

As there is a clear priority placed on the re-use of rural buildings for economic development, every effort should be made to achieve this. A commercial use such as holiday accommodation would serve this purpose. However, the applicant has made no reasonable effort to demonstrate that there is no demand for a commercial use and this is not reflected in a lack of evidence to show that it has been appropriately advertised and marketed for the economic uses promoted by planning policy.

The building is not within a reasonable walking distance of a comprehensive range of employment opportunities, facilities and services. In any event the considerable distance to the villages of Sheering and Hatfield Heath provide little more than a newsagents and public houses. It is therefore likely that its occupiers would be highly dependent on the use of a private car for access to facilities and services. This is considered to conflict the local and

national policies encouraging sustainability identified above. A commercial use would also be dependent on the use of a car, however, it is considered that its use say by holiday occupiers would result in fewer vehicle journeys than a residential use as, for example, it would not involve journeys to work and would be likely to result in few trips to community facilities and services.

In such circumstances it is considered that a residential use would be unsustainable and should not be permitted. Therefore, the application falls to be determined in accordance with national advice contained in PPS7, the Structure Plan and local plan policy H6 and is considered unacceptable in relation to criteria A.

Criteria B: *They are in sound structural condition.* Grooms Cottage has been vacant for a considerable period of time, which is evident from its outwardly shabby appearance. For the most part it appears that the walls and most of the roof are intact but to say that it is stable and of sound structural condition would be no more than an assumption. The applicant has not submitted a structural survey to confirm this.

Criteria C: *Their historic traditional or vernacular form enhance the character and appearance of the rural area.* Grooms cottage is a curtilage listed outbuilding of traditional design and construction and although in a dilapidated condition is not an uncharacteristic feature of a rural area and has merit for conversion as an historic structure.

Criteria D: *The conversion works respect and conserve the characteristics of the building.* The conversion works are detailed above and would require the removal of two substantial chimneys to the north west elevation, a two storey extension to the south west elevation and the addition of a new conservatory as well as the insertion of new door and window openings. Although the Conservation Officer does not object to the conversion, Members may wish to consider for themselves whether these additions and alterations would respect and conserve the characteristics of the building.

Criteria E: *Private gardens can be provided unobtrusively.* The application drawings show the layout of a private garden, which is considered to be of adequate size and shape for the dwelling proposed.

Bats have special protection under the Conservation (Natural Habitats &c.) Regulations 1994. Bats can be found in any building in the District. This means that in cases involving the conversion of all rural buildings to commercial, residential or other use, a bat survey MUST be submitted. Such a survey must also be carried out by a suitably trained and experienced specialist and at an appropriate time of year.

There has been recent case law which advises that it will no longer be acceptable for a local authority to grant a permission subject to a condition allowing the later submission of a bat survey and that the survey must be submitted and considered as part of the application process. The lack of a survey or the submission of an incomplete survey should result in the application being refused on the basis of inadequate information.

Members will wish to be aware that Officers have provided the applicant advice in relation to the information necessary to demonstrate demand and the requirement of a bat survey.

**CONCLUSIONS:** Officers consider that in principle, a commercial use as suggested above may be acceptable for this building as required by planning policy. The appropriate way of demonstrating otherwise (as required by the local plan) is to provide evidence such as marketing and financial information such that only then may a residential use be considered.

Harm has been identified in relation to planning considerations and it is further considered that it would be inappropriate to allow the alterations to the listed building without a planning permission in place for an acceptable use. Therefore, these applications are recommended for refusal.

**RECOMMENDATIONS:**

**1) UTT/0277/05/FUL - REFUSAL REASONS**

1. The proposed change of use of this building to residential use is unacceptable because it has not been satisfactorily demonstrated that there is no significant demand for business uses, small scale retail outlets, tourist accommodation or community uses in the interests of promoting rural enterprise and economic activity in the countryside contrary to Policy RE2 of the Essex and Southend-on-Sea Replacement Structure Plan 2001 and Policy H6 of the Uttlesford Local Plan 2005.
2. The site is strongly suspected to harbour a Protected Species of wildlife for which no survey mitigation and enhancement plan has been submitted. Development that would have a harmful effect upon wildlife or geological features is not permitted by Policy GEN7 of the Uttlesford Local Plan, and Planning Policy Statement 9 Biodiversity and Geological Conservation requires information on the status of protected species and the impact upon them of a proposed development to be submitted with a planning application, so that policy may be properly applied. In the absence of adequate information a decision, other than refusal, cannot be reached upon the submitted proposal.

**2) UTT/0321/05/LB - REFUSE LISTED BUILDING CONSENT**

1. The proposed alterations to the building are unacceptable as the traditional character and appearance of the building would be adversely altered given that there is no planning permission forthcoming for a use, which constitutes an acceptable approach to preserving the buildings special architectural and historic characteristics contrary to Policy HC3 and HC4 of the Essex and Southend-on-Sea Replacement Structure Plan 2001 and Policy ENV2 of the Uttlesford Local Plan 2005.
2. The site is strongly suspected to harbour a Protected Species of wildlife for which no survey mitigation and enhancement plan has been submitted. Development that would have a harmful effect upon wildlife or geological features is not permitted by Policy GEN7 of the Uttlesford Local Plan, and Planning Policy Statement 9 Biodiversity and Geological Conservation requires information on the status of protected species and the impact upon them of a proposed development to be submitted with a planning application, so that policy may be properly applied. In the absence of adequate information a decision, other than refusal, cannot be reached upon the submitted proposal.

*Background papers: see application file.*

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## UTT/0771/05/FUL - CLAVERING

Proposed erection of eight dwellings and garaging.  
Land at Barlee Close. GR/TL 474-314. Mr & Mrs J Noble.  
*Case Officer Mr T Morton 01799 510654*  
Expiry Date: 13/07/2005

**NOTATION:** Within Development Limit.

**DESCRIPTION OF SITE:** The site stands on the corner of Barlee Close and Stortford Road and comprises an area of 1763 sq m. of open land, and also includes part of the rear gardens of the existing houses at numbers 1 and 2 Stortford Cottages. On the opposite of Barlee Close is the village shop, with two-storey houses at the eastern end of the site facing towards it across the width of the road.

**DESCRIPTION OF PROPOSAL:** Redevelopment to provide 8 new dwellings in a terrace form, with a garage court to their rear.

**APPLICANT'S CASE:** A supporting statement has been submitted that sets out the rationale of the design, following Essex vernacular styles, providing a mix of dwellings in size and appearance, and creating a positive frontage onto both Barlee Close and Stortford Road, with parking concealed to the rear. A 2½ storey house has been incorporated to add variety and break up the repetitive stagger of rooflines as the site descends the slope eastwards. The two end plots are designed to 'turn the corner' and present positive elevations to both frontages, with the character of the large front gardens in Stortford Road retained.

**CONSULTATIONS:** Essex County Council Highways. To be reported.

**PARISH COUNCIL COMMENTS:** Object on the following grounds:

Over development of the site which is believed to be too small for 8 houses.

Car parking allocation appears to be too small for 8 houses.

Size of house at three-storeys is out of keeping with the style of other nearby houses.

There could be danger to children crossing the road in the vicinity with the increased traffic this house would generate.

**REPRESENTATIONS:** Six objection letters received. Notification period expired 10 June 2005. These letters raise a number of issues in common.

There is concern at the amount of development, one respondent suggests or 3 houses being appropriate for the site, another calls for separate houses with their own garage to the side.

