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PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 12 OCTOBER 2005

APPL NO: **UTT/1287/05/FUL & UTT/1288/05/LB**
PARISH: **SEWARDS END**
DEVELOPMENT: Conversion of outbuildings (cowshed & piggery) to two single storey dwellings
APPLICANT: Mr S Grimes
LOCATION: Swards End Farm 13 Redgates Lane
D.C. CTTE: 21 September 2005 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: **Refuse**
Case Officer: Mr T Morton 01799 510654
Expiry Date: 30 September 2005

1) UTT/1287/05/FUL & UTT/1288/05/LB - SEWARDS END

Conversion of outbuildings (cowshed & piggery) to two single storey dwellings
Sewards End Farm 13 Redgates Lane. GR/TL 570-385. Mr S Grimes.

Case Officer: Mr T Morton 01799 510654

Expiry Date: 30/09/2005

13 weeks: 14/11/2005

ODPM classification: Major application

NOTATION: Outside Settlement Boundary.

DESCRIPTION OF SITE: The property consists of a two storey brick built house, Listed Grade II, with two brick outbuildings in the grounds to the side of the house. The house is in poor condition, with its roof removed and protected under a temporary scaffold, the outbuildings are partially collapsed, with partially repaired roofing.

DESCRIPTION OF PROPOSAL: Removal of the house roof, repair conservation and refurbishment of the house and internal alterations to the layout of the first floor (LB), and conversion of the outbuildings to form two, single storey, dwellings (LB) and (FUL).

APPLICANT'S CASE: A substantial supporting statement has been submitted and is available for inspection available at Council Office, London Road, Saffron Walden. This includes a lengthy schedule of works to the house, indicative of the extensive repair and rebuilding that will be required. The statement also describes the conversion of the outbuildings, which are curtilage Listed. The document quotes from PPG15, Planning and the Historic Environment to support the proposals. The conversion works include the restoration of previously demolished parts of the outbuildings to bring them back to viable use and retain the overall plan and outlook of the historic farmstead. The document quotes PPS7, PPG15, ULP Policy ENV2, H6 and S7, ERSP Policy RE2 in support. The need for 'enabling development' is set out, against English Heritage criteria. The farmstead is a considerable historic feature of the area and should be conserved. A section 106 Agreement is offered to ensure full restoration of the farmhouse to ensure all monies raised from the new dwellings is used to fund restoration of the farmhouse.

RELEVANT HISTORY: UTT/2194/04/LB Demolition of dwelling. Withdrawn by applicant. UTT/0053/05/LB Renewal of barn/outbuilding roof. Approved 23 May 2005. Note: this application was retrospective, the repair works to the roof of the two outbuildings already having been partially carried out. These repairs have not been completed.

CONSULTATIONS: Essex County Council Highways: Recommendation of Refusal. The highway authority wish to raise objection to the proposals which would intensify the use of a substandard access onto a classified highway where the aim function is that of carrying traffic freely and safely between centres of population. The existence of an access in this position is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but the intensification of the conflict an interference which this proposal would engender would lead to a deterioration in the efficiency of the through road as a carrier of traffic and be detrimental to highway safety. There is insufficient information on the expected traffic flows generated as a result of this application and subsequent traffic impact on the surrounding highway network in order to determine the application.

Contrary to Structure Plan Policies T7 and T8.

Essex County Council archaeological advice: The proposed conversion of farm buildings lies on the site of a moated enclosure (HER 156). It is possible that groundworks will identify

early buildings associated with the moated enclosure. A rapid record should be made of the structures prior to their conversion.

RECOMMENDATION; Detailed monitoring and building recording.

No conversion or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority”

A professional team of archaeologists should undertake the work to comprise of an initial phase of rapid building recording followed by detailed monitoring of groundworks and associated with the conversion and new build to allow for the recording of the surviving archaeological deposits.

English Heritage: No response at the time of drafting this report.

Society for Protection of Ancient Buildings: We are generally very satisfied with the current plans to repair the farmhouse. It is expected that the full extent of necessary repairs may only become apparent once work has begun. Your council may want to consider employing a consultant, to oversee the project be necessary to ensure the removal of fabric only takes place where required. The conversion of the cowshed and piggery to form two new dwellings will undoubtedly have an effect on the character of the building and on the setting of the farmhouse itself. However, we appreciate that some form of enabling development may be necessary. Should your council approve of the conversion scheme, listed building consent should not be granted until the legal agreements are in place to ensure that the main house would be fully repaired and occupied before the newly converted dwellings could be inhabited.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS:

English Heritage: The new scheme would secure the future of the historic building and English Heritage encourages your Council to approve it. We are anxious to see the building repaired and refurbished. I consider that the proposed repairs would preserve the surviving interest of the building. The conversion of the outbuildings is proposed in order to offset the substantial cost of repairing the house. They are now redundant and their conversion as well as securing the future of the house itself, would also preserve its setting. From the perspective of English Heritage the conversion of the outbuildings would be essentially beneficial.

The Society for the Protection of Ancient Buildings: Generally very satisfied with current plans to repair the farmhouse. The supporting paper sets out a conservative approach to repairing the building, aiming to retain as much of the existing fabric as possible. It will be extremely important for the work to be carefully monitored. The conversion of the cowshed and piggery to form two new dwellings will undoubtedly have an effect on the character of the building and on the setting of the farmhouse itself. Should your council approve of the conversion scheme, listed building consent should not be granted until the legal agreements are in place to ensure that the main house would be fully repaired and occupied before the newly converted dwellings could be inhabited.

UDC Building Surveying: No adverse comments.

PARISH COUNCIL COMMENTS: Not received at the time of drafting this report.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS:

In favour of the house being repaired and refurbished. The owner has an obligation to repair the listed building and protection of the fabric of the building. Strongly object to the proposed residential conversion of the two outbuildings for the following reasons:

- (Local Plan Policy S7): The entire site is outside of the development limits
- Precedent would be set if the two additional properties were granted permission: The field opposite the farm has been purchased and been split into 157 plots of

one third of an acre. The company that purchased the plots is selling them as potential development land at £25,000 each.

- (Local Plan Policy H6 – Conversion of rural builds to residential use): The outbuildings are in very poor condition; extensive reconstruction would be required and large extensions.
- (Local Plan Policy ENV2): The residential conversion would not enhance the setting of the listed farmhouse.
- Existing Development: The financial situation of the applicant is not a planning issue.

Urge refusal of this application whilst ensuring that the owners securely protect the building against the weather, which has been promised a number of times and never carried out sufficiently.

REPRESENTATIONS: These applications have been advertised and one representation has been received. Period expired 1 September 2005.

The proposals would be outside of the village plan. The house roof has already been removed and timbers burnt without authority. Any dramatic changes would be detrimental to the historic aspect of the area. The bends in the lane are very restricted and access to any additional residential units would be very dangerous. The plans do not show the existing brick and flint wall on the west side of the site and do not show the detail of the rebuilding of the old cart and pony house, proposed to be a garage. The restoration of the farm and outbuildings in the only planning that should be approved.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS: 3 further letters have been received:

1. CPREssex: Pleased to see proposals to conserve one of the few remaining historic properties in Swards End. However, we object to the proposed conversion of the two outbuildings. Location is not one where new residential units are normally permitted, nor is it sustainable. Does not meet the criteria for use under Local Plan Policy H6 or PP57. The outbuildings are in fact of no particular merit in themselves. They are in very poor condition, such that extensive reconstruction is required. Residential conversion would not enhance the setting of the listed farmhouse. We do not consider that a case has been made for 'enabling development'.

2. There are some statements in the applicant's supporting paper which are not correct:
Piggery: It is stated that the north-south arm largely remains and is intact. This is not so as a fair proportion of the arm only exists to the extent of one partly collapsed wall.
Cowshed: It is said that the proposals incorporate only one small extension of the existing buildings. However, the plans show a small extension to the west and a sizeable extension to the north.

It is said that the farmhouse lies within the defined settlement limit of Swards End. This is not so as the house was moved outside the limit when the current plan was adopted earlier this year.

It is stated that the farmhouse was the principal house of the village but that was not so. Pounce Hall as the sub-manor was the principal house until The Towers was built when it became the principal house.

