

1) UTT/0951/06/FUL & 2) UTT/0952/06/LB - ELSENHAM .....	3
1) UTT/1874/06/FUL & 2) UTT/1881/06/LB - RADWINTER .....	12
UTT/1850/06/FUL - GREAT DUNMOW .....	18
UTT/1984/06/FUL - LANGLEY .....	25
UTT/2102/06/FUL - FELSTED .....	33

**PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 21 FEBRUARY 2007**

APPL NO: 1) UTT/0951/06/FUL & 2) UTT/0952/06/LB  
PARISH: ELSENHAM  
DEVELOPMENT: 1) Redevelopment of redundant farm buildings (phase 1) comprising of 12 No. light industrial units, 5 No. office units, 3 No. workshops and associated parking. Widening of access road  
2) Restoration and Renovation of Essex Barn to provide 4 no self contained office units (class B1 use) inclusive of demolition of single storey brick addition to north elevation  
APPLICANT: D & D Property Services Ltd  
LOCATION: Home Farm Gaunts End  
D.C. CTTE: 31 January 2007 (see report copy attached)  
REMARKS: Deferred for Site Visit.  
**RECOMMENDATION:** **Approve**  
*Case Officer:* Miss K Benjafield 01799 510494  
Expiry Date: 15/09/2006

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## **1) UTT/0951/06/FUL & 2) UTT/0952/06/LB - ELSENHAM**

- 1) Redevelopment of redundant farm buildings (phase 1) comprising of 12 No. light industrial units, 5 No. office units, 3 No. workshops and associated parking. Widening of access road
  - 2) Restoration and Renovation of Essex Barn to provide 4 no self contained office units (class B1 use) inclusive of demolition of single storey brick addition to north elevation
- Location: Home Farm Gaunts End. GR/TL 550-255.  
Applicant: D & D Property Services Ltd  
Agent: Wakefield Poyser Partnership  
Case Officer: Miss K Benjafield 01799 510494  
Expiry Date: 15/09/2006  
ODPM Classification: UTT/0951/06/FUL: MAJOR  
UTT/0952/06/LB: OTHER

**NOTATION:** Within Countryside Protection Zone / Grade II Listed Building.

**DESCRIPTION OF SITE:** The site is located in Gaunts End approximately 1km to the southeast of Elsenham. It covers an area of 0.86ha and is part of a former farmyard. There are a number of agricultural buildings adjacent to the site.

The buildings that this application relates to are a cattle shed which has been used for storing vehicles and plant, a Grade II listed Essex Barn, a range of single storey buildings brick and timber buildings, an open sided hay barn and a small cattle shed to the south of the listed barn. A number of containers and tanks have been sited to the north of the large cattle shed and beyond the rear of the site is open countryside.

To the west of the site is a hotel and on the opposite side of the road is the Elsenham Industrial Estate. There are three residential properties in the vicinity of the site, two of which are located approximately 55m to the southeast of the site and one to the south of the site which shares a boundary.

**DESCRIPTION OF PROPOSAL:** This application relates to the demolition of the existing large cattle barn to north of site, hay barn to the northeast of the site, cattle shed to the south of the listed barn and two single storey buildings adjacent to the southwest boundary of the site. It is proposed that the listed Essex Barn and the three storey granary building would be retained and converted for B1 (Office use).

A purpose built B2 (General Industry use – although the plans are annotated as “Light Industrial” which is in fact a B1 use) building providing 12 units would be constructed to the rear of the listed barn, in addition to covered parking to the rear of the site and single storey B2 workshops adjacent to the granary building to the south of the site. An electricity substation is also proposed at a distance of 18m from single storey workshop buildings and approximately 29m from the closest residential property. The purpose built 12 unit B2 building has been revised since receipt of the original plans and is now proposed to be a more traditional style building.

Open courtyard parking would also be provided within the site and in total, 65 parking spaces would be provided in addition to cycle storage facilities. The total area covered by the five buildings to be demolished would amount to 2614m<sup>2</sup> and it is proposed to erect new buildings which would cover a total area of 2190m<sup>2</sup>.

**APPLICANT'S CASE including Design & Access statement:** Submission of planning statement, budget estimate and travel plan. The application was submitted prior to the change in legislation requiring the submission of Design & Access statements. *Section 5.0 of the statement to be attached at end of report.*

**RELEVANT HISTORY:** Change of use of agricultural buildings and additions to form joinery works, storage of vintage vehicles and bulk timber storage refused 1988 and allowed at appeal 1990. Renovation of barn for the storage of vintage vehicles conditionally approved 1989. Change of elevational treatment and layout to former joinery works under activated consent appeal ref APP/C1570/A/89/127639/P2 withdrawn by applicant October 2005.

**CONSULTATIONS:**

Original Plans:

ECC TOPS: no objection subject to conditions requiring

- ground level visibility splays of 2.4m x 215m to be provided either side of the existing access onto the adjoining county road
- the access to be improved to 5.5m wide for the first 10m within the site and suitably hardened so as to avoid the displacement of loose material onto the adjoining highway
- space to be provided within the site to accommodate parking and turning of all vehicles visiting the site, clear of the highway.

Environment Agency: Makes advisory comments regarding pollution control and requests informatives are attached to any planning permission.

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

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

Essex Bat Group: We agree with the methodology and conclusions drawn in the survey. A further survey has been recommended for late June/July to ascertain the status of the bat roost in the buildings. We agree with this recommendation.

Whatever the result of this further survey, a DEFRA licence is required before any development proceeds on the site as stated in the bat survey summary.

Building Control: Advises of the need for fire service vehicle turning areas, means of escape from the galleried areas and disabled WC facilities.

English Nature: Objects. We recommend that the LPA refuse planning permission on the grounds that the application contains insufficient information to demonstrate whether or not the development would have an adverse effect on legally protected species. Our concerns relate specifically to the likely impact upon bats which as stated in the ecological report currently use the barn as a roosting site. Information should be submitted relating to the following prior to the application being determined:

- a. What is the species concerned?
- b. What is the population level at the site, or affected by the proposal?
- c. What impact is the proposal likely to have upon the species present?
- d. What can be done to mitigate against this impact?
- e. Is the impact necessary or acceptable?
- f. Is a licence required from English Nature/Defra?

Design Advice: The proposal subject of this application is for office and light industrial development within the curtilage of a historic farmstead. The farmstead contains two principal listed buildings, a C19 farmhouse and a C17 large timber framed barn. At one time these structures were supported by a selection of other historical timber framed structures, a number of which are now lost.

The large C17 timber framed and weatherboarded barn is built on an L shaped plan with a wing extending to the south at the west end and a gabled entrance bay on the south side. Till recent years the building has a hand made plain clay tiled roof which has been allowed to deteriorate. I understand that some of the original tiles have been stored for eventual reuse. The barn has been on the Council's Buildings At Risk register for many years. Following Officer's action, some periodical emergency repairs have taken place but the building is again in a very perilous state of repairs. Consequently it is essential that a new economically viable use is found so its future is secured.

It appears that the proposed office use would be an ideal solution. In theory it would result in a low key conversion. Three solid partitions would define the office units, with mezzanine floors and glass screen providing the necessary office space. Apart from the modest toilet/kitchen cubicles, the open volume of the barn would be well perceived within each vertical subdivision and the opening and glazed areas would be kept to a minimum.

My only concern is with the possible formation of a 'new envelope to the entire existing external structure of the barn'. This suggestion needs further clarification. Clearly the listed building must be converted within its present 'envelope'. A totally new external skin would alter the character, the overall dimensions and relationship of the openings to the frame of the building and would not be acceptable.

The conversion of the other existing building and the introduction of some new built elements I find acceptable and feel that in terms of design they would positively contribute to the setting of both the listed barn and the nearby Farmhouse.

Landscaping: To be reported (due 10 July 2006).

Thames Water: To be reported (due 10 July 2006).

Environmental Services: To be reported (due 3 July 2006).

Revised Plans:

Design Advice: No further comments.

Building Control: To be reported (due 21 December 2006).

Essex Bat Group: To be reported (due 23 December 2006).

Natural England (Formerly English Nature): No objection provided the mitigation outlined in the report is incorporated into the permission or part of a suitably worded agreement or planning condition.

Environment Agency: Requests condition relating to pollution prevention and informatives for the decision notice.

BAA Safeguarding: No objections subject to conditions controlling lighting and information regarding the use of cranes on the site and landscaping.

Thames Water: No objections.

Drainage Engineer: Recommends that a system of sustainable drainage is used on the site, details to be submitted and agreed prior to commencement of development.

Environmental Services: Recommends conditions regarding no outdoor working, that external doors are shut when machinery is used inside and external lighting is controlled to protect the amenity of nearby residential properties.

ECC TOPS: No objections subject to conditions.

Landscaping: no objections subject to protective measures to be put in place for the trees protected by TPOs adjacent to the front of the site.

**PARISH COUNCIL COMMENTS:** Original Plans: Large development near to a listed building. We appreciate this will create more jobs but we are concerned about the traffic and noise on this very busy road. Also concerned regarding the bats and barn owls.