There is concern at increased levels of vehicle traffic and possible on street parking causing obstruction and safety hazards, mention is made of children using the area. Conflict with vehicle movements to and from the shop is mentioned as a concern. Access to the garage court is in front of existing houses and will lead more traffic past these. There will be an air pollution effect from the garage court. The pavement should be extended up to the garage court.

The garage block is seen as a crime risk.

The new development should also provide parking space for existing residents in Barlee Close.

The form of the design is considered inappropriate; it would be more appropriate to a town or city than a village setting, unsightly on the approach from Berden.

The development would affect light to rooms facing the development in the existing houses at the east end of the site.

The construction site should be made secure and no builders' materials should be left on the road.

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS (29 June 2005):** 1 further letter has been received:

We have no objection to this site being used for housing, but the scale, but the scale of the development in terms of housing density is quite disproportionate to the site and inappropriate for the village as a whole. We would have thought that ¾ houses would be reasonable

The current plan will have serve impact on the existing residents on Barlee Close and access for vehicles to and from the village shop (for cars and delivery vehicles).

This end of the village is already under considerable pressure due to the existing construction of low cost housing on Stortford Road. The existing sewage infrastructure does not seem to be able to cope with the current village population.

**COMMENTS ON REPRESENTATIONS:** Design issues, amenity issues and traffic issues are dealt with in the following section. The developer of this site can be required to make provision to meet the parking needs of the development itself, but making additional provision to benefit the occupiers of existing properties would not be seen as reasonable in terms of planning law. Construction sites have to be secured to meet Health and Safety law, and if necessary this would be enforced by the Health and Safety Executive. Depositing any materials on the adopted highway would constitute an obstruction and could lead to prosecution by the Police or the Highway Authority. The movement of the 17 vehicles for which parking provision is made is unlikely to lead to any measurable increase in air pollution. The garage court is visually supervised from the rear windows of some of the new houses, as well as some existing houses, providing a measure of security against crime. The presence of more occupied houses in this street would also be a deterrent to crime.

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

- 1) **principle and density of development (ERSP Policies CS1, CS2, ULP Policies S3, H3);**
- 2) **design and amenity (ERSP Policy BE1, ULP Policy GEN2);**
- 3) **parking provision and traffic issues (ERSP Policies T3, T12, ULP Policy GEN);**
- 4) **other material planning considerations.**

1) The development site lies within the Development Limit of Clavering and therefore in principle the proposal is acceptable. Compliance with planning standards and other policies is discussed further below. The proposed 8 houses equate to a density of 44 dwellings per hectare, which is within the range of 30 to 50 dwellings per hectare set out in PPG3, and cannot therefore be seen as an overdevelopment of the site. In terms of sustainable location, the nearby village shop and school will provide reasonable access to shops and services without need for the use of the car, and the development would help to support local services and facilities.

2) The design is based upon the principles of the Essex Design Guide, which aims to promote the use of traditional forms of building appropriate to Essex, whilst achieving the more efficient use of land called for in PPG3 to meet sustainability objectives. The principles call for parking provision to be made to the rear of houses, rather than intruding into the street, and the houses themselves are to be linked to create a street scene rather than perpetuate the 'just detached' form of layout found on housing estates of the past. The proposed houses are thus arranged as a linked terrace with a varied front elevation and

varied height with end units that make corner features and relate to both frontages. Given the high public profile of Barlee Close in terms of the number of customers of the shop that pass the site, the elevation will be an attractive addition to the village. The development will not be seen from the countryside on approach from the Bishops Stortford direction because of the intervening new housing development and the village shop.

The houses in Barlee Close are separated from the proposed development by the width of the road and the length of their own front gardens, and at this distance their windows will not suffer any material loss of daylight. Traffic to the garage court will have to pass along the road in front of those houses.

The gardens of the houses at 1 and 2 Stortford Cottages are reduced in length by about half, but the remaining area is considered to be more than adequate for houses of this size.

3) New development should be designed to make appropriate provision for access for all forms of transport and should promote high standards of road safety. Parking provision is to be made in accordance with published parking standards. The parking standards suggest that 19 spaces be provided, and 22 spaces are shown. A new garage is also shown for the existing 1 Stortford Cottages. There is no need for any occupier to park on the street.

4) No other issues arise.

**CONCLUSIONS:** The proposed development is considered to be well designed and to make good use of the available site, with no material harmful effect upon the amenity of the locality.

**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 agreed and implemented.
6. C.6.3. Excluding Permitted Development extensions and erection of freestanding buildings without further permission.
7. C.6.7. Excluding conversion of garages.
8. C.8.27. Drainage Details to be submitted agreed and implemented.
9. C.10.7. Standard highway requirements.
10. No construction shall take place except between 8 and 5pm Mondays-Fridays and 9.00am-1pm on Saturdays.

REASON: In the interests of residential amenity.

*Background papers: see application file.*

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## UTT/0734/05/SA – TAKELEY

Satellite 4 development  
Stansted Airport. GR/TL 558-240. Stansted Airport Ltd.  
*Case Officer: Mr J Pine 01799 510460*  
Expiry Date: 04 July 2005

**NOTATION:** Airside within Airport Development Boundary in Adopted ULP.

**DESCRIPTION OF SITE:** The site is located airside approximately 290m north east of Satellite 3 and 200m north of the Radisson hotel.

**DESCRIPTION OF PROPOSALS:** These proposals are for a revised design for Satellite 4, superseding that which was approved in 1999. The revised design would reflect that of Satellite 3.

The new Satellite would measure approximately 245m x 21m and would be 11m high, the same as Satellite 3, but 3m lower than Satellites 1 and 2. The main reason for the height reduction is that Satellite 4 (like Satellite 3) would have only two levels compared to Satellites 1 and 2, which both had three.

As per the other satellite buildings, the departures level would be glazed to provide views across the apron areas and for natural lighting. Elsewhere, materials would consist of silver metal cladding panels, louvres for air intake and exhaust, and glazing. The roof would have a solid finish, as per Satellite 3.

Satellite 4 would have similar segregated arrival and departure arrangements to Satellite 3, namely arrivals at ground (apron) level and departures at first floor level. The building would be connected to the terminal by a pier connector, consisting of walkways and travelators linking into the existing passenger interchange facility south of and serving Satellite 3.

Segregation of arriving and departing passengers would be retained along the pier connector and through the passenger interchange facility, which would be extended to the north east for the purpose of serving Satellite 4. The pier connector would be elevated, having a total height of 10m above ground level, identical to the new part of the passenger interchange facility. Safeguarded zones within Satellite 4 for the future extension of the track transit system (TTS) would be provided. The TTS tunnel to Satellite 4 under the apron is already in place.

Boarding aircraft would, like Satellite 3, be via fixed links to apron level and not moveable air bridges, although provision for these would be safeguarded if they were required. The fixed links would reflect the design of the main building itself, and each would contain lifts and stairs.

**RELEVANT HISTORY:** Outline planning permission for expansion to 15mppa granted in 1985. Reserved matters for terminal apron and Satellites 1 and 2 served by the TTS approved in 1987 as part of Phase 1 expansion (up to 8mppa). Reserved matters for Phase 2 expansion (8-15mppa) approved in 1999, which included details of Satellites 3 and 4. At that time, it was intended that Satellites 3 and 4 would be served by the TTS. Revised scheme for Satellite 3 approved in 2001 served by a pier connector, but with the capability to be linked to the TTS in the future.

