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PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 20 SEPTEMBER 2006

APPL NO: **UTT/0669/06/FUL**
PARISH: **STANSTED**
DEVELOPMENT: Proposed development of 6 No flats with associated parking and amenity space
APPLICANT: Inwood Properties Ltd
LOCATION: Stoner House Silver Street
D.C. CTTE: 9 August 2006 (see report copy attached)
REMARKS: Deferred for revised plans that all match up
RECOMMENDATION: DEFER
Case Officer: Mr S Kuschel 01799 510629
Expiry Date: 19/7/2006

APPL NO: **UTT/1066/06/FUL**
PARISH: **LANGLEY**
DEVELOPMENT: Permanent retention of rally school use, subject to conditions attached to UTT/0761/05/REN
APPLICANT: Mr Simon Clark
LOCATION: Langley Park Rally School
D.C. CTTE: 30 August 2006 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: REFUSE
Case Officer: Mr T Morton 01799 510654
Expiry Date: 21/9/2006

APPL NO: **UTT/1068/06/FUL**
PARISH: **LANGLEY**
DEVELOPMENT: Permanent retention of rally school use. Variation of conditions attached to UTT/0761/05/REN (hours of use, number of activity days, and visitor numbers). Extension of track by 300m. Relocation of access track. Creation of landscaped bunds. Provision of 3rd portable building and cladding of proposed and existing portable buildings. Relocation of changing room. Provision of access link between car parks. Additional landscaping
APPLICANT: Mr Simon Clark
LOCATION: Langley Park Rally School
D.C. CTTE: 30 August 2006 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: REFUSE
Case Officer: Mr T Morton 01799 510654
Expiry Date: 21/9/2006

UTT/0669/06/FUL - STANSTED

Proposed development of 6 No flats with associated parking and amenity space.

Location: Stoner House Silver Street. GR/TL 509-248.

Applicant: Inwood Properties Ltd

Agent: HPS

Case Officer: *Mr S Kuschel 01799 510629*

Expiry Date: 19/07/2006

ODPM Classification: MINOR

NOTATION: Within Development Limits and Conservation Area.

DESCRIPTION OF SITE: The site the subject of this application is located on the east side of the B1383 (Silver Street) and is approximately 180m south of the junction with Chapel Hill. The existing building is four-storey in height with a ground floor shop unit and is currently standing empty. Attached to the building is a wooden lean-to, which is in poor condition. Adjacent to the site is 43 Silver Street, which is a residential conversion of 6 flats with parking to the rear. The street is narrow in character at this point along Silver Street and there are a wide variety of different building styles in the immediate area. There is currently access to the rear of the site is via Sanders Close across land associated 43 Silver Street.

DESCRIPTION OF PROPOSAL: The application proposes a four-storey building to provide 6 flats with 7 parking spaces on the ground floor.

RELEVANT HISTORY: The site was given approval for residential redevelopment in 2001 (UTT/0231/01/FUL) for six flats and seven parking spaces. An application for 8 flats with 11 parking spaces was refused planning permission on 26 April 2004 and a subsequent appeal was dismissed. The main issue was identified as the effect the proposed development would have on the living conditions of neighbours and on neighbours' safety, and whether the proposal would result in an unsatisfactory form of development with respect to the provision of residents amenity space. The Inspector concluded that the environmental quality of the area adjacent to The Cedars would be compromised by the likelihood of increased hazards for residents. With regard to amenity space the Inspector concluded that the site would be very convenient for to the neighbouring recreation ground and that this would represent satisfactory amenity space for one bedroom flats. He was not however satisfied that there would be satisfactory amenity provision for the two bedroom flats.

CONSULTATIONS: ECC Highways: No objections to the proposals subject to conditions.

PARISH COUNCIL COMMENTS: No comment.

REPRESENTATIONS: One letter has been received. Notification period expired on the 3 July 2006.

The traffic on the road is terrific, and it is difficult to cross the road as it is. With the proposed building there will be at least another 12 motors. The road will be more dangerous than it already is.

COMMENTS ON REPRESENTATIONS: Discussed in the report below.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) residential use on this site is considered acceptable (PPG3, ERSP POLICY BE1, H3, HC2, ULP Policy S1, H1),

- 2) **the impact of the development on the Conservation Area would be acceptable (PPG15, ERSP Policies HC2, ULP Policy ENV1),**
- 3) **adequate amenity space is provided for the units. (ULP Policy GEN2)**
- 4) **the impact of the development on adjoining neighbours would be acceptable (ERSP Policies H3, ULP Policy GEN2 and GEN4),**
- 5) **the scale of the development is acceptable (ERSP Policies H3, ULP Policy GEN2, ENV1, and GEN4) and**
- 6) **the highway access and parking arrangements are acceptable (ERSP Policies T3, T12, ULP Policy GEN8).**

1) The site lies within the development limits of Stansted Mountfitchet and, as such, is considered to be an appropriate location for residential development subject to meeting other policy criteria.

2) The site lies within the Conservation Area of Stansted Mountfitchet and therefore the overall character and appearance of the development should be of the highest quality so as to preserve and enhance the character of the area. The overall height of the proposed development is the same as the scheme approved in 2001. On balance it is considered that the proposed development will not have a detrimental impact on the character and appearance of the Conservation Area.

3) The layout indicates a garden area extending to 320sq.m. The Essex Design Guide refers to a provision of 25sq.m per unit, equating to a requirement of 150sq.m. Against this guideline the provision is therefore adequate, having regard also for the fact that 3 of the units would be 1 bedroom.

4) The proposed development will have minimal detrimental impact to surrounding neighbours and is similar to the top three floors approved in 2001. There is therefore no justification for refusal on overlooking grounds based on the 2001 consent.

5) The scale and intensity of the development can be measured in terms of the density of the site following redevelopment. The site measures 500sq.m and therefore if 6 flats are built on this site the density will be 120 dwellings per hectare. The minimum urban density recommended by Government is 30 dwellings per hectare and therefore this proposal more than exceeds this requirement. On balance, the density is acceptable provided that other policy criteria can be met, particularly those relating to parking.

6) Unlike the scheme that was dismissed at appeal the development seeks to use the ground floor for parking with access directly from Silver Street. In terms of parking requirement for the proposed development, PPG3 would recommend that 9 spaces be provided based on 150% provision, the Essex Design Guide recommends 1.5 spaces per unit to take account of visitor parking and the Essex Planning Officers Association recommends 1 space per unit for main urban areas where there is good access to public transport. The current proposal makes the same provision as the 2001 application at 1.16 spaces per unit. Although the parking provision is below recommended levels, the site is located within an urban area that has good rail links and reasonable bus links to reach employment and shopping facilities, which could help reduce the dependence on the car.

Officers are of the opinion that the proposed access and parking arrangements would be satisfactory in this instance, subject to conditions.

CONCLUSIONS: The application proposes an acceptable form of development and should be granted planning permission.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. C.5.1. Samples of materials to be submitted agreed and implemented.
4. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented – extension.
5. C.19.1. Avoidance of overlooking.
6. Prior to the first residential occupation of the building hereby permitted, all the car parking spaces shown on drawing 7917 P002A shall be completed and made available for use. Thereafter, all the spaces shall be retained in perpetuity for the parking of domestic vehicles.
REASON: In the interests of highway safety.
7. The new building hereby permitted shall be constructed from soft red hand-made bricks, laid in Flemish bond.
REASON: To ensure that the proposed replacement building will be in keeping in this prominent location within the conservation area.
8. All new windows shall be of painted timber with vertically sliding sashes with slender glazing bars.
REASON: To ensure that the proposed replacement building will be in keeping in this prominent location within the conservation area.
9. All new window heads shall be of natural stone.
REASON: To ensure that the proposed replacement building will be in keeping in this prominent location within the conservation area.
10. All new roofs shall be constructed from natural slate.
REASON: To ensure that the proposed replacement building will be in keeping in this prominent location within the conservation area.
11. C.8.30. Bin stores.
12. C.8.31. Demolition of recycling.
13. C.8.29. Sustainable construction.
14. The access be increased in width to 5 metres and construction by way of dropped kerb crossing. Where the surface finish of a private access is intended to remain in unbound materials, the first 6m as measured from the highway boundary should be treated with an approved bound material to prevent any loose material from entering the highway.
15. Space should be provided within the site to accommodate the parking and turning of all vehicles regularly visiting the site, clear of the highway and properly laid out and paved as may be agreed with the local planning authority and such space should be maintained thereafter free of any impediment to its designated use.
16. Arrangements should be made whereby surface water run-off from the accessway is intercepted within the site thereby avoiding water entering the highway.
REASONS 14-16: In the interests of road safety.

Background papers: see application file.

UTT/1066/06/FUL – LANGLEY

(Revised Report)

Permanent retention of rally school use, subject to conditions attached to UTT/0761/05/REN
Location: Langley Park Rally School. GR/TL 425-348.
Applicant: Mr Simon Clark
Agent: John Grayson
Case Officer: Mr T Morton 01799 510654
Expiry Date: 21/09/2006
ODPM Classification: MAJOR

NOTATION: Outside Development Limit

DESCRIPTION OF SITE: The site is located at the edge of the District to the west of Langley Lower Green on farmland associated with Langley Lawn. The length of track to be used for rally school tuition is part of a former airfield, situated approximately 250 metres north-west of Langley Lawn and is accessed along a rough track from the farm. The track, used as part of the existing rally school, is approximately 450 metres in length and is located between two agricultural fields. The site is quite open in character with a hedge to the north side of the portacabin buildings, and a large aircraft hanger building adjacent to the west side, not used in conjunction with the rally school. Two portacabins are stacked one on top of the other to provide briefing facilities for drivers and spectator, changing rooms and refreshment facilities. The toilets are nearby in another demountable.

DESCRIPTION OF PROPOSAL: The applicant is seeking permanent consent to retain the use of the site as a rally school, with no changes to the restrictions imposed by the current planning conditions.

APPLICANT'S CASE: The applicant has submitted a lengthy supporting statement in conjunction with the application plans. This is available for inspection on the case file and via the Council's website. The case makes clear that the applicant has to consider the longer-term future of these operations which represent his livelihood. The agent has requested the following paragraphs be quoted in full.

Summary

99 All five material considerations are satisfied. The current proposals represent a reasonable approach to the continued use of an established outdoor activity which is supported by Adopted Local Plan Policy LC4. The aim is not to expand the activities in any significant way, but to allow the operators to plan their programme for the future with greater certainty of a successful outcome. Difficulties are currently being experienced which are caused by these restrictions and their review would have several crucial benefits, both for the operators and local residents.

100 This is an appropriate use of land in a remote part of the District, which meets a need for outdoor recreation. It is a good example of the Government's and the Council's encouragement of farm diversification and assisting the rural economy. The operators are local residents with many years experience in this field. The facility provides local employment and additional support for the village refreshments outlet. It generates funds for the Essex Air Ambulance through its charity sessions. No material harm is caused to the amenities of local residents or to the appearance of the countryside.

Conclusion

101 In view of the fact that the proposals comply with Government guidance and local plan policies, the applicant hopes that his proposed permanent permission and modest improvements can now be granted, subject to reasonable conditions.

RELEVANT HISTORY: The use began its life circa 2001, as an activity conducted under Permitted Development rights to use open land for the purpose of a motor racing or training related activity for up to 14 days in any calendar year.

