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PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 10 JANUARY 2007

APPL NO:	UTT/1810/06/FUL
PARISH:	BROXTED
DEVELOPMENT:	Proposed erection of two number triple garages
APPLICANT:	Mr N Eastaway
LOCATION:	Wood Farm Pledgdon Green
D.C. CTTE:	13 December 2006 (<u>see report copy attached</u>)
REMARKS:	Deferred for Site Visit
RECOMMENDATION:	Refusal
<i>Case Officer:</i>	<i>Mrs A Howells 01799 510468</i>
Expiry Date:	27/12/2006

UTT/1810/06/FUL - BROXTED

(Referred by Cllr Morson)

Proposed erection of two number triple garages
Location: Wood Farm Pledgdon Green. GR/TL 565-265.
Applicant: Mr N Eastaway
Agent: BRD Tech Ltd
Case Officer: Mrs A Howells 01799 510468
Expiry Date: 27/12/2006
ODPM Classification: OTHER

NOTATION: Outside Development Limits.

DESCRIPTION OF SITE: The site lies in the countryside to the north of the airport, approximately in the centre of the district. The application site comprises land that is heavily overgrown and immediately to the north of a detached and isolated former farmhouse and its curtilage. That dwelling has a number of outbuildings including a listed barn which presently is not any use, stables, workshop and games room.

DESCRIPTION OF PROPOSAL: The proposal is for the erection of two triple garages in the north of the site adjacent to a tennis court. The proposed garages would measure 14.85metres wide by 7.65metres in depth and 4.35metres to the pitch. Internally the garages would have 3 generous bays measuring 7.65m x 4.6m. They would be set at 90degree angle and about 2 ½m to each other and accessed via an existing access from the west of the application site.

APPLICANT'S CASE: Applicants have an extensive collection of vintage and classic cars that need to be stored in a controlled environment. The proposal is to erect free standing garage buildings. The buildings will be clad in feather edged boarding with a site roof. There are existing outbuildings on the site and those that are suitable will also be used to store other cars in the collection. The other buildings will be used as ancillary uses such as garden stores and a workshop. Applicants current property has been compulsory purchased and would like to continue to live in the area.

RELEVANT HISTORY: Previous applications for two triple garages 2006 – withdrawn by applicant; Certificate of lawfulness for land for residential use and incorporating a tennis court – refused August 2006 (evidence failed to demonstrate on the balance of probability that this land was lawful cartilage).

CONSULTATIONS: English Heritage: To be reported (due 2 December 2006).
Council for British Archaeology: To be reported (due 2 December 2006).
The Georgian Group: To be reported (due 2 December 2006).
Society for the Protection of Ancient Buildings: To be reported (due 2 December 2006).
Victorian Society: To be reported (due 2 December 2006).
English Heritage: We do not wish to offer any comments on this occasion.

Recommendation: The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

PARISH COUNCIL COMMENTS: No objection.

REPRESENTATIONS: This application has been advertised and 2 representations have been received. Period expires 20th December 2006.

1. No objection to application
2. Object on the following grounds; loss of countryside; hedges and trees have already been cut down and a new access has been created. The representation letter then goes on to list conditions which would be acceptable if the Council is minded to approve the application.

COMMENTS ON REPRESENTATIONS: Please see planning considerations.

PLANNING CONSIDERATIONS: The main issues are whether the proposal meets the requirements of Essex and Southend-on-Sea Replacement Structure Plan Policies CS2, C5, HC3 and BE1; Uttlesford Local Plan Policies S7, ENV2, GEN2, H8 and GEN4 and National Policy PPS7.

- 1) With regard to countryside protection, in determining this application the main consideration is ULP Policy S7 and PPS7 which contains a clear presumption against development within the countryside, except for development that needs to take place there, or is appropriate to a rural area.

Although extensions to dwellings, and/or outbuildings, are often considered acceptable in the countryside they are more strictly controlled than within settlements. Furthermore, regard must be had to the defined curtilage of the existing dwelling. In this case, it is concluded that by way of the visual condition of the land, its physical separation from the main farmhouse, and the clear garden area to the original farmhouse, the land the subject of the present application is beyond the curtilage of the existing dwelling. A recent application to establish the use of this land as curtilage was refused as the evidence submitted an absence of the normal information of dates periods of time and persons involved together with the unkempt condition of the land was insufficient to gain certificate. However, this application is not to ascertain the use of the land but the proposal for permission to erect two triple garages on land that the applicant has not been able to demonstrate forms part of the curtilage of the farmhouse.