I object to these extensions, particularly the one to the north, would impact on the historical integrity of the buildings. I question whether the proposed vehicular accesses for the new houses would be safe. Planning Policy H6 requires that conversion of rural buildings to

residential use can only be allowed if they are in sound structural condition. This is not the case. The settlement limit was deliberately moved as part of the last review taking four houses at this end of the village out of the settlement area, the plan was open for comment when in draft form and no objection was made to the change.

3. Object. The outbuildings are within the curtilage of the farmhouse and therefore are also listed buildings and should be conserved as such. Any residential development would be outside the village plan. Adjacent to the site are some of the oldest properties in the village and any dramatic changes of use as proposed would be detrimental to the historical aspect of this area of Redgates Lane. The bends in this part of the lane are already very restricted and access to any additional residential units would be extremely dangerous. I am also very concerned that the plans do not allow the existence of a flint and brick boundary wall on the west side of the site which should run up to the back brick wall of the old slate roofed cart and pony house.

COMMENTS ON REPRESENTATIONS: Noted and discussed below.

PLANNING CONSIDERATIONS: The main issues are

- 1) **The historic and architectural interest of the property (ERSP Policy HC3, ULP Policy ENV2);**
- 2) **Countryside Policy (ERSP Policy C5, H2, RE2. & ULP Policy S7);**
- 3) **Highways issues (ERSP Policies T7, T8. & ULP Policy GEN1) and**
- 4) **Other material planning considerations.**

1) An application for the demolition of the farmhouse was made in 2004, and the supporting statement for that concluded that, "... regrettably there is nothing left of historic interest or architectural interest that is capable of repair *in situ*, demolition is the only practical option. Should consent be granted the historic fabric would be salvaged where it retains a degree of integrity." English Heritage objected to the proposed demolition and has called for restoration of the house.

The current proposals have been prepared in response to English Heritage opposition to complete demolition. The case is based upon a need for enabling development to provide funding to pay for the restoration of the principal Listed Building, and this is in the form of two additional dwellings achieved by the 'conversion' of two existing outbuildings. These have 'curtilage Listed' status, by virtue of being there in 1948, but one has a date stone of 1911 set into the end wall, and the other is believed to be of similar date, being of similar construction. Old photographs of the site show the southern building to have been attached to other farm outbuildings in the past, though these have now collapsed to separate remnant walls and do not form a structure. The outer wall of this building forms the boundary wall to Redgate Lane, heavily overgrown with Ivy. The outbuildings are of no intrinsic architectural or historic interest. The applicant claims that their restoration would contribute to the setting of the farmhouse, but arguably their complete removal would be a greater benefit.

Part of the case concerns the concept of Enabling Development. There is no guidance on this in PPG15, however English Heritage have produced a guidance note in which they define the concept as;

" Enabling development is development that is contrary to established planning policy – national or local – but which is occasionally permitted because it brings public benefits that have been demonstrated clearly to outweigh the harm that would be caused. The benefits are paid for by the value added to land as a result of the granting of planning permission for its development, so enabling development can be considered a type of public subsidy. It has been proposed in support of a wide range of public benefits, from opera houses to nature conservation, but this guidance is concerned primarily with enabling development proposed to secure the future of heritage assets. "

It then offers guidelines for this type of development;

- The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting
- The proposal avoids detrimental fragmentation of management of the heritage asset
- The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose
- The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid
- Sufficient financial assistance is not available from any other source
- It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits
- The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (i.e. the disbenefits) of providing the enabling development

PPG15 sets out general criteria for consideration of applications as;

The importance of the building, its intrinsic interest..... in national and local terms

Physical features that justify inclusion in the list

Setting and contribution to the local scene

Extent to which proposed works would bring substantial benefits to the community.

In this case the principal Listed Building is in poor condition, having suffered a fire and rebuilding in the 1930s, and then a long period of neglect through recent decades. Extensive reconstruction is required if the building is to be retained, though a considerable proportion of the material within it will be modern rather than historic. The house is not exceptional in a national context, but clearly is a local feature, though its location is not a prominent one in visual terms. The two remaining outbuildings are of little intrinsic architectural or historic interest, being built in the last century from utilitarian brick in very simple form. Whilst restoration of the house is not particularly contentious and even desirable, the formation of two new dwellings in a location where new dwellings would not normally be approved is a contentious issue. It is a moot point whether, "The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid".

It has not been demonstrated that such development, "brings public benefits that have been demonstrated clearly to outweigh the harm that would be caused". It brings private benefits to the owner in terms of meeting costs for the immediate reconstruction, though not the long term future, but this is not considered to be enough to set aside countryside policy, the requirements of which are discussed in the next section. It is also a moot point whether the introduction of two essentially new houses to the site is beneficial to the setting of the Listed house, or rather would detract from it.

2) The proposed development is located in the countryside beyond development limits where planning permission is not normally given for development unless the proposal relates to agriculture, forestry, appropriate outdoor recreational uses, or appropriate changes of use of suitable existing buildings compatible with a rural area. The pressure for new residential development is always highest on the immediate edge of existing settlements, and the location does not amount to a reason for an exception to be made to policy. The Council is also aware of the presence of a considerable number of land plots in the vicinity that have been sold in the hope of future development, and the issue of precedent must be considered.

PPS7 sets out the Government's objectives for sustainable development in rural areas, and gives some support for the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-

use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. The issues then are whether this building is

Appropriately located – This is a location outside of the Development Limit of Swards End, and the boundary of the village has in fact contracted away from this site with the adoption of the Local Plan in January 2005. There is no nearby school, shop, or doctor and only limited public transport. This is not a location where a wholly new development would be considered acceptable, and must be seen as well down the hierarchy of the sequential test for residential development.

Suitably constructed – The supporting statement concludes these buildings are of permanent and substantial construction. This may not be the same as 'suitably constructed' however. The outbuildings have a date stone of 1911 and were suitably constructed to be farm outbuildings, consisting of 'nine-inch' fletton brickwork, but this is not suitably constructed to be a dwelling, since considerable work would be required to bring the structure up to the standard required by Building Regulations for residential occupation. The southern building is only standing in part, and planning policy offers no comfort for the reconstruction of a building that used to exist but is now only a ruin. The proposal effectively involves two new buildings as new dwellings, and this can only be viewed as contrary to countryside policy.

Would meet sustainable development objectives – There is guidance on this in both PPS1 and PPS7. The emphasis is on sustainable communities, which appears to mitigate against isolated development, preferring the development of land within or adjacent to settlements with a range of services before considering the development of other sites. Development which can only be serviced by use of the private car is not regarded as sustainably located. The recent reduction in the Development Limit of Swards End was a deliberate decision of the Council, to restrict further development here in a location that lacks services.

The alteration of such buildings from their current role as a subsidiary and subservient outbuildings related to a farm, to that of separate dwellings with no functional connection, and the introduction of their own activity and external paraphernalia of domestic occupation, would change the character of the principal Listed Building, its setting and the character and appearance of the countryside.

3) The objection and recommendation of the highway authority is noted. The proposed access was an existing gateway, but was long disused before the sale of the house at auction in 2004. It is located close to a sharp bend on the very narrow Redgate Lane, and intensified use must be seen as a safety hazard.

4) There are not believed to be any Protected Species issues attached to the buildings or the site.

CONCLUSIONS: Although restoration of the principal Listed Building is a desirable objective, the proposed new dwellings raise significant policy problems. This is not a location where wholly new dwellings would be approved, and the 'conversion' involves a significant degree of reconstruction of buildings that have very little merit in themselves. The balance to be struck between restoration of the Listed house and the other associated development requires careful consideration. The advancement of the concept of enabling development in support of the proposals is noted, however the construction of two new dwellings in a location where new dwellings are so clearly contrary to planning policy does not appear to be a reasonable balance between building conservation objectives and countryside conservation objectives. The gain is not balanced by the harm to the countryside in the Council's view. Whilst the condition of the house and the costs of repair are noted and fully understood, this should have been reflected in the purchase price.