UTT/0785/03/FUL. Change of use of agricultural land to rally school. Approved 4 December 2003 subject to conditions on use.

UTT/0761/05/REN Renewal of temporary planning permission for change of use of agricultural land to rally school for eighty days per year until 31.12.2006. Approved 08 July 2005.

UTT/0762/05/FUL Variation of conditions to planning permission UTT/0785/03/FUL for alteration of user, extension of use by one hour and retention of two portacabins. Limited period permission granted to 31.12.2006.

Conditions to control the operation of the use included;

C.90B The Rally School hereby permitted shall not be used before 9am on Mondays to Saturdays nor after 7pm Mondays to Saturday, between the period of 1st April to 30 September. During the period 1 October to 31 March, the Rally School shall not operate before 9am on Mondays to Saturdays and rally activity shall only take place during the hours of daylight. At no time throughout the year shall the Rally School operate on Sundays and Bank and Public holidays, subject to the exemption set out in condition C.90H.

REASON: The use of this site outside these hours would be likely to cause nuisance and disturbance to adjacent residents.

C.14.1 The use hereby permitted shall be carried on only by Mr Simon James Clark and his immediate dependants in connection with their Rally School business carried on at Langley Lawn and for no other person.

REASON: To ensure that the site is operated to the highest standard in the interests of local amenity.

C.90D The use of the site for rally driving and rally vehicle testing shall not be used for more than eighty days per year, excluding Sundays and Bank and Public holidays, except as may be varied by condition C.90H.

REASON: In the interests of the appearance and character of the countryside.

C.90E No more than twelve visiting members of the public, including spectators, shall attend the Rally School hereby permitted at any one time.

REASON: In the interests of the appearance and character of the countryside.

C.90G The application site shall be used for the servicing and general repair of rally vehicles only during the approved hours of operation, and not for the servicing and general repair of any other vehicles.

REASON: In the interest of the appearance and character of the countryside.

C.90H The Rally School hereby permitted shall not be used for the purpose of holding any events except that a single charity event may be held during one weekend, including the Sunday of that weekend, in each calendar year.

REASON: In the interest of the appearance and character of the countryside and the residential amenity.

It should be noted that a condition C.90J requiring the removal of four flagpoles was later removed upon Appeal.

CONSULTATIONS: North Herts District Council: No comments.
East Herts District Council: No comment.

PARISH COUNCIL COMMENTS: None received (due 23 July 2006).

REPRESENTATIONS: None. Notification period expired 14 July 2006.

COMMENTS ON REPRESENTATIONS: None.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Countryside Policy (PPS7; ERSP Policy C5, RE2, & ULP Policy S7.);**
- 2) **Sustainability (PPS1, PPS7; ERSP Policy CS2**
- 3) **Recreational facilities beyond settlement boundaries (ULP Policy LC4);**
- 4) **Other material planning considerations.**

- 1) The following policies are applicable;

Structure Plan - 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.

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.

Uttlesford Local Plan - 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, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only

be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

POLICY E4 - Farm Diversification: Alternative use of Farmland

Alternative uses for agricultural land will be permitted if all the following criteria are met:

- a) The development includes proposals for landscape and nature conservation enhancement;
- b) The development would not result in a significant increase in noise levels or other adverse impacts beyond the holding;
- c) The continued viability and function of the agricultural holding would not be harmed;
- 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 original application was approved by the Council in 2003 on a temporary basis so as, “to allow the impact of the proposed development to be assessed in terms of disturbance to local residents and allow any future request to use the site to be assessed on this basis at the time”. The 2005 renewal gave a similar reason for the limited period of consent and required the site to be returned to its original condition once the use ceases in the interests of preserving countryside character. The applicant is now seeking a permanent approval to continue the approved temporary use on the same terms indefinitely.

Part of the aim of countryside policy set out in Policies C5, CS2 and S7 is to protect the character of the countryside for its own sake, and the tranquillity of the agricultural landscape must surely be an important part of that character. The use here under consideration can only be regarded as harmful to the protection of the countryside, as it is visually and audibly intrusive in this otherwise open arable landscape. The site is clearly visible across the open fields from the public highway as it runs to the north of the site. Policy does not accept the construction of new buildings in the countryside for non-agricultural purposes, though this use has introduced a double height stacked portacabin onto the site, thereby breaching a condition of the renewal of consent in 2005.

Although Uttlesford Local Plan Policy E5 makes provision for some diversification of agricultural land, it is supposed to include proposals for landscape and nature conservation enhancement, which this proposal has not provided to date and for which it still makes no proposals. The use is supposed to be one that results in no adverse impact beyond the holding and does not place unacceptable pressures on the surrounding rural road network. At the time of the site visit, late on a midweek morning, the use was in operation, and casual observation of the lane for a period of about half an hour showed that about half of the vehicles that used the lane had this operation as their destination. It is a significant generator of traffic in the area. It has however been accepted that there is no record of noise nuisance off the land holding.

Although the use was accepted for a limited period on the basis that the use would be temporary and low key, it is clear that the intention is to continue indefinitely, and with the companion application UTT/1068/06/FUL, if possible to consolidate and expand the scale of the use. The permanent introduction of this highly non-agricultural use into the open countryside is a far more serious conflict with countryside policy than a temporary use would be, and it is considered that such permanent retention would not be appropriate to protect the countryside for its intrinsic qualities. The existing portacabins and surrounding clutter and the activity that goes on around them and on the track are clearly visible from the lane

across open fields on the north side of the application site, and are a visually intrusive feature in the countryside which is clearly not an agricultural activity. Although sited beside the large barn like hanger, the levels of activity and visual impact are much greater than would normally be associated with an agricultural storage barn in the middle of fields, or even with the occasional movement of a light aircraft from the hanger. It is not considered that the size, scale and appearance of the proposed buildings would be appropriate in this rural setting, and they would be harmful to the aim of policy to protect the countryside for its intrinsic qualities of landscape and appearance.

2) Essex & Southend on Sea Replacement Structure Plan Policy CS1 - Achieving Sustainable Urban Regeneration, states that;

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

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

The original approval in November 2003 pre-dates the Government's publication of PPS7, Sustainable Development in Rural Areas, which tells us among its key principles that;

(iii) Accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling, in line with the policies set out in *PPG13, Transport*. Decisions on the location of other developments in rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the development.

(iv) New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

Paragraph 15 tells us;

15. Planning policies should provide a positive framework for facilitating sustainable development that supports traditional land-based activities and makes the most of new leisure and recreational opportunities that require a countryside location. Planning authorities should

continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced.

Looking at the issue of Farm Diversification paragraph 30 tells us;

30. Recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, local planning authorities should:

- (i) set out in their LDDs the criteria to be applied to planning applications for farm diversification projects;
- (ii) be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location. This applies equally to farm diversification schemes around the fringes of urban areas;

Although this was current at the time of the renewals in 2005 the sustainability arguments were balanced with the fact that the use would be temporary and low-key in nature. Policy now lays increasingly more stress upon sustainability, and the Essex & Southend on Sea Replacement Structure Plan also contains policy that addresses this aspect. The use is located in a remote rural position where it can only be accessed by the private car and thus would not be considered as sustainably located. New building development has to be strictly controlled and considered against the overall aim is to protect the countryside for the sake of its intrinsic character and beauty, and the use is considered to conflict with that aim. Finally the use is not considered to be farm diversification since the applicant says it is his principal livelihood, and he is not the farmer. The farmer may derive some rental income from the use, but not the whole of the revenue generated by the use.

The sole purpose of the activity is to drive cars repeatedly along a track at high speed. All of this activity generates carbon dioxide and contributes to global warming, and is contrary to the aims of Government Policy to reduce the dependence upon, and use of, the private car. The use can only be seen as an unsustainable one.

- 3) Policy LC4 states:
 - Provision of Outdoor Sport and Recreational Facilities Beyond Development limitsThe following developments will be permitted:
 - a) Outdoor sports and recreational facilities, including associated buildings such as changing rooms and club-houses;
 - b) Suitable recreational after use of mineral workings.

The Local Plan does not discuss this at any length, but the policy sits among other policies primarily directed at making provision for the recreational and leisure needs of existing settlements and communities in the District. The intent of the policy was to provide for sport and recreation facilities for existing communities, where such land might be just outside of the Development Limit. The Policy has to be read in conjunction with the more general policies on protection of the countryside and sustainability outlined above. It is not accepted that this Policy gives any support to the rally driving school use.

- 4) Farm diversification has been mentioned by the applicant in support of the proposal.

Although Uttlesford Local Plan Policy E5 makes provision for some diversification of agricultural land, it is supposed to include proposals for landscape and nature conservation enhancement, which this proposal has not provided to date and for which it still makes no proposals. The use is supposed to be one that results in no adverse impact beyond the holding and does not place unacceptable pressures on the surrounding rural road network.

At the time of the site visit, late on a midweek morning, the use was in operation, and casual observation of the lane for a period of about half an hour showed that about half of the vehicles that used the lane had this operation as their destination. It is a significant generator of traffic in the area. It has however been accepted that there is no record of noise nuisance off of the land holding.

The guidance in PPS7 states;

Para 30 - Recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, local planning authorities should:
(ii) be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location. This applies equally to farm diversification schemes around the fringes of urban areas.

And at para 31 - A supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside.

The rally school is not operated by the agricultural holding itself, but by the brother of the farm owner. The revenue from the use therefore does not directly help to sustain the agricultural enterprise, though it is presumed that some form of rent is earned. Even so, the need to contribute to sustainable development objectives is stressed, and this use is not considered to meet those objectives. Even at its current scale the use has already resulted in the erection of buildings for a non-agricultural purpose, which are not of a type normally to be found in an arable landscape, and it is considered that they represent excessive encroachment and expansion into the countryside.

CONCLUSION: The operation of this site for rallying purposes has occurred on this site since some time in 2001. The background of planning policy has materially changed during this time, placing more importance upon sustainable forms of development, and upon the protection of the countryside from inappropriate development.

It is considered that this use cannot be accepted for any further period of time.

RECOMMENDATION: REFUSAL REASONS

1. The use of the site as a rally driving school is considered to be contrary to the aims of planning policies to protect the countryside for its own sake and for its landscapes and agricultural value. The use is not considered to be an appropriate one for a rural area, being intrusive in nature and harming the aim of policy to protect the countryside for its own sake and for its landscapes, as well as being detrimental to the tranquillity of the countryside, and placing an additional traffic load upon the narrow rural lanes in the vicinity, and is thereby contrary to the aims of PPS7, Policies C5 and CS2 of the Essex & Southend-on-Sea Replacement Structure Plan and Policy S7 of the Uttlesford Local Plan
2. The use of the site as a rally driving school is considered to be contrary to the aims of planning policies to promote sustainable patterns and forms of development, and in this location it can only be served by the private car, as well as by its very nature being dependent upon intensive use of cars. This results in additional car borne trip generation and additional use of cars that contribute to carbon dioxide generation and global warming, contrary to national targets to reduce carbon emissions. The proposal is considered to be contrary to the aims of PPS1 and PPS7, and Essex & Southend-on-Sea Replacement Structure Plan Policies CS1.

Background papers: see application file.