The applicants, as part of their supporting statement, have explained that their previous house has been compulsorily purchased and they are in need of a new property within the area which is capable of supporting their interests and requirements. In these circumstances, it is considered that although an unusual situation, the proposal represents inappropriate and visually intrusive development that is harmful to the low key open and rural character of the countryside. The harm would be compounded by the associated intensification in the use of an existing access and the introduction of an excessive amount of hard standing. This harm is not mitigated by the applicants personal desires or needs. In these circumstances Planning Inspectors frequently point out that the impact of the proposal will remain long after the personal circumstances have ceased.

Even if the applicant could prove this site within the lawful curtilage of the dwelling. The proposed garages would still require permission as the dwelling is listed and due to the position relative to the road and height of the proposed building. They would be in excess of what would be reasonably necessary for the parking of cars in connection with a normal residential use. There would be six garage spaces each are being a generous 7.5m by 4.6m. There maybe scope to use other buildings within the curtilage of the dwelling as garages. Therefore, in these circumstances, even if the application site was within the curtilage of the dwelling, these buildings would none the less of an excessive scale and would be harmful to the character and appearance of the countryside.

- 2) In terms of detailed design, in the right location there is nothing intrinsically wrong with the design proposed. However, by way of the excessive size and scale, it would also

be seriously harmful to the setting of the listed barn as it would be overly dominant, and undermine the spacious setting for this building, and in particular adversely affect its subordinate relationship with the main dwelling.

3) No neighbours would be affected, and possible future commercial use could be conditioned out or would become a matter for enforcement should that arise.

CONCLUSIONS: In summary the application should be refused because it is harmful to the character of the countryside and it would be harmful to the setting of the listed barn.

RECOMMENDATION: REFUSAL REASON

The proposed garage buildings, by way of their position, height and footprint would result in the introduction of substantial and excessive amount of additional built form at this site, which would be harmful to the open and rural countryside. As such, the development would be contrary to policies CS2 and C5 of the Essex and Southend-on-Sea Structure Plan; Policy S7 of the Uttlesford Local Plan and PPS7. The proposed garage buildings, by way of their position, height and footprint would result in the creation of a dominant element of built form, harmful to the spacious setting of the Grade II Listed Barn. As such, the development would be contrary to policy HC3 of the Essex and Southend-on-Sea Structure Plan and Policy ENV2 of the Uttlesford Local Plan.

Background papers: see application file.

UTT/1944/06/FUL - WENDENS AMBO

(Referred by Cllr Menell)

Erection of detached dwelling and carport
Location: Loxley Nats Lane. GR/TL 515-365
Applicant: Mr Keith Usher
Agent: Mr S Hayhurst
Case Officer: Mr H Laird 01799 510464
Expiry Date: 22/01/2007
ODPM Classification: MINOR

NOTATION: Uttlesford Local Plan – within development limits.

DESCRIPTION OF SITE: The site comprises a 1 ½ storey bungalow set back from the roadway at the head of a cul-de-sac to Nats Lane. It stands behind 5-bar wooden gates with a wooden shed/gazebo to the side adjacent to the railway. A detached double garage stands in front of the bungalow on the plot. A raised flower bed stands adjacent to the entrance gates and abuts a tall hedge that runs the length of the sites western boundary with the detached residential properties of 'Weald' and 'Silver Beech'. The eastern site boundary comprises a fence and shrubs to the railway cutting. The railway runs at a lower level in a cutting relative to the site, which lies some 250 metres north of Audley End Station. The western site boundary adjacent to the railway is marked by a 1.2m high fence, whilst the banks of the cutting are screened with small trees and shrubs.

On the site immediately to the north bounded by the railway and Petresa, outline planning permission for a new dwelling was granted in 2005, with a full application for the siting and design of the 1 ½ storey dwelling with detached garage being approved in October 2006

The surroundings are mainly characterised by a low density of differing styles of dwelling. Agricultural land lies to the north beyond the newly permitted plot opposite the site Nats Lane that serves the development is a private road.