RECOMMENDATION: REFUSAL REASONS

1. The site is located within countryside beyond development limits as defined in the adopted Uttlesford Local Plan. The proposal is considered to be contrary to the aims of Planning Policy Statement 7, and Essex & Southend on Sea Replacement Structure Plan Policy C5 and Policy RE2 that aim to protect the countryside by the restriction of new uses to those appropriate to a rural area, and the strict control of new building in the countryside outside existing settlements to that required to support agriculture, forestry or other rural uses. It is considered that the criteria set out in Policy RE2 that the residential conversion of listed farm buildings and the re-use of other rural buildings for residential use on isolated sites within the countryside located well away from existing settlements will not be permitted, are not met.
2. The proposed development is considered unacceptable as it would involve the conversion of buildings for a primarily residential use contrary to the aims of policy, is not covered by any of the specified exceptions within the policy, and would detract from the open character of the countryside by virtue of increasing the presence of domestic development and activity on the site.
3. The proposed change of use and conversion to residential use is considered to be contrary to the principles set out in Planning Policy Statements 1 and 7 to promote more sustainable patterns of development, and is not considered to meet the aims of paragraph 17 of PPS7 for conversion of existing buildings. Similarly it is considered to be contrary to the principles of the Essex & Southend on Sea Replacement Structure Plan Policy CS2.
- 4 R.21.C. Inappropriate design affecting the preservation of the character of a listed building or its setting.
5. The proposals would intensify the use of a substandard access onto a classified highway where the aim function is that of carrying traffic freely and safely between centres of population. The existence of an access in this position is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but the intensification of the conflict an interference which this proposal would engender would lead to a deterioration in the efficiency of the through road as a carrier of traffic and be detrimental to highway safety. There is insufficient information on the expected traffic flows generated as a result of this application and subsequent traffic impact on the surrounding highway network in order to determine the application.

Background papers: see application file.

UTT/0963/05/FUL – ELSENHAM

Change of elevational treatment and layout to former joinery works under activated consent appeal ref: APP/C1570/A/89/127639/P2

Home Farm Gaunts End. GR/TL 550-255. Applicant: D & D Property Services Ltd. Agent: Wakefield Poyser Partnership.

Case Officer: Miss K Benjafield 01799 510494

13 weeks: 30/09/2005

ODPM classification: Major application

NOTATION: Outside development limit/Within Countryside Protection Zone / Adjacent to Grade II Listed Barn.

DESCRIPTION OF SITE: The site is located in Gaunts End approximately 1km to the southeast of Elsenham. It covers an area of 0.44ha and is part of a former farmyard. There are a number of agricultural buildings adjacent to the site. The building that this application relates to is a cattle shed which is now used for storing vehicles and plant. To the north of the building are a number of containers and tanks and beyond them there is open countryside.

DESCRIPTION OF PROPOSAL: The applicants have described the proposed development as “change of elevational treatment and layout to former joinery works under activated consent appeal ref APP/C1570/A/89/127639/P2 (UTT/1824/88)” as they contend that a previous permission relating to change of use has been implemented, and they now intended to continue with that permission and alter the external appearance and internal layout of the building. However that permission required a condition to be discharged prior to the commencement of development. A separate condition required renovation works to the adjacent listed barn to be completed prior to the first use of the building as a joinery workshop.

Neither the Council nor the applicant have records to indicate that all the relevant conditions were discharged and the application building appears to have had no conversion work carried out. It is therefore considered by Officers that the previous permission has not been implemented and has now lapsed. On this basis, the current application will be determined as the conversion of a redundant agricultural building rather than solely as amendments to a previous permission. Members should be aware that on 9 January 1995 Officers wrote to a previous owner stating that work had commenced within the required five year period. However the same letter pointed out that the following condition has not been met:

“5. Before the development hereby permitted commences there shall be submitted to and approved in writing by the local planning authority details of floor paving and screen walls or fences for the parking area.”

Despite further correspondence it appears that a final scheme was never agreed. In the case of ‘conditions precedent’ (those requiring actions/agreement prior to commencement) case law indicates if they are breached no lawful commencement can have occurred.

With regard to comments by Officers in the letter dated 9 January 1995, Members should note that since that time case law has indicated that 1) planning authorities cannot be restricted by previously given advice and 2) that failure to comply with conditions precedent (see above) within the lifetime of the permission (5 years from granting of permission) mean that the permission will lapse.

It is noted that the information submitted with the application is conflicting regarding the proposed use with the application forms referring to light industrial (B1) uses taking place in the building while the ground floor plan drawing indicates that the units would be used for storage (B8) use and the information in the supporting statement specifies that the use will be light industrial (B1) in one paragraph and B2 (general industrial) in another. 44 parking spaces are indicated on the plans with 10 of these being located to the front of the building and 34 to the rear. This level of parking provision would accord with the use of the building for B2 purposes.

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

RELEVANT HISTORY: Change of use of agricultural buildings and additions to form joinery works, storage of vintage vehicles and bulk timber storage refused 1988 and allowed at appeal 1990. Renovation of barn for the storage of vintage vehicles conditionally approved 1989.

CONSULTATIONS: ECC TOPS: (due 20 September).

Environment Agency: Letter 8 – relating to small residential development.

BAA Safeguarding: The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed relating to landscaping and lighting. We would also advise of guidance for the use of cranes.

Drainage Engineer: The development would not increase the area of the building and therefore no comments are made regarding drainage issues – has provided general surface water drainage information.

PARISH COUNCIL COMMENTS:

1. Large development between very busy airport motel and listed house.
2. 44 cars and large lorries (how many?) on to a very busy road.
3. Appeal decision was January 1990, has planning permission now lapsed?
4. Bats – concerned regarding interference with their existence.

REPRESENTATIONS: This application has been advertised and 1 representation has been received. Period expired 5 August.

Makes comments regarding a previous application on an adjacent site and conditions attached to that permission, particularly in relation to:

1. Hours of operation.
2. Hours of deliveries
3. Planting and boundary treatment
4. Landscaping
5. Implementation of landscaping

Comments are also made with regard to parking provision, access, impact on adjacent trees and requests sound buffer between the site and the neighbouring properties.

COMMENTS ON REPRESENTATIONS: A bat survey has been submitted with the application which indicates that no bats or roosts were recorded in the building and that it is generally unsuitable for a bat habitat. See also planning considerations.

PLANNING CONSIDERATIONS: The main issues are whether the proposal would comply with policies relating to

- 1) the re-use of rural buildings (ERSP Policy RE2 & ULP Policy E5);
- 2) development within the Countryside Protection Zone (ULP Policy S8);
- 3) access (ULP Policy GEN1).

- 1) The policies relating to the re-use of rural buildings specifies that the re-use and adaptation of rural buildings for business uses will be permitted in the countryside, including the Countryside Protection Zone, if all of the four specified criteria are met. These are:
 - a) the building must be of a permanent and substantial construction,
 - b) it must be capable of conversion without major reconstruction or significant extension,
 - c) the development would protect or enhance the character of the countryside, its amenity value and its biodiversity and not result in a significant increase in noise levels or other adverse impacts
 - d) the development would not place unacceptable pressures on the surrounding rural road network.

The supporting information accompanying the application specifies that in order to re-use the building it would be necessary to remove the roof, walls and side cladding and add additional steel supports to the frame, put a new roof on, insert a first floor internally and construct a brick plinth, walls, doors and windows. Therefore it is proposed to replace all but the frame of the original building and it is considered that this constitutes major reconstruction contrary to the requirements of criterion b) of ULP Policy E5 and ERSP Policy RE2.

- 2) The application proposes the provision of 44 parking spaces on the site with 34 of these being located to the rear of the building adjacent to the open countryside. A planted earth bund is proposed to be constructed along the northern boundary of the site to try to hide the parking however the parking would project into the countryside in this location and would be immediately adjacent to open fields. ULP Policy S8 specifies that within the Countryside Protection Zone (CPZ) planning permission will only be granted for development that is required to be there or is appropriate to a rural area and in particular development will not be permitted if it would promote coalescence between the airport and existing development in the surrounding countryside or it would adversely affect the open characteristics of the zone.

No indication has been given as to why such a development is required to be there. It is considered that the number and location of the parking spaces required for the proposal would harm the characteristics of the zone which is open and rural in character contrary to the requirements of ULP Policy S8.

- 3) No details of the proposed access to the site have been submitted with the application however there is an existing access from the agricultural buildings to the road. The access is a single width unmade track which runs to the south of the application site. It would need to be upgraded from the condition it is currently in, in order to accommodate the traffic travelling to the site. Highways (ECC TOPS) have verbally advised that in order to upgrade the access satisfactorily, it would be necessary to increase the width of the access. The application plans do not show the access to form part of the application site or to be within the control of the applicant and it would therefore not be possible to ensure that the access would be upgraded satisfactorily in response to the proposed traffic movements generated by the development on the site. The existing width of the access would not enable two vehicles to pass safely and the proposal would therefore fail to provide adequate access for the proposed development and would fail to comply with ULP Policy GEN1.