Revised Plans: To be reported (due 28 December 2006).

**REPRESENTATIONS:** Original Plans: These applications have been advertised and two representations have been received. Period expired 7 August 2006.

1. We are particularly concerned about noise from the site. We would stress that with intention of providing parking for 68 parking spaces, the traffic entering and leaving the site must be screened by a landscaping belt between the existing access and out home. Workshop 2 is shown to back onto our property, without any landscape buffering to reduce noise. We would request that a better option would be for this Workshop to be removed from the specification and a wall built along the suggested internal perimeter of the courtyard. A landscaped row of trees and bushes could then be planted as a buffering against noise, between the wall and our property. There does not appear to be any sound buffering between the electricity sub-station and our property. To supply the amount of electricity required for a proposed site of this site, the sub-station would probably emanate noise. We would suggest that this is moved to the north of the property. We would also require assurance that light pollution will be kept to a minimum during the night.

2. I wish to lodge an official objection to the above applications on the grounds of it being an unnecessary widening of the farm entrance which would not be possible if a protected tree had not been felled. Permission has not been granted by the council for the felling of the tree and the on going matter is being dealt with by Mr. Theobald and lately by Mr Smeeden. The protected tree was felled for the sole reason to allow for the widening of farm entrance. Another cause for concern is to the fact of there enough visibility onto the road necessary for increased vehicles exiting the farm safety.

Revised Plans: These applications have been advertised and one representation has been received. Period expired 4 January 2007.

1. I would like to bring to you attention the drawing submitted for the hedges and verges. Please find attached my photographs and measurements which clearly conflict with the measurements given in the planning application. The hedge belongs to my property and on my deeds, I have not given permission for the removal or trimming of the hedge and boundary fence or agreed for the new opening to encroach on my property.

With reference to the adjacent side of the farm entrance, no account seems to have been made for the illegal chopping down and removal of a Listed Tree. This matter has been taken up by Uttlesford District Council enforcement department and I understand that they will be perusing legal action against the landowner for the replanting of a similar tree of a certain size to be put back into the same position.

Be advised that I strongly object to the revised application.

**COMMENTS ON REPRESENTATIONS:** See planning considerations. In relation to the felled TPO, this matter is the subject of ongoing enforcement investigations. However it is not certain that the felling of the tree was in order to provide the necessary access amendments to accommodate this application and the Council's Landscape Officer has no objections to the proposal, while being aware of the felled trees and the possibility of replanting, therefore it is not considered that this matter represents a material consideration which would warrant refusal of the application. The highways authority has no objections to the proposal and have included in their considerations regarding visibility and sight splays the presence of vegetation and verges adjacent to the site.

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

- 1) **Development within the countryside protection zone (ERSP Policy C5 & ULP Policy S8);**
- 2) **The re-use of rural buildings (ERSP Policy RE2 & ULP Policy E5);**
- 3) **Development affecting listed buildings (ERSP Policy HC3 & ULP Policy ENV2);**
- 4) **Access (ERSP Policy T8 & ULP Policy GEN1)**

- 5) **Vehicle parking (ERSP Policy T12 & ULP Policy GEN8);**
- 6) **Design (ULP Policy GEN2) and**
- 7) **Good neighbourliness (ULP Policy GEN4).**

1) Within the Countryside Protection Zone (CPZ) planning permission will only be granted for development that is required to be there or is appropriate to a rural area. In particular development will not be permitted if new buildings or uses would promote coalescence between the airport and existing development or it would adversely affect the open characteristics of the zone.

It is not normally acceptable to demolish existing buildings within the CPZ, or the wider countryside, in order to replace them with new buildings. In this instance there are existing buildings on the site which are not capable of conversion for alternative uses and some of these are modern agricultural buildings of industrial proportions which are not sympathetic to the setting of the adjacent listed barn. Furthermore, the listed barn has had periodic maintenance and if its retention is to be secured, a significant amount of funding will be required for repairs with a view to conversion to a new use which will safeguard its future. In order to obtain the funding for the repairs and conversion of the listed barn, it will be necessary for additional buildings and uses on the site to generate funds. Therefore the harm and policy conflict of erecting new built form on the site must be weighed against the need to repair and retain the listed barn.

Notwithstanding the policy objections, the proposed built form has been sympathetically designed in order to replicate the form and appearance of traditional rural buildings and the area of the site covered by new buildings would amount to approximately 424m<sup>2</sup> less than currently exists on the site. In relation to whether the proposed development would promote coalescence between the existing site and the airport, the new development would be located broadly on the footprint of existing buildings and would be well contained within the site. Parking provision for the uses would be located primarily within courtyard areas of the site with some limited provision located to the rear of the site. In light of the traditional form and appearance of the proposed built form, in this instance it is not considered that the new buildings would adversely affect the open characteristics of the CPZ.

In light of the above and the urgent need to secure funding in order to repair and retain the listed barn, it is considered that the proposal is acceptable in relation to the requirements of ULP Policy S8. However as there is a policy objection to new built form in the countryside it is considered necessary for the applicants to enter into a S106 agreement linking the proposed new build on the site to the repair and renovation of the listed Essex Barn in order to safeguard the future of the barn.

2) ULP Policy E5 specifies that the re-use of existing buildings for business uses will be permitted in the countryside provided that four criteria are met. These require the buildings to be of a permanent and substantial construction, capable of conversion without major reconstruction, protect or enhance the character of the countryside and not place unacceptable pressures on the surrounding rural road network. In this instance the two buildings to be retained are a granary building and the listed Essex barn.

It is considered that these buildings are structurally sound and capable of conversion without major reconstruction. The conversion and retention of these traditional agricultural buildings would also protect and enhance the character of the countryside. The Highways Authority have been consulted with regard these applications and have no objections from a highway safety perspective or in relation to the resultant traffic generated by the converted buildings.

3) ULP Policy ENV2 specifies that development affecting listed buildings should be in keeping with its scale, character and surroundings; proposals which adversely affect the

setting of a listed building will not be permitted. The Council's Conservation Officer has been consulted with regard to these applications and, with the exception of her concerns regarding the proposed envelope to the listed barn, has no objections to the proposed conversions and new building proposed on the site, subject to conditions being imposed.

The explanation for the envelope around the listed barn was that it would be required in order to provide sufficient insulation to meet the current Building Regulations requirements. However, following discussions with the Council's Building Control department it has been established that where listed buildings are concerned there are exemptions to the Building Regulations requirements. It is therefore proposed that if planning permission and listed building consent are granted, the envelope around the building is omitted and alternative methods of insulation are investigated.

4) ULP Policy GEN1 requires development to comply with five criteria. The access arrangements to the site have been the subject of discussion with the Highways Authority and they have confirmed that there is no objection from a highway safety point of view to the proposed development, subject to the imposition of conditions. The submitted travel plan details the public transport servicing this area, cycling facilities and the proposed car parking arrangements. There is some conceptual information relating to anticipated staff and visitor numbers although this is open to change subject to the particular occupiers of the buildings if permission is granted.

The site is accessed from a class III classified highway and it is considered that the surrounding road network would be capable of carrying the traffic generated by the proposal. Disabled parking spaces are proposed on the site within the parking provision in addition to provision for cycle storage and it is considered that the proposal would comply with the criteria contained in Policy GEN1.

5) With regard to ULP Policy GEN8 which requires appropriate vehicle parking in relation to the proposed development, a maximum of 69 spaces would be required to accommodate the B1 uses proposed in the granary building and the listed barn and B2 uses in the new build element of the proposal. A total of 65 spaces have been provided and as the parking standards are maximum requirements, it is considered that this shortfall of 4 spaces would be acceptable in this instance. However the applicants have indicated that they would like the flexibility of having B2 – General Industry uses or B1 – Light Industry uses in the 12 unit building. If B1 uses were to be located in these units, the adopted parking standards would require a higher provision of parking on the site which is unlikely to be acceptable in this rural location. However in light of the similar nature of B1 – Light Industry and B2 – General Industry, it is considered that it would be reasonable to allow B1 – Light Industry uses without providing additional parking on the site. Other B1 uses, such as office use, would not be acceptable as this would require additional parking and it is proposed to control this by condition if permission is granted.

6) As discussed in sections 1) and 3) above, the overall design of the proposed new build on the site is considered to be sympathetic to the rural character of the area and would have a traditional form and proportions. Any commercial new build will be subject to a condition requiring sustainable construction methods which would aim to minimise water and energy consumption within the development. Any approval would also require a satisfactory landscaping scheme to be submitted and agreed prior to the commencement of development and there is scope for enhanced landscaping along the site boundaries. This would provide a buffer between the site and the open countryside in addition to the residential properties within the vicinity of the site.