DESCRIPTION OF PROPOSAL: The proposal is to erect a two storey detached dwelling (plus basement) and car port. Two stories of the dwelling would be above ground with the upper storey contained within a 'mansard' roof. The roof is proposed to be 'hollowed out' to form a well which is proposed to contain 19.2m² of Photovoltaic Cells to provide most of the electricity used by the dwelling; and 4.7m² of evacuated tubes to supplement the heating of hot water. A basement is included as part of the proposal dwelling. A single storey side projection on the northern side of the dwelling would allow for a detached double garage in the present front garden of 'Loxley', to the north of Loxley's garage. The new dwelling would be served by the same access as 'Loxley', which would be moved eastward on site to allow for the dwelling and would involve the removal of the existing garage/store adjacent the site entrance.

The accommodation to be provided comprises;

Basement: For clothes drying; Ground Source Heat Pump and HRV ventilation system equipment.

Ground floor: Entrance Hall; Kitchen/Dining Room; W/C; Coat store (future lift shaft); Living Room; Study/Bedroom; stairs to first floor;

First Floor: three bedrooms – all with en-suite facilities. The smallest bedrooms en-suite could be converted to a lift shaft as it lines up with the coat store below.

The proposed dwelling measures;

3.2 metres to the eaves;
6.9 metres to the ridge;
8.6 metres to the chimney pot top;
16.4 metres long (west elevation) facing Weald House;
12.7 metres long (east elevation) facing the railway;
7.8 metres wide.
Footprint = 117.39m²
Floor area = 217.23 m² (excl. basement). 317.07m² (inc. basement)

87.72m² garden area to south side of dwelling

A Car Port for two vehicles under pyramid roof with open side to the east and north to be sited to the south of the garden nearest Loxley.

Proposed materials are walls of 'Olde Farndale' Multi-stock Bricks, laid in Flemish Bond using Lime Mortar under a Redland Richmond Slate roof. The dwelling is designed to meet the Council's adopted 'Lifetimes Homes' standards to accommodate a person with special needs and includes scope for the provision of a lift between the ground and first floors.

The dwelling is also designed to be as close to 'Carbon Neutral' as possible.

APPLICANT'S CASE: A covering letter submitted with the application advises that the dwelling has been redesigned following the withdrawal of the previous application to show a three bedroom house significantly reduced in height and plan form. It would be well-spaced between Loxley and the recently approved dwelling to the north of the site. There would be no overlooking of The Weald, and the outlook from this property would be satisfactory. The submitted Arboricultural Assessment indicates that trees and hedgerow within the garden of, and on the boundary with The Weald would not be affected by the development.

Vehicles visiting the site would use the turning area at the head of Nats Lane, and the building would have a traditional appearance with materials to match Loxley. The mansard roof would conceal solar panels that would assist the dwelling in achieving the 'Advanced Design standard' for energy efficiency. The dwelling would also meet the 16 criteria for 'Lifetime Homes'.

The proposal would comply with Policies S3, H3, H4, GEN1, GEN2 and ENV3 of the Adopted local Plan.

RELEVANT HISTORY: UTT/1004/88 Appeal/Allowed 22/9/89 – 1 dwelling to r/o The Pantiles. UTT/1078/92 Res Matters approved 5/11/92 for a bungalow. This became Loxley.

UTT/0583/06/FUL – Erection of detached dwelling and garage. Land at Loxley, Nats lane – Withdrawn by applicant 22/5/06.

Adjacent site to north

UTT/1533/05/OP - Outline Planning Permission for erection of a dwelling with all matters reserved except landscaping and means of access. Land adj. Petresa, Nats Lane – approved – 18/11/05.

UTT/1384/06/FUL - Planning Permission for erection of a dwelling and garage. Land adj. Petresa, Nats Lane – approved – 18/11/05.

Site to rear of Newerne

UTT/1544/06/FUL – Erection of a dwelling – Refused 7/11/06.

CONSULTATIONS: Landscaping (oral comments): The submitted Arboricultural Assessment is acceptable. Neither, the Horse Chestnut or Sycamore trees within the garden of Weald House close to the site boundary, or the boundary hedgerow trees would be compromised as a result of the proposed development provided the recommended actions in the Report are adhered to. These can be conditioned.

ECC Highways: No objections. A note is attached to advise that under the building regulations a fire engine turning check should be made.

Thames Water: No comments received at the Report drafting stage. Any that are will be reported at the meeting.

Environment Agency: No comments received at the Report drafting stage. Any that are will be reported at the meeting.

Network Rail (formerly Railtrack): comments (due date 11/1/07). Any comments received will be reported at the meeting.