CONCLUSIONS: The proposed re-use of this former agricultural building would amount to major reconstruction of the building, would generate a significant amount of car parking to the rear of the site within the open countryside and would have an inadequate access to safely accommodate the traffic generated by the development contrary to ULP Policies E5, S8 and GEN1 and ERSP Policy RE2.

RECOMMENDATION: REFUSAL REASONS

1. The proposed development would involve the replacement of all but the internal steel frame to the building in order to re-use it and this would constitute major reconstruction of the building. The proposal would therefore fail to comply with the requirements of ULP Policy E5 and ERSP Policy RE2 regarding the re-use of rural buildings.
2. The proposal would result in the provision of 44 parking spaces surrounding the building with 34 of these located to the rear of the site. The number and location of the parking spaces would result in development which is not appropriate to a rural area being located adjacent to open fields and would be harmful to the open and rural character of the Countryside Protection Zone contrary to ULP Policy S8.
3. The access to the site is a substandard single width unmarked track which is not capable of safely carrying traffic generated by the development to and from the site. In addition, the access is not shown to either form part of the application site or be within the applicant's control and it would therefore not be possible to ensure the necessary works could be undertaken by the applicant's to upgrade it to adequately. The development would therefore fail to comply with ULP Policy GEN1.

Background papers: see application file.

UTT/1350/05/FUL - LITTLE SAMPFORD

(Referred by Cllr Schneider)

Change of use from barn to Class B8. Storage or distribution
Whitehouse Farm Finchingfield Road. GR/TL 657-340. Trustees of the T E Ruggles.

Case Officer: Mr T Morton 01799 510654

Expiry Date: 11/10/2005

ODPM classification: Minor application

NOTATION: Outside Development Limit.

DESCRIPTION OF SITE: The application concerns a barn of modern construction; steel framed with blockwork base to the walls, and corrugated fibre sheet cladding to the upper part of the walls and roof. The barn faces a large concreted hardstanding / yard, and another row of barns stands at right angles. The site is accessed along a narrow single track lane which is also used by the house at White House Farm, in separate occupancy. The access road makes a junction with the public highway at the foot of the downhill slope from the site, where it is enclosed by a bank, and there are signs of the bank having been damaged by vehicles.

DESCRIPTION OF PROPOSAL: Permission is sought for a use that has already commenced. This is a Class B8 storage use, and consists of the storage of office furniture.

APPLICANT'S CASE: The applicants, SKA Services, are based in Hertfordshire primarily transport of light haulage (*sic*) which has been established over the last two and a half years. Whitehouse barn is used for storage of office furniture related goods, received from overseas and held prior to installation (this can be overnight or up to six months). Goods are received from Folkestone and transported to sites at various locations. Many installation locations are in the Norwich area. This location is ideal as it is secure and central to the distribution network with access to the M11 and the transport network.

The vehicle movements on average will be 10 vehicles per week (Transits, Luton van or 7.5 tonne vehicle) and one HGV per week. On rare occasions a vehicle may be left overnight. Hours of operation are 08:00 a.m. to 06:00 p.m. and on special occasions access may be required at 06:00 a.m.

The building is considered to be of permanent and substantial construction and therefore suitably constructed for the purpose of furniture storage. It is considered to meet PPS7 objectives of supporting farm diversification and the re-use of appropriately located and suitably constructed existing buildings in the countryside.

CONSULTATIONS: Highway Authority: No objections to this proposal as it is not contrary to the transport policies of the Essex & Southend on Sea Replacement Structure Plan.

PARISH COUNCIL COMMENTS: The application states the volume and type of traffic which will be allowed to use the barn, but at present I understand the levels and hours of use far exceed those on the proposed application. Whilst the Council does not wish to oppose the use of the barn it is most concerned that a more truthful and accurate application should be submitted with powers to enforce the volume and timings of traffic movement. The barn is in a very rural area and consequently the application must be considered in the light of present unrestricted use of the facility.

REPRESENTATIONS: Three. Notification period expired 9 September 2005.

1. My property, Briar Cottage on Finchingfield Road in Little Sampford, is adjacent to the driveway of Whitehouse Farm and I have become increasingly concerned at the increase in the amount and size of the traffic that has been using this access. There have been a large number of huge container lorries, Tort Liners and other articulated lorries all of which have great difficulty turning into and out of the driveway which is in no way suitable for this size of vehicle. My telephone wire has been snapped on two occasions by large vehicles, one of which was by a contractor removing soil from the corner of the field so that the larger vehicles could turn into the driveway better!

To now find that the Trustees of this estate are applying for change of use to the barn to B8 and thus increasing the prospect of even more industrial type traffic is alarming to say the least.

The roads around this area are not suitable for this kind of traffic nor are the bridges. There are a lot of children who live in the area and attend the local school and they cannot walk or cycle along these roads safely as it is. The amount of pollution created by these vehicles is of great concern to anyone with children and who have concerns for the environment in general. The vehicles have to make more than one attempt at turning into the lane and this makes a potentially dangerous situation for traffic that may not see the obstruction straight away especially if they are coming from Finchingfield direction. It is dangerous enough gaining access to the main highways from our properties without this additional hazard. From my personal perspective, these vehicles are extremely noisy and are coming within feet of my property which is currently on the market and this increase of traffic could seriously affect its value.

I have spoken to my neighbours, not all of which have received notification of this change of use, and they are all extremely concerned. I would ask to seriously consider turning down this application as it can only be detrimental to the environment, the local area and the children that live in this beautiful hamlet. For their generation, if not ours, we have to protect and preserve the local area and the environment that we all live in.

2. My wife and I have lived at White House Farm for more than forty years. We built the barn and used it during farming operations until retirement. We wish to comment on a number of items included in the application.

13. The application states parking for one goods vehicle only. There have been as many as eight vehicles here at one time.

19. They state storage prior to shipping - our observations are that it's the opposite - imports are being bought here.

21. The application states one HGV would use the site per fortnight, on average. There have been two very large HGV's at the same time; a large combi trailer that has 8 axles and carries two 30 tonne containers and an HGV has parked overnight. Three HGV's a week would be more realistic. Other vehicles are listed as 3 per week. I would suggest 25 per week would be a more accurate number; ranging from a motorbike to cars, vans and curtain sided trucks of all sizes.

23. No objections to the hours asked for on the application. But we would like to point out that there have regularly been people working here from before 6a.m. and as late as 1 pm and at weekends. We hope that whatever hours are granted, they can be enforced. Most of the items mentioned in the additional information have been covered by our comments but we would point out we have informed the estate manager that we are unhappy with the hours of use of the barn. We wish to state that we have no objection to the change of use of the barn but feel strongly that the application should be more truthful and accurate. We hope our comments will be taken into account during the consideration of the application.

3. Village life in Little Sampford is being seriously eroded by this change of use. Very large lorries are now increasingly evident on this stretch of road from my house down to the access turning. The road is dangerously blocked when the lorries are turning into the access road from a blind bend. This road is a public footpath frequently used by villagers and as

such has become very dangerous because the road is narrow, and it is impossible to avoid any oncoming vehicles. How can this be a sensible proposition in such a quiet village?

COMMENTS ON REPRESENTATIONS: Noted. These issues are discussed in the following sections.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Countryside Policy for sustainable development and reuse of buildings (ERSP Policies CS1, CS2 C5, & ULP Policy S7);**
- 2) **Amenity impacts (ERSP Policy & ULP Policy GEN2);**
- 3) **Traffic impacts (ERSP Policies T1, T3, T6, T7, T8. & ULP Policy GEN1.);**
- 4) **Other material planning considerations.**

1) The site lies within the Open Countryside, well outside of the defined settlement boundary of the nearest settlement at Great Sampford shown in the Uttlesford Local Plan. The site comprises a group of farm buildings of modern construction, with narrow access road off the public highway.

The proposed development is located in the countryside beyond development limits where strict control is placed upon development. PPS7 sets out the Governments support for the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable.