*At the last meeting, this application was included as an agenda item under the advanced reporting procedure. The issues raised by Members, and the responses where available at the time of the writing of this report are summarised in the Planning Considerations section. Any further information will be reported.*

**CONSULTATIONS:** ECC Archaeology: The proposed development lies within an area where there is the potential of archaeological deposits surviving. The applicant should be required to conduct a field evaluation to establish the nature and complexity of surviving deposits. This should be undertaken prior to a planning decision being made. The evaluation would enable due consideration to be given to the archaeological implications and would lead to proposals for preservation in situ and / or the need for further investigation. *(Note: In view of the difficulty of arranging airside access for field workers within the application determination deadline, ECC has agreed that a full archaeological condition can be imposed as an alternative).*

BAA Safeguarding: No objections subject to conditions relating to the control of lighting and submission of a construction management strategy.

Environment Agency: No objections.

English Nature: No comments. Should be contacted again if protected species are found at any stage.

Essex Wildlife Trust: No comments in view of the planning history.

Uttlesford Area Access Group: See memo attached at the end of the report. Welcomes BAA's involvement and the opportunity to meet again to discuss the project as it evolves. The Group sees that this is a positive and proactive way forward for both parties to continue their discussions. One of the main concerns of the Group is the distance passengers will be required to travel from the Departures Lounge to Satellite 4.

**PARISH COUNCILS' COMMENTS:** Stansted: No comment.

Takeley: No objections, but have concerns over light / air / noise pollution for residents in Molehill Green.

**REPRESENTATIONS:** This application has been advertised and no representations have been received. Period expired 17/6/05.

**PLANNING CONSIDERATIONS:** Valid outline and detailed planning permissions exist for the erection of Satellite 4, served by a TTS. The principle of the development is not at issue. The main issues are whether:

- 1) the revised design now proposed would be compatible with the countryside setting of the airport and the existing modern airport buildings in the vicinity, as well as being environmentally appropriate (ULP Policies GEN2, 4 and 5), and
- 2) the provision of a pier connector for passengers instead of the TTS as originally proposed would provide safe, easy and inclusive access for all people regardless of disability, age or gender, and provides an environment which meets the reasonable needs of all potential users (ULP Policies GEN1 and 2).

1) It is considered that the revised design, which would reflect that of Satellite 3, would be compatible with the countryside setting of the airport, especially as Satellite 4 would be 3m lower than originally approved, further reducing any impact on the locality. The use of materials would be in accordance with Satellite 3 and the main terminal building. Controls over lighting would be imposed by condition. At the UAAG meeting and in answer to a question from the Council's Energy Efficiency Surveyor, BAA confirmed that its target for Satellite 4 is a 20% reduction in energy consumption compared to Satellite 3.

2) Officers have been informed by BAA that IATA guidelines are a maximum walking distance of 650m for passengers. Officers are also informed that BAA's own guidelines are more stringent, namely 520m with travelators. Officers calculate that the current proposals would involve a walking distance along the pier connector with travelators of about 500–510m (excluding vertical circulation) and then from only a few metres to up to about a further 220m along Satellite 4, depending upon where the gate is located. In comparison, the maximum walking distance from the terminal to the furthest gate in Satellite 3 is about 370m. BAA has been asked to give further clarification on these guidelines and how they are conformed to in this case, as it did claim at the UAAG meeting that the proposal would meet its own more stringent guidelines. The response will be reported.

The position of Satellite 4 is fixed, so nothing can be done to reduce its physical separation from the terminal. Officers are nonetheless concerned about the distance that passengers would be required to walk in the absence of the TTS being provided, especially passengers who are elderly or who have a physical disability. In view of the dialogue that has commenced between BAA and the UAAG, officers do not consider that refusal under Policy GEN1 (Access) would be reasonable, as a condition can be imposed dealing with the matters listed in the UAAG's memo. Under bullet point 1 of that memo, this could include, if feasible, provision of dedicated transport from the terminal to the gate for those who are unable to walk until such time as the TTS is provided.

*Issues raised by Members at the last meeting:*

**Fixed Electrical Ground Power: This was conditioned back in 1999, and is so again.**

**TTS: TTS provision is safeguarded. BAA has been asked to clarify when and in what circumstances TTS access to Satellite 4 would be constructed. This information will be reported.**

**Roof construction: The roof would be solid so there should be no upward light spillage.**

**Light pollution: In the interests of aircraft safety, the Safeguarding Authority requires a condition that all lighting be cut-off above the horizontal. This will also assist in reducing light spillage across the locality. It is also helpful that the overall height of the revised design for Satellite 4 is 3m lower than the original proposals.**

**Fear of escalators / travelators: Lifts, stairs and walkways are available as alternatives.**

**Sight of the Access Group's full report: The full memo is attached.**

**Architectural Resource Centre: Under the provisions of the 15-25mppa planning permission S106 Agreement, BAA has an obligation to make all archaeological finds discovered during the undertaking of works authorised by that permission available to the Saffron Walden Museum for inspection and permanent or temporary display if requested. There is a further obligation to pay £32,000 to UDC for the provision of a store for archaeological finds, triggered by the opening date of the terminal extension authorised under the permission.**

**Difficult access to Satellite 3: See full memo from the Access Group attached at end of report.**

**COMMENTS ON REPRESENTATIONS:** The Parish Council's concern over the effect of light, air and noise pollution on residents of Molehill Green is appreciated, but outline and detailed planning permissions already exist for Satellite 4. However, the lighting scheme condition should assist, as would the reduced height of the revised design for Satellite 4. In respect of Echo apron approved as part of the 15mppa expansion (located to the northeast of Satellite 4 and closest to Molehill Green), the 15-25mppa S106 Agreement places some restrictions on night time operations by cargo aircraft using own power and use of Auxiliary Power Units generally. Monitoring of air quality in the vicinity of the airport is also required under the Agreement.

**CONCLUSIONS:** Subject to the resolution of details relating to access for passengers who are elderly or who have a physical disability, there are no objections to these proposals.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.3.1. To be implemented in accordance with approved plans.
2. No development shall commence until details of the schemes of lighting required during construction and for the completed project have been submitted to and approved in writing by the local planning authority. The schemes as submitted shall comply with CAA/AOA/GAAC Advice Note number 2 "lighting Near Aerodromes" and shall specify lighting that is of flat glass with full cut off design with horizontal mountings to ensure there is no light spill above the horizontal. No subsequent alterations to the approved scheme shall take place unless the prior written approval of the local planning authority has been obtained.  
REASON: To avoid engendering the safe operation of aircraft.
3. No development shall commence until a construction management strategy has been submitted to and approved in writing by the local planning authority. The strategy as submitted shall be in accordance with CAA/AOA/GAAC Advice Note number 4 "Cranes and other Construction Issues".  
REASON: To avoid endangering the safe operation of aircraft.
4. No development or preliminary groundworks of any kind shall commence until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.  
REASON: To ensure that the proposals do not have a detrimental impact on the archaeological diversity of the airport site.
5. All newly completed and fully operational aircraft stands shall be provided with Fixed Electrical Ground Power facilities.  
REASON: To reduce any adverse effects from ground noise in the interests of the amenity of community.
6. No development shall commence until details of the 11 bullet-pointed items listed on page 2 of the memo from the Uttlesford Area Access Group dated 29 June 2005 have been submitted to and approved in writing by the local planning Authority in consultation with the Access Group. The development shall be implemented in accordance with the approved details, which shall not subsequently be varied without the prior written consent of the local planning authority.  
REASON: To promote safe, easy and inclusive access to and from Satellite 4 for all passengers regardless of disability or age.

*Background papers: see application file.*

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## **1) UTT/0718/05/FUL & 2) UTT/0720/05/LB - STANSTED**

Erection of a single-storey restaurant.