UTT/1068/06/FUL - LANGLEY

(Revised Report)

Permanent retention of rally school use. Variation of conditions attached to UTT/0761/05/REN (hours of use, number of activity days, and visitor numbers). Extension of track by 300m. Relocation of access track. Creation of landscaped bunds. Provision of 3rd portable building and cladding of proposed and existing portable buildings. Relocation of changing room. Provision of access link between car parks. Additional landscaping

Location: Langley Park Rally School. GR/TL 425-348.

Applicant: Mr Simon Clark

Agent: John Grayson

Case Officer: Mr T Morton 01799 510654

Expiry Date: 21/09/2006

ODPM Classification: MAJOR

NOTATION: Outside Development Limit.

DESCRIPTION OF SITE: The site is located at the edge of the District to the west of Langley Lower Green on farmland associated with Langley Lawn. The length of track to be used for rally school tuition is part of a former airfield, situated approximately 250 metres east of Langley Lawn and is accessed along a rough track from the farm. The track, used as part of the existing rally school, is approximately 450 metres in length and is located between two agricultural fields. The site is quite open in character with a hedge to the north side of the portacabin buildings, and a large aircraft hanger building adjacent to the west side, not used in conjunction with the rally school. Two portacabins are stacked one on top of the other to provide briefing facilities for drivers and spectator, changing rooms and refreshment facilities. The toilets are nearby in another demountable.

DESCRIPTION OF PROPOSAL: The applicant is seeking permanent consent to retain the use of the site as a rally school, with changes to expand the scale of the operation consisting of:

- Increase times of operation by one hour on one day per week to 8:00 p.m.
- Extend the track by 300 metres to 700 metres
- Increase the number of days use per year from 80 to 100
- Increase the limit on spectator numbers from 12 to 24 with a limit of 18 visitor's cars
- Provide a new access to the site
- Provide earth mounding to the side of the existing and extended track with planting
- Modify and extend the existing double stacked portacabin to clad them in profiled metal sheeting and provide a third portacabin to replace the existing portaloos facilities
- Relocate the existing third portacabin
- Provide an access track to link their two separate car parks
- Provide landscape planting

APPLICANT'S CASE: The applicant has submitted a lengthy supporting statement in conjunction with the application plans, which is available for inspection on the case file. The case makes clear that the applicant has to consider the longer-term future of these operations which represent his livelihood. The agent has requested the following paragraphs be quoted in full.

Summary

99 All five material considerations are satisfied. The current proposals represent a reasonable approach to the continued use of an established outdoor activity which is supported by Adopted Local Plan Policy LC4. The aim is not to expand the activities in any significant way, but to allow the operators to plan their programme for the future with greater certainty of a successful outcome. Difficulties are currently being experienced which are

caused by these restrictions and their review would have several crucial benefits, both for the operators and local residents.

100 This is an appropriate use of land in a remote part of the District, which meets a need for outdoor recreation. It is a good example of the Government's and the Council's encouragement of farm diversification and assisting the rural economy. The operators are local residents with many years experience in this field. The facility provides local employment and additional support for the village refreshments outlet. It generates funds for the Essex Air Ambulance through its charity sessions. No material harm is caused to the amenities of local residents or to the appearance of the countryside.

Conclusion

101 In view of the fact that the proposals comply with Government guidance and local plan policies, the applicant hopes that his proposed permanent permission and modest improvements can now be granted, subject to reasonable conditions.

RELEVANT HISTORY: The use began its life circa 2001, as an activity conducted under Permitted Development rights to use open land for the purpose of a motor racing or training related activity for up to 14 days in any calendar year.

UTT/0785/03/FUL. Change of use of agricultural land to rally school. Approved 4 December 2003 subject to conditions on use.

UTT/0761/05/REN Renewal of temporary planning permission for change of use a agricultural land to rally school for eighty days per year until 31.12.2006. Approved 08 July 2005.

UTT/0762/05/FUL Variation of conditions to planning permission UTT/0785/03/FUL for alteration of user, extension of use by one hour and retention of two portacabins. Limited period permission granted to 31.12.2006.

Conditions to control the operation of the use included;

C.90B The Rally School hereby permitted shall not be used before 9am on Mondays to Saturdays nor after 7pm Mondays to Saturday, between the period of 1st April to 30 September. During the period 1 October to 31 March, the Rally School shall not operate before 9am on Mondays to Saturdays and rally activity shall only take place during the hours of daylight. At no time throughout the year shall the Rally School operate on Sundays and Bank and Public holidays, subject to the exemption set out in condition C.90H.

REASON: The use of this site outside these hours would be likely to cause nuisance and disturbance to adjacent residents.

C.14.1 The use hereby permitted shall be carried on only by Mr Simon James Clark and his immediate dependants in connection with their Rally School business carried on at Langley Lawn and for no other person.

REASON: To ensure that the site is operated to the highest standard in the interests of local amenity.

C.90D The use of the site for rally driving and rally vehicle testing shall not be used for more than eighty days per year, excluding Sundays and Bank and Public holidays, except as may be varied by condition C.90H.

REASON: In the interests of the appearance and character of the countryside.

C.90E No more than twelve visiting members of the public, including spectators, shall attend the Rally School hereby permitted at any one time.

REASON: In the interests of the appearance and character of the countryside.

C.90G The application site shall be used for the servicing and general repair of rally vehicles only during the approved hours of operation, and not for the servicing and general repair of any other vehicles.

REASON: In the interest of the appearance and character of the countryside.

C.90H The Rally School hereby permitted shall not be used for the purpose of holding any events except that a single charity event may be held during one weekend, including the Sunday of that weekend, in each calendar year.

REASON: In the interest of the appearance and character of the countryside and the residential amenity.

It should be noted that a condition C.90J requiring the removal of four flagpoles was later removed upon Appeal.

CONSULTATIONS: North Herts District Council: No comments.

East Herts Council: No comments.

Environmental Health Officer: Concerns regarding changes to conditions that would increase use of the site. The site may already operate until 7pm between 1st April and 30th September. Therefore, an extra hour per week seems to be of little benefit. Additionally, increasing the number of activity days to 100 per year represents a significant increase in events. Whilst I do not have concerns over the number of spectators/members of the public attending an event, the number of vehicle movements to and from the site will be significantly increased if the 18 car rule is applied. I would therefore suggest that although the number of spectators can be increased, the number of cars parked should be kept to 12, as this was the maximum number of cars that would have been able to attend under the current arrangement.

I would also recommend that if the extension to the track be approved, a condition be applied for temporary use only, in order for its impact to be assessed before a permanent change is made.

Generally, I have concerns that although the current use has not resulted in noise complaints being received from residential properties (within audible distance from the track) its increased use may be problematic if all the proposed changes are introduced.

PARISH COUNCIL COMMENTS: None received (due 23 July 2006).

REPRESENTATIONS: None. Notification period expired 4 July 2006.

COMMENTS ON REPRESENTATIONS: None.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Countryside Policy (PPS7; ERSP Policy C5, RE2, & ULP Policy S7),**
- 2) **Sustainability (PPS1, PPS7; ERSP Policy CS2,**
- 3) **Recreational facilities beyond settlement boundaries (ULP Policy LC4) and**
- 4) **Other material planning considerations.**

- 1) The following policies are applicable;

Structure Plan - 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.

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.

Uttlesford Local Plan - 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, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

POLICY E4 - Farm Diversification: Alternative use of Farmland

Alternative uses for agricultural land will be permitted if all the following criteria are met:

- a) The development includes proposals for landscape and nature conservation enhancement;
- b) The development would not result in a significant increase in noise levels or other adverse impacts beyond the holding;
- c) The continued viability and function of the agricultural holding would not be harmed;
- 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 original application was approved by the Council in 2003 on a temporary basis so as, “to allow the impact of the proposed development to be assessed in terms of disturbance to local residents and allow any future request to use the site to be assessed on this basis at the time”. The 2005 renewal gave a similar reason for the limited period of consent and

required the site to be returned to its original condition once the use ceases in the interests of preserving countryside character. The applicant is now seeking a permanent approval to continue the approved temporary use on a much expanded basis.

Part of the aim of countryside policy set out in Policies C5, CS2 and S7 is to protect the character of the countryside for its own sake, and the tranquillity of the agricultural landscape must surely be an important part of that character. The use here under consideration can only be regarded as harmful to the protection of the countryside, as it is visually and audibly intrusive in this otherwise open arable landscape. Policy does not accept the construction of new buildings in the countryside for non-agricultural purposes, though this use has introduced a double height stacked portacabin onto the site, thereby breaching a condition of the renewal of consent in 2005. The proposal would consolidate the form of this structure increasing its presence in the landscape, and would also introduce a new portacabin at a separate location about half way down the lengthened rally training track.

At present the track is only suited for single users, but increasing the length and width could enable use by multiple vehicles. Creating bunding and extending the hardsurfacing and car parking would also increase the visual impact of the development rather than screening it in the landscape.

The proposed new access track would be a wholly new road where at present arable fields run either side of a hedgerow, making an attractive country scene. The new road would be visually intrusive, and its junction would be opposite the end of a designated Protected Roadside Verge, which might suffer damage as vehicles turn in and out of the proposed access.

Extensive debate about the visual impact of the buildings took place when the Members of the Development Control Committee considered the renewal application. The wish had been for these to be at ground level only. Cladding them and increasing the footprint only serves to increase the visual impact of the development in the landscape. The existing portacabins and surrounding clutter and the activity that goes on around them and on the track are clearly visible from the lane across open fields on the north side of the application site, and are a visually intrusive feature in the countryside which is clearly not an agricultural activity. Although sited beside the large barn like hanger, the levels of activity and visual impact are much greater than would normally be associated with an agricultural storage barn in the middle of fields, or even with the occasional movement of a light aircraft from the hanger. It is not considered that the size, scale and appearance of the proposed buildings would be appropriate in this rural setting, and they would be harmful to the aim of policy to protect the countryside for its intrinsic qualities of landscape and appearance.

2) Essex & Southend on Sea Replacement Structure Plan Policy CS1 Achieving Sustainable Urban Regeneration, states that;

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

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

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

The original approval in November 2003 pre-dates the Government's publication of PPS7, Sustainable Development in Rural Areas, which tells us among its key principles that;

(iii) Accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling, in line with the policies set out in *PPG13, Transport*. Decisions on the location of other developments in rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the development.

(iv) New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

Paragraph 15 tells us;

15. Planning policies should provide a positive framework for facilitating sustainable development that supports traditional land-based activities and makes the most of new leisure and recreational opportunities that require a countryside location. Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced.

Looking at the issue of Farm Diversification paragraph 30 tells us;

30. Recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, local planning authorities should:

- (i)** set out in their LDDs the criteria to be applied to planning applications for farm diversification projects;
- (ii)** be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location. This applies equally to farm diversification schemes around the fringes of urban areas;

Although this was current at the time of the renewals in 2005 the sustainability arguments were balanced with the fact that the use would be temporary and low-key in nature. Policy now lays increasingly more stress upon sustainability, and the Essex & Southend on Sea Replacement Structure Plan also contains policy that addresses this aspect. The use is located in a remote rural position where it can only be accessed by the private car and thus would not be considered as sustainably located. New building development has to be strictly controlled and considered against the overall aim is to protect the countryside for the sake of its intrinsic character and beauty, and the use is considered to conflict with that aim. Finally the use is not considered to be farm diversification since the applicant says it is his principal livelihood, and he is not the farmer. The farmer may derive some rental income from the use, but not the whole of the revenue generated by the use.