The issues then are whether this building is

appropriately located – This is a remote location, well outside any designated settlement,

suitably constructed – The application does not contain a structural engineers report, but the building appears to be constructed of blockwork with a lightweight corrugated sheet cladding and roof on metal trusses. The term 'suitably constructed' may not be the same as 'structurally sound', and the different wording used in policies of different sources have to be considered.

would meet sustainable development objectives – There is guidance on this in both PPS1 and PPS7. The emphasis is on sustainable communities, which appears to mitigate against isolated development, preferring the development of land within urban areas before considering the development of Greenfield sites. Development which can only be serviced by use of the motor vehicle is not regarded as sustainably located. In this case it is clear that significant vehicle movements are involved, with estimates from both the applicant and nearby residents. Moreover, the vehicle movements are not related to the locality; the applicant cites access to the motorway network as being a consideration. The nature of the business is shipment over considerable distances, and the location is thus not critical to the operation of the business.

The relevant policies of the development plan state;
Essex Replacement Structure Plan
Policy CS1 Achieving Sustainable Urban Regeneration

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

1. Giving the emphasis to improving the quality of life in urban areas, and achieving a significant enhancement of the vitality and viability of the urban environment, making them more attractive places to live, work, shop, spend leisure time and invest;
2. Concentrating new economic and housing development and redevelopment within the existing urban areas, wherever possible, and maximising the use of spare capacity in terms of land, buildings and infrastructure within urban areas;

3. Applying a sequential approach when considering development requirements and proposals so as to give preference to development within urban areas;
4. Giving priority to infrastructure and transport proposals that will facilitate the development and regeneration of urban areas and increase choice of sustainable means of transport;
5. Reducing disparities between the economic prospects of different parts of the Structure Plan area;
6. Seeking to achieve a balance between housing and employment provision within local areas;
7. Promoting mixed use neighbourhood development.

POLICY CS2 Protecting the Natural and Built Environment

The quality of the natural and built environment will be maintained and conserved by: -

1. Safeguarding and enhancing the character and townscape of the urban environment;
2. Giving priority to protecting and enhancing areas designated as having intrinsic environmental quality at international, national and strategic level;
3. Sustaining and enhancing the rural environment, including conserving the countryside character and the protection of the countryside for its own sake;
4. Protecting and enhancing the landscape, wildlife and heritage qualities of the coastline;
5. Enhancing and managing by appropriate use, land in the Metropolitan Green Belt and urban fringe;
6. Retaining the best and most versatile land for agriculture;
7. Preserving and enhancing the biodiversity of the area;
8. Managing the demand for water resources by controlling the location, scale and phasing of development so as to protect environmental and nature conservation interests.

POLICY CS3 Encouraging Economic Success

Provision will be made for a sustainable balance of economic, commercial and housing development and transport investment which: -

1. Gives priority to investments, infrastructure and allocations, which facilitate widely based economic regeneration and renewal within the extended Thames Gateway (Southend on Sea, London Southend Airport, Castle Point and Basildon New Town), Harlow and the coastal towns of Clacton-on-Sea, Walton-on-the-Naze and Harwich, identified as Priority Areas for Economic Regeneration on the Key Diagram, in order to reduce disparities in economic success across the plan area;
2. Provides for development which reflects the capacity, need and potential for balanced economic and housing growth at the sub-regional centres of Chelmsford and Colchester, and the town of Braintree;
3. Within the rural areas, makes provision for environmentally and economically sustainable activities, and adequate housing which encourages renewal, maintains vitality and supports rural areas in need. Priority will be given to the needs of the rural economy in the designated Rural Development Area between Clacton-on-Sea and Harwich (as identified on the Key Diagram);
4. Encourages local economic diversity;
5. Encourages the development of appropriate high value-added economic activities, including the grouped location of such activities where this is economically beneficial and environmentally acceptable.

ERSP POLICY C5 – Rural Areas not in the Green Belt.

Within the Rural Areas outside the Metropolitan Green Belt the countryside will be protected for its own sake, particularly for its landscapes, natural resources and areas of ecological,

historic, archaeological, agricultural and recreational value. This will be achieved by the restriction of new uses to those appropriate to a rural area, and the strict control of new building in the countryside outside existing settlements to that required to support agriculture, forestry or other rural uses or development in accordance with Policies H5, RE2 and RE3.

Development should be well related to existing patterns of development and of a scale, siting and design sympathetic to the rural landscape character.

ERSP Policy RE2 Re-Use of Rural Buildings

The re-use and adaptation of existing rural buildings in the countryside, within the Metropolitan Green Belt and beyond, will be permitted provided that: -

1. The buildings are of a permanent and substantial construction, and if in the open countryside, they are capable of conversion without major or complete reconstruction
2. They do not damage the amenity of the countryside, or introduce additional activity likely to materially and adversely change the character of local area or place unacceptable pressure on the surrounding rural road network (in terms of traffic levels, road safety, and amenity); and,
3. Conversion does not result in economic activity on such a scale as to prejudice town and village vitality.

To promote rural enterprise and economic activity, preference will be given to the business after-use of any conversions subject to the above criteria.

The residential conversion of listed farm buildings and the re-use of other rural buildings for residential use on isolated sites within the countryside located well away from existing settlements, will not be permitted.

ULP Policy S7 The Countryside

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

Policy E5 – Re-Use of Rural Buildings

The re-use and adaptation of rural buildings for business uses, small scale retail outlets, leisure uses or for tourist accommodation will be permitted in the countryside, including the Metropolitan Green Belt, the Countryside Protection Zone and beyond, if all the following criteria are met:

- a) The buildings are of a permanent and substantial construction;
- b) They are capable of conversion without major reconstruction or significant extension;
- c) The development would protect or enhance the character of the countryside, its amenity value and its biodiversity and not result in a significant increase in noise levels or other adverse impacts;
- d) The development would not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety countryside character and amenity).

The guidance of PPS7 is more recent than either of the parts of the development plan, and even the recent adoption of the Local Plan in January 2005 is of a document drafted before the publication of PPS7. The relative weights of conflicting policies have to be borne in mind.

Planning policy is generally opposed to isolated development in the countryside, and the framework for a sustainable pattern of development is set out in the Structure Plan. The Local Plan does not contain specific policies directed to sustainability, but the aims of the

Structure Plan are supported. Although an exception is made for conversion of existing rural buildings, this is subject to provisos, to protect the character of the countryside and avoid adverse impacts upon that character, or upon amenity, or upon placing pressure on the rural road network. The applicant cites farm diversification as being supported in PPS7, but it is understood that this term is intended to refer to diversification of agricultural activity, new crops and so forth, rather than converting buildings to commercial uses. The furniture storage business does not require a countryside location to function.

2) Amenity impacts are a concern. The previous agricultural use of the barn would have been a seasonal and intermittent pattern of movement, with a limited number of vehicle movements overall. It is clear that the current, unauthorised, use for storage and distribution has already led to a noticeable increase in both total vehicle movements, and in large vehicles. These have caused damage to the roadside, and to telephone lines. There is thus a double impact upon amenity; to the amenity of the occupiers of houses in the vicinity due to vehicle noise and damage from vehicles to property, and to the visual amenity of the countryside in terms of damage caused to the appearance of the sunken lane.

3) The comments of the Highway Authority are noted, but not understood. The access lane is very narrow, and the junction with the adopted highway very constricted. It would appear that the earth bank has had to be partially removed to ease the turning of large vehicles, and further over-running is apparent. Whilst a large vehicle is turning into, or out from the lane, it will be obstructing the highway and posing a danger to approaching vehicles, many of which travel at some considerable speed along this section of the road. The intensification of the use of this access is seen as prejudicial to the through flow of traffic on the highway and the safety of highway users.

The applicant has cited access to the M11 as an advantage, but this site is many miles from either the M11 or the A120, which are the principal trunk roads through north-west Essex, and to get here from either route involves passing through many miles of narrow lanes and small villages. This places an undue and unnecessary pressure upon the highways involved.

The applicant states that the site is accessible by bus route, but has not furnished timetables. It is believed that the bus services past the site are school bus journeys only, and there is no regular stage bus service.

4) The employment gain at the site itself appears to be one storeman.

CONCLUSIONS: The proposal is considered to be inappropriate for this site, and unacceptable to policy. Refusal is recommended, and in view of the breach of planning control that has already occurred and the harm to amenity and traffic safety that is already occurring, it is further recommended that both enforcement and stop notices be served to secure cessation of the use.