Bury Lodge Hotel, Bury Lodge Lane. GR/TL 524-227. Bury Lodge Investment.

Case Officer: Mr S Kuschel 01799 510629

Expiry Date: 12 July 2005

**NOTATION:** Within settlement boundary for the airport, and within 57 leq noise contour area. Grade II Listed Building. Countryside Protection Zone.

**DESCRIPTION OF SITE:** The application site comprises the Bury Lodge Hotel and adjoining barn converted into a conference centre/banqueting suite.

**DESCRIPTION OF PROPOSAL:** The application proposes the erection of a single storey restaurant. The proposed building would have a floor space of 165 sq metres and seating for 64 people. The building would be located at the northern end of the existing barn to which it would be linked. The proposed external finishes are featheredged boarding and plain clay tiles. The proposed building would have a ridge height of 6 metres and is designed in the style of a single storey height barn/outbuilding. An outside patio area is also proposed.

**APPLICANT'S CASE:** The application follows discussions with officers regarding the design of the building.

**RELEVANT HISTORY:** In 1994 an application was approved for a two-storey extension to the hotel, conversion of barn to conference centre/banqueting suite hall, and conversion of granary. The adjacent Listed Building was granted permission for use as a motel in 1978.

**CONSULTATIONS:** Design: Follows pre-application advice. Recommend approval subject to conditions.

**PARISH COUNCIL COMMENTS:** None received – (due 17 June).

**PLANNING CONSIDERATIONS:** The main issues are

- 1) the impact of the proposed building on the setting of a Listed Building. (ERSP Policy HC3 & ULP Policy ENV2),
- 2) design of new development (ULP Policy GEN2),
- 3) effect on Countryside Protection Zone (ULP Policy S7) and
- 4) car parking (ULP Policy GEN8).

1) Policy ENV2 requires that development affecting listed building should be in keeping with its scale, character and surroundings. The design of the proposed restaurant follows discussions with the Conservation Officer, and the design advice given at the pre-application stage. The proposed single storey building would be subservient to the main barn, and constructed from matching materials. Although linked to the main barn, it would have the appearance of a separate building.

2) The proposed building will be compatible with the scale, form, layout, appearance, and materials of the surrounding buildings. It is sufficiently distant from houses to cause nuisance from smells.

3) In the Countryside Protection Zone new buildings are not permitted if they promote coalescence between the airport and the countryside nor if they adversely affect the openness, of the zone. In this case it is considered that as the building would lie within an existing cluster, there would be no adverse implications on the goals of the Countryside Protection Zone.

4) The development would give rise to a need for an additional 23 parking spaces. There is, however, a substantial car park which considerably exceeds the standard for the current use, so it is considered that no new parking is necessary to sense this development.

**CONCLUSIONS:** The proposed restaurant building would be in keeping with the character of the adjoining listed building and compatible with the surrounding area.

**RECOMMENDATIONS:**

**1) UTT/0718/05/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.5.1. Samples of materials to be submitted agreed with implemented.

**2) UTT/0720/05/LB – LISTED BUILDING CONSENT**

1. C.2.2. Time limit for commencement of development – listed buildings.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted agreed and implemented.
4. All new roofs to be hand made clay tiles to Local Authority approval.  
REASON: In order to ensure a high quality development in keep with the character of the area and the adjoining Listed Building.
5. All weatherboarding to be featheredged.  
REASON: In order to ensure a high quality development in keeping with the character of the area and adjoining Listed Building.
6. All external joinery to be timber.  
REASON: In order to ensure a high quality development in keeping with the character of the area and the adjoining Listed Building.

*Background papers: see application file.*

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## **UTT/0902/05/FUL - CLAVERING**

***(Applicant related to a Member of the Committee)***

Variation of condition C.90.A of consent UTT/1440/03/FUL to allow the lighting scheme as proposed.

Grange Farm. GR/TL 466-318, C Abrahams.

Case Officer: Mrs K Hollitt 01799 510495

Expiry Date: 27/07/2005

**NOTATION:** Outside Development Limits.

**DESCRIPTION OF SITE:** The application relates to a plot of land to the west of a range of barns which were granted planning permission for conversion to stables in 2003. The site is located approximately 1km (0.5mile) west of Clavering village, to the north of an unclassified road leading to Deers Green and Starlings Green. The land is in an elevated position in comparison to the properties to the west and there is a dense mature hedge along the boundary of the field to which the site is a part, although this provides seasonal screening only.

**DESCRIPTION OF PROPOSAL:** The proposal relates to the variation of condition C.90A imposed on planning consent granted under reference UTT/1440/03/FUL. This condition stated:

“This permission does not relate to the floodlighting as shown on drawing no. 202279DWG004.

*Reason: The floodlighting would have an adverse impact on the residential amenity of the adjoining properties.”*

The proposals submitted with the application indicate the installation of 8 floodlights.

**APPLICANT'S CASE:** It has become clear over the recent winter months that, as a sole user, the tenant is struggling to successfully operate the business from the site without floodlighting to the manège to enable horses to be exercised in the late afternoon/early evening. Under the consent UTT/1440/03/FUL condition C.90A precludes floodlighting. In order to respect the impact that lighting can have on residential amenity our proposal minimises the height of the lights (with these being mounted at the same height as the top rail of the fence) an in addition, we would proposed that the consent limits the use of the lighting from dusk to 8pm, which will significantly diminish the impact of the scheme on both the countryside and residential amenity.

**RELEVANT HISTORY:** Planning permission granted for the change of use of building to stables in April 2003, subject to conditions restricting the use of the building to a sole user and no riding establishment or livery use of the site. Planning permission granted for the construction of a manège in November 2003 with a condition restricting the use to the user of the adjacent stables.

**CONSULTATIONS:** Environmental Services: To be reported (due 30 June 2005).

**PARISH COUNCIL COMMENTS:** Recommend refusal for the same reasons the previous application was refused by UDC and can see no reason why the circumstances have changed. Considered that floodlighting of this scale in a quiet rural location, in an area of farmland with intermittent houses and farms, would constitute light pollution and be quite out of keeping with the surrounding countryside.

**REPRESENTATIONS:** One. Notification period expired 23 June 2005.

Objection. A lighting scheme has been installed and been in use since February 2005. We have therefore had the experience of living adjacent to the lit operational manège during winter evenings which has seriously affected our residential amenity. During operation the lights are sufficiently bright to be visible from the main road through Clavering some 300 yards away, rather more than the minimum required to illuminate the manège surface. Additionally, the lights are non-directional without any form of cowling, which results in the adjacent barn sides being brightly illuminated, together with a large glare of light pollution above the manège. Also concerned that as various species of bats and owls are resident within the area, the proposed lighting will affect their feeding patterns as prey is driven away. Given that the current tenants have already chosen to disregard the planning conditions with respect to lighting, we would also like to express concern relating to the use of time-switches. They are easily over-ridden and timings cannot be assured.

**PLANNING CONSIDERATIONS: The main issues are whether the proposed lighting would have a detrimental impact on the rural character of the area and neighbouring residential properties (ULP Policies GEN5 and GEN4).**

Policy GEN5 requires proposed lighting schemes to be of a minimum level and for a period of use necessary to achieve its purpose, but only in circumstances where the use of such lighting would allow the beneficial use of important leisure facilities which would outweigh the detriment to the rural area. Planning permission exists on this site for the use of the adjacent building as stables for non-commercial purposes and for a manège to be used in conjunction with the stables. This being the case there does not appear to be justification for the requirement for floodlighting in this rural area. In addition, the previous application related to the proposed installation of 2 floodlights, which were considered unacceptable. This proposal relates to the installation of 8 floodlights, which would be likely to result in considerably more detriment to the rural character of the area. This would be contrary to the provisions of ULP Policy GEN5.