With regard to the dwelling approved on the site to the north under Ref: UTT/1533/05/OP Network Rail made the following comments:

'Network Rail – comments in relation to Outline Application were that Network rail is not aware whether any PPG24 noise and vibration assessment has been carried out for this location. Residential amenity shall need to be addressed. Makes comments in relation to plant and scaffolding, excavations of footings, drainage, fencing and encroachment onto the railway line. Copy of comments to be sent with DN.'

Environmental Services: raises concerns regarding the proximity of the railway line and consequently its potential for noise/vibration problems to occur at the property. It is recommended that a condition requiring a scheme of noise insulating measures be submitted to satisfy the requirements of PPG 24 in relation to noise exposure for railway noise.

Building Surveying: No adverse comments.

PARISH COUNCIL COMMENTS: Wendens Ambo Parish Council: No comments received at the Report drafting stage. Any that are will be reported at the meeting.

REPRESENTATIONS: 11 letters posted to neighbours. Comments due back by 18/12/06.
Site Notice Posted: 1/12/06. Expires 22/12/06.

Letters received from Weald (Weald House), Newerne, and Kenmore Lodge objecting to the proposals.

Weald House objections are the same as for the previously withdrawn application which are:

- Loss of amenity space to Loxley.
- Traffic flows along Nats Lane are already excessive. The increase in these flows will be unacceptable and will give rise to noise and inconvenience.
- New dwelling permitted opposite in Nov 2005. It is unfair and unreasonable that two dwellings should be permitted, especially within such a short time frame of each other.
- The proposal will set a precedent for further applications for dwellings from Nats lane residents.
- West wall of the dwelling has a height of over 5 metres above ground level. The wall and roof will overlook our rear garden and seriously reduce our privacy and the ambience of our garden.
- Application should be refused. Alternatively, it could be relocated so that it is built on the east boundary with windows facing east across the railway and thereby, improving the amenities of Weald House.

- Hedge and horse chestnut is on The Weald site will be compromised especially through the digging out of the site to provide the basement.
- Concern that the facilities in the house are solely designed for the disabled. It can only be assumed that the new residence will be for commercial purposes.
- The proposal does not respect the need for affordable housing.

Newerne objections are:

- It is unclear if the development infringes or alters the existing turning space outside the entrance to Loxley. See Ref: UTT/1004/88 for the Inspectors decision of 22/9/89 which considered a turning space at the head of Nats Lane necessary. Its retention will certainly be considered necessary now and the Council should be satisfied that this application will leave a sufficient turning area as required by the Inspector in respect of the Loxley appeal approval.
- Object to a commercial development being run from the site. Applicant is a director of the firm WECARE LIMITED providing care and support for the elderly, disabled and others within their own homes. It is not considered appropriate for commercial uses of this nature to be located within Nats lane with the inevitable disproportionate rise in traffic caused by patient arrivals and departures, staff, deliveries and medical waste collections. In order to avoid that situation arising the Council should prohibit a commercial use if it is minded to approve the application.

Kenmore Lodge objections are:

- Main concern is that Nats Lane is described in the application as 'a single track road with informal passing places'. This means residents driveways. There is no footpath, and problems have arisen from the Refuse Truck accessing properties due to the introduction of the 3-bin wheelie bin system. Other problems arise from oil tankers (heating oil) and septic tank emptying units visiting properties. This gives rise to excessive fumes and noise which will be exacerbated by the addition of a further dwelling in the Lane.
- Other concern is that a care Business is registered at the site, and a Care Home at the end of the very narrow Nats Lane with no passing places is an entirely unsuitable location. Traffic generation would be excessive with visits from nurse doctor ambulance relatives and changeover of patients.
- The Lane is surfaced and maintained at residents expense, and there has been considerable disruption due to a water main and electricity supply cable being laid under Nats lane. It is often the case that vehicles have to reverse back to the main road to allow another vehicle to exit.

REPRESENTATIONS ON BEHALF OF THE APPLICANT

The applicant has written to advise that he is extremely disappointed at the way the Parish Council conducted its meeting when the application was discussed. The meeting was 'a bit rushed', and some Parish Council Members were not aware of the Design & Access Statement and its importance in the overall context of the proposals. The applicant, therefore, considers that the Parish Council's decision regarding the application was made in haste without fully taking into account the importance of the Design & Access Statement.