RECOMMENDATION 1: REFUSAL REASONS

1. The proposed development, which has already commenced, is considered to be contrary to the aims of planning policy as set out in PPS7, Essex Replacement Structure Plan Policies CS1, CS2, CS3, C5, and Uttlesford Local Plan Policies S7, GEN1, GEN2, to seek sustainable patterns of development that minimise transport use, and protect the character and amenity of the countryside, and protect the amenity of residents. The activity associated with the use represents an undesirable growth in traffic generation from a formerly quiet agricultural site, placing undue pressure upon the road network and involving damage to the roadside and property. Due to the rural location, lack of facilities and limited public transport services within the vicinity of the site, it is likely that virtually all journeys to and from the development will be vehicle

borne. A use that is dependant upon the private motor vehicle and does not benefit from a range of transport alternatives cannot be regarded as sustainable.

2. The proposal would intensify the use of an access on a stretch of classified highway where the principal use is that of carrying traffic freely and safely between centres of population. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that conflict and interference which this proposal would engender, would lead to the deterioration in the efficiency of the through road as a traffic carrier and be detrimental to highway safety. The proposal is therefore contrary to the following ECC Structure Plan Policies: a. Safety Structure Plan Policy T8 b. Accessibility Structure Plan Policies CS5, T1, T3, T6 c. Road Hierarchy Structure Plan Policy T7.

RECOMMENDATION 2: ENFORCEMENT NOTICE AND STOP NOTICE TO BE SERVED

That enforcement action be taken, including the issue of a stop notice, requiring the cessation of this unauthorised use".

Background papers: see application file.

UTT/1157/05/OP – TAKELEY

Outline application for residential development with all matters reserved
1 & 2 Broadfield Villas. GR/TL 569-211. Applicant and Agent: Mr A & I Parish.
Case Officer: Miss K Benjafield 01799 510494
Expiry Date: 20/09/2005
ODPM classification: Minor application

NOTATION: Within Takeley / Little Canfield Local Policy 3 – Prior's Green Site.

DESCRIPTION OF SITE: This site is located to the rear of a pair of semidetached dwellings to the north of the B1256 approximately 0.85km to the east of the Four Ashes crossroads. The site covers an area of 1485m² and is bounded to the west, east and north by hedging and mature vegetation. It currently forms the rear garden to nos. 1 & 2 Broadfield Villas and has a hedge dividing the gardens running north – south.

DESCRIPTION OF PROPOSAL: This outline application with all matters reserved relates to the erection of residential development on the site. The plan submitted with the application indicates an access point from the B1256 however the application form does not indicate that access is a matter to be determined and the applicants' have indicated their willingness to withdraw this part of the application and the reference to the proposed number of dwellings on the site. In order to achieve a density of between 30 – 50 dwellings per hectare (dph) on the site the number of dwellings would need to equate to between 5 – 7 dwellings.

APPLICANT'S CASE: We wish to leave off means of access.

RELEVANT HISTORY: Extensions to no. 2 Broadfield Villas in 1975 and 1982.

CONSULTATIONS: ECC Tops: It is unlikely that I will be able to respond within the time period that you request therefore I should be much obliged if you would seek the applicants' agreement to an extension of time. (Officers note: ECC Tops informed that it needs to reply before the committee meeting).

Water Authority: No objection.

Environment Agency: No objection.

ECC Archaeology: Recommends excavation. Prior to commencement.

PARISH COUNCIL COMMENTS: Object on the grounds that:

- This proposal would not comply with the existing building line along this stretch of B1256.
- 4 detached dwellings on such a site would be too intensive especially when accounting for the necessary infrastructure.
- Agreement to such a proposal would set a dangerous precedent for other properties in the vicinity and over time would contribute to the erosion of local character and countryside.

REPRESENTATIONS: One. Notification period expired 17 August. Main points: Concerned that as the occupier of a property in Broadfield Rd and directly affected by the proposed development, no neighbour notification letter has been received.

COMMENTS ON REPRESENTATIONS: The property in question is located some distance from the site and is separated by the woodland to the north and east of the site, however in response to the request for a letter a copy of the neighbour notification has been sent.

PLANNING CONSIDERATIONS: The main issues are whether

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

1) The Development Plan policies do not permit development of this site in isolation. Development of this site is however acceptable in principle provided it is contiguous with the development of the Prior's Green site overall.

The Supplementary Planning Guidance (SPG) emphasises that the principle of development of this and the other "island sites" is acceptable; that new development should gain access from the approved internal road network; that financial contributions should be made towards education, transport, sports, community and landscaping facilities; that affordable housing should be provided; and that no permissions should be granted on the island sites until UTT/0816/00/OP has outline planning permission. As Members will be aware that application has been approved.

2) The SPG requires that all the island sites other than the land adjacent to Takeley Nurseries should make appropriate and proportionate contributions to social, amenity and infrastructure requirements. These are based on an assessment of the costs of primary and secondary education, a contribution to transport enhancement and a contribution to the enhancement of local sports and/or community facilities, a contribution to fitting out, equipping and furnishing the on-site community centre and a financial contribution to structural landscaping and a 15-year landscape sum for its proper maintenance. The total basic financial contribution for wider and longer-term benefits excluding affordable housing and any associated additional educational payments and landscape contributions totals £5,969 per dwelling at April 2002 prices. Because this site is outside the Master Plan area these contributions will need to be made in full.

CONCLUSIONS: The development of this site is acceptable in principle provided it is developed contiguously with planning permission UTT/0816/00/OP and not in isolation. A Section 106 agreement will be necessary to ensure contributions to social, amenity and infrastructure requirements as set out above and to link this site with the larger development, preventing its development in isolation.

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

1. C.1.1. Submission of reserved matter: 1.
2. C.1.2. Submission of reserved matter: 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. The land the subject of this planning permission shall not be developed other than contiguous with planning permission UTT/0816/00/OP. The site shall be included within the approval of phasing and development densities set out in condition 7 of planning permission UTT/0816/00/OP.
REASON: To secure appropriate phasing and densities in a comprehensive manner.
6. The development hereby permitted shall be carried out in accordance with the Master Plan, drawing no. 1071/MP/6 Rev A dated 10.08.00 unless otherwise agreed in writing by the local planning authority.

REASON: To ensure development proceeds in broad accordance with the principles set out in the approved Master Plan.

7. C.5.2. Details of materials.
8. C.4.1. Scheme of landscaping.
9. C.4.2. Implementation of landscaping.
10. C.4.6. Retention of trees and shrubs.
11. C.16.2. Full archaeological excavation and evaluation.
12. The land the subject of this planning permission shall not be developed other than contiguous with planning permission UTT/0816/00/OP. The site shall be included within the approval of phasing and development densities set out in condition 7 of planning permission UTT/0816/00/OP.

REASON: To secure appropriate phasing and densities in a comprehensive manner.

13. The development hereby permitted shall be carried out in accordance with the Master Plan, drawing no. 1071/MP/6 Rev A dated 10.08.00 unless otherwise agreed in writing by the local planning authority.

REASON: To ensure development proceeds in broad accordance with the principles set out in the approved Master Plan.

14. Noise construction levels/hours.
15. No development shall take place until a program of works for the provision of foul and surface water drainage has been submitted to and approved in writing by the local planning authority, following consultation with Thames Water. Subsequently the works shall be implemented as approved, including any phasing in relation to the occupation of buildings.

REASON: To ensure there adequate surface and foul drainage systems are provided for the development and there are no adverse effects on the wider community.

Background papers: see application file.

UTT/0216/05/FUL - SAFFRON WALDEN

(Referred by Cllr Freeman)

Conversion of dwelling to form two dwellings. Conversion & extension of outbuilding to form third dwelling.

17 Audley Road. GR/TL 541-383. Oaklea Homes.

Case Officer: Mr G Lyon 01799 510458

Expiry Date: 14/04/2005

ODPM classification: MINOR

NOTATION: Uttlesford Local Plan – Within development limits of Saffron Walden and Conservation Area.