It is considered that the proposed floodlighting would have a detrimental impact on the residential amenity of adjoining properties, in particular the property known as Half Thatch, located some 50m to the west of the manège. This property is partially screened from the site by the existing mature vegetation to the boundary of the field, but this screening provides seasonal cover only. These proposals would be contrary to the provisions of ULP Policy GEN4.

**CONCLUSIONS:** There is insufficient justification to warrant granting consent for the lighting, which is considered to be contrary to policy.

#### **RECOMMENDATION (1) : REFUSAL REASONS**

1. The proposed lighting would result in development which would have a detrimental impact on the rural character of the area by virtue of light pollution, in particular due to the number of lights proposed. The use of the site, by a single non-commercial user, does not constitute a use where an exception to policy can be justified. The proposals would be contrary to the provisions of ULP Policy GEN5.
2. The proposed lighting scheme would result in development which would have a detrimental impact on the residential amenity of the property known as Half Thatch, located to the west of the application site, by virtue of light pollution in this rural locality. This would be contrary to the provisions of ULP Policy GEN4.

**RECOMMENDATION (2):**

Authorisation for enforcement action, including if necessary direct action and prosecution, to seek the removal of the unauthorized floodlights.

Background papers: see application file.

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## **UTT/0712/05/FUL - GREAT HALLINGBURY**

Change of use from nursery to garden centre and erection of store.  
Jarvis Nursery, Tilekiln Green. GR/TL 522-211. Jarvis Nursery.  
*Case Officer: Mr N Ford 01799 510468*  
13 Week Date: 5 August 2005

**NOTATION:** Countryside Protection Zone ULP Policy S8. Public Safety Zone (1:100,000 risk) ULP Policy AIR7.

**DESCRIPTION OF SITE:** Jarvis Nursery is located just south of Start Hill, the B1256 and Stansted Airport on the road to Bedlar's Green and Great Hallingbury. This area, however, immediately south of the Flitch Way has a more rural character. The site is roughly L shape in plan and is accessed off a narrow track leading to an informal parking area for several cars. A series of polytunnels are located on the land housing various plants grown and available for sale to visiting members of the public. The area to the north is open and grassed. The nursery is bounded by a dense bank of trees and a pond to the south. Great Hallingbury Manor hotel is located to the south (outside of the Public Safety Zone) with a scattering of dwellings near opposite the access track to the site and leading northwest beyond the Flitch Way bridge toward the B1256. The site is subject to a high level of ambient noise and disturbance due to aircraft flying low on approach and takeoff from the runway nearby to the north.

**DESCRIPTION OF PROPOSAL:** The scheme relates to the change of use of the nursery to a garden centre and the erection of a storage shed.

The nursery currently sells bedding plants, shrubs and trees raised onsite to visiting members of the public. The applicant states that there has been a loss of passing trade due to the opening of the new A120. They have therefore identified a need to import and sell goods such as decking, sleepers, turf and imported trees and shrubs. The site would also be a base for garden design services. A storage shed would be erected in the western portion of the site. This would have a foot print of approximately 51 sqm, a ridge height of 4.2m and an eaves height of 2.2m. No materials are stated.

**APPLICANT'S CASE:** See Supporting Information dated April 2005 attached end of the report.

**RELEVANT HISTORY:** In 1983 the erection of 4 no. greenhouses were granted planning permission. In 1995 a retrospective application for the erection of a chainlink boundary fence was granted planning permission. In 1997 a certificate of lawfulness was issued for the retention of 14 polythene covered tunnel greenhouses and 4 netting covered tunnel.

**CONSULTATIONS:** Department for Transport: It would appear that the development site is located within the Public Safety Zone for Runway 05 Approach at London Stansted Airport. The proposed change of use from a nursery to a garden centre is likely to increase the number of people on site especially during opening hours. This proposal would therefore appear to contravene the policy contained in DfT Circular 1/2002 in respect of development within a Public Safety Zone.

BAA: Suggests a condition requiring that no building, structure or tree exceed 18m above AOD shall be constructed within the site area in order that it does not conflict with aerodrome safeguarding criteria.

ECC Highways: This Highway Authority wishes to raise an objection to this planning application as insufficient information is provided within the application to demonstrate to the

satisfaction of this Authority that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway capacity and safety.

English Nature: No comment.

Essex Wildlife Trust: To be reported (due 1 June 2005).

UDC Environmental Health: No concern.

**PARISH COUNCIL COMMENTS:** No objection. Recommends approval.

**REPRESENTATIONS:** This application has been advertised and no representations have been received. Period expired 9 June 2005.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) **whether a garden centre is appropriate to this rural area, would not promote coalescence, affect the open characteristics of the Countryside Protection Zone, be acceptable in accessibility and highway terms, have no adverse affects on landscape or residential amenity and new building is appropriate to the scale and character of the area (PPS1, PPS7, ERSP Policy C5 & ULP Policies S8, GEN1, GEN2 and GEN8) and**
- 2) **whether a garden centre would reasonably be expected to increase the number of people living, working or congregating in or on land beyond the current level or if greater the number authorised by any extant planning permission (DfT Circular 1/2002 & ULP Policy AIR7).**

1) PPS7 (Sustainable Development in Rural Areas) shifts the emphasis of Government advice in relation to development in the countryside towards sustainability and seeks to focus development in or next to existing towns and villages where public transport, walking and cycling are accessible. This is due to the large number of trips that are likely to be generated by a use such as a garden centre with regard to this site, trips are likely to be by way of the private motor car as no public transport is available in this location with additional trips also for delivery and collection by more heavy vehicles associated with more substantial items such as sleepers, compost, semi mature trees and larger shrubs. With total reliance of private transport, this is not a sustainable location.

Members will be aware that the Planning Inspectorate has recently dismissed an appeal at the Old Post Office in Bedlar's Green, Great Hallingbury (800m metres away) for the change of use of part of a dwelling to children's nursery. A significant factor in relation to the decision was lack of sustainability. It was noted that users of the building would be attracted from a wide catchment area. In the absence of frequent public transport services in this rural location, most, if not all of the users would be attracted to the site by cars with little if any scope for car sharing or for shared trips. Therefore, that site was considered to be an inherently unsustainable location. It was therefore considered that the proposal would not accord with national Government guidance in PPS1 and PPS7.

It is considered that the proposal subject of this application does bear close comparison to the Inspectors reasoning in relation to sustainability as Bedlar's Green is near to Jarvis Nursery. Indeed, it is considered that this application has the potential to draw many more visitors and attract more unsustainable car journeys.

The comments of Essex County Council Highways will be reported to Members in relation to highway safety and accessibility.

Potential has been identified for a material increase in traffic and of heavy vehicles. This may also have an impact on neighbouring properties due to noise and disturbance due to the comings and goings of such traffic. In particular there are two dwellings near opposite the

site entrance named The Willow Tree and Copper Beech, which may experience this harm to their amenity.

In terms of parking provision there is existing parking for several vehicles located at the entrance to the site and appears adequate for the current low key nursery. However, given a change of use to a garden centre and the resultant increased retail display areas, a level of parking in excess of the current level would be expected. No provision has been made in this respect and the proposal would therefore be detrimental to highway safety.