The single storey workshop proposed adjacent to the southern boundary to the site would be the building located closest to the residential property to the south. This building would have



a maximum ridge height of 5.7m and due to its location to the north of the residential property, it is not considered that it would result in any materially adverse effect as a result of loss of daylight or overshadowing. The roof to much of the southern elevation of this building would also slope away from the boundary which would reduce its impact when viewed from the south. Therefore, it is not considered that the proposed building would have an overbearing impact to the occupiers of the adjacent property. With regard to the possibility of loss of privacy, it is considered necessary to impose a condition on any approval requiring the south facing windows of the single storey workshops adjacent to the southern boundary of the site to be obscure glazed. This would ensure that it is not possible to overlook the adjacent property while allowing light into the workshops.

7) ULP Policy GEN4 specifies that development and uses will not be permitted where noise or vibrations are generated or smell, dust, light, fumes, electro magnetic radiation, or exposure to other pollutants would cause material disturbance or nuisance to occupiers of surrounding properties. The Council's Environmental Services Officers have been consulted with regard to this application and have recommended that conditions are imposed to any permission preventing outdoor working, the use of machinery when doors are open and the control of lighting on the site. Subject to these conditions being imposed, it is not considered that the proposed development would have a detrimental impact on the residential amenity of the occupiers of adjacent properties.

**CONCLUSIONS:** The proposed development is considered to generally comply with all relevant Development Plan policies however the construction of new built form in the countryside is contrary to policy and is only acceptable in this instance in order to secure the future of the listed barn. Therefore it is necessary for the applicants to enter into a S106 agreement to link the construction of the new build on the site with the repair and renovation of the barn.

**RECOMMENDATIONS:**

**1) UTT/0951/06/FUL – S106 AGREEMENT TO LINK THE CONSTRUCTION OF THE NEW BUILD WITH THE REPAIR AND RENOVATION OF THE GRADE II LISTED ESSEX BARN**

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.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. The erection of fencing for the protection of any tree protected by a tree preservation order or any retained tree, shrub or hedge shall be undertaken in accordance with details approved in writing by the local planning authority to comply with the recommendation of British Standard 1772 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs. In this condition "retained tree or shrub" means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars. REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity.
6. C.5.1. Samples of materials to be submitted agreed and implemented.
7. The external finishes to the new build element of the development hereby approved shall consist of materials in keeping with the historical tradition of Essex farm buildings.

REASON: In order to protect and enhance the setting, character and appearance of the listed building and protect the rural character of the countryside.

8. The units marked on the approved plans as “B2” or “B2 Light Industrial” shall only be used for B2 General Industry uses or B1 Class III (c) – Light Industry uses and for no other purpose (including any other purposes in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: To ensure the development is compatible with the character of the surrounding area and sufficient parking provision is available within the site for the approved uses.

9. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented – buildings.

10. C.8.3. No outdoor working.

11. No machinery shall be used in the buildings with approved B2 or B1, Class III (c) uses while the external doors are open.

REASON: To protect the amenities of the occupiers of adjoining properties.

12. C.8.4. No deliveries except during hours specified.

13. C.8.15. Restriction of hours of operation.

14. C.8.22. Control of lighting.

15. C.8.27. Drainage Details to be submitted agreed and implemented.

16. C.8.29. Detail of sustainable construction for new residential or commercial development.

17. C.9.1. No outdoor storage.

18. The car parking areas shown on the approved plans shall be laid out and surfaced, prior to the first occupation of any of the buildings and shall be retained permanently thereafter for the vehicle parking of staff and visitors to the businesses located on the site and shall not be used for any other purpose.

REASON: To ensure a satisfactory standard of development in the interests of highway safety and because it is the policy of the Council that all parking required for Stansted Airport should be accommodated within the airport boundary, in order to protect the appearance of the countryside.

19. C.10.23. Travel plan.

20. C.13.7. Hours of use.

21. C.19.1. Avoidance of overlooking -1.

22. C.20.1. Acceptable survey and mitigation and management plan – Implementation of scheme.

23. C.20.2. Development not to proceed until a licence from Natural England is obtained.

24. Prior to the commencement of development a floor plan drawing showing the mezzanine floor to the Essex barn shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be implemented in accordance with the approved details.

REASON: For the avoidance of doubt because no floor plan has been submitted indicating this detail.

25. Prior to the commencement of development revised drawings shall be submitted to and approved in writing by the local planning authority showing the omission of the proposed “envelope” to the listed Essex barn. Subsequently the development shall be implemented in accordance with these approved drawings.

REASON: This aspect of the proposal is unacceptable and would be harmful to the appearance and character of the listed building.

26. The 12 units marked as “B2 – Light Industrial” within the new building to the north of the Listed barn shall remain as 12 units and shall not be separated into separate ground and first floor units or subdivided in any other manner.

REASON: To prevent intensification of the uses on the site which would give rise to additional parking provision and vehicle turning areas.

27. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control shall be submitted to, and agreed in writing with, the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.  
REASON: To ensure a satisfactory method of pollution control.
28. Clear to ground level visibility splay of a minimum of 2.4m x 160m shall be provided either side of the access on to the adjoining county road.  
REASON: In the interests of highway safety.
29. The access geometry shall to be constructed to the specification indicated in the Travel Plan 8.02.  
REASON: In the interests of highway safety.
30. Space shall be provide 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.  
REASON: In the interests of highway safety.

**2) UTT/0952/06/LB – LISTED BUILDING WITH CONDITIONS**

1. C.2.2. Standard time limit and reason – listed buildings.
2. C.3.3. To be implemented in accordance with original and revised plans
3. Prior to the commencement of development a floor plan drawing showing the mezzanine floor to the Essex barn shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be implemented in accordance with the approved details.  
REASON: For the avoidance of doubt because no floor plan has been submitted indicating this detail.
4. Prior to the commencement of development revised drawings shall be submitted to and approved in writing by the local planning authority showing the omission of the proposed “envelope” to the listed Essex barn. Subsequently the development shall be implemented in accordance with these approved drawings.  
REASON: This aspect of the proposal is unacceptable and would be harmful to the appearance and character of the listed building.
5. C.5.1. Samples of materials to be submitted agreed and implemented
6. C.5.5. Clay plain tiles – hand made.
7. C.5.9. Painted wood.
8. All repairs to the listed barn shall be carried out using timber of matching type and cross sections.  
Reason: In the interests of preserving the historic character and appearance of the Listed Building and its setting.
9. C.5.16. No historic timbers to be cut.
10. All roof lights shall be of a conservation range, details of which shall be submitted to and approved in writing by the local planning authority prior to the commencement of works.  
REASON: In the interests of preserving the historic character and appearance of the Listed Building and its setting.

*Background papers: see application file.*

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**1) UTT/1874/06/FUL & 2) UTT/1881/06/LB - RADWINTER**

*(Referred by Cllr Schneider)*

Conversion of barn to residential dwelling with provision for parking  
Location: Barn adj to Lowerhouse Farm Water Lane. GR/TL 605-382  
Applicant: Lady Maria-Belen Parker  
Agent: Bidwells (Att Mr B Taylor)  
Case Officer: Mr T Morton 01799 510654  
Expiry Date: 06/03/2007  
ODPM Classification: MINOR

**NOTATION:** Outside Development Limit / Within defined Flood Plain

**DESCRIPTION OF SITE:** The application concerns an existing small barn that forms part of a group of farm buildings, sited to the south of the main Listed farmhouse, on the east side of the lane.

**DESCRIPTION OF PROPOSAL:** The application proposes the conversion of the barn to provide a 2 bedroom dwelling unit for a disabled person with working accommodation, a 'live-work' unit. Parking provision is on a hardstanding on the east side of the building. The building is shown set in a large paddock area, the intention presumably being that this would be its garden. Access is shared from the existing access point onto the lane.

**APPLICANT'S CASE including Design & Access statement:** A substantial supporting statement has been provided, including a bat survey, D&A statement, Commercial viability statement, structural appraisal, accessible homes and playspace statement and flood risk assessment.

This describes the site and proposal, states that it is set in a cluster of 9 other residential properties, with the view of the barn from Water Lane remaining largely unchanged, and scarcely visible from other houses. It is intended as a live-work unit for a specific occupant who lives in Radwinter, 'as his own property struggles to accommodate his disability'. This would help sustain the local economy, for example the village shop and pub. Conversion of the barn to a dwelling is the only financially viable way of preserving the barn for the future in accordance with policy E4 and E5. The barn is said to be part of the historic setting of the farmhouse, a key part of the traditional range and group of buildings. The proposal would have a layout dictated by the form of the building and would re-use existing openings where possible.

The structural survey describes the building, dates it as from the late 19th or early 20th century, and concludes that it is a reasonable state of repair considering its age, and that the conversion is structurally viable with a proportion of the existing structure used in either its present form or with modifications. No estimate is made of how much of the structure would survive and how much would be new materials.

The financial appraisal deems the residential live work facility as the most appropriate re-use of the building in the financial and social and physical context. Alternative uses for commercial light industrial use and tourism use are discussed in general terms and projected investment appraisals are provided. There is no evidence that this building has been marketed.

The bat survey concludes that there is no evidence of bats roosting in the barn, but remains of birds nests were found. No other protected species were found.

The Flood Risk Assessment is a weighty technical document that concludes that the site is not at risk of flooding.