DESCRIPTION OF SITE: The application site is located to the east of Saffron Walden town centre on the northern side of Audley Road (B184), which is one-way (west-to-east) for vehicular traffic from the junction with East Street through to the junction with London Road. No.17 Audley road occupies a corner plot with a frontage width of 20m and a depth of 20m adjacent to New Road (11.5m depth adjacent to No.15 Audley Road) thus giving an overall site area of 280sq.m. The site lies adjacent to existing residential properties, no.15 Audley Road and no.1 New Road, both of which have three floors. No.17 is a late C19 two-storey detached property, part of a pair fronting the entrance to New Road. The site was formerly part of a nursery and it is believed that the adjacent outbuilding within its curtilage actually pre-dates the house, being used in the past as an apple store.

DESCRIPTION OF PROPOSAL: The applicant is seeking consent to convert and extend the existing buildings into three residential dwellings. The main house would be converted to form two residential units, both of which would have two bedrooms. Extensions to the main house would include a front two-storey porch extension, 2.75m wide and 2m deep with a pitched roof over. This would replace an existing single-storey lean-to porch. To the rear of the house would be a 6.05 wide and 2.55m deep two-storey extension with an asymmetrical pitched roof over. This would replace an existing single-storey flat-roof extension. The rear outbuilding would be converted to form one unit. Proposed works would involve the demolition of the single-storey mono-pitched garages and attached greenhouse. New extensions would include a single-storey element, 3.3m wide (6.5m including rear toilet) with a maximum depth of 5.9m. A two-storey stair tower is also proposed 1.55m wide and 1.95m deep

APPLICANT'S CASE: The applicant has submitted a supporting highway statement in addition to submitted plans.

RELEVANT HISTORY: Two-storey side/rear extension. First floor rear extension. Alteration to existing access approved October 2003. Erection of five flats and demolition of existing buildings for redevelopment of site withdrawn by applicant July 2004.

CONSULTATIONS: Essex County Council Highways and Transportation: Original response: Recommend Refusal due to lack of space to park and turn leading to vehicles reversing onto the B184. Concern also about restricted visibility caused by the adjacent wall at No.15 Audley Road and this would interfere with the free and safe flow of traffic and cause danger and inconvenience to other highway users, including pedestrians.
Revised response: Following the submission of the highway statement: Although concerns are still raised by the highway authority over the restricted visibility to the left due to the existing wall, in light of the additional evidence provided and expected minimal vehicle movements to and from the site, recommendation is now changed to approval. With the

layout of the proposed parking arrangements set at an angle, encouraging vehicles to reverse in would not recommend any conditions.

Water Authority: No comments received (due 2 March 2005).

Environment Agency: No objections.

TOWN COUNCIL COMMENTS: The Committee objects to this planning application and is concerned at the inadequate number of off-road parking spaces. Also very concerned at the safety of such a hazardous access to the site, onto one of the busiest roads in Saffron Walden.

REPRESENTATIONS: The application was advertised with both press and site notices. 10 neighbours have been notified about the application. The advertisement period ended 31 March 2005. Five letters have been received. Summary of comments: -
Three properties represents over-development of this site, it appears that some windows will overlook the windows on our own property, it appears that the height of the extension to the rear of the apple store would be higher than the existing wall – potentially affecting our privacy and blocking out light. The historic wall should not be altered in any way. Parking is proposed for only three vehicles – one per property. Any additional vehicles would be parked on Audley Road or New Road, which are already suffering from an excess of parked vehicles. Vehicles will need to enter from and exit the site to busy Audley Road, which would be a danger to highway safety. The historic apple store should not be demolished as part of any consent. Object to the conversion of the old apple store. The development would not preserve or enhance the character and appearance of the Conservation Area resulting in a frontage dominated by car parking.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) **residential use on this site is considered acceptable (PPG3, ERSP POLICY BE1, H3, Uttlesford Local Plan Policy S3, S7, H1, H2, H3);**
- 2) **the impact of the development on adjoining neighbours would be acceptable (ERSP Policies H3, Uttlesford Local Plan Policy GEN2),**
- 3) **the proposed development respects the scale and characteristics of surrounding properties (ERSP Policy H3, Uttlesford Local Plan Policy H3, GEN2);**
- 4) **the proposal would have a detrimental impact on the character and appearance of the Conservation Area (PPG15, ERSP Policy HC2, Uttlesford Local Plan Policy ENV1)**
- 5) **the access and parking arrangements are acceptable in terms of highway safety implications (ERSP Policies T3, T6, T7, T12, Uttlesford Local Plan Policy GEN1, GEN2 and GEN9),**

1) The site lies within the development limits of Saffron Walden and therefore the principle of residential development is considered acceptable subject to meeting all other relevant policy criteria.

2) Given the pre-existence of a dwelling on this site, assessment of any impacts on adjoining neighbours should be purely focused on the impact of additional built form and alterations. The existing dwelling would be extended at the front and rear. It is not anticipated that the front extension would cause any material harm to the amenity of neighbours along Audley Road, particularly as there are no first floor windows (apart from a false recessed opening). The rear extension does however contain three new windows at first floor level. On the rear elevation is a first floor window serving the bathroom in the western dwelling. Although there is a conflict between the size of the window shown on the elevation plans and the size of the window shown on the floor plans, given the fact that this window serves a bathroom, one would expect this to be obscure glazed in order to protect

the privacy of residents. The two proposed new windows on the side elevation facing towards No.15 Audley Road have raised objections from the adjacent neighbour with regard to overlooking. It is certainly not anticipated that the ground floor window would cause amenity concerns for neighbouring properties. The upstairs window, which serves the rear bedroom of the eastern dwelling would be sited forward of No.15 Audley Road. No.15 has two visible windows on its western elevation, one at third floor level and one at first floor level. These windows would be separated by the roof of the outbuilding within the grounds of No.17. Whilst the comments of the neighbour are noted, it is the opinion of officers that given the oblique nature of the angle between opposite dwellings, it is unlikely that material overlooking would occur at No.15 Audley Road. Indeed, it may in fact be the case that the windows in No.15 could overlook the amenity space of the proposed dwellings.

With regard to the potential impacts of converting the outbuilding to a dwelling, no windows would be inserted on the side or rear elevations and therefore there should be no overlooking concerns for the occupiers of No.15 Audley Road or No.1 New Road. Four new windows are proposed at ground floor with three windows at first floor with a roof light in the side roof elevation facing away from No.15. Some of the windows are utilising existing openings. It is not considered that these windows would affect the amenity of adjacent properties. Comments have been received concerning the rear single-storey element of the outbuilding and whether or not the roof would sit higher than the existing wall. Having looked at the plans, it would seem that part of the roof would be above the existing wall. However, it is the opinion of officers that the rear element would not materially affect the amenity of adjoining neighbours, especially as the eaves height is just below 2m on the boundary with No.1 New Road. A 2m high fence could be erected without planning permission along this boundary.

Overall, officers are content that, subject to relevant conditions, there would be no material harm to adjacent residential properties.

3) The proposed development is for three residential dwellings on a site area of approximately 280sq.m (0.028 ha). This gives an overall density of 107 dwellings per hectare, well above the minimum density requirements of central government. Whilst this may be significantly greater than adjacent properties (approximately 40 dwellings per hectare) it is comparable with the density of nearby Artisans Dwellings (106 dwellings per hectare). The proposal would be providing significantly smaller dwellings than adjacent properties by subdividing the existing buildings. Therefore, although the density would be higher than dwellings immediately adjacent, the general physical character of the site would be largely unaltered through conversion, notwithstanding the front and rear extensions. Officers therefore broadly consider that the scale and characteristics of the development are generally acceptable.

4) The application site lies on the edge of the main conservation area of Saffron Walden. Surrounding dwellings are of varied styles and materials with no clear overriding theme or design preference, although there are a number of dwellings dating from late C19, early C20. It is not considered that the proposed conversion and additions on the site would be detrimental to the character and appearance of the area.