The proposal cannot be said to support the diversification of a horticultural holding as it relates to a full change of use of the land to a garden centre business and would not sustain an agricultural enterprise but be a wholly non agricultural relates activity. Taken together, the change in character of the use, erection of new building increased coming+goings and likely need to expand the car park, would open rural characteristics of the Countryside Protection Zone.

2) The aim of the Public Safety Zone is to control the number of people living, working and visiting in them due to the theoretical danger from aircraft. Government and local policy therefore seeks to control numbers. Changes of use which can reasonably be expected to increase the number of people living, working or congregating in or on land beyond the current level or if greater the number authorised by any extant planning permission should be refused on Public Safety Zone grounds.

The applicant acknowledges that there will be an increase in visitor numbers but seeks to demonstrate that an increase in trips to the site by visiting members of the public is appropriate by looking at historic visitor levels. This has been worked out on the basis of an average spend per customer against total turnover for a particular year. This would show a decline of 614 visitors. The applicant's aim is to increase visitors to historic levels. It is stated that a condition could limit the number of staff in order to limit expansion of the business. However, it is considered that a condition such as this would be difficult to control and enforce and is therefore inappropriate.

Members will note that the Civil Aviation Division in the Department for Transport have commented on the proposal and have stated that the change of use from a nursery to a garden centre is likely to increase the number of people on site especially during opening hours and that the proposal therefore appears to contravene the policy contained in DfT Circular 1/2002 in respect of development within a Public Safety Zone. Therefore, the application is also recommended for refusal on this basis.

**CONCLUSIONS:** Such development is not considered to accord with advice provided by PPS7 in relation to encouraging sustainable development that reduces the need to travel by private car. Therefore, the proposal would be unsustainable and not protect the character and appearance of the countryside for its own sake. The proposed development is also expected to increase the number of people working or congregating the Public safety Zone contrary to Government guidance.

### **RECOMMENDATION: REFUSAL REASONS**

1. This application for change of use from nursery to garden centre and erection of store is unacceptable because it would be located on an inappropriate site where there would be a heavy reliance on private motor vehicles due to a lack of alternative means of transport leading to greater vehicular movements on the rural road network. The proposal would change the character of activities on site involve the erection of a new building likely to involve an expanded car park and generate additional comings+goings.

This additional traffic entering and leaving the site would have a detrimental Impact on adjacent residential dwellings contrary to PPS1, PPS7, Policy C5 of the Essex and Southend on Sea Replacement Structure Plan 2001 and Policies S8, GEN1, GEN4 and GEN8.

2. This application for change of use from nursery to garden centre and erection of store is unacceptable because it would result in an increase in the number of people working or congregating on the site and therefore contravene Government guidance contained in DfT Circular 1/2002.

*Background papers: see application file.*

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**UTT/0813/05/OP - SAFFRON WALDEN**  
***(Referred at Member's Request – Councillor Bayley)***

Outline application for erection of seven dwellings and twelve parking spaces  
Three Valley Water Plc, Landscape View. GR/TL 538-370. Three Valleys Water PLC.  
Case Officer: Mrs K Hollitt 01799 510495  
Expiry Date: 02/08/2005

**NOTATION:** Within Development Limits/Ground Water Protection Zone.

**DESCRIPTION OF SITE:** The application site is located to the west of Landscape View in a backland location. It is served by an access of approximately 60m in length, which has close boarded fencing to either side. The site has a width of 32m, widening out to 36m to the rear of the site. It has a depth of approximately 17m, widening out to 39m. The boundaries of the site are of close-boarded fencing. Along the boundary of Seven Dials, located in Seven Devils Lane, there is a row of tall Leylandii hedging to the rear of the boundary fencing. To the rear of the fence along the boundary with 23 Wards Croft/20 Landscape View, there is a hawthorn tree and a hazel tree. Within the site and to the rear of the properties in Landscape View here is a maple tree. A mature oak tree is partially overhanging the site in this area. Within the site there is an electrical sub-station; a range of portacabins which were formerly used as offices for the site, and a large concrete area for the parking of vehicles. To the rear of the site there is a red brick Water Works building, together with a smaller red brick and concrete tiled building and two buildings of concrete block construction.

**DESCRIPTION OF PROPOSAL:** The proposal relates to an outline application for residential development of the site. The indicative drawing indicates 7 dwellings. All matters are reserved. It is intended that the water works area to the rear of the site would remain operational at the current time.

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

**CONSULTATIONS:** Water Authority: To be reported (due 28 June 2005).

Environment Agency: Foul and surface water should be discharged to the main sewers. Benefits to be gained from the implementation of sustainable drainage systems should be considered. There is the opportunity to install water efficiency and water saving devices in buildings on the proposed development. Development should incorporate principles of sustainable construction and design.

Environmental Services: To be reported (due 21 June 2005).

ECC Transportation and Highways: To be reported (due 16 July 2005).

**TOWN COUNCIL COMMENTS:** No objections.

**REPRESENTATIONS:** Two. Notification period expired 28 June 2005.

There are in fact two young sycamore trees on the boundary with the bottom of my garden, where the statement says that there are none. Road to be used for access does not appear sufficient for the usage it will be put to with the seven properties plus the traffic to the Water pumping station, let alone the proposed joining with Seven Devils Lane. This together with the added vehicle pollution and increased noise will be detrimental to the environment of the area.

Proposed development of 7 properties is relatively modest, but it should not be allowed to detract from the fact that serious improvements will very soon be required with respect to schooling and other fundamental services. Question whether the visibility splay is adequate

from exiting the development onto Landscape View. The fact that it has been used for many years should not qualify exemption from current legislation. No real objection to the proposed development.

**COMMENTS ON REPRESENTATIONS:** Awaiting the comments of the Highways Authority in relation to the access. The proposed access to Seven Devils Lane is not being applied for in this application, the drawings are indicative only.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposed development of the site is appropriate in this location (ERSP Policy BE1, ULP Policies S1, H3, H4); whether the proposed mix and density are appropriate for this site (ULP Policy H10); whether the proposed access is sufficient to serve the proposed development (ULP Policy GEN1) and whether any amenity issues would be raised by the proposals (ULP Policy GEN2).

The application site is located within the development limits and constitutes a brownfield site and does not constitute a key employment site. As such its reuse for residential development would be appropriate in line with current guidance contained within PPG3. The site measures 0.16ha and it is indicated that 7 dwellings could be erected on the site, giving a density of 44 dwellings per hectare. It is considered that such a density would result in development making efficient use of land. The site is located within reasonable distance of a local bus service, although alternative means of transport in lieu of the private car are limited in this location. Notwithstanding this, there are local shopping facilities available in both Rowntree Way and Cromwell Road. As such, it is considered that the proposals comply with ERSP Policy BE1, ULP Policies S1 and H3. The site is located in a backland location and is currently under used. As stated above, the residential development of this site would constitute development which makes better use of the land. From the indicative drawings, it can be shown that a development of 7 properties could be possible and not cause adverse amenity issues, mainly due to the existing mature screening within the plots adjoining the application site. Therefore, it is considered that the proposals would comply with ULP Policies H4 and GEN2. The proposals are in outline form only, but the indicative plan indicates a detached dwelling, a pair of semi-detached dwellings and a terrace of four dwellings. No indication has been given as to the mix of the proposed dwellings, but this could be controlled by condition and result in development complying with ULP Policy H10.

The access to the proposed development has served a water depot for many years. This use has declined and the applicant's case states that approximately 25 people were based on the site during its operational period. It is stated that this use generated approximately 70 to 80 vehicular movements per day. Operational facilities could be restarted on the site without the requirement to apply for planning permission and such heavy use of the vehicular access could be reintroduced. It is considered that the proposed residential development would result in a net reduction of the existing access and as such the proposals would be in accordance with ULP Policy GEN1.