PLANNING CONSIDERATIONS: The main considerations with this application are:-

- 1) **Whether the proposed new dwelling would be compatible with the scale, form, layout, appearance and materials of surrounding buildings; and, whether it would have a materially adverse effect on the reasonable occupation and**

enjoyment of a residential or otherwise sensitive property as a result of a loss of privacy, loss of daylight, overbearing impact or overshadowing. (ULP Policy GEN2);

- 2) The proposed development would be compatible with the character of the settlement and, if located on the edge of the built up area, its countryside setting. (ERSP Policy BE1 and ULP Policy S1);**
- 3) Access to the main road network would be capable of carrying the traffic generated by the development safely, and whether access to this development would cause disturbance to nearby properties. (ULP Policies GEN1 and H4) and**
- 4) Other material planning considerations.**

(See Structure Plan Policies CS4, BE1, H2 and H3 & Uttlesford Local Plan Policies GEN1, GEN2, GEN8, ENV10, ENV15, H3, and H4)

1. It is considered that the proposed dwelling is not compatible with the scale of surrounding dwellings, both in terms of the dwelling size and form, its relationship to its plot, which is cramped; and, its position relative to adjoining properties. The proposed dwelling would be visually prominent when viewed from the rear aspect of the adjacent dwelling The Weald. Accordingly the development would be detrimental to the amenities of this property and would be contrary to Local Plan Policy GEN2.

The proposed dwelling would result in a cramped form of development that would be wholly inappropriate in this edge of village location where it would be sited in the front garden of an existing dwelling resulting in vehicles going to that dwelling traversing across its frontage. In respect of the dwelling footprint 117.39m², this is unacceptably large in relation to the proposed garden area of 87.72m²; and, is also poorly related to the dwelling in that it is sited solely to the south of the dwelling. This would result in a lot of the built form of the dwelling being close to the carriageway of the Lane and to the access way serving the Car Port for the dwelling and for Loxley. This relationship is particularly poor in an edge of settlement location where the site is accessed by a narrow Lane, and where the spacious quality of development and the settings of buildings within their respective plots and the space around them define the character of the area.

2. Although there is no objection in principle to the design, it is considered inappropriate for this site in terms of scale and impact given that would result in Loxley becoming a backland dwelling, and due to its overbearing impact on the neighbouring dwelling at Weald House. The scale, length, height, and siting close to the boundary of Wealds Rear garden of the proposed dwelling is unacceptable. It is considered that its presence would be overbearing in relation to Weald House due to its close proximity to this adjoining dwelling. Whilst there would be no loss of privacy to occupants of Weald House, or to the recently approved dwelling to the north of the site, the presence of the application dwelling would be visually intrusive in this edge of village location.

3. If approved, the proposal would generate additional traffic in Nats Lane, and being sited at the head of the Lane, all traffic going to the site would pass every other property along the way. Nats Lane is a very narrow single track carriageway that is partially gravelled. There are no formal turning areas on the Lane. The sole opportunities for turning are on privately owned land or at the Lane's terminus. Both sides of the Lane are bounded by dense vegetation and fences along most of its length. The local highway Authority has raised no objection to the proposal, and the principle of residential development has been accepted on the site to the north on the opposite side of the Lane. Therefore, whilst neighbours concerns in this regard are noted, the issue of traffic generation on its own is not sufficient to be a reason for refusal.

4. Other material considerations are the impact of noise disturbance from trains passing on the railway on the amenities of occupants of the dwelling; and, the concerns raised regarding the applicants care business which is run from Loxley.

Whilst the comments from Network Rail are awaited, its response to the application for a dwelling on the adjoining site to the north which also bounds the railway should be considered. These comments are backed up by those received from Environmental services in that noise and vibration could be issues in this case. If an approval is considered appropriate, a condition covering these requirements along the lines of the Model Condition in Annexe 4 of PPG24 Planning and Noise should be applied to any permission granted.

With regard to the concerns raised regarding the possible use of the dwelling for care purposes, this does not form any part of the proposal. Under Class C3 of the Town & Country Planning (Use Classes) Order, 2005, the permitted use of a dwelling includes 'Communal Housing of the Elderly and Handicapped' with a limit of 6 persons being allowed to occupy a dwelling sharing all facilities with or without an element of care. A Nursing Home falls within Class C2 of the same Order and there is no Permitted Change between Classes C2 and C3 or vice versa without a specific planning permission being granted. It is considered that such a change of use would be inappropriate, however, a condition could be applied to any permission restricting the use of the dwelling to a single unit of residential accommodation with no trade or business carried on therefrom without the prior written approval of the local planning authority.