The accessible homes and playspace statement describes the proposal in detail and concludes, that it meets accessibility standards.

**RELEVANT HISTORY:** UTT/0519/02/FUL & UTT/0521/02/LB Change of use of farm building to one dwelling and erection of rear cartshed and paddock Approved 23 May 2002. UTT/0008/03/FUL & UTT/0009/03/LB Conversion of outbuilding to office/studio ancillary to the existing house. UTT/2206/04/FUL & UTT/2207/04/LB Conversion of barn to residential dwelling garaging and paddock land. Refused 01 July 2005.

**CONSULTATIONS:** UDC Design Advice: Lower House Farm is a C15 timber-framed and plastered hall house with cross wings at the north and south ends listed Grade II. The building forms a centerpiece of a historic farmstead, however most of its ancient farm buildings have been lost.

The structure subject of this application is not a barn as implied by the agent but an animal shelter shed of early C20 origins. This assessment can be confirmed by the OS maps of this period which indicate the stock enclosures on their south side.

The shelter appears to be of flimsy construction and is of no special architectural or historical interest. It could be said that rather than positively contributing to the character of the countryside, it represents an eyesore. Clearly as a makeshift farm building it is structurally adequate, but its conversion to residential use would require substantial rebuilding and strengthening in order that all the necessary building regulations could be satisfied.

The submitted structural report confirms the flimsiness of the rafters, considers the trusses and purlins to be under strength, and advises that apart from the repair/replacement of some soleplates and studs, the conversion work would require alteration to the existing fabric to support the increased weight of new roof covering, while the lean-to should be totally rebuilt.

I consider that the above farm building could not be converted without substantial rebuilding which would be contrary to the aims of the national legislation and adopted local policies. Suggest refusal.

Essex County Council archaeological advice: The Historic Environment record shows that the proposed development is outside of any area of known archaeological deposits although it does lie to the south of a known medieval building (HER 1569). No deposits are directly affected by the conversion proposals. Therefore no archaeological recommendations are being made on this application.

Essex Bat Group: Survey Methodology was correct but at this time of year gives no indication of use of surrounding habitat. We accept the barn is not a roosting site. If approved all external lighting should be by white down lighters. All contractors should be warned of their obligations towards a protected species.

**PARISH COUNCIL COMMENTS:** Consultation period expired 9 February 2007. The PC response is awaited.

**REPRESENTATIONS:** These applications have been advertised and no representations have been received. Period expired 10 February 2007.

## **PLANNING CONSIDERATIONS including Design & Access statement:**

The main issues are

- 1) **Development in the countryside (Planning Policy Statement 7, ERSP Policies CS2, C5, H2, RE2, and ULP Policy S7, H5),**
- 2) **Effect upon the setting of a Listed Buildings (ERSP Policy HC3, ULP Policy ENV2)**
- 3) **Impact upon Protected Species (Bats) (ULP Policy GEN7) and**
- 4) **Flood Risk (ULP Policy GEN3).**

1) The proposed development is located in the countryside beyond development limits where permission is not normally given unless the proposal relates to agriculture, forestry, appropriate outdoor recreational uses, or appropriate changes of use of suitable existing buildings compatible with a rural area. PPS7 sets out the Government's support for the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building.

The issues then are whether this building is

appropriately located – This is a remote location, well outside any designated settlement, with no nearby school, shops, doctor or public transport. This is not a location where a wholly new development would be considered acceptable, and must be seen as well down the hierarchy of the sequential test for residential development.

suitably constructed – The application contains a structural appraisal report that gives a detailed description of the existing building, and states that the alteration work will be required to support the weight of the new roof covering and insulation, involving strengthening of the original roof purlins and some additional ones and possibly additional roof trusses. New internal partitions would need to be load bearing. Ply sheathing would be required to the roof and all external walls, with some additional studs. The statement concludes the building is in reasonable condition given its age and conversion is structurally viable with a proportion of the existing structure used in its present form or with modifications. However, Officers consider that the building is of slight construction and in dilapidated condition, and of little intrinsic merit in historic architectural or countryside terms. The conversion would amount to a rebuilding with a small proportion of original material retained, and would be tantamount to a new building.

The term 'suitably constructed' may not be the same as 'structurally sound' however. The building was suitably constructed to be a farm storage building, apparently consisting of a brick plinth with timber framed and board clad upper under a corrugated iron roof, but this is not suitably constructed to be a dwelling, since considerable work would be required to bring the structure up to the standard required by Building Regulations for residential occupation.

would meet sustainable development objectives – There is guidance on this in both PPS1 and PPS7. The emphasis is on sustainable communities, which appears to mitigate against isolated development, preferring the development of land within urban areas before considering the development of Greenfield sites. Development which can only be serviced by use of the private car is not regarded as sustainably located.

The building does not appear on the 1891 Ordnance Survey which shows a building of a different form on this spot, but it appears on the 1904 edition.

Policy RE2 of the ERSP, for re-use of rural buildings, requires the building to be of a permanent and substantial construction and if in the open countryside capable of conversion without major or complete reconstruction. Policy H6 of the ULP sets a checklist of criteria to be considered, but further sets this into context with the statement that conversion will not be permitted to residential uses on isolated sites in the open countryside located well away from existing settlements. The word 'conversion' is often used loosely, when the reality of the

proposal would involve major alteration to a building to meet the requirements of the Buildings Regulations. A building such as this cannot meet habitable standard for human occupation without significant alteration to external walls, floor and roof, and virtually every element of the building would need to be re-worked in such a process. It is contended that this proposal does not meet the tests of policy, since the structure cannot be converted without major reconstruction, tantamount to the construction of a new building.

Although the applicant intends the building for a specific occupier at this time, once constructed the dwelling becomes part of the general housing stock and could subsequently be sold to any occupier. It would not be considered reasonable in terms of the guidance on conditions to impose a condition restricting occupation in this case, where the unit is not intended as an annexe for a disabled relative of the occupiers of the main house, but would be a fully independent unit.

Government guidance in PPS7 makes clear that new housing should be provided in sustainable communities and not in the countryside. The particular applicant is not material to policy and the provision of a dwelling that would meet accessibility standards for a person with disabilities does not over-ride the policy objection to the provision of a dwelling in this location.

2) The building stands to the south of the Listed main house, and forms part of its setting, as a subservient outbuilding. There is the possibility that it is 'curtilage listed' by virtue of being a building present on the site prior to 1948.

The alteration of such a building from its current role as a subsidiary and subservient outbuilding related to an existing principal dwelling house, to that of a separate dwelling with no functional connection, and the introduction of its own activity and external paraphernalia of domestic occupation would change the character of the building, its setting and the countryside. This would not protect, maintain or retain the presence of a rural building in the countryside, but would substitute a residential building with the semblance of an outbuilding.

As with the points raised in subsection (1) above, the 'conversion' would involve significant reconstruction such that it would effectively be replacement with a new building, and would amount to the removal of a related and subservient building with its replacement by an unrelated and separate dwelling, with some semblance to the form of the existing structure. It is considered that the setting of the listed building is not maintained by such a development, rather it is diminished, contrary to the aims of planning policy.

3) The Government has issued PPS9: "Biodiversity and Geological Conservation", and its accompanying Circular which makes plain the need to establish the presence or otherwise of protected species, and the extent that they may be affected by the proposed development before the planning permission is granted. The conclusion of the survey is noted, that the building is unsuitable to house a roost for bats, but that birds appear to be nesting in it during the appropriate seasons.

4) The Flood Risk Assessment has addressed the potential for the flooding of the site and dismissed this concern.

**CONCLUSIONS:** There are considerable concerns about the conversion to a dwelling in terms of impact upon the countryside and the setting of the Listed Building, and the scale of associated activity arising from the additional dwelling, in a location that would not be considered to accord with principles of sustainable development. A very similar proposal has already been refused on this building, and there have been no material changes in policy or other circumstances to warrant a change in the decision of the Local Planning Authority. It is recommended that permission be refused.

## **RECOMMENDATIONS:**

### **1) UTT/1874/06/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 for conversion of existing buildings set out in Policy RE2 of the Essex & Southend on Sea Replacement Structure Plan and Policy E5 and Policy H6 of the Uttlesford Local Plan are not met, in that the building is of such slight construction and in such poor repair that it cannot be converted without substantial reconstruction and repair such that the resultant building would be tantamount to the construction of a new building in the countryside. The proposal conflicts with the aims of these policies that 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 in the countryside. It has not been demonstrated that the site is unsuited for alternative commercial or tourist uses.
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/1881/06/LB – REFUSAL REASONS**

1. Although the building is curtilage listed by virtue of standing within the curtilage of Lower House Farm it is considered to be of no intrinsic architectural or historic interest and is in very poor condition, 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 for conversion of existing buildings set out in Policy RE2 of the Essex & Southend on Sea Replacement Structure Plan and Policy E5 and Policy H6 of the Uttlesford Local Plan are not met and the proposal conflicts with the aim of this policy that 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. Therefore the granting of Listed Building consent to authorise works that are not acceptable to planning policy is not justified.