The sole purpose of the activity is to drive cars repeatedly along a track at high speed. All of this activity generates carbon dioxide and contributes to global warming, and is contrary to the aims of Government Policy to reduce the dependence upon, and use of, the private car. The use can only be seen as an unsustainable one.

The increase in days of operation does not help the sustainability issue, increasing the days significantly brings into question the low-key nature of the use. The physical expansion of the use with longer track and separate access increases the impact of the operation upon the countryside, and this is seen as counter to the aims of countryside policy.

- 3) Policy LC4 states;
- Provision of Outdoor Sport and Recreational Facilities Beyond Development limits
The following developments will be permitted:
- a) Outdoor sports and recreational facilities, including associated buildings such as changing rooms and club-houses;
 - b) Suitable recreational after use of mineral workings.

The Local Plan does not discuss this at any length, but the policy sits among other policies primarily directed at making provision for the recreational and leisure needs of existing settlements and communities in the District. The intent of the policy was to provide for sport and recreation facilities for existing communities, where such land might be just outside of the Development Limit. The Policy has to be read in conjunction with the more general policies on protection of the countryside and sustainability outlined above. It is not accepted that this Policy gives any support to the rally driving school use.

4) Farm diversification has been mentioned by the applicant in support of the proposal. Although Uttlesford Local Plan Policy E5 makes provision for some diversification of agricultural land, it is supposed to include proposals for landscape and nature conservation enhancement, which this proposal has not provided to date and for which it still makes no proposals. The use is supposed to be one that results in no adverse impact beyond the holding and does not place unacceptable pressures on the surrounding rural road network. At the time of the site visit, late on a midweek morning, the use was in operation, and casual observation of the lane for a period of about half an hour showed that about half of the vehicles that used the lane had this operation as their destination. It is a significant generator of traffic in the area. It has however been accepted that there is no record of noise nuisance off of the land holding.

The guidance in PPS7 states;

Para 30 - Recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, local planning authorities should:

(ii) be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location. This applies equally to farm diversification schemes around the fringes of urban areas.

And at para 31. - A supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside.

The rally school is not operated by the agricultural holding itself, but by the brother of the farm owner. The revenue from the use therefore does not directly help to sustain the agricultural enterprise, though it is presumed that some form of rent is earned. Even so, the need to contribute to sustainable development objectives is stressed, and this use is not considered to meet those objectives. Even at its current scale the use has already resulted in the erection of buildings for a non-agricultural purpose, which are not of a type normally to

be found in an arable landscape, and it is considered that they represent excessive encroachment and expansion into the countryside.

Although the use was accepted for a limited period on the basis that the use would be temporary and low key, it is clear that the intention is to continue indefinitely, and to consolidate and expand the scale of the use. The permanent introduction of this highly non-agricultural use into the open countryside is a far more serious conflict with countryside policy than a temporary use would be, and it is considered that such permanent retention and expansion of the operation would not be appropriate to protect the countryside for its intrinsic qualities.

CONCLUSION: The operation of this site for rallying purposes has occurred on this site since some time in 2001. The background of planning policy has materially changed during this time, placing more importance upon sustainable forms of development, and upon the protection of the countryside from inappropriate development. It is considered that expansion of this use cannot be accepted.

RECOMMENDATION: REFUSAL REASONS

1. The use of the site as a rally driving school is considered to be contrary to the aims of planning policies to protect the countryside for its own sake and for its landscapes and agricultural value. The use, and the proposed buildings and expanded length of vehicle track are not considered to be appropriate for a rural area, being intrusive in nature and harming the aim of policy to protect the countryside for its own sake and for its landscapes, as well as being harmful to the tranquillity of the countryside, and placing an additional traffic load upon the narrow rural lanes in the vicinity, and is considered to be contrary to the aims of PPS7, Policy C5 and CS2 of the Essex & Southend-on-Sea Replacement Structure Plan and Policy S7 of the Uttlesford Local Plan
2. The use of the site as a rally driving school is considered to be contrary to the aims of planning policies to promote sustainable patterns and forms of development, and in this location it can only be served by the private car, as well as by its very nature being dependent upon intensive use of cars. This results in additional car borne trip generation and additional use of car that contribute to carbon dioxide generation and global warming, and the expansion of the activity that is envisaged by the application proposals would exacerbate this situation, contrary to national targets to reduce carbon emissions. The proposal is considered to be contrary to the aims of PPS1 and PPS7, and Essex & Southend-on-Sea Replacement Structure Plan Policies CS1.
3. The proposed new access track would introduce a new built feature into the countryside that would detract from the visual appearance of the pleasant hedgerow between fields presently located here, and would create an access opposite the end of a Protected Roadside Verge, designated for its special flora, which would be likely to suffer damage from over-running vehicles when turning in or out of the new access.

Background papers: see application file.

UTT/1306/06/FUL - CLAVERING

Changes to door layout to that allowed under appeal reference APP/C1570/A/021104894 dated 12-8-2003.

Location: Funston Tractor Sales Arkesden Road. GR/TL 481-327.
Applicant: C E Funston
Agent: Mr P R Livings
Case Officer: Ms H Lock 01799 510486
Expiry Date: 03/10/2006
ODPM Classification: MINOR

REPORT TO FOLLOW

1) UTT/1268/06/FUL, 2) UTT/1272/06/LB & 3) UTT/1273/06/CA

SAFFRON WALDEN

(Referred at Executive Manager's Discretion)

1-2) Commercial development comprising one 2 storey A3 use and one 2 storey A1 use and 2nd floor residential unit

3) Demolition of garage

Location: Plot adjacent to The White Horse 4 Market Street. GR/TL 538-384

Applicant: Brockway Developments Ltd

Agent: Hibbs & Walsh Associates

Case Officer: Mr T Morton 01799 510654

Expiry Date: 22/09/2006

ODPM Classification: MINOR

NOTATION: Inside Development Limit / Inside Conservation Area.

DESCRIPTION OF SITE: The site is the former car park area of the White Horse Public House, with frontages onto Hill Street and Market Row. It stands beside the three-storey White Horse Public House, the three-storey estate agents premises in Hill Street and between two-storey frontages on Market Row. The opposite side of Hill Street is occupied by the three-storey Waitrose building, and the opposite side of Market Row by three-storey terraced buildings.

DESCRIPTION OF PROPOSAL: A new building of three storeys onto Hill Street, and two storeys onto Market Row, with retail use on ground and first floor laid out as two separate shop units, a large one of 290sq.m on the Hill Street frontage for Class A3 use and a smaller one of 96sq.m on the Market Row frontage for Class A1 use, and a two-bedroom residential flat within a mansard roof on second storey level.

APPLICANT'S CASE: A Design Statement and Flood Risk Assessment are submitted with the application. The Council produced and adopted a Development Brief for the site in 2005, and the design has been based upon the policies and principles set out in that brief. This proposal has been the subject of considerable negotiation and discussion to achieve a design that will sit well in the context of the surroundings, and within the Conservation Area. The building is not intended to be a pastiche of any historical period, but is intended to represent architecture of the current day. The Design and Access Statement confirms that the flat will meet the Lifetime Homes Standard.

RELEVANT HISTORY: UTT/0744/06/FUL – UTT/-745/06/LB – UTT/0746/06/CA – Recent previous applications for a similar proposal, withdrawn for further negotiations. No relevant history for the car park. The White Horse Public House itself has consent for the upper floors to be converted to provide 6 flats, and the ground floor and basement is to become a coffee bar. Conversion work is in progress.

CONSULTATIONS: Design Advice: White Horse PH is a substantial building of early C19 origins occupying a prominent location within Saffron Walden conservation area on the corner between Market Street and Hill Street. The south western part of the site, subject of this application was historically enclosed by structures. The enclosure was total from the Market Row side. The Hill Street frontage had a modest access probably for Horse and carts. The original structures which were probably a mixture of domestic and ancillary ranges have been lost and now the site forms an unsightly gap in the core this historic

market town. It is clear that a sensitive redevelopment of this site would be beneficial not only to the quality of the locality but also to the setting of listed buildings nearby.

Section 72(1) of the 1990 Act imposes duty on the LPA to have special regard to the desirability of preserving or enhancing the character or appearance of conservation area. LP policy ENV1 also supports development that preserves or enhances the character of conservation area. The policy sets out factors that will be taken into account like, over all form, and in keeping details. And finally LP policy ENV2 requires that development affecting listed buildings should be in keeping with their scale, character and surroundings.

The principles of the development has been much discussed and various alternatives considered by number of officers. In terms of design there can be many opposing, but possibly equally valid views. It is clear that in this instance the applicant made an attempt to comply with some of the requirements of the policies which regrettably resulted in some fundamental design problems.

In order to keep the new development 'in scale' but at the same time to achieve the maximum level of accommodation, the proposed ranges are of untraditional and clumsy shallow or flat roofed form. In my opinion formation of 'roof terraces' is not advisable because they frequently acquire a 'home garden' characteristics with planting, washing lines and other domestic paraphernalia's looking massy and detracting from the historical roofscapes. The suggested conglomeration of building forms and detailing appears to be a curious assortment of hard urban and vernacular utilitarian, with the proposed fenestration out of proportion with the generally established pattern in the vicinity. The indicated detailing of shop fronts, window surrounds, parapet details are very derisory and coupled with possible need for economy in the building process could represent a future problem.

Although this proposal may be considered 'not so bad' on balance would it really preserve or enhance the character of the conservation area. I consider that for this very special site we must have something extraordinary responding well to the present general endeavour for excellence in design.

ECC Archaeological advice: Recommend condition requiring trial trenching followed by possible excavation.

Environment Agency: On the basis of the information submitted within the FRA (ref C-205080/December 2005/Rev A), we have no objection to the proposed development providing the following conditions are appended to any planning approval granted.

CONDITION: The minimum ground floor level of any building involved in the development must be at least 53.00m AOD unless otherwise agreed in writing by the Local Planning Authority.

REASON: To provide reasonable freeboard against flooding.

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off has been submitted to and approved in writing by of the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

The main issue for the development of this open piece of land is that this is one of the last places within the town centre where access can be gained to the culvert if required. The watercourse is now considered to be main river and consent is required from us to build over this culvert and within 9 meters width either side of it, irrespective of any planning permission. The owners of the building will also own the section of culvert that their building resides over and be legally responsible for maintenance of the said section of culvert. Therefore it would be advantageous for the developer to consider at least one examination

chamber to this culvert within the development so that future access can be gained, if required.

Informative:

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 9 metres of the main river (The Slade). This is irrespective of any Planning Permission granted. Works taking place without our written consent will result in enforcement action by the Environment Agency. The Environment Agency should be consulted at an early stage to ensure consent is forthcoming.

ECC Highways: No objection to this proposal subject to the following conditions:

1. The payment of a financial contribution in the sum of £20,000 (twenty thousand pounds) index linked to fund highway improvements in the vicinity of the site including proposals as identified as part of the Saffron Walden Town Centre Improvement Scheme.
2. The access shall be laid to a gradient not exceeding 4% for the first 6 metres from the highway boundary and not exceeding 8% thereafter.

REASON: to ensure that vehicles can enter and leave the highway in a safe and controlled manner in accordance with policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.