CONCLUSIONS: The application for a dwelling on this site should be refused because it represents a cramped form of development poorly related to its plot size and private amenity space, and to adjoining properties at Weald House and Loxley, and to the sites surroundings. This would result in an unacceptable form of town cramming in a semi-rural location with poor vehicular, which would exacerbate the inappropriateness of the proposed development.

The proposal would also result in Loxley becoming a backland form of development which would fail to satisfy the requirements of Local Plan Policy H4. It would also result in a poor level of amenity for occupants of the application dwelling as a result of this relationship given the need for vehicles accessing Loxley being required to pass to and fro in front of the new dwelling resulting in noise disturbance to its occupants.

RECOMMENDATION: REFUSAL REASONS

1. The size, two-storey form and height of the proposed dwelling are considered excessive and visually intrusive in this sensitive location on the edge of the settlement, and would be out of keeping with adjacent properties. This is emphasised by the tight constraints of the plot; the inadequate garden area proposed; and, the hard edge that development of the plot in the manner proposed would present to this semi-rural location. As such a dwelling of the size and form proposed in this location would appear unacceptably dominant in the street scene and would be visually overbearing as a backdrop to the existing property at Weald House. The proposed dwelling is considered to be incompatible with its surroundings and contrary to the advice contained in ERSP Policy BE1, and ULP Policies GEN2 and H4.
2. The proposed development would result in a overbearing relationship with Weald House, and would harm the amenities of occupants of this dwelling through its loss of outlook and shadowing of their garden due to the close proximity of the proposed dwelling to the common boundary with Weald House. As such, the proposal would be contrary to the provisions of ERSP Policies BE1 and H4, and ULP Policies GEN2 and H3.
3. The proposal would result in Loxley becoming a backland form of development which would fail to satisfy the requirements of Local Plan Policy H4. It would also result in a poor

level of amenity for occupants of the application dwelling as a result of this relationship given the need for vehicles accessing Loxley being required to pass to and fro in front of the new dwelling resulting in noise disturbance to its occupants.

Background papers: see application file.

UTT/1756/06/FUL - GREAT CANFIELD

Demolition of existing indoor school and stabling and erect replacement indoor school including five residential units

Location: Ashfields Polo and Equestrian Centre. GR/TL 587-189.

Applicant: Mr T Chambers

Agent: Grafik Architects Ltd

Case Officer: Mr M Ranner 01799 510556

Expiry Date: 26/01/2007

ODPM Classification: MAJOR

NOTATION: Outside of development limits.

DESCRIPTION OF SITE: The application site comprises a large former agricultural building which occupies a foot print of approximately 1600 m². The building is of simple breeze block construction with a number of pitched roofs clad in concrete sheeting. It currently provides accommodation for a number of horses, a forge and an indoor riding school. The site is set in open country accessed from Green Street via a long private road and forms part of a complex of buildings associated with the Ashfields Polo and Equestrian Centre. Open countryside lies to the east and west and a number of existing dwellings are located just to the north of the site.

DESCRIPTION OF PROPOSAL: The application proposes to demolish the existing building and replace it with a building, which will occupy a similar footprint to the existing. The design is characterised by a simple steel framed agricultural type building with shallow pitched roofs. Materials are to comprise of profile sheeting to the elevations broken by areas of brick work. The overall height of the building will remain the same as the existing at 7.2 metres to the ridge and 5.0 metres to the eaves. The design of the roof however would result in a building of reduced bulk and massing when compared with the existing building. In terms of accommodation the new building would provide a two storey attached dwelling for the residential yard manager, consisting of two bedrooms, living space, kitchen/bathroom and study/office extending to 80m² total floor area. Four ground floor 3 person flats are also proposed consisting of integral kitchen/bathroom facilities to provide accommodation for visitors, competitors, residential students or temporary staff. Each unit would extend to a floor area of 47m². The indoor school would extend to 1270m² and provide an artificial surfaced arena for training, schooling, exercise and competition purposes. A first floor storage area amounting to 210m² is designed into the eastern side of the building and a small forge (30m²) would be located on the north western corner of the building.

APPLICANT'S CASE including Design & Access statement: The statement covers context, amount, layout, scale, landscaping, appearance, access and accessibility. Parts of the statement are replicated as follows:

“Careful consideration has been given to the scale and form of the proposed building not just to minimise the visual impact on the location but also through the use of materials and detailing unify the building into the overall development. Firstly, the profile/skyline of the building has been visually reduced by spanning the frame in a North/South direction, presenting a gable to the open easterly aspect. The lower level of the east elevation (flats) and the two storey dwelling are to be constructed in a Red multi brick to match the main building and incorporate window patterns and brick detailing taken from that building to achieve unity.