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

*Background papers: see application file.*

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## **UTT/1850/06/FUL - GREAT DUNMOW**

Extensions of existing Class A1 retail store. Alterations to existing car park  
Location: Tesco Store Stortford Road. GR/TL 616-219  
Applicant: Tesco Stores Ltd  
Agent: Montagu Evans Mr P Burley  
Case Officer: *Mr M Ranner 01799 510556*  
Expiry Date: 21/02/2007  
ODPM Classification: MAJOR

**NOTATION:** Within Development Limits.

**DESCRIPTION OF SITE:** The site is situated on the western edge of the town adjacent to the Woodlands Park residential estate. It measures 3.4 hectares (8.4 acres) and comprises an established supermarket with ancillary car parking and petrol station. The main building on the site opened approximately 12 years ago and has a floor space of 4056 square metres. Around the north, south and western site boundaries is established structural landscaping. Opposite the site across Woodlands Park Drive is residential development with some to the north east. Most of the land to the east comprises the grounds to the recently developed Woodlands Park Primary School. To the south of the site is the former A120 (B1256) and to the west is the entrance to the Woodlands Park estate which forms part of the proposed north west bypass.

The supermarket is located to the eastern side of the site, with its non public servicing side along its southern edge. The public faces of the building are its northern and western elevations. The car park is to the west of the main building, with a smaller area of parking wrapping around the northern edge of the supermarket. A turning and stopping area used by bus services is near to the southern end of the supermarket. The petrol station and car wash are located close to the site entrance on its western edge. All vehicular access to the site is via a roundabout on the original section of the proposed north east relief road also serving Woodlands Park Drive. This allows indirect vehicular access via a further roundabout to the B1256. Pedestrian access to the site is from the north and south. The natural topography of the site is such that the supermarket is raised slightly from prevailing ground level to the south of the site and cut in significantly below natural levels to the north and west.

**DESCRIPTION OF PROPOSAL:** The application seeks full planning permission to erect extensions to the main building on the site. These involve two extensions to the sales area with one on the northern side of the store, and one on its southern side, which will provide 795sq.m and 447sq.m of floor space respectively, totaling an additional 1,242sq.m. Of this increase to the sale area, 471sq.m is to be added to the food hall, 663sq.m for the sale and display of comparison goods and a total of 108sq.m will be added to the checkout area and customer café. Alterations are also proposed to the rear of the store, involving the creation of an additional 424sq.m of bulk storage (375sq.m of new floorspace), which will free up space for further internal alterations. These will include the conversion of an existing frozen food storage area to provide a home shopping processing and loading area and the creation of a dedicated area for home shopping delivery vans.

As a consequence of these works a number of other changes are proposed. These include alterations to the parking areas, the provision of a new pedestrian crossing between the store building and Stortford Road and new passenger waiting facilities at the bus stop in Stortford Road. The following table outlines the main physical aspects of the proposal.

	<b>Existing</b>	<b>Proposed</b>
Retail floorspace	2606 m <sup>2</sup>	3848m <sup>2</sup>
Ancillary floorspace	1450m <sup>2</sup>	1825m <sup>2</sup>
Total floorspace	4056m <sup>2</sup>	5673m <sup>2</sup>
Car parking spaces	378 spaces	395 spaces

No changes are proposed to the petrol filling station or to the vehicular or pedestrian accesses. Also no changes to the opening hours are proposed from those current operating hours i.e. 24 hours each day except Saturday when it closes at 2200 and Sunday when it is restricted to 1000 to 1600.

**APPLICANT'S CASE including Design & Access statement:** The following documents have been submitted with the application:

Statement of Community Involvement – An explanation of discussions with residents and interest groups prior to submission.

Design & Access statement – An explanation of the process of formulating the proposal in line with the requirements of recent legislation.

Planning and retail statement – A statement prepared in support of the application.

Transport assessment with two volumes of appendices

Travel Plan - Relates primarily to measures to reduce the use of single occupation cars by staff.

**RELEVANT HISTORY:** Permissions for supermarket 1991 – 1994; Permission for covered marshalling area 2001; Permission for trolley bays 1999 and traffic beacons in car park; Permission for installation of car wash at petrol station and extension to supermarket 2001; Permission for erection of refrigeration equipment; Permission for bulk extension to store 2002.

**CONSULTATIONS:** County Highways: Request extra time (NB officers have replied giving timetable for determining application). Any representations received prior to the Committee will be reported to Members.

Environment Agency: Assessed as having low environmental risk.

Environmental services: No comments received. (due 6.12.06)

Policy: The following comments are made:

“In view of the conclusions of the study and having read the Planning & Retail study accompanying the application:

- A need for additional floorspace has been found.
- The historic nature of our towns means the potential for new retail development is limited.
- By making the edge of town store more attractive to shoppers it is retaining expenditure in the District which may have been lost to new/bigger stores in adjacent towns.
- By retaining people shopping at Tesco Gt Dunmow rather than other towns this will encourage them to use other shops/services/facilities in Dunmow Town Centre.

Landscaping: No comments received. (due 6.12.06).

Drainage engineer: No comments received.

**TOWN COUNCIL COMMENTS:** Great Dunmow Town Council raises no objections subject to the applicant adhering to paragraph 5.2 of the Statement of Community Involvement which reads “will not seek permission for a pharmacy, a Post Office, an optician’s, a dry cleaners or a hairdresser/beauty salon as part of this application” or as part of any future application.

**REPRESENTATIONS:** 33 properties have been notified and the application has been advertised in line with Government requirements for a Major application with site notices and a press advertisement.

Five letters of objection have been received, with three from local residents, and single letters from Wickford Development Company and Saffron Walden and District Friends of the Earth. The main points of concern are summarised as follows:

- Harm to the character and appearance of the area.
- A flawed and misleading transport assessment.
- Unacceptable impact on the capacity of the Woodlands and Pines Roundabouts and functioning of the north-west by-pass.
- Insufficient car parking that is likely to lead to off site car parking at busier times to the prejudice of the character of the area and interfering with the safe and free flow of traffic in the area.
- Increased competition will result in the loss of town centre functions and amenities to the detriment of residents.
- A similar extension has already been refused at the Saffron Walden Tesco’s to the benefit of the town centre.
- The larger residential developments proposed along the A120 corridor includes requirements for the provision of community shopping. These plans to provide such facilities in nearby developments would be adversely affected.
- It is surprising that Tesco’s could not locate a suitable place for a town centre convenience store.
- The proposal contravenes Local Plan Policies GD1, RS2 and GEN1 and Structure Plan Policies TCR2, 3 & 4.
- Any permission should be conditioned so that only convenience goods are sold at the store and that the size of the extensions should match the requirements of the immediate local population.
- The extra facilities to the rear of the store are likely to give rise to increases in noise levels to the detriment of residential amenity.
- The plans do not address the existing problems of vehicles travelling too fast, which at present causes an unsafe environment to customers and an intolerable disturbance to Woodlands Park.

**COMMENTS ON REPRESENTATIONS:** Matters of material importance will be addressed during the consideration of this application.

**PLANNING CONSIDERATIONS including Design & Access statement:**  
The main issues are

- 1) **The principle of residential development. (ERSP Policy BE1 & ULP Policy S1);**
- 2) **The affect on the economic viability of Great Dunmow. (ERSP Policy TCR4 & ULP Policy RS2 & Government Policy PPS6 Planning For Town Centres);**
- 3) **Transport, traffic, parking and access issues. (ESRP Policies RS1 & T3 and ULP Policies GEN1, GEN8, E3 & RS1);**
- 4) **Residential amenity of neighbours. (ULP Policies GEN4 & ENV11);**

- 5) **Design including materials, landscaping and lighting. (ULP Policies GEN1, GEN2, GEN4 & GEN5) and**
- 6) **Minimising consumption of power and water. (ERSP Policy EG4 and ULP Policy GEN2 & ENV15).**

At the last meeting Members identified further issues to be considered in this final report. Where we have relevant information it is covered in the following relevant sections where we don't have the information it has been requested from the applicant.

1) The application site is located within the development limits of Great Dunmow wherein policy S1 of the Local Plan applies, which dictates that development is appropriate within these areas if compatible with the character of the settlement and its countryside setting. In these respects the extensions are located within the confines of the site, which has very well defined boundaries. Views of the extensions and other associated works will not be visible from outside of the boundaries to the site to a degree where the proposal could be considered visually intrusive, and when viewed in the context of the existing building and use of the site as a retail store, officers are satisfied that in principle the development is acceptable in light of policy S1 and also BE1 of the County Structure Plan.