3. Prior to commencement/occupation of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

REASON: To prevent hazards caused by flowing water or ice on the highway. In accordance with policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.

4. The vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.8 metres. REASON: In accordance with the Car Parking Standard

5. Prior to commencement/occupation of the access a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600 mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

REASON: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy T8 of Essex and Southend-on-Sea Replacement Structure Plan.

6. Prior to the commencement/occupation of the development the details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided before occupation and retained at all times.

REASON: To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with policy T6 of the Essex and Southend-on-Sea Replacement Structure Plan.

TOWN COUNCIL COMMENTS: (UTT/1273/06/CA) – No objection.

(UTT/1272/06/LB) and UTT/1273/06/CA) - The Committee feel that the fenestration to the front and rear elevations is out of keeping with the Conservation Area and the existing shops in the area.

REPRESENTATIONS: These applications have been advertised and no representations have been received. Period expired 5 June 2006.

PLANNING CONSIDERATIONS: The main issues are

- 1) principle of development (ERSP Policy CS1, & ULP Policy SW1);**
- 2) design, conservation area and listed building issues (ERSP Policies HC2, HC3 & ULP Policies GEN2, ENV1, ENV2);**
- 3) flood risk (ULP Policy GEN3);**
- 4) Conservation Area Consent application and**
- 5) other material planning considerations.**

1) The site lies within the Development Limits of Saffron Walden and in principle there is no objection to the proposed development. Policy SW1 seeks to protect existing ground floor Class A shop uses from change to residential use, and therefore the provision of new ground floor shop units here is satisfactory. The Structure Plan seeks to concentrate new economic development and redevelopment within the existing urban areas maximising the use of spare capacity in terms of land buildings and infrastructure.

2) The design is intended to be a contemporary response to the site and the location within the historic fabric of Saffron Walden. Surrounding buildings are from a wide range of historical periods and exhibit a wide variation in design; there is no specific period or style which should be 'matched into'. The applicant has submitted a design statement that sets out the reasoning behind the submitted proposals. This includes sketch perspective drawings along the street frontages, and a model has also been submitted to show the building in the context of those surrounding the site. The building is intended to work as a focal point in views along Hill Street and from the access ramp to Waitrose. The scale of the building is not over-dominant and relates well to the surrounding buildings.

The building thus has a positive or neutral impact upon the character and appearance of the Conservation Area.

The new building will stand adjacent to the Listed Buildings at the White Horse and 14 and 16 Market Row. In such a position two design approaches are possible, either to design to match a particular historic style, or to design to represent the current period as a contrast to the historic buildings. The proposed building is of similar scale to the adjacent buildings on the Market Row frontage, and an existing 'hay loft' is adapted to house the air conditioning plant for the new development, and to provide a parking space for the flat. On the Hill Street frontage the building is of two storey plus mansard roof, which is a reference to the mansard roof form of the White Horse. This design is considered to be appropriate to the setting of those Listed Buildings.

3) The site is within a designated flood plain, and a Flood Risk Assessment has been submitted, and appraised by the Environment Agency, which has recommended conditions. The Council's Engineer believes the flood plain designation to be very theoretical, in that the modelling is for the 1 in 100 year event, but the flood of 2001 was actually a more severe event than that, and did not flood Hill Street. The consultants report suggests the 1 in 100 year flood level is actually 52.4 m and not the 53 m specified by the Environment Agency. Raising the building to the level of 53m AOD specified by the Environment Agency would have an adverse effect upon the appearance of the building, the street scene, and access for people with disabilities. On balance the proposed level of 52.7 is considered acceptable.

4) Conservation Area Consent to demolish a small single storey garage is also sought. this is a small gault brick building in one corner of the car park, close by a self sown Sycamore tree. The building makes no significant contribution to the character or appearance of the Conservation Area and its removal is considered satisfactory.

5) The proposed flat is the equivalent to proposals for conversion of upper floors in existing buildings in the town centre to flats. Such conversions offer a way to introduce activity to the town centre after shop trading hours, and have proven to be successful. The flat has a roof terrace to provide outdoor amenity space, and a single car parking space is provided for the flat, though it can be noted that many flat conversion cases of existing buildings in the town centre have been accepted with no off street car parking provision. The proposed flat is considered to be satisfactory.

CONCLUSIONS: This is a finely balanced decision requiring Members' careful consideration. The proposed development is considered to be a satisfactory design solution for this site and approval is recommended. This is however a unique opportunity for development of a vacant site in the heart of Saffron Walden and Member may consider, gives the comments of the Conservation Officer, that a very different design approach would be appropriate.

RECOMMENDATIONS:

1) UTT/1268/06/FUL – APPROVAL WITH CONDITIONS AND LEGAL AGREEMENT

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.2. Details of materials to be submitted agreed and implemented.
4. The access shall be laid to a gradient not exceeding 4% for the first 6 metres from the highway boundary and not exceeding 8% thereafter.
REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner in accordance with policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.
5. Prior to occupation of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.
REASON: To prevent hazards caused by flowing water or ice on the highway.
6. The vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.8 metres.
REASON: In accordance with the Car Parking Standard.
7. Prior to occupation of the building a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.
REASON: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy T8 of Essex and Southend-on-Sea Replacement Structure Plan.
8. Prior to the occupation of the development the details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided before occupation and retained at all times.
REASON: To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with policy T6 of the Essex and Southend-on-Sea Replacement Structure Plan.

2) UTT/1272/06/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development - listed buildings & conservation areas.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.2. Details of materials to be submitted agreed and implemented.

3) UTT/1273/06/CA – GRANT CONSERVATION AREA CONSENT

1. C.2.2. Time limit for commencement of development - listed buildings & conservation areas

APPROVAL SUBJECT TO A LEGAL AGREEMENT TO REQUIRE;

That the applicant is to conclude a legal agreement under Section 106 of the Planning Acts or equivalent statute under the Highways Acts with the Essex County Council as highway authority before commencement of development the payment of a financial contribution in the sum of £20,000 (twenty thousand pounds) index linked to fund highway improvements in the vicinity of the site including proposals as identified as part of the Saffron Walden Town Centre Improvement Scheme.

Background papers: see application file.

UTT/1336/06/DC - WIMBISH

Vehicular crossovers and hardstanding for off street parking.

Location: 26,27,28,29,30,31,32,33 Tye Green. GR/TL 590-353.

Applicant: Uttlesford District Council

Agent: Uttlesford District Council

Case Officer: *Madeleine Jones 01799 510606*

Expiry Date: 29/09/2006

ODPM Classification: OTHER

NOTATION: ULP: Outside Development Limits.

DESCRIPTION OF SITE: The site is located in the central part of the village of Tye Green on Mill Road which is a class III road. The site comprises of eight houses that back onto the recreation ground. The houses all have front gardens that are separated from the pavement by a grass verge and each garden in turn is separated from the grass verge by a mixture of hedging and wire fencing. The verge increases in depth towards number 26 and the houses are set lower than the road. At present the only parking provision for these properties is along the roadside. The village hall is opposite the application site and has limited parking facilities and as such when the farmers market, bowling etc and other events are held the parking for the village hall events spills onto the road outside the houses to which this application relates. The recreational ground to the rear has parking for several vehicles.

DESCRIPTION OF PROPOSAL: The proposal is for the creation of vehicular crossovers and hard standings for properties numbers 26- 33 to provide off street parking. This would involve removing the hedges to the front of properties 33, 32 and 31.

CONSULTATIONS: English Nature: Objects to the proposed development because the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. The concern relates specifically to the likely impact upon great crested newt and native reptiles.

PARISH COUNCIL COMMENTS: To be reported (due 6 September 2006).

REPRESENTATIONS: None received. Notification period expired 28 August 2006.

PLANNING CONSIDERATIONS: **The main issues are Road safety issues, nature conservation and impact on the character of the countryside (ULP Policies S7, GEN1, GEN2, GEN8, GEN7);**

- 1) In view of current parking problems, and that the location is just after a bend in the road when entering the village, it is considered that the proposal would improve road safety issues. At present the vehicles of these houses park in the road and this forces traffic coming into the village onto the wrong side of the road.
- 2) English Nature's comments relate to the ponds at Maypole Farm which are located some distance away and as there are many barriers between the application site and these ponds it is unlikely that protected species will be visiting these properties. A condition that in the event of a protected species being discovered all construction work shall cease until a licence has been obtained shall be imposed.
- 3) Policy S7 states that Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set

or there are special reasons why the development in the form proposed needs to be there. In view of the road safety issues it is considered there is a special reason for this proposal to take place. As other properties along Mill Road have driveways onto the road, the visual effect on the character of the countryside of this proposal would be minimal.

CONCLUSIONS: The proposal is considered to be appropriate for the reasons given in the body of this report.

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 10.7 Visibility splays for crossover access.
4. C20.3. If protected species discovered get licence from DEFRA.

Background papers: see application file.

UTT/1361/06/OP - SAFFRON WALDEN

Outline application for demolition of existing units and erection of new units for class B1 use
Location: Dairy Pipelines Shire Hill Industrial Estate Shire Hill. GR/TL 547-382
Applicant: Dairy Pipelines
Agent: Hibbs & Walsh Associates
Case Officer: Mr T Morton 01799 510654
Expiry Date: 08/11/2006
ODPM Classification: MAJOR

NOTATION: Inside Development Limit / Existing Employment Area Policy SW6.

DESCRIPTION OF SITE: The site is within the Shire Hill Industrial Area, but adjoins the cemetery on its northern side, and residential properties in Prospect Place on its western side. It slopes downwards from south to north. The site is currently occupied by a range of single storey industrial shed type buildings along the northern side, with an open car parking and delivery area on the southern side and the remainder of the site with a grassed area.

DESCRIPTION OF PROPOSAL: Outline application for the redevelopment of the site to provide Class B1 units in three ranges of buildings, with car parking partially underneath the buildings.

APPLICANT'S CASE: The proposals have been discussed with Council Officers before submission, resulting in the suggestion that a Masterplan for the site would be required by condition if Outline approval were to be granted. As a result of this a Concept Statement has been submitted with the application that includes the points that would form the requirements of the Masterplan these are:

- The exact site boundaries for the whole development and individual phases, including growth beyond the plan period.
- Defined development parcels for which separate development briefs will be prepared, including plans to show in detail how the design principles will be implemented.
- Major landscaping and open space proposals to assimilate new development into the landscape and create new habitats.
- Biodiversity plan, including species and habitat protection, mitigation, compensation and new habitat creation measures for sustainability.
- The basic road network and links to the existing highway network.
- Public transport links and proposals to limit dependence on the private car.
- The expected phasing of the development.

The proposal is for a mixed use development of B 1 office and light industrial use and that it should be for a high quality sustainable development incorporating measures to improve access (in accordance with a transport plan to be submitted as required by Essex County Council policy). The proposal will provide economic and employment regeneration of an under used site within an industrial estate that was largely constructed in the 1970s most of which is unsuitable for present day use. All of the units will have internal bicycle storage and shower facilities and will be of sustainable design and construction including trombe walls (walls of great thermal mass), solar shading, careful orientation, green roofs and water recycling. There will be extensive landscaping and highways improvements including provision for a bus stop.