**CONCLUSIONS:** The proposals represent a better use of a brownfield site located within an existing urban area. Whilst there are limited means of alternative transport modes other than the private car, the site is located within a reasonable distance of local services.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.1.1. Submission of reserved matters – 1.
2. C.1.2. Submission of reserved matters – 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. C.4.1. Scheme of landscaping to be submitted and agreed.

- 6. C.4.2. Implementation of landscaping.
- 7. C.5.1. Samples of materials to be submitted and agreed.
- 8. The development hereby permitted shall relate to a scheme where at least 75% of the proposed dwellings shall be of 2 and 3 bedroom properties.  
REASON: To ensure the development contributes towards the local needs of affordable market housing.
- 9. No development shall commence until details of energy-efficient construction materials and processes, including measures for long-term energy and water efficient use of the building, have been submitted to and approved in writing by the local planning authority. These measures should promote the use of renewable resources and involve sustainable drainage, heating and power systems. The dwellings shall be constructed in accordance with the agreed materials, processes and systems, and shall thereafter be maintained in the approved form.  
REASON: In the interests of sustainability.
- 10. C.8.27. Drainage details.
- 11. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
- 12. C.11.5. Standard vehicle parking facilities.
- 13. No construction shall take place except between the hours of 8am-5pm Mondays-Fridays and not at all on Sundays or Bank and Public holidays.  
REASON: In the interests of amenity.
- 14. C.7.1. Slab levels.

*Background papers: see application file.*

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## **UTT/0838/05/FUL - WIDDINGTON**

*(Referred by Cllr. Wilcock)*

Lettable accommodation in the form of a guesthouse.  
adj. Fleur-de-Lys Public House, High Street. GR/TL 538-316. R F Bunten.  
Case Officer: Mr S Kuschel 01799 510629  
Expiry Date: 20/07/2005

**NOTATION:** Within Development Limits and Conservation Area. Adjacent Grade II listed building.

**DESCRIPTION OF SITE:** The application site currently forms the beer garden to the side of the Public House with a frontage width to the High Street of 15 metres.

**DESCRIPTION OF PROPOSAL:** The application proposes lettable accommodation in the form of a guesthouse. It is also proposed that a new beer garden be constructed to the east of the pub with revised car parking provision, which the applicant would intend to carry out before any work commenced on the new accommodation.

The proposed accommodation would comprise a living room, kitchen/dining room, and bedroom on the ground floor, and 4 bedrooms and 4 bathrooms on the first floor. The ground floor accommodation would provide a flat for the person managing the lettable rooms.

**APPLICANT'S CASE:** A letter to accompanying the application states that the reason for the proposed development is to assist the trading position of the pub. Car parking for any residents using the accommodation would be provided in the pub car park. In the early stages of the project it is envisaged that a flat on the ground floor would be provided for the person managing the lettable rooms. If successful it would be the intention to convert the ground floor into further lettable rooms.

**CONSULTATIONS:** Design: Proposals follow negotiations. Considered acceptable in terms of design subject to conditions.

**PARISH COUNCIL COMMENTS:** Object to the application. The Fleur de Lys is a Listed Building within the conservation area of the village and a building so close would detract from appreciation of that Listed Building. It would be an infill, which would not enhance the area. The site is also at present a green open space, being the beer garden of the pub, in the centre of the village. A building on the site would be detrimental to the visual enjoyment of the surroundings by residents and visitors to the village. Would therefore request that the application be refused.

**REPRESENTATIONS:** This application has been advertised and ten letters have been received. Period expired 23 June 2005. Objections relate to matters as follows:-

The application relates to building on a green field site, which will be detrimental to the village. Access will impact on the location as well as the users of the Post Box and Bus Stop Area. On street parking is already creating problems in the Village as well as the vehicles using the High Street and this development will further add to this problem.

The amenity of the pub garden will be lost to the village. With 5 rooms to let there will be up to five additional cars which need parking at the property. The single space shown is inadequate. The garden space next to the Fleur de Lys is important green amenity in the

centre of the village and has established trees. This space is included within the conservation area and the proposed development will substantially alter the current appearance and character of the conservation area. Due to its proposed size this building will be extremely intrusive between and in front of the historic buildings in the centre of Widdington.

The new accommodation should be located at the rear of the property where there is an existing building that could be converted.

Parking spaces would be inadequate to provide sufficient off-road parking.

The distinction between the proposed “guesthouse” and a private dwelling is not apparent.

The positioning of the guesthouse in the garden of the pub would lose a great asset, and the village an attractive focal point.

Inappropriate to allow the building of a new property in the conservation area. To build on the only open space in the High Street would detract greatly from the general attractiveness of the surrounding area. To allow a new access driveway could potentially be a hazard from a road safety point of view.

Further letter from the CPRE. The proposed development would be harmful to the character of the village Conservation Area in that it would fill an attractive open space, the public house garden, which makes a positive contribution to the streetscene and the setting of the public house. The siting and design of the proposed lettable accommodation is that of a standard dwelling. As such it would be excessively prominent on the street rather than ancillary to the public house. Conversion of the public house garden site to residential/letting could tend to undermine the longer term attractiveness of the public house and therefore its viability.

**COMMENTS ON REPRESENTATIONS:** The application site currently forms the pub garden and is within the settlement limits. The garden will be replaced on land to the rear of the pub. Parking will be available in a new car park.

**PLANNING CONSIDERATIONS: The main issues are**

- 1) whether the proposed development is compatible with the character, and not harmful to the amenities of the surrounding area. (ERSP Policies CS2 and BE1 & ULP Policies S1, H3, and LC5);
- 2) whether the proposed development preserves and enhances the character and appearance of the Conservation Area, and whether development would adversely affect the setting of the adjoining Listed Building. (ERSP Policies HC2 and HC3 & ULP Policies ENV1 and ENV2);
- 3) whether the proposed parking provision is adequate for the guesthouse accommodation and the pub. (ULP Policy GEN8).

1) Policy LC5 states that new building, change of use of an existing building or extension to existing accommodation will be permitted within development limits if the development would not harm the character or amenities of the surrounding area. The development of tourism is supported to increase the economic benefits to the district provided this is done in a sustainable way.

The site is located between the public house and the village hall and will not impact on the amenities of any of the nearby residential properties.

2) The design of the proposed building is appropriate to the Conservation Area, and will not be harmful to the setting of the adjacent Listed Building. The plans show a render and weatherboarded finish to the walls, and clay roof tiles. The proposed dwelling will fill an existing gap in the frontage, but this is not considered to be harmful to the character of the conservation area. The beer garden will be replaced at the rear of the pub.

3) The relocated car park shows the provision of 12 parking spaces, and one space is shown adjacent to the proposed guesthouse. Visitors to the guesthouse will be able to use the pub car park. The level of parking provision is considered to be adequate.