2) The applicants have undertaken a great deal of research in respect of the possible impacts of the development on the neighbouring town centre, particularly its viability as a local retail centre. In accordance with the requirements of PPS6 'Planning for Town Centres', the applicants have addressed matters such as 'quantitative' and 'qualitative' need and the sequential approach to site selection. With reference to the findings of the research undertaken, the applicants state that using County Council population forecasts and expenditure estimates from the Council's retail consultant, together with industry – standard expenditure growth rate forecasts, it has been demonstrated that there is sufficient expenditure to support both the additional convenience and comparison goods floorspace in order to demonstrate 'need'. The applicants also state that the sequential approach to site selection that has been undertaken demonstrates that no suitable, available and viable sites were identified within or on the edge of Great Dunmow or Thaxted. Similarly, no vacant units were identified, as a consequence of both centres low vacancy rates. With regard to competition between existing retailers within the town centre and Tesco's the applicant's state that that in terms of non-food goods, there is little cross-over in terms of goods that Tesco proposes to sell and the existing on offer in the town centre. Where there is likely to be a cross over, however, it is explained that diversion would be minimal given the qualitative differences between the products that Tesco sells and the products on offer in the town centre retailers. The range of Clothing for example on offer within the town centre caters for the designer end of the market, or specialist items such as outdoor clothing, whereas Tesco will be seeking to provide value for money clothing in direct competition with retailers such as Asda in Harlow or other good value retailers in Chelmsford. Conditions can be imposed by local planning authorities to limit the range of goods sold, and to control the mix of convenience and comparison goods. However no such restrictions apply to the existing store area, and therefore arguably such a restriction could only reasonably be imposed on the new floorspace created by the extensions.

Officers have considered the information before them and do not dispute the details and findings of the submission, which meets the requirements of PPS6 (Planning for Town Centres). The Local Plan recognises the lack of availability for sites capable of accommodating larger stores within its town and local centres (para 8.2) and also the fragility of the town centres due to the loss of trade resulting in residents looking to the sub-regional shopping centres further afield such as Chelmsford, Harlow and Colchester (para 13.2). As a consequence, in accordance with internal advice from the Council's Policy section, officers are satisfied that any affects on the town centre are likely to be negligible. The improvements to the store could in fact potentially benefit the district because by making the store more

attractive to shoppers, expenditure is more likely to be retained within the district rather than lost to new bigger stores located beyond the district boundaries. This in turn will retain more people shopping at Tesco in Great Dunmow rather than in other towns, which shall encourage the additional shoppers to use other shops, services and facilities in the adjacent town centre.

3) Turning to matters of traffic generation and highway safety, officers have been involved in discussions with Essex County Council Highway Engineers, particularly with regard to the submitted Transport Assessment that accompanies the application. No formal response has been received from the County Council however officers have been assured by the County Council that it is satisfied that the traffic likely to be generated by the proposal can be accommodated adequately and safely by the surrounding road network. Highway Engineers are however in consultation with Boreham Consulting Engineers who carried out the assessment with regard to some of the assessments findings, and the County Council have indicated that changes will need to be made to the Transport Assessment before approval is given. To this effect, in order to meet this Government's statutory timescales for determining major planning applications, officers recommend that a suitably worded condition is imposed on any planning permission to ensure that no development is carried out until such a time that the Traffic assessment has been amended to the satisfaction of both this Council and the Highway Authority.

Vehicular access to and egress from the site will remain as existing, although changes are proposed to the circulation routes for vehicles and pedestrians within the site. The alignment of the road to the western side of site will ensure that vehicle speeds are likely to remain low, although officers advise that speed controls are put into place either side of the main entrance into the store in the interests of pedestrian safety. A condition to this effect has been recommended. Dedicated routes are proposed from the parking spaces to the store for disabled people to ensure that users will not have to cross any roads to get to the store. The parking provision for the store is 395 parking spaces, which includes 23 disabled parking spaces and 19 parent and child spaces, which equates to a car parking ratio of 1 space per 15.3sq m of Gross floor area. PPG13 'Transport' advocates a maximum parking figure of 405 spaces for such a store and Essex County Council, Supplementary Planning Guidance, Vehicle Parking Standards, August 2001 also indicates a maximum parking requirement of 405 spaces. The Uttlesford Local Plan stipulates a maximum parking requirement for A1 retail uses as 1 space per 20sq m, which would equate to 284 spaces. The proposal therefore exceeds the Local Plan standards but approaches County Council and National maxima. Officers are satisfied in this case that the provision is adequate given the location of the store in close proximity to a local centre of population and the alternative means of transport available for people visiting the store. In general the site performs well in accessibility terms as it is accessible by public transport (A bus service stops close to the store), walking (pedestrian accesses from nearby Woodlands Park and from Stortford Road), cycling and the car. A Travel Plan also forms part of the proposal, which is primarily focused on the store staff, with the aim of encouraging them to reduce their use of private car travel to and from their place of work.

4) Turning to residential amenity the closest properties to the site are those of 'Barbary Path', which are located adjacent to the north eastern corner of the site. Other properties are located to the north but are separated by 'Woodlands Park Drive'. The development will be confined within the existing site, which is screened in the partly by banking and mature landscaping. This will mitigate many of the possible affects of the development on neighbouring residential amenity, although the concerns from some residents concerning noise has been noted and considered. A condition is suggested in order to control noise levels at the site boundary with neighbouring residential properties in the interest of amenity. A condition restricting times of deliveries and opening hours of the store is not considered reasonable in this instance as the present store is not encumbered by such conditions.

5) With regard to design, the extensions are compatible with the scale and height of the existing building and the details of the design and materials will also largely match or complement that of existing building, with brick work, glazing and continuation of the tiled mansard roof to the buildings front (western) elevation. The northern and southern elevations of bulk storage area are proposed to be constructed of 'Ranilla' cladding. The use of materials can be controlled by the imposition of condition and such a condition is suggested in this case. The site already benefits from a substantial landscaped strip, which was planted following the original construction of the store. Officers consider this to be adequate and no further changes to the landscaping are proposed. No changes are also proposed to the current levels of artificial lighting within the site.

6) The applicants indicate within the Design and Access Statement that accompanies the application that it will also be incorporating measures across its branch network to reduce water and energy consumption, with such schemes also incorporated in the extensions. Examples given include the use of dry construction methods using 'Ranilla', which is stated to be more energy efficient than brick and mortar based construction. A condition is recommended however in order to require the applicants to submit further information on sustainable construction in order to ensure that the development is carried out in a sustainable manner.

**CONCLUSIONS:** In light of the above considerations officers recommend that planning permission be granted subject to the following conditions.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.4.1. Landscaping scheme to be submitted and implementation of landscaping scheme.
3. C.5.1. Samples of materials to be submitted agreed and implemented.
4. C.8.12. Boundary noise levels.
5. C.8.15. Restriction of hours of operation.
6. C.8.22. Control of lighting.
7. C.8.29. Details of sustainable construction required.
8. C.10.10. Details of parking and surface materials.
9. C.10.21. No occupation of building until roads constructed and surfaced.
10. All measures detailed in the Travel Plan that accompanies the application, shall be put into place at the time of the opening of the extensions hereby approved and shall thereafter be enforced by a travel plan co-ordinator in liaison with the local planning authority.  
REASON: To ensure the provision of more sustainable forms of transport.
11. The extensions hereby approved shall not be used until the car parking spaces shown on the approved plans have been hard surfaces and laid out to the satisfaction of the local planning authority. Such spaces shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety.
12. C.11.9. Disabled parking provision.
13. C.11.10. Secure cycle storage.
14. Prior to the commencement of the development hereby permitted details of traffic calming measures to be implemented on the access road in the area opposite the main pedestrian entrance to the store, shall be submitted to and approved in writing by the local planning authority.  
REASON: In the interests of pedestrian safety.
15. Prior to the commencement of the development hereby permitted, a revised Transport Assessment shall be submitted to and approved in writing by the local planning authority

in conjunction with Essex County Council and any requirements arising from the Traffic Assessment shall be implemented in accordance with its requirements.  
REASON: In the interests of highway safety.

*Background papers: see application file.*

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## UTT/1984/06/FUL - LANGLEY

Change of use of redundant barns to the manufacturing of timber framed buildings and joinery with ancillary storage and offices, including new cladding to buildings and provision of car parking and hardstandings. Creation of new vehicular access and closure of existing access

Location: Grange Farm Langley Upper Green. GR/TL 449-354.  
Applicant: Pelham Structures Ltd  
Agent: Prospect Planning  
Case Officer: Mr T Morton 01799 510654  
Expiry Date: 01/03/2007  
ODPM Classification: MAJOR

**NOTATION:** Uttlesford Local Plan: Outside Development Limits. Adjacent to the site is a Grade II listed building and curtilage listed barn. The listed building is also an ancient scheduled monument. Special verges stand on the roadside to the north of the site towards Duddenhoe End as well as protected lanes.

**DESCRIPTION OF SITE:** The site is located approximately 500m north east of the centre of Langley upper Green on the western side of an unclassified road running from Langley towards the B1039 via Duddenhoe End and other small hamlets. The site is approximately 0.4 hectares in size with a frontage width of approximately 97m and a maximum depth of 60m. The site was formerly part of Grange Farm before being sold to Clavering Farm where it was used as part of their farm operations for grain storage and drying etc. The site has, according to the applicants, become recently redundant for farming purposes. The site consists of a range of large buildings built at different times and of differing materials reflecting the previous agricultural use, set around a large concrete yard. The largest building, referred to as Building 1 in the applicants submission is an asbestos clad barn with a footprint of 550sq.m, length of 31m and a depth of approximately 18m. The building has a shallow pitched roof with a height to ridge of 7.3 for the majority with a taller section 9.1m high on the eastern side next to the road.