5) Access and parking on site have been the main issues of concern expressed in representations received by adjacent residents and consultations. The entrance to the site feeds directly onto the B184, which is one-way at this point. The existing property has parking for approximately three cars at the front with potential parking in the rear garages, although given the physical condition of some of the structures, their use would be prevented without some repair or modernisation. There is currently no parking or turning on site, which is broadly the same for most other dwellings along Audley Road. An application for a two-storey side extension, approved in 2003, reduced the parking provision to three spaces, one

of which would have been within the existing outbuilding. Local Plan Policy GEN8 refers to maximum parking standards, which for dwellings up to three bedrooms is two-spaces. The application site is within 5 minutes walk of Saffron Walden town centre with access to shops and services by means other than the car. Access to public transport is also available within the town centre. Therefore reliance on the car for day-to-day living is not considered necessary and this would enable a relaxing of the maximum standards in this instance, particularly given the fact that the units are small with two-beds. Concern has been expressed that inadequate parking provision would lead to on-street parking in an area where on-street parking is already a problem. On street parking does occur along Audley Road and adjacent streets, which is inevitable given the fact that the properties pre-date the invention of the car. There are double-yellow lines to the front and side of No.17 Audley Road, which would prevent parking or blocking of the entrance to the site. Whilst officers note the concerns of local residents about parking provision, given the serious concerns about addressing sustainability issues, the planning system cannot continue to pander towards the needs of the private motor car, especially in areas where there is access to local service by other more sustainable modes of travel. Therefore, the maximum standards need not apply in this instance and visitors to the site, other than occupants, could use local parking facilities nearby.

Comments had been received from Essex County Council Highways with a recommendation of refusal on the basis of concern about parking standards and safety. The issue of parking standards have been addressed above. In terms of highway safety, concern had been expressed with regard to visibility and reversing onto the highway. In response to ECC Highways objections, the applicant submitted a Highway Statement, produced by Rutherfords, dated June 2005, which tries to address the issues of reversing and visibility. It cannot be ignored that on-street parking already takes place along Audley Road as well as reversing onto the carriageway. The one-way traffic certainly helps to reduce the potential points of conflict although ensuring safety for all users is of highest priority. The applicant is proposing to remove part of the front wall surrounding No.17 to increase visibility when manoeuvring, although planting in the front garden of No.15 may prevent significant alteration or improvement to this element. Further improvements to highway safety may be gained via revised road marking layout and/or a reduced speed limit. However, these issues would require agreement between the Highways Authority and the applicant. Certainly road-marking alterations may help to slow down traffic and allow more thinking time and reaction time for drivers. The principal issue of safety therefore is whether or not it is indeed possible to enter and leave the site safely without increasing the potential for conflict.

The Highways Authority has now withdrawn its objection, satisfied that the arrangements as shown would encourage vehicles to reverse into the site. This, coupled with the number of units proposed, would not compromise highway safety, and it is considered that planning permission may be granted.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard Time limit
2. C.3.1. Implementation in accordance with approved plans
3. C.4.1 Landscaping to be agreed, including means of enclosure.
4. C.4.2 Implementation of landscaping
5. C.4.4 Replacement of planting
6. C.5.2 Details of materials
7. C.8.13 Restriction on hours of construction (8.30am – 5pm Monday to Friday, 8.30am – 12.30pm Saturdays and at no other times
8. C.8.26. Internal sound insulation
9. C.11.1 Car Parking – retention of layout and number of spaces as shown.

10. C.19.1 Avoidance of overlooking – obscure glazing to bathroom windows, no further windows or other openings to be inserted in first floor elevations and roofslopes.
11. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
12. C.15.1. Superseding previous permission – UTT/1345/03/FUL – alternative extensions to dwelling.

Background papers: see application file.

UTT/1342/05/FUL - WHITE RODING
(Referred at Members' request: Cllr Flack)

Proposed new access.

Jacklyne House Church Lane. GR/TL 563-134. Mr J Farn.

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 20/10/2005

ODPM classification: Minor application

NOTATION: Within Metropolitan Green Belt.

DESCRIPTION OF SITE: The site is located approximately 115m to the south of the A1060 junction with Church Lane and covers an area of 0.38ha. There is a detached dwelling located on the site with attached garage and a detached thatched outbuilding located to the south of the dwelling. There are two existing accesses towards the north of the site which are capable of providing an "in and out" driveway arrangement although one of the accesses is kept locked.

DESCRIPTION OF PROPOSAL: This application relates to the construction of an additional access located towards the south of the site. The plans indicate that the access would be positioned 11.6m to the north of the southern boundary to the site and would enable vehicles to access a parking and turning area. The access would be 4.5m wide and in order to create it, it would be necessary to remove part of a conifer hedge forming the front boundary to the site. The plans also indicate that gates would be erected although no details of these have been submitted with the application.

RELEVANT HISTORY: Proposed garage extension conditionally approved 1989. Change of use of agricultural land to residential garden use conditionally approved 1992. Addition of two conservatories conditionally approved 1994. Four outline applications for erection of two dwellings refused 2003 and 2004. Erection of two-storey dwelling refused 2004 and dismissed at appeal June 2005.

CONSULTATIONS: ECC TOPS (Highways): Has not formally responded but has provided guidance in relation to this application in the form of comments indicating that the visibility splays are acceptable however the width of the access is excessive and should be reduced to 3.6m. Also suggests conditions relating to siting of gates, construction of access and surface details of first 6m of access.

PARISH COUNCIL COMMENTS: We wish to express major concern for the new access to Jacklyne House. The access should it be permitted would open directly onto part of the road approaching a bend, one without footpath or clear views of approaching vehicles. The road is often violated by speeding cars and provides routes to many large lorries and farm vehicles all of which must add health and safety considerations to such a change in the current circumstances of the road. We are also bemused with the need for access here when large garages, driveways and access gates are located on the other side of the plot.

May I refer you to previous applications made by Mr Farn concerning this part of his property which sought development that required access to the road in the very spot now being sought. The two applications were refused on many counts none more so than concerns for closeness to adjoining property and being contrary to the ERSP policy C2 that sees such development as detrimental to the area.

Second email received restating objections to the proposal.

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

COMMENTS ON REPRESENTATIONS: This application only relates to the construction of a new access and the relevant issues in connection with the proposal are those relating to highway safety and impact on the Metropolitan Green Belt. Mr Farn's need for a new access is not a material consideration in determining the application if the proposal complies with the relevant Development Plan policies.

PLANNING CONSIDERATIONS: The main issues are whether the proposal would comply with policies relating to:

- 1) access (ULP Policy GEN1) and
- 2) development within the Metropolitan Green Belt (PPG2 & ERSP Policy C2).

1) Highways have not formally replied with regard to the proposal however they have made some advisory comments regarding the proposal and have advised that the visibility splays as detailed on the plans are suitable for this road. They have also suggested conditions if the proposal is considered to be acceptable. There is no information which would indicate that the proposal would be detrimental to highway safety and it is therefore considered to comply with ULP Policy GEN1.

2) PPG2 and ERSP Policy C2 specify that development within the Metropolitan Green Belt (MGB) will be strictly controlled and inappropriate development which would harm the openness of the MGB will not normally be permitted. This application relates only to the construction of a new access. The parking and turning area indicated on the plans could be laid out by the applicant as permitted development without the need for planning permission. The impact on the MGB of a gap in the hedge to enable the construction of the access, particularly if the access is reduced in width as advised by Highways, is unlikely to have a detrimental impact on the open and rural character of the MGB. It is therefore considered the construction of an access would comply with PPG2 and ERSP Policy C2.

CONCLUSIONS: Subject to conditions being imposed relating to the construction of the access and the submission of details relating to the gates, the proposal is considered to be acceptable and complies with the relevant Development Plan policies.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development (3 years).
2. C.3.1. To be implemented in accordance with approved plans.
3. The access hereby approved shall be reduced to a width of 3.6m.
REASON: The proposed access is wider than a standard access and would require the removal of an additional section of hedge which would result in the proposal having a more visible impact on the character of the Metropolitan Green Belt.
4. The first six metres of the drive as measured from the highway boundary shall be constructed from a hardened bound material.
REASON: To avoid loose material tracking out onto the highway, in the interests of highway safety.
5. Any gates to be provided shall be set back a minimum of 5m from the edge of the highway and shall open inwards into the site.
REASON: In order that a vehicle may wait clear of the highway while the gates are opened or closed in the interests of highway safety.
6. The access hereby approved shall be constructed as a dropped kerb crossing as indicated in drawing B on the attached plan.

REASON: To ensure that the access is constructed to the Highway Authority's specification.

7. Prior to the commencement of development, full elevational details of the proposed gates shall be submitted to and approved in writing by the local planning authority. Subsequently the gates shall be constructed as shown on the approved details.

REASON: No details of the gates have been provided with the application.

Background papers: see application file.