As previously mentioned, the principal and details of the development of this facility overall was subject of application UTT/0358/04/FUL approved 20 December 2004. Part of that application involved a Transport Statement dated May 2004 prepared by intermodal Transportation. The subject of this application is purely a replacement of a facility that was originally to be retained / refurbished and therefore does not affect the results of the Transport Statement in any way in terms of access to the site generally."

RELEVANT HISTORY: The site was originally operated as an agricultural holding, although the move away from agriculture began during the early nineties with various permissions granted for change of use of some of the buildings for stabling and B1 (light industrial) and B8 (Storage and Distribution) purposes. In 1992 (UTT/1288/92/FUL) planning permission was granted for two polo fields, a practice field and the conversion of one of the farm buildings into a clubhouse. Subsequently further stabling was granted on the site and in 1998 (UTT/0085/98/FUL) planning permission was granted in retrospect for the change of use of land to a commercial equestrian centre, which involved stabling for 33 horses.

More recently planning permission was granted pursuant to application UTT/0618/02/FUL, for the temporary use of an agricultural building as a dwelling for two years and the conversion of part of the building subject to the current application to a permanent dwelling. More significantly, planning permission was granted in December 2004 pursuant to application UTT/0358/04/FUL, for the redevelopment of the site. This involved the construction of five new buildings to provide stables, office, tack room, feed store, replacement clubhouse, forge, carriage display building, alterations to the indoor riding school (existing building subject to the current application) to include carriage workshop and the provision of 4 flats. A detached dwelling and garage also formed part of the permission. Following this some relatively minor revisions were approved to this scheme (largely to fenestration) pursuant to application UTT/1224/05/FUL in September of 2005. The new buildings approved under these two schemes are now nearing completion on site.

CONSULTATIONS: Building Control: has responded to internal consultation but has made no comments on the proposal.

Thames Water: raises no objections with regard to sewerage infrastructure.

ECC Highways and Transportation: raises no objections to the proposal as they state that it is not contrary to the relevant transportation policies contained within the Essex & Southend on Sea replacement Structure Plan.

PARISH COUNCIL COMMENTS: Great Canfield Parish Council: raises no objections to the proposal although comment that they are concerned about the clear translucent gable wall and ask that a condition is imposed to ensure appropriate lighting is used to reduce any possibility of light pollution.

REPRESENTATIONS: None. Notification period expired 20/11/2006.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

- 1) **The appropriateness of the development in the rural area and its affects on the character and appearance of the locality and the wider landscape (ERSP Policies C5, NR1 & LRT3 & ULP Policies S7, GEN2 & LC4) and**
- 2) **Other material planning considerations.**

1) The use of the site as a large commercial equestrian centre has in recent years become firmly established and this has been material to the consideration of recent planning applications, particularly when allowing an element of ancillary residential accommodation on the site. This application proposes to demolish the existing riding school building and

replace it with a new facility as the applicants have recently been advised that the conversion of the existing building as approved by permission UTT/0358/04/FUL, would be very difficult to implement and unviable due to its rather basic means of construction. The proposed building does in the view of officers represent an improvement in visual terms to the converted building approved by the 2004 application. The design relates better to the new stable buildings located immediately to the south of the application site and as a consequence the proposal will result in a more comprehensive form of development that relates better as a whole. The building will occupy the same foot print as the existing and its massing and bulk has been slightly reduced. This allied with a better choice of materials and finishes will ensure that the affects on the wider landscape will only be positive. In these respects, even though there is a strict control on new building within the countryside, the principle of replacing the existing building with a new building of improved design, will not in the view of officers prejudice or contravene aforementioned Development Plan policies.