Building 2 also has a shallow pitched roof with attached lean-to. The building has a footprint of approximately 343sq.m and is approximately 19m square in size. This building is clad with corrugated metal sheeting and the lean-to section is open along the southern side. The building has large roller shutter doors on the eastern elevation facing into the courtyard. Building 3 is the smallest of the barns with a footprint of approximately 330sq.m, width of 22m and a depth of 15m. It has a rear and side lean-to and a bow-strung curved principle roof. The building is clad with corrugated sheeting. To the east of Barn 3 are several large storage tanks. The site is enclosed at the front by fencing and some planting. To the rear of the site, approximately 10m away from Barn 3 are older barns associated with Grange Farm.

**DESCRIPTION OF PROPOSAL:** The applicant is seeking full permission to change the use of the site from agricultural to industrial use for the manufacture of timber-framed buildings. The proposal would involve the re-cladding and insulating of the three main buildings along with the demolition and removal of old agricultural equipment and tanks etc. The proposal is for change of use of 1140 sq m from agriculture to mixed B1, B2 and B8 use with the addition of a 1345 sq m mezzanine for class B1 space. The exterior of the buildings will be clad in dark stained featheredge boarding, and the statement is made that not even modest amounts of reconstruction are required to render them suitable for re-use. The existing access is to be closed and replaced with a new access. 11 car parking spaces are provided.

**APPLICANT'S CASE including Design & Access statement:** A compendious statement has been submitted but is rather cast in the form of an Appeal Statement rather than the format of a Design and Access Statement, and is not the brief form of statement envisaged by the D&A legislation. As such it seeks as much to justify the development rather than explain the design process behind it. The full statement is available on file.

**RELEVANT HISTORY:** The barns were part of a land included within applications for an agricultural workers dwelling, most recently in 2003 and 2004, both of which were refused due to lack of functional need. To the rear of the site, an application was approved for the Conversion extension and alterations to barn and stables to dwelling in 2004. UTT/0982/05/FUL - change of use of all of the barns on the site to industrial use and office. Storage of a joinery machine, construction of panels for house construction. REFUSED 02 September 2005 Currently at Appeal. UTT/1473/06/FUL Temporary change of use of Building 1 for a period of two years from redundant grain store to storage (Class B8) in association with Pelham Structures operation at Brices Yard, i.e. use for the storage of timber. REFUSED 23/10/2006. Currently at Appeal.

**CONSULTATIONS** Essex County Council Highways: The Highway Authority recommends that permission be refused for the following reasons:

The barns are located in an isolated area. Facilities within walking distance are minimal and there is no bus service provided. The lack of facilities and public transport will mean that virtually all journeys to and from the development will be car borne. As there is no alternative to the car, it is likely that car ownership will be higher than average and therefore the movements to and from the site will be significantly higher than the existing site use. The road network is considered to be totally unsuitable for additional vehicular use, by reason of its narrow width and poor alignment.

The proposal is therefore contrary to the aims of promoting accessibility, as contained in Policies T1 Sustainable Transport Strategies & T3 Promoting Accessibility and Planning Policy Statement 7 and Planning Policy Guidance 13 of the Essex and Southend on Sea Replacement Structure Plan adopted April 2001.

**PARISH COUNCIL COMMENTS:** Following a meeting of the Langley Parish Council the evening of 8th January 2007, I am writing to advise you that Langley Parish Council resolved that the Council did not object in principal to a change of use of the barns and wishes to reiterate that restrictions on lighting, noise and road transport be put in place as proposed for earlier applications on this site.

In the past the Council has resolved for similar applications on the same site:

\*Resolution 5\* (9-11-06) It was resolved that Langley Parish Council did not object in principal to a change of use of the barns but wanted it to be made clear that such an approval should not prejudice the Appeal which is currently under way.

\*Resolution 3 \*(11-July-2005) It was resolved that the Parish Council had no objection in principal to the above planning application. However, given that the proposed industrial site lies close to the Village Green which forms the core of Langley Upper Green the Council desired that there be certain restrictions on the use of this site. In particular it was agreed that there should be a restriction on noise outside normal office hours. To be precise that there be no deliveries in or out of the site before the hours of 08.00am and after 17.00 on week days and no deliveries at all in or out of the site at week-ends. In addition the sound from industrial processes should not be heard outside the site except on weekdays between the hours of 08.00 and

17.00. No external lighting should be present on the site except between the hours of 08.00 and 18.00, i.e. during and just after working hours and that there be no external storage on the site at any time.

**REPRESENTATIONS:** This application has been advertised and six representations have been received. Period expired 1 January 2007. Five object and one supports the proposal

Objection is raised as the development will cause noise and major environmental damage. It is contrary to PPS7 and the impact on adjacent Special Verges contrary to ENV8. Traffic movements would be far too great for the narrow minor roads around Langley and hazardous, leading to movements between the applicants other premises at Brices Yard. Noise from the site would be intolerable. The proposed use would be out of character for such a rural area. Uses like this should be located in industrial areas, the development is outside of policy for commercial development in the countryside.

Two previous applications are under appeal, Heavy industry in this quiet rural area will be disruptive and inappropriate. Cannot see how the enterprise will benefit the village and rural environs.

The proposal is contrary to Policy E5 (c) and (d) and will generate noise and disturbance. The rural road network is not designed for the type of Lorries that would be involved. There would be an increase in traffic compared to the previous farm use of the grain dryer. It is incompatible with policy ENV8 to protect the verges. Alternative sites are available.

The letter of support is for local provision of jobs and re-use of the buildings.

**COMMENTS ON REPRESENTATIONS:** Noted.

**PLANNING CONSIDERATIONS including Design & Access statement:**  
The main issues are

- 1) principle of the development (PPS 7, ERSP POLICY CS1, CS2, CS3, CS4, CS5, C5, HC3, BIW3, RE2, and T3, Uttlesford Local Plan Policy S7, GEN1, GEN2, GEN8, E4, E5 and ENV2);
- 2) impact of the development on highway network (PPS 7, ERSP Policies T3, T12, Uttlesford Local Plan Policy GEN1, GEN8, E4 and E5);
- 3) material harm or disturbance to surrounding dwellings beyond the site (ERSP Policy CS4, C5, RE1, RE2, Uttlesford Local Plan Policy GEN2, GEN4, E4, E5);
- 4) character and appearance of the countryside (PPS 7, ERSP Policies C5, Uttlesford Local Plan Policy S7);
- 5) Design of the proposal and whether the buildings are suitably constructed for their intended purposes (PPS7, ERSP Policies RE2, Uttlesford Local Plan Policies GEN2, E5);
- 6) impact upon Protected Roadside Verge (ERSP Policy NR6, ULP Policy ENV8) and
- 7) setting of listed building and curtilage listed buildings (ERSP Policy HC3, ULP Policy ENV2).

1) The principle of development on this site needs to be considered within the context of PPS 7: Sustainable Development in Rural Areas, Structure Plan policy contained in ERSP (Policies C5, RE1, RE2) and local policy in the form of Uttlesford Local Plan, most notably policies S7, E4 and E5.

PPS7, places a strong emphasis on the principles of **sustainability** and seeks to promote more sustainable patterns of development by focusing most development in, or next to, existing towns and villages and preventing urban sprawl.

The key principles of PPS7 state that good quality, carefully-sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community, maintains or enhances the local environment; and does not conflict with other planning policies.

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. 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.

Essex Replacement Structure Plan Policy C5 focuses on rural areas and states that the countryside will be protected for its own sake. This will be achieved by the restriction of new uses to those appropriate to a rural area required to support agriculture, forestry or other rural uses. Development should be well related to existing patterns of development and of a scale, siting and design sympathetic to the rural landscape character.

Uttlesford Local Plan Policy S7 again repeats the aims of the Structure Plan Policy C5 by protecting the countryside for its own sake and only allowing development that needs to take place there, or is appropriate to a rural area. Policy RE2 does admit the possibility of the re-use of buildings in sound condition for business use, though this must not damage the amenity of the countryside, nor introduce additional activity likely to materially and adversely change the character of the local area or place unacceptable pressures on the surrounding rural road network, and has to be assessed in the light of sustainability considerations.

Whilst PPS7 would clearly support the principle of appropriate agricultural diversification, the use of former agricultural buildings for non-agricultural purposes needs to be carefully considered with regard to its impact on the local highway network, any adverse impacts to surrounding neighbours or the character and appearance of the countryside. Most importantly, it needs to be commensurate with the Government's sustainability objectives and meet the sequential tests with regard to the location of employment uses.

This is not considered to be a sustainable location, as the only way of reaching it is by private motor vehicle.