CONSULTATIONS: Environment Agency: The site overlies major aquifer (highly permeable) with soils of high leaching potential and is situated within Source Protection

Zone 11 of the Environment Agency's groundwater protection policy. Given its previous use, this site is potentially contaminated, and both the groundwater beneath it and surface water close to it are highly vulnerable to pollution. The application, as submitted, does not consider sufficiently the following issues: - soil and groundwater contamination and potential risk to controlled waters. We recommend that the following conditions be appended to any approvals granted:

CONDITION: Before development is commenced a detailed desk study and site investigation shall be carried out to establish whether or not the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for pollution of the water environment. Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless any contamination that may be found shall then be submitted and approved by the Local Authority. The development shall then proceed in strict accordance with the measures approved.

REASON: To ensure that proposals do not cause pollution of the water environment.

CONDITION; Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard

CONDITION; If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an addendum to the method statement. This addendum must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the method statement.

REASON To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

CONDITION: Soakaways shall only be used in areas on site where they would not present a risk to groundwater. If permitted their location must be approved in writing by the local planning authority. **REASON:** To prevent pollution of controlled waters.

CONDITION Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

REASON: The site is potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

Land contamination investigations must be carried out in accordance with BS 5930:1999 - Code of practice for site investigations and BS 10175:2001 - Investigation of potentially contaminated sites - Code of Practice. Soil and water analysis must be fully MCERTS accredited. Further information on the requirements for land contamination reports submitted to the Environment Agency for review can be found on our website at the following address: www.environment-agency.gov.uk/commondata/acrobat/devguidev1_155225.pdf

Site investigation works should be undertaken by a specialist consultant. Soakaways on industrial sites within SPZ 11 are only acceptable in exceptional circumstances subject to investigation and with interceptor. In the absence of a detailed investigation demonstrating

that the activity does not present a high risk of contamination to controlled waters, the Agency will seek to prohibit this activity by serving an absolute prohibition notice wherever possible. The maximum acceptable depth for soakaways is two metres below existing ground level. Soakaways must not be constructed in contaminated ground. The Environment Agency document 'Policy and Practice for the Protection of Groundwater' states that "Direct discharge into groundwater of surface water run-off is not normally acceptable." Soakaways shall only be used in areas on site where they would not present a risk to groundwater. If permitted their location must be approved in writing by the LPA. If chalk strata are penetrated by the soakaway, the soakaway should be surrounded by 250mm of sand. Prior to being discharged into any surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. Soakaways shall be designed and constructed wholly in accordance with BRE Digest 365 (or CIRIA Report 156) and to the satisfaction of the Councils Building Control Section.

We recommend that piling on contaminated sites underlain by aquifers is avoided where possible, and that non-invasive methods, such as rafts, should be used instead. Where there is no alternative to piling, a method should be selected that minimises the risks of groundwater pollution or gas migration. Mitigation measures and/or environmental monitoring may need to be incorporated into the design. The method selected should be presented in a "Foundation Works Risk Assessment Report" which should be submitted to and approved by the Local Planning Authority before development commences.

TOWN COUNCIL COMMENTS: To be reported (due 9 September 2006).

REPRESENTATIONS: This application has been advertised and one representation has been received. Period expired 6 September 2006.

Occupiers of an adjacent house in Prospect Place have raised concern about the possible Class B2 (General Industrial) use of the proposed development due to possible noise and pollution, but have no objection to Class B1 use. They are concerned about the height of the proposed buildings and impact upon light to their garden. They are concerned about being overlooked and want no windows to face their property. There are many established trees around the site and they would object to any of these being lopped or removed.

COMMENTS ON REPRESENTATIONS: The comment about the use is noted and arose from an original confusion about the description of development that was proposed. The applicant has clarified that only uses within Class B1 are proposed. The Outline nature of the application, received before 10 August date of new requirement for outline permissions, which the applicant confirms leaves all matters Reserved, means that no specific design is proposed for approval now, and the drawings are indicative only. No windows would be approved overlooking adjacent residential property and the issue of the height and massing of the building, and the retention of the boundary trees, work together to protect the amenity of the adjoining residential property. The precise details will have to be resolved at the Reserved Matters stage.

PLANNING CONSIDERATIONS: The main issues are

- 1) Principle of development (ERSP Policies CS1, BIW4 & ULP Policies E2, SW6);
- 2) Amenity and protection of adjacent sites.(ULP Policy GEN2);
- 3) Highways, parking and access issues (ERSP Policies T3, T6, T12 & ULP Policies GEN1, GEN8);
- 4) Biodiversity issues (ERSP Policy NR7 & ULP Policy GEN7)
- 5) Other material planning considerations.

1) Both Structure Plan and Local Plan policies seek to retain employment sites for future employment use, and would support such development in this location where they will form part of a sustainable community, where people can get to work without being dependant upon the car.

2) Any redevelopment needs to respect the setting of the adjacent cemetery, and the retention of the screen of trees that has established along the line of the old abandoned railway line is essential. The indicative plan indicates that this will be done. Similarly there is need to retain screening trees on the western boundary of the site to protect the adjacent residential property there. These are details that will need to be finalised at Reserved Matters stage. The general condition on Outline approvals requires the submission of such details.

3) Polices are concerned not only to provide workable and safe access for cars and lorries but also to promote other means of travel to the site, by walking cycling and where relevant by bus. The suggested Masterplan would address these issues, and the applicant lags up the intent to provide cycling facilities, and to make provision for a bus stop. Whilst this is a good idea in principle, there is currently no bus service to the area, but a provision could be made for implementation at later date.

4) The site currently has little biodiversity interest, but as part of the new design opportunities should be sought to incorporate some provision where possible. The guide, "Integrating biodiversity into Development" produced by the Essex Biodiversity Project offers some suggestions.

5) No other issues are considered to arise.

CONCLUSIONS: The proposal is considered satisfactory and is recommended for approval with appropriate conditions.

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. The Reserved Matters submission shall include a Masterplan to address the following issues;
 - o The exact site boundaries for the whole development and individual phases, including growth beyond the plan period.
 - o Defined development parcels for which separate development briefs will be prepared, including plans to show in detail how the design principles will be implemented.
 - o Major landscaping and open space proposals to assimilate new development into the landscape and create new habitats.
 - o Biodiversity plan, including species and habitat protection, mitigation, compensation and new habitat creation measures for sustainability.
 - o The basic road network and links to the existing highway network.
 - o Public transport links and proposals to limit dependence on the private car.
 - o The expected phasing of the development.
6. C.8.29. Details of sustainable construction for new residential or commercial development

7. Before development is commenced a detailed desk study and site investigation shall be carried out to establish whether or not the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for pollution of the water environment. Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless any contamination that may be found shall then be submitted and approved by the local planning authority. The development shall then proceed in strict accordance with the measures approved.
REASON: To ensure that proposals do not cause pollution of the water environment.
8. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
REASON: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard
9. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an addendum to the method statement. This addendum must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the method statement.
REASON: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.
10. Soakaways shall only be used in areas on site where they would not present a risk to groundwater. If permitted their location must be approved in writing by the local planning authority.
REASON: To prevent pollution of controlled waters.
11. Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the local planning authority before development commences. The method selected should be presented in a "Foundation Works Risk Assessment Report" The piling shall thereafter be undertaken only in accordance with the approved details.
REASON: The site is potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.
12. C.4.1. Scheme of landscaping to be submitted and agreed
13. C.4.2. Implementation of landscaping
14. C.4.3. Details of earthworks to be submitted
15. C.4.4. Retention/replacement of trees
16. C.4.7. Detailed landscaping survey to be submitted (outline permissions)
17. C.10.23.Travel plan

Background papers: see application file.

UTT/1275/06/FUL - SAFFRON WALDEN

(Relation of employee of the Council)

Porch to front, mono-pitched roof over porch and garage
Location: 48 Ansgar Road. GR/TL 544-374
Applicant: Mrs L Counsell
Agent: Julie Barnes Architect
Case Officer: Madeleine Jones 01799 510606
Expiry Date: 22/09/2006
ODPM Classification: OTHER

NOTATION: ULP: Within Development Limits.

DESCRIPTION OF SITE: The property is an end of terraced brick house. The integral garage projects forward of the front elevation of the house. It has a flat roof and a small flat roofed porch attached to it (In the angle formed by the garage and the front wall of the house). There is a driveway in front of the garage providing off road parking for one vehicle. The house is situated in a slightly elevated position, on a modern housing estate where each property has either a garage or driveway for parking. A number of the houses have had their garages converted into rooms and replaced the flat roofs of the garages with pitched roofs.

DESCRIPTION OF PROPOSAL: The proposal is to replace the flat roof of the garage with a pitched tiled roof and also to extend the porch (approx 1.5m forward) so that the front elevation of the porch is level with the front elevation of the existing garage). This would create a cloak room. The pitched roof would also extend over the porch. The entrance to the porch would be in the side elevation and there would be a small window in the front elevation.

TOWN COUNCIL COMMENTS: To be reported (due 30 August 2006).

REPRESENTATIONS: None received. Notification period expired 21 August 2006.

PLANNING CONSIDERATIONS: The main issue is design, scale and impact on neighbours' amenity. (ULP Policies S1, GEN2, H8).

The design is considered an improvement on the existing frontage and would be in proportion to the original dwelling. The extension is only small and would not cause any material overshadowing or overlooking. Many properties in this group have infilled the space at the side of the garage to make a full width projecting ground floor extension and about half of these have a flat roof, the other half having a pitched tiled roof.

CONCLUSIONS: The extension would be acceptable in terms of design, impact on street scene and amenity of neighbours.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.3. Matching materials.
4. C.8.28. Measures for dwelling house (Energy Efficiency).

Background papers: see application file.

1) UTT/1138/06/FUL & 2) UTT/1142/06/LB – UGLEY

(Referred by Councillor Sell)

Retrospective application for alterations and extension to outbuildings to create an annex to the main building

Location: Chestnut Cottage Dellows Lane Ugley Green. GR/TL 524-270.
Applicant: Mr M Whiting
Agent: Fibbens Fox Associates Ltd
Case Officer: Mr T Morton 01799 510654
Expiry Date: 20/09/2006
ODPM Classification: OTHER

NOTATION: Outside Development Limit / curtilage Listed Building.

DESCRIPTION OF SITE: The whole site consists of a Grade II Listed cottage, thatched and with plastered walls, and currently undergoing extensive renovation, with two separate outbuildings. The one that is not subject of this application stands beside the lane and vehicular access to the site, south of the house along the lane, and is also undergoing renovation, and the second (that is the subject of this application) stands inside the site eastwards of the first outbuilding and has been extensively reconstructed and enlarged, and is currently occupied residentially.

DESCRIPTION OF PROPOSAL: Consent is sought retrospectively for the works carried out to the eastern outbuilding to renovate and extend the building to form a residential annexe to the main dwelling. The works are complete and the building is being lived in. The annexe now contains a living room, bedroom, kitchen and bathroom, and is a completely self-contained dwelling with all its own facilities. The building now consists of a single-storey ridged roof structure of 19.8m length and 4.25m depth and 4.5m height.

APPLICANT'S CASE: The buildings are part of a substantial range of outbuildings at the site and lend themselves ideally to a small residential annexe. The building has been repaired and refurbished by our client (whose wife is the mother of the owner of Chestnut Cottage), to a high standard and lends itself ideally to the use proposed. We are applying for retrospective planning permission on the outbuildings at Chestnut Cottage to make a suitable annex for my wife and myself to live in.