It is important to recognise however that if this proposal were to be approved by the Committee, it would result in a further residential unit on the site, which lies within the countryside. The 2004 permission includes 4 two bedroom units within the existing building for the purpose of accommodating students, temporary staff and overseas visitors utilising the facilities on site and also a five bedroom detached dwelling for the owners. An extant permission also exists for a single two storey 3 bedroom dwelling (UTT/0618/02/FUL) within the existing building subject to this application. This was justified for the security it would provide the site. It is material to this case however that these two extant permissions conflict with each other so that it would not be possible to physically implement both schemes. As a consequence at present a total of four residential flats and a single dwelling could be constructed on site. If granted this permission would allow a further dwelling to be located on the property. The justification previously given in the 2002 application for security purposes no longer exists following the grant of the 2004 application as the large detached dwelling now nearing completion occupies a position overlooking the site. Little justification has been given for the fifth unit, except that it will provide accommodation for the manager and his wife. The owner will soon be able to live permanently on the site, providing 24 hour supervision for security purposes and to be at hand in the event of any emergencies. The four units also granted within the existing building will also provide staff accommodation. The importance of the facility has been material to approving the level of ancillary residential accommodation on the site, however officers consider there to be insufficient justification for what would be an additional two bedroom dwelling on the site. A five bedroom dwelling and four two bedroom flats are considered quite adequate for the scale of operation taking place at the site, and although officers can appreciate that it may be desirable from the applicants point of view to be able to provide a further dwelling, this is not considered to be development that is essential or needs to be there and is thus considered contrary to the provisions of policy S7 of the Local Plan.

Similarly, although officers recognise the improvements to visual amenity that the new building will secure, this is not considered by officers to outweigh the harm caused by approving inappropriate development in the countryside in the form of an additional dwelling on the site.

2) Turning to residential amenity, a number of private dwellings are located to the north (rear) of the chosen siting of the building. Officers are satisfied however that the amenity of these properties will not be compromised as a result of the proposal, taking into account the use of the existing building as a riding school.

Officers are also satisfied that the replacement facility will not generate an increase in traffic movements as considered and approved by the Council when determining the 2004 application, which included a Transport Assessment for the site. The Highway Authority also raises no objections to the scheme.

It is not anticipated that the proposed development will have any harmful impacts on ecology and nevertheless suitable conditions can be imposed to safeguard any protected species in the eventuality that any were located during construction.

CONCLUSIONS: Although the proposed development is considered to be acceptable in many respects, these do not in the view of officers, outweigh the harm caused by the inappropriateness of the development to the countryside specifically with reference to the provision of the additional dwelling on the site in light of the presumption against such development under policies C5 of the Essex Replacement Structure Plan and S7 of the Local Plan. Officers therefore recommend that the application is refused for the following reason.

RECOMMENDATION: REFUSAL REASONS

The site is situated within the countryside where permission will only be granted for development that needs to take place there or is appropriate to a rural area. The proposed development will result in an additional two storey attached dwelling within the countryside, above what could be implemented under the extant planning permissions pertaining to the site. This would by definition be inappropriate to the rural area and in the absence of any justification the Council are not satisfied that special reasons exist as to why the development in the form proposed needs to be there. If the development were to be permitted it would thereby be contrary to policy C5 of the Essex & Southend-on-Sea Replacement Structure Plan and Policy S7 of the Uttlesford Local Plan.

Background papers: see application file.

UTT/1900/06/LB - SAFFRON WALDEN

(Application by Council Employee)

Secondary glazing to front windows
Location: 54 Gold Street. GR/TL 538-382.
Applicant: Mr J Roos
Agent: Mr J Roos
Case Officer: Madeleine Jones 01799 510606
Expiry Date: 26/01/2007
ODPM Classification: OTHER

NOTATION: ULP: Within Development Limits. Conservation Area. Grade II Listed Building

DESCRIPTION OF SITE: The property is a mid terraced painted brick house. It has sliding sash timber windows with glazing bars.

DESCRIPTION OF PROPOSAL: The proposal is for installing secondary double glazing to the four windows facing the street. The secondary frames would be timber with aluminium sub-frames. Several other properties in Gold Street already have secondary glazing.

APPLICANT'S CASE: The property is directly across the street from a public house so is noisy and the house is not well insulated thermally.

CONSULTATIONS: Specialist Design Advice: Considers the proposal acceptable subject to the condition that all existing windows to be retained and not cut.

TOWN COUNCIL COMMENTS: No reply received. (due 31 December 2006).

REPRESENTATIONS: This application has been advertised and no representation has been received. Period expired 4th January 2006.

PLANNING CONSIDERATIONS: The main issues are

1) The effect on the historic character, appearance and fabric of the Listed building and its setting (ULP Policy ENV2);

1) The installation of secondary glazing would not adversely affect the special characteristics of this Listed Building and would preserve its character and appearance.

RECOMMENDATION: LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development – listed buildings.
2. C.3.1. To be implemented in accordance with approved plans.
3. All existing windows shall be retained and no historic timbers shall be cut.
REASON: To protect the special characteristics of the Listed Building.

Background papers: see application file.