Paragraph 17 of PPS 7 - Sustainable Development in Rural Areas, states "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." Essex & Southend on Sea Replacement Structure Plan Policy RE2 sets criteria for the re-use of redundant buildings in the countryside, and Uttlesford Local Plan Policy E5 also considers the re-use of rural buildings, one of the criteria being that they are capable of conversion without major reconstruction or significant extension. Whilst it has already been considered that the application site is not appropriately located for the proposed use from a sustainability perspective, one also has to consider whether the existing agricultural buildings are suitably constructed for their proposed use, and whether

they need rebuilding to achieve required noise containment to protect adjacent property. If so the buildings would not be considered suitable for the proposed use. This is discussed further in section (5) below. The proposal would therefore be contrary to central government aims as well as being contrary to Uttlesford Local Plan E5. From an employment perspective, use of this site would not meet with policy aims of achieving sustainable development.

2) PPS 7 has clearly established a strong emphasis towards the principles of sustainability. Access to the site in terms of location and associated highways arrangements form a fundamental part of this sustainability principle. The application site is located away from development limits on the rural road network. Langley Upper Green is located almost centrally between the B1038 - Newport to Buntingford road and the B1039 Wicken Bonhunt to Royston road with all access to reach the site required via country lanes, some of which are very narrow and single width in places.

According to the applicant's submitted details, there would be some 5600 vehicle movements per annum, which they compare as being less than the estimated previous agricultural vehicle flows of 6000 to 6500 vehicles per annum. There appear to be no accurate records of previous movements and the figures given are estimates. The distinction that the Local Planning Authority sees however is between vehicle flows associated with an agricultural activity which has to be located in the countryside, and an industrial activity which does not have to be located in the countryside, and which should be more sustainably located on an industrial estate within an existing designated settlement.

It is noted that objections have been received that refer to vehicle movements already taking place to this site by the applicants operations.

The presence of additional larger vehicles would create dangers to other road users on the twisting narrow lanes around Langley Upper Green. Indeed, less than 60m from the entrance to the site, the road narrows considerably and there would be conflict with other road users. In travelling north towards the B1039, vehicles would travel along protected lanes and roads with special verges. Conflict between oncoming vehicles may force traffic onto these verges hence damaging them to the detriment of biodiversity.

The applicant makes the interesting point that they consider the proposal to be more sustainable than the current production arrangements which involve manufacture of the frames in Gloucestershire and then delivery of the completed frames by road to the applicant's current premises at Brices Yard. However, the true comparison that should be made is perhaps the entire sequence of the production process from tree to timber to frame to house, and no calculation of this has been provided. The Council's contention is that it is more sustainable to manufacture or store the frames at premises within the Development Limits of an existing settlement than in a comparatively remote rural location, and this is borne out by the text of PPS7 at objective (ii) and paragraph 18 that development should be focused upon re-use of existing buildings that are adjacent or closely related to country towns and villages.

It is the opinion of Officers that the proposed development would significantly increase vehicular movement on the rural road network to the detriment of highway safety and would represent a wholly unsustainable form of development.

3) **Any material harm or disturbance to surrounding dwellings beyond the site** - Given the potential material increase in traffic associated with the proposed development, one also has to consider the impact on adjoining neighbours or businesses outside of the site and indeed whether there would be any other adverse impacts caused by the industrial processes proposed to be carried out on the site. The impact on the highway road network

was considered above and certainly the presence of additional traffic would generate noise and disturbance to residents on routes to the B1039 to the North and B1038 to the South. Comments from neighbours have expressed concern about noise emanating from the site by virtue of the industrial processes that would take place. The primary industrial process would be the machining of wood and associated activities along with noise from extraction and dust filtering equipment. Whilst the applicant has made clear their intentions to fully sound insulate the buildings, neighbours have previously made extremely valid points about noise emanating from the site in the summer when employees may wish to have windows and doors open to cool the buildings down. It is at this time when most local residents would also have their windows and doors open and this would increase the potential for noise disturbance to local residents taking place.

The nearest neighbours to the proposed development would be those at Grange Farm, both the Grade II listed dwelling and the curtilage listed barn, which has a valid permission to be converted into a dwelling but which has yet to be implemented. This barn is no less than 10m away from the rear of the application site buildings and it is this fact that has caused greatest concern to the Council's Environmental Health Officer, when dealing with the earlier application, under Statutory Nuisance Legislation. When permission was granted for the adjacent barn conversion, the issue of noise from the then active agricultural barns was a primary concern and was indeed a reason for refusal of an earlier application. One therefore cannot ignore the potential conflict between these two differing uses, particularly as the barns under the proposed application would be occupied on a frequent and regular basis for industrial uses rather than seasonal agricultural patterns of intensive use.

Officers are therefore extremely concerned at the relationship between the proposed use and adjacent existing and proposed residential units. The close relationship and the potential for noise disturbance would, by default, create the circumstances for a statutory nuisance to occur. This would be both unfair on the occupiers of the residential unit and would also create unacceptable pressure on the proposed business to minimise noise disturbance, which cannot guarantee to be achieved and is therefore contrary to Uttlesford Local Plan Policy GEN4.

4) The character and appearance of the surrounding countryside is heavily influenced by agricultural activities and operations. This is characterised by the presence of older historical barns as well as more modern and larger barns. The application site is a classic example of a modern farm, once part of Grange Farm, but which has been sold away. The barns are by no means aesthetically pleasing but reflect the type of structures one might reasonably expect to find in the working countryside. The applicants state that the barns are redundant for farming purposes. No evidence has been submitted confirming that this is necessarily the case and their redundancy may well be the result of a farm operational decision. Nonetheless, the proposed development would see extensive external and internal alterations to the existing barns with new claddings etc. Whilst the alterations may represent physical and aesthetic improvements to the existing buildings, the character and appearance of the site would materially change and, because of the additional vehicular movements along country roads and associated frequent and regular un-seasonal noise, the proposal is considered to be harmful to the character and appearance of the countryside and is not a use that needs to take place in the countryside.

5) Paragraph 17 of PPS 7 - Sustainable Development in Rural Areas, states "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." Uttlesford Local Plan Policy E5 also considers the re-use of rural buildings, one of the criteria being that they are capable of conversion without major reconstruction or significant extension. Whilst it has already been considered that the application site is not appropriately located for the proposed use from a sustainability

perspective, one also has to consider whether the existing agricultural buildings are suitably constructed for their proposed use. In their supporting statement, the applicant's have clearly stated that, in order to minimise noise from the site, they would soundproof all production buildings to a very high standard (concrete walls, insulation and cladding). Given the need to make these changes, this would clearly suggest that the existing buildings are not suitably constructed for industrial uses without causing demonstrable harm to adjacent neighbours through the passage of sound etc. The extent of the works required are arguably tantamount to rebuilding. The proposal would therefore be contrary to central government aims as well as being contrary to Uttlesford Local Plan E5 and Essex & Southend on Sea Replacement Structure Plan Policy RE2.

Officers therefore cannot provide support to a scheme requiring major changes to the fabric of the buildings as proposed.

6) Both sides of the road to the north of this site are designated as Protected Roadside Verge, principally for the now very rare plant, Crested Cow-wheat, for which the verges represent the largest remaining site in Uttlesford and in Essex. The verge also has a good range of botanical species representative of the chalky clay soils of this area, now a very rare habitat in Essex due to agricultural losses of grassland fields. The verges are entered into a special management regime carried out by Essex County Council Highways, and they are monitored by annual surveys which continue to record the presence of the species of conservation concern. The road is narrow and if two large vehicles encountered each other on this stretch it would be highly likely to result in the driving-over of the verges with consequent damage to them. This is considered to be unacceptable and contrary to the aims of Policy ENV8 of the Uttlesford Local Plan.

7) The Local Planning Authority has not explicitly considered this aspect when dealing with previous application for this site, but the applicant advances the argument in their statement that the condition of the application site and buildings is discouraging the conversion of curtilage listed buildings on the adjacent site at Duddenhoe Grange, for which conversion to one dwelling has been approved under reference UTT2120/03/FUL and UTT/2122/03/LB on 26/02/04. It is contended by the applicant that the proposals would improve these buildings to such an extent that it would encourage the residential conversion, and that this must therefore be considered in terms of the duty to have special regard to the desirability of preserving the listed building itself, the buildings' setting and any special features it possesses. Whilst this is an interesting line of reasoning, it appears to the Local Planning Authority equally likely that the noise and disturbance associated with the proposed use would be as off-putting to prospective residential occupiers of the residential barn conversion, and therefore the differential impact of the two situations is probably neutral, and gives no advantage to the proposed development and use of these buildings.

**CONCLUSIONS:** The proposed development has been carefully considered against National, Structure and Local Plan guidance and policies. The failure of the proposal to comply with sustainability objectives clearly laid down in PPS7, by virtue of the site's isolated location well away from established development limits and the heavy dependence on the private motor vehicle coupled with the fact that the existing buildings are not suitably constructed for industrial uses without the need for major reconstruction, suggest that there can be no policy support for the proposed development. Added to this, the fact that the building is close to existing and proposed residential dwellings would give rise to material harm to local amenity by virtue of noise etc. Furthermore, the significant increase in the presence of vehicles, including large commercial