**CONCLUSIONS:** The proposed guesthouse accommodation is compatible with the character of the surrounding area and the design is appropriate to the location within a Conservation Area.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted agreed and implemented.
4. The occupation of the building hereby permitted shall be limited to guesthouse accommodation ancillary to the adjacent public house known as The Fleur de-lys at the date of this permission..  
REASON: To ensure that there is adequate parking provision and to protect the character of the area.
5. C.5.5. Clay plain tiles.
6. C.5.8. Joinery details.
7. C.5.9. Stained wood.
8. C.5.11. Smooth rendered walls.
9. The ground floor flat shown on drawing no. FDL/01 shall only be occupied as staff accommodation by persons solely or mainly employed in the operation of the adjacent public house, known as The Fleur de lys at the date of this permission.
10. Prior to the first use occupation of the building hereby permitted, the car parking spaces coloured green, and marked 1-12, on drawing no. FDL/01 have been hard surfaces and laid out. Such spaces shall thereafter be retained and shall not be used for any purpose other than the parking of vehicles visiting the public house and guest accommodation.  
REASON: To ensure adequate on-site parking is retained, in the interests of highway safety.
11. C.25.1.No airport related parking, guest accommodation and public house.
12. Prior to the first use/occupation of the building hereby permitted, the replacement public house garden shall be laid out and landscaped in accordance with details first submitted to and approved in writing by the local planning authority. Such details shall include hard surfacing materials, planting details/specification, and means of enclosure.  
REASON: To ensure the amenities of the public house are maintained, in the interests of the vitality of the business use, and the setting of the listed building.
13. C.4.2. Implementation of landscaping.

*Background papers: see application file.*

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## **1) UTT/0743/05/FUL & 2) UTT/0744/05/LB - SAFFRON WALDEN**

*(Referred by Cllr Freeman)*

- 1) Single storey side and single storey rear extensions. Replacement of cart lodge. Formation of small raised south facing terrace
  - 2) Single storey side and single storey rear extensions with internal alterations. Replacement of cart lodge. Formation of small raised south facing terrace
- The Grange 33 Church Street. GR/TL 538-385. Mr Q Lumsden.  
*Case Officer: Consultant North 2 telephone 01799 510469/510478*  
Expiry Date: 13 July 2005

**NOTATION:** Within settlement limits; listed building; Conservation Area.

**DESCRIPTION OF SITE:** Application site comprises a large and imposing dwelling located on a substantial curtilage immediately to the northeast of the main shopping area of the town. The main dwelling is part of a short terrace of buildings fronting Church Street. The property has vehicular access from Common Hill and its curtilage extends towards the more modern infill development fronting Church Street and, to the south, the curtilage adjoins the row of retail outlets comprising numbers 1-11 Emson Close.

**DESCRIPTION OF PROPOSAL:** Application seeks planning permission and listed building consent to erect single storey extensions to the rear of this dwelling and to demolish and replace the existing 'cart lodge'. There would be two elements to the single storey extensions. One element would be a long and thin extension adjoining the side wall of the property that faces north east. This would be 1.4 metres wide and 10.4 metres deep. It would be positioned approximately 1.1 metres away from the party boundary with the dwelling to the northeast. The second element would be a single storey rearward projection that would be an average of 7.7 metres in depth and 6.2 metres in width. Both extensions would be finished with pitched roofs tied into the main dwelling.

The replacement cart lodge, to be used for parking cars, would be in broadly the same position as the existing cart lodge and be 5.7 metres deep and 6.6 metres wide. Also indicated on the application drawings is a small raised terrace area that would adjoin the proposed rear extension.

**RELEVANT HISTORY:** None to the determination of this application.

**CONSULTATIONS:** Design Officer: No objection subject to conditions.

English Nature: No comment.

ECC Archaeology: recommend watching brief condition.

**TOWN COUNCIL COMMENTS:** No objections.

**REPRESENTATIONS:** These applications have been advertised and no representations have been received. None. Period expired 16 June 2005.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) design/Impact on LB (ERSP Policies HC3, BE1, ULP Policies H8, GEN 2, ENV2),
- 2) Conservation Area: (ERSP Policies HC2, ULP Policy ENV1) and
- 3) neighbours' amenity (ULP Policies H8, GEN4 and GEN2).

1) The existing dwelling is an attractive three-storey detached dwelling that makes an important contribution to the wider street scene. It retains much of its historical character and, in particular, it has an almost uniquely spacious curtilage for this town centre location. It is important to preserve this character, and this can be achieved when extending the property. The key consideration is to ensure that the size and scale, and detailed design, of proposed alterations will not be overly dominant, and otherwise visually in keeping with the character of the listed building.

In this case, the proposal would result in the removal of two single storey extensions that presently make no special contribution to the character or appearance of the main dwelling. Furthermore, the overall size and scale of these extensions would not be excessive. They would be visually articulated from the main dwelling and not be excessively large in relation to its three-storey character. For example, the width of the proposed rear extension would be less than half the width of the main dwelling and therefore appear as a visually subordinate feature, ensuring its character would be retained. The small raised garden terrace would have no significant impact on the listed building.

The existing cart lodge is a dilapidated feature that presently detracts from the setting of the dwelling. The proposed replacement is of a wholly appropriate design and, in combination with its slightly lower level than the extension to the dwelling, would have no adverse impact on the setting of the main listed building.

In summary therefore, the new investment that this extension work would bring to this listed building is welcome and will be a significant contribution to ensuring the well-being and longevity of this significant structure.

As with all extensions to listed buildings, details of construction are crucial and planning conditions in this regard are set out below.

2) In the light of the above comments, it is also considered that the extensions would at least preserve the character and appearance of this Conservation Area. The resultant dwelling would not be excessively large for this plot and there would still remain reasonable spacing between adjoining built form.

3) With regard to impact on neighbours, the only neighbour affected would be that immediately to the northeast. However, as the main part of the extension would be set away from their garden area and adjacent to a substantial wall of an existing outbuilding, that element would cause no harm. The smaller single storey element to the side would also have no significant impact on the neighbour given its limited size, scale and position close to a two metre high boundary wall.

**CONCLUSION:** The proposed extensions and outbuilding within the curtilage of this dwelling would not harm the setting and appearance of the listed building; it would preserve the character and appearance of the Conservation Area; and it would have no significant impact on the amenities of adjoining occupiers.

## **RECOMMENDATIONS**

### **1) UTT/0743/05/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.5.1. Samples of materials to be submitted agreed and implemented.

4. The external surfaces of the roof of the extensions and outbuilding hereby permitted shall be hand made clay pantiles or natural slate and thereafter permanently retained as such.  
REASON: To preserve the historic integrity and character of this listed building.
5. C.16.1. Watching archaeological brief.

**2) UTT/0744/05/LB – APPROVAL LISTED BUILDING CONSENT**

1. C.2.2. Time limit for commencement of development – listed building.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted and agreed.
4. All external joinery, including window frames, is to be painted timber and thereafter permanently retained as such.  
REASON: To preserve the historic integrity and character of this listed building.
5. No elements of the historic timber frame of the dwelling are to be cut or removed without the prior inspection and written consent from the local planning authority. Advance written notice of the commencement of any such work must be given to the local planning authority.  
REASON: To preserve the historic integrity and character of this listed building.
6. The external surfaces of the roof of the extensions and outbuilding hereby permitted shall be hand made clay pantiles or natural slate and thereafter permanently retained as such.  
REASON: To preserve the historic integrity and character of this listed building.
7. All render surfaces are to be smooth finished and thereafter permanently retained as such.  
REASON: To preserve the historic integrity and character of this listed building.
8. All weatherboarding is to be feather edged and painted timber.  
REASON: To preserve the historic integrity and character of this listed building.
9. All brickwork shall be soft clay redbrick to match the existing with bonding and pointing to match the existing.  
REASON: To preserve the historic integrity and character of this listed building.
10. All rooflights shall be of the Conservation range, details of which shall be submitted to and approved in writing by the local planning authority before work commences.  
REASON: To preserve the historic integrity and character of this listed building.

*Background papers: see application file.*

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