We are becoming increasingly dependent on Jenny's son and family.

I have had a quadruple heart by pass. I saw the specialist two months ago and he advises that angioplasty treatment will be needed at Papworth hospital in the near future. Furthermore I am finding it increasingly difficult to get around and am having an operation on my knee on September 11th.

My wife is riddled with arthritis and has seen the orthopedic surgeon regarding a hip operation.

The last thing either of us wants is to become a financial or social burden on the state. The outbuildings, which have been sympathetically repaired, make us suitable accommodation with our family at hand to look after us as our health inevitably deteriorates.

We understand the Council's reluctance to permit a second home to be created and are thus quite happy to enter into a Section 106 Agreement.

RELEVANT HISTORY: The outbuildings in question appear to have been present on the site prior to 1948 and are therefore curtilage Listed. Until recently rebuilt they consisted of a timber range of outbuildings with a central section with a ridged roof 7.5m in length, with two lower lean-to sections at each end, the northern one 3.8m in length and the southern one 3.9m in length giving an overall length of 15.4m. The width was 4.5m. They were all believed to be used only for domestic storage purposes ancillary to the dwellinghouse.

CONSULTATIONS: Conservation Officer: To be reported.

Government Pipelines and Storage System: Our apparatus is not located within the vicinity of the application and we therefore have no further comments to make.

PARISH COUNCIL COMMENTS: To be reported (due 25 August 2006).

REPRESENTATIONS: These applications have been advertised and one representation has been received. Period expired 23 August 2006.

This application appears to be a blatant attempt to exploit the planning system to achieve approval that was unlikely to be given if applied for in advance of construction. The outbuilding is now a residential unit. The owners clearly bought the site for its development potential with a view to creating three separate dwellings. Having obtained permission for extension to the cottage the apparent aim is to achieve consent for the other two buildings and create a mini estate. The outbuilding has been given a separate name, 'Chestnut Studio' and is listed under a different owner, all pointing to the intention to create a distinct and separate building. It has been increased considerably in size from the loose boxes and garden shed that it replaces. The roofline has been dramatically raised. It is now clearly visible from my property. Chestnut Cottage is a Listed site, this application if approved will fundamentally change the balance of the site from an old thatched cottage with outbuildings to two large modern residential units and an old cottage. This would also set a dangerous precedent.

COMMENTS ON REPRESENTATIONS: The points raised are noted and discussed in the Planning Considerations section below.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Principle of development in the countryside (ERSP Policies C5, CS1, RE2, & ULP Policies S7, H6.);**
- 2) **Listed Building issues (ERSP Policy HC3 & ULP Policy ENV2) and**
- 3) **Other material planning considerations.**

1) The first question to determine is what development has actually been carried out. The works have been going on for some time, and were investigated by the Council's Enforcement Officer. The owner was not willing to give a clear answer as to whether the intention was to create a residential annexe or a separate residential unit, and this has made enforcement action difficult to proceed with. In the end this application has been made to retain the works as an annexe.

However, it is clear from the statements made about the ownership of the site in the letter accompanying the application, and the familial relationships revealed there, that the application building is being occupied not by the owners of Chestnut Cottage, but by their relatives. It is not merely a familial relationship that determines whether or not this is an annexe, but how people live their lives; if the relatives are not dependent and live independent lives then it cannot be regarded as an annexe to the main dwelling, and is a new separate residential dwelling in the countryside.

The possibilities are;

A) If the building were being used as an annexe without extension planning permission would not be required, but Listed Building consent would be required for any physical works to the building.

B) If the building were being used as an annexe with extension planning permission would be required for the works, and Listed Building consent would be required for any physical works to the building. The policies to be considered would be C5 and S7, though in principle some enlargement of an outbuilding might be acceptable.

C) If the building were being used as an independent dwelling with or without extension planning permission would be required, and Listed Building consent would be required for any physical works to the building. The policies to be considered would be C5 and RE2 and S7 and H6, as well as the guidance of PPS7 on sustainable development in rural areas. Conversion of an outbuilding to form a separate dwelling can be acceptable if the criteria of the relevant policies and the PPS are met, but those criteria differ in their requirements. The older Development Plan policies required principally that:

RE2 - 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.

H6 - a) It can be demonstrated that there is no significant demand for business uses, small scale retail outlets, tourist accommodation or community uses

- b) They are in sound structural condition;
- c) Their historic, traditional or vernacular form enhances the character and appearance of the rural area;
- d) The conversion works respect and conserve the characteristics of the building;
- e) Private garden areas can be provided unobtrusively.

Substantial building reconstructions or extensions will not be permitted. Conversion will not be permitted to residential uses on isolated sites in the open countryside located well away from existing settlements. Conditions regulating land use or development rights associated with proposals may be necessary.

PPS7 - The Government's policy is to support 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. [key criteria underlined].

In view of the use the building is being put to, as a separate residential dwelling, it is the final of the above scenarios that need to be considered (C). The building that stood here prior to the rebuilding works was a timber structure not of permanent and substantial construction, and has had to be comprehensively reconstructed, and extended by 4.4m in length and increased in height. The original form did not, and the new form does not, enhance the character and appearance of the rural area. Other non-residential uses were not explored. The building was not appropriately located or suitably constructed for conversion, and this location far away from essential services is not considered a sustainable one.

2) As minor outbuildings serving the Listed dwelling the outbuildings would have had a subservient character, even if not an enhancement to the appearance of the area. The resulting building is enlarged, has a more dominant character, and is not subservient to the Listed house, and it is considered that this diminishes from the setting of the Listed Building.

3) The building is well separated from other dwellings in the vicinity, and it is doubtful that there would be any material impact upon them. The mere fact that the building can be seen from a distance would not be regarded as materially harmful. No other issues are considered to arise.

CONCLUSIONS: A supporting statement has been received from the applicant to explain the considerable health problems that he and his wife are now suffering from, and their increasing dependency upon their children. They say;
“The outbuildings, which have been sympathetically repaired, make us suitable accommodation with our family at hand to look after us as our health inevitably deteriorates. We understand the Council’s reluctance to permit a second home to be created and are thus quite happy to enter into a Section 106 Agreement.”

This places the Council in a difficult position, as the applicant’s case is a material consideration; however the advice from Government and the Planning Inspectorate is that the personal circumstances of an applicant are never a reason for an exception to be made to Policy.

Whilst adaptation of an existing outbuilding for the purposes of a residential annexe in the countryside would generally be acceptable, the situation here is rather more than that, with the building having been considerably enlarged, and the accommodation and occupation is effectively independent, especially at the moment when the main house is believed to be uninhabited during building works.

Whilst a personal consent or a consent with a condition to restrict the accommodation to an ancillary role can seem a solution, this is really only appropriate where the development does not require permanent construction. The aim of planning policy is to protect the countryside, not the needs of a particular applicant.

The recommendation therefore remains unaltered.

The works that have been carried out are considered contrary to planning policy, and would not have been recommended for approval in advance of construction. It is recommended that permission for the alterations and extension be refused, and in view of the actual use of the building, that enforcement action be taken to secure the cessation of use as a separate dwelling, that the building be reduced in size to its original length of 15.4m by demolition of the southern 2.4m and the northern 2.0m.

RECOMMENDATIONS:

1) UTT/1138/06/FUL – 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 are not met, and 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. The proposed development is considered unacceptable as it has involved the reconstruction and extension of outbuildings for a new separate residential dwelling 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.

2. 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.
3. R.21.C. Inappropriate Design affecting the preservation of the character of a listed building or its setting.

2) UTT/1142/06/LB – REFUSAL LISTED BUILDING CONSENT

1. R.21.C. Inappropriate Design affecting the preservation of the character of a listed building or its setting.

ENFORCEMENT ACTION

That enforcement action be taken to secure the cessation of use as a separate dwelling and separate hereditament, and that the building be reduced in size to its original length of 15.4 metres by demolition of the southern 2.4 metres and the northern 2.0 metres with reinstatement to a condition to be submitted to and approved in writing by the Local Planning Authority before commencement of works.

Background papers: see application file.

UTT/0719/06/FUL - HATFIELD HEATH

(Referred by Cllr. Lemon)

Replace existing bungalow with three bedroom chalet bungalow with double garage.

Location: 5 Lea Hall Bungalows Dunmow Road. GR/TL 528-155

Applicant: Northdale Services Ltd.

Agent: B Flanagan

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 05/10/2006

ODPM Classification: OTHER

NOTATION: Within Metropolitan Green Belt/ TPO's on boundary

DESCRIPTION OF SITE: The site is located approximately 680m northeast of the junction of the A1060 and the B183 in Hatfield Heath. There is a detached bungalow with a room in the roof located on the site. The bungalow is one of five properties in a group which appear to be former farm workers cottages. The other bungalows have been altered and extended over a number of years. The dwelling on the site covers an area of 104m² and has a maximum ridge height of 5m. It also has an attached flat roofed garage.

DESCRIPTION OF PROPOSAL: This application relates to the replacement of the existing dwelling with another bungalow with room in the roof. The proposed dwelling would be relocated within the site away from the side boundary. It would have a maximum ridge height of 5.6m and would cover an area of 155m².

APPLICANT'S CASE: Letter dated 21 April 2006 submitted as part of application. The existing building includes:

POOR LAYOUT - The layout of rooms is poor with bedrooms access from the living Room and stair to upper rooms discharging to escape route.

ASBESTOS IN CONSTRUCTION - The construction includes asbestos panels which could be a health risk.

SOUND INSULATION - The house lies in the Stansted Airport area and a new building would enable the use of appropriate sound resting materials.

The proposed replacement house has been designed with the following aim: improve layout, replace flat roofs with pitched, reposition and hand the plan to increase space between adjoining building (no.4) and retain the route of the existing access road and drive.

The proposed building will be 15-20% larger resulting from the improvement of layout.

RELEVANT HISTORY: Replace existing 2 bed bungalow with 5 bed chalet bungalow with double garage - refused October 2005

CONSULTATIONS: Water Authority: To be reported (due 31 August 2006).

Environment Agency: To be reported (due 31 August 2006).

English Nature: No objection to the proposed development in respect of legally protected species, provided the mitigation as outlined in the report is incorporated into a permission or part of a suitably worded agreement or planning condition, if necessary.

Essex Wildlife Trust: To be reported (due 31 August 2006).

Landscaping: To be reported (due 24 August 2006).

PARISH COUNCIL COMMENTS: No objections and consider the new location in the centre of the plot is an improvement. The council hopes that the materials and rendered walls are in keeping with the surrounding properties.

REPRESENTATIONS: None. Notification period expired 31st August 2006.

COMMENTS ON REPRESENTATIONS: Please see planning considerations

PLANNING CONSIDERATIONS: The main issues are whether the proposal complies with policies relating to development within the Green Belt, replacement dwellings and design (PPG2 – Green Belts, ERSP Policy C2 and ULP Policies H7 & GEN2). The authority has draft Supplementary Planning Guidance on replacement dwellings.

No Design and Access Statement has been submitted as the application was received on 9 August 2006 which is prior to the requirement to supply one.

There is no objection in principle to the erection of replacement dwellings within the Metropolitan Green Belt (MGB) subject to them not being materially larger than the existing dwelling and not having a detrimental impact on the open and rural character of the MGB. If a proposal is materially larger than the dwelling it replaces, PPG2 defines it as inappropriate development which is by definition harmful to the Green Belt and it should not be permitted except in very special circumstances. This proposal is materially larger and no very special circumstances have been put forward. This application proposes to replace a modest dwelling with one which would cover an area approximately 32% more than that of the existing dwelling and with a higher ridge height which is spread across the whole of the built form. The bulk of the proposed dwelling would also be greater than the existing due to the increased area covered by the pitched roof. The increase in the size of the new dwelling would result in additional built form within the MGB which would be detrimental to the open and rural characteristics of the MGB and would be contrary to PPG2 – Green Belts and ERSP Policy C2 – Green Belts.

Supplementary Planning Guidance – Replacement Dwellings (Draft August 2006) states that: The Council will allow a replacement dwelling in the MGB but only if the new dwelling is not materially larger than the one being replaced in terms of volume, height and floorspace; and the footprint of the existing should normally be followed. As explained above it is materially larger and therefore the proposal conflicts with the draft guidance.

ULP Policy H7 relating to replacement dwellings is of secondary importance in this case after the requirements of Green Belt Policy and it specifies that a replacement dwelling will be permitted if it is in scale and character with neighbouring properties. However, this is outweighed by the more restrictive Green Belt Policy. The site is located outside Development limits so it must also protect or enhance the particular character of the countryside in which it is set. With regard to this application, the site is outside Development Limits and within the MGB. As considered above, the increase in built form is detrimental to the characteristics of the MGB and as a result cannot be considered to protect or enhance the MGB. The proposal is therefore contrary to provisions of ULP Policy H7. The design of the proposed dwelling is broadly considered to be acceptable and is similar to existing, neighbouring properties. However the size of the neighbouring dwellings has no bearing on proposals in the Green Belt. The relocation of the dwelling on the site and the position of the proposed windows would not result in any loss of amenity in terms of overlooking or loss of privacy to neighbouring properties and due to the position to the north of the closest neighbouring property no loss of light or overshadowing would occur. The proposal would therefore comply with ULP Policy GEN2.

Due to the nature of the design the building will look a discordant mass and poorly related to the other bungalows in the group.

CONCLUSIONS: Although the floor area of the proposal has been reduced compared to that of the recently refused application, the height across the whole dwelling remains the

same and the reasons for refusal have not been adequately addressed. The application is therefore recommended for refusal.

RECOMMENDATION: REFUSAL REASONS

1. The proposed dwelling would be materially larger than the existing dwelling on the site and resultant increase in built form within the Metropolitan Green Belt due to the incorrect volume, height and floorspace of the dwelling would be detrimental to the open and rural characteristics of the MGB and would be contrary to PPG2 – Green Belts and ERSP C2 – Green Belts and draft Supplementary Planning Document – Replacement Dwellings.
2. The increase in the built form on the site resulting from the proposed dwelling would fail to protect or enhance the open and rural characteristics of the countryside in which it is set and would therefore be contrary to the requirements of ULP Policy H7.

Background papers: see application file.

1) UTT/1375/06/FUL & 2) UTT/1376/06/LB - CLAVERING

(Referred by Councillor Abrahams)

1) Change of use of building from agricultural to a dwelling
2) Change of use of building from agricultural to a dwelling and demolition of a building
Location: Butts Farm Barns Bird Green. GR/TL 453-338
Applicant: Mr D House
Agent: Mrs F M Cannon
Case Officer: Mr T Morton 01799 510654
Expiry Date: 09/10/2006
ODPM Classification: OTHER

NOTATION: Outside Village Development Limit.

DESCRIPTION OF SITE: The site lies on the north side of the road and consists of a building of three sections, which lies adjacent to the road with some screening provided by trees growing in the verge to its front. It is constructed of timber clad timber framing comprising a small, probably 16th century, aisled barn at the eastern end, and two buildings dated from the early/mid 1800s of much slighter construction forming the central and west sections. All three buildings are in poor repair. The 16th century barn has been Listed in its own right, the other sections are curtilage listed having originally been farm buildings for Butts Farm. There is another outbuilding immediately east of the Listed aisled barn, of utilitarian flat roofed construction.

To the north lies the Listed Butts Farm house, with other detached houses on the opposite, south side of the road. A Registered Village Green lies immediately to the west, with a farm and industrial buildings further west beyond that.

DESCRIPTION OF PROPOSAL: The application is described as change of use of building from agricultural to dwelling, with the listed building application including the demolition of the flat roofed outbuilding. The proposal would create a 3-bedroom house with an office room. The aisled barn would provide an open living dining kitchen room with an inserted gallery floor. Windows would be provided in the form of pegged back doorways with glazed screens, but with the north end of the Listed aisled barn almost entirely glazed instead of timber board clad as a present.

APPLICANT'S CASE: The applicant has submitted a document in support of the application, which is too lengthy to reproduce, but is available on file and via the Council's website.

The information provides a history of the site going back to the mid 1700's which is mostly irrelevant to planning, but the more recent history includes ownership by the County Council until 1990 when the farm buildings were sold to the agricultural tenant, and the Listed House was sold separately.

A bat and Great Crested Newt survey is included and concludes that no protected species are present on the site.

The proposal is to convert the buildings into a dwelling, consisting of a three/four bedroom unit with a self contained office. The design aims to reflect the original historic courtyard layout of the farm. The applicant believes that a purely commercial conversion of the buildings is not desirable because of the narrow width of the lanes and conflict with the amenity of Butts Farm. The proposed use would improve the sustainability of the site.

RELEVANT HISTORY: UTT/0836/99/FUL: Conversion of barn to single family dwelling. Refused and Appeal dismissed 6 April 2000.
UTT/0175/04/FUL and UTT/1078/04LB: Change of use of building from agricultural to live/work unit and erection of cartshed parking/ workshop. Refused 5 August 2004.
UTT/1440/04/FUL & UTT/14412/04/LB Change of use of building from agricultural to live/work unit refused 13 October 2004.

CONSULTATIONS: UDC Specialist Design Advice: The proposal to convert the dilapidated buildings to residential use has been refused and dismissed on appeal. No relevant change of circumstances to view this application in any different light. I suggest refusal.
Essex Bat Group: A survey of Herts and Essex in 1993/4 found that 80% of Listed Barns had bat roosts and a study in Herts in 1995 found 70% of barns had bats. The survey here found bat droppings below a mortise joint but no endoscope survey was done. The surveyor recommends a further survey be done in summer but as there is no record of this we assume it was not done, and would have clarified whether or not this was a summer maternity roost. It is now too late in the season to carry this out. We consider the bat survey to be inadequate and the conclusion drawn from a single survey on 5 April may be incorrect. As a result the barn must be considered as having a bat roost and a DEFRA license to provide mitigation for the loss of the roost will be required before work begins on site.
Thames Water: Comments of a general advisory nature have been submitted on connections to be made to foul and surface water sewers.
Environment Agency: General advice has been offered on drainage issues.

PARISH COUNCIL COMMENTS: To be reported (due 14 September 2006).

REPRESENTATIONS: These applications have been advertised and no representation has been received at time of drafting. Period expired 15 September 2006.

PLANNING CONSIDERATIONS: The main issues are:

- 1) Residential development / building conversion, outside of a defined settlement in the open countryside (ESRP Policies C2, RE2, ULP Policies S7, H6, PPS7),
- 2) **Effect upon the setting of the nearby Listed Building at Butts Farm (ERSP Policy HC3, ULP Policy ENV2),**
- 3) **Effect upon the amenity of nearby residential properties (ULP Policy GEN2) and**
- 4) **Protected Species Issues (Uttlesford Local Plan Policy GEN7);**
- 5) **other material considerations.**

1) The site lies within the Open Countryside, well outside of the defined settlement boundary of the nearest settlement at Clavering shown in the adopted Uttlesford District Plan. The site comprises a group of three buildings which consist of a small, probably 16th century, aisled barn, and two buildings dated from the early/mid 1800s of much slighter construction. They are immediately adjacent to the road with doors onto the verge, and the buildings are partly screened along the road frontage by trees. The buildings are in a fairly advanced state of decay and in poor condition. The aisled barn has a traditional/historic timber frame of pegged Oak timbers, but the timbers are heavily peppered with beetle holes, and the ground beams in poor state. The other two 19th-century buildings are in poor condition, and the western one looks close to collapse. Though submitted as a change of use implying 'conversion' it is clear that the building would have to be largely reconstructed, with possibly only the Oak timber frame in the aisled barn being reusable and playing a decorative role only, rather than a structural role. This is effectively a new building proposal. The Conservation Officer advises that the buildings are of no architectural or historic merit

and contribute nothing to the rural setting. The Planning Inspector in the last appeal said, “a considerable amount of work to the existing structure would be necessary in converting the building for residential use. A new floor would be required to the western section of the building: it would be necessary to build a new plinth probably incorporating foundations; numerous repairs to the base of the frame and strengthening of the structure would be required and the whole building would have to be re-clad and re-roofed”. She concluded it would be tantamount to a new building in the countryside and that “the building provides a useful historic farming document but its intrinsic merit does not, in my view, warrant preservation”. Four years has since elapsed and the building has probably deteriorated even further. The Inspector noted that care had been taken over design, but that the building would look like a dwelling rather than a barn, giving the appearance of an additional dwelling in a rural area, contrary to strict controls on development imposed by local and national policies. The Appeal was dismissed.

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

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

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

4) The comments made by the Essex Bat Group are noted and are considered to be a serious criticism of the survey carried out here. The results of that survey are considered to be likely to be unreliable, and there must be a significant likelihood that the barn hosts a bat roost. This must be a reason for refusal.

5) Since the previous refusals and appeal dismissal, the barn has been Listed Grade II (October 2005), for the quality of the frame. However, the Council’s Conservation Officer is satisfied that the quality of the building is such that it does not justify the effective construction of a new dwelling.

CONCLUSIONS: Planning policy is generally opposed to development in the countryside, though policy has changed since the last refusal at Appeal with the publication of PPS7 setting new tests and placing more emphasis upon sustainability.

Although an exception is allowable under adopted policy and the PPS for the conversion of buildings that are suitably constructed, substantial and in good repair to business use where sustainably located, that is not the case here, since the buildings are in poor repair and would need to be substantially reconstructed.

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

RECOMMENDATIONS:

1) UTT/1375/06/FUL – 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. Though conversion and re-use of some existing buildings can be considered as an exception to policy, it is considered that the criteria for such conversion set out in Essex & Southend on Sea Replacement Structure Plan Policy RE2 and Uttlesford Local Plan Policy H6 and the tests in PPS7 para17 are not met. Policy RE2 states 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. 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. Furthermore, the extent of conversion works are tantamount to the construction of a new dwelling the countryside.
2. The proposed changed of use, conversion and reconstruction to residential use is considered to be contrary to the principles set out in Planning Policy Statement 1 and 7 to promote more sustainable patterns of development. Similarly it is considered to be contrary to the principles of the Essex & Southend on Sea Replacement Structure Plan Policy CS1.
3. R.21.C. Inappropriate design affecting the preservation of the character of a listed building or its setting.
4. R.27.A. Protection of wildlife.

2) UTT/1376/06/LB – REFUSAL REASONS

1. R.21.C. Inappropriate design affecting the preservation of the character of a listed building or its setting.

Background papers: see application file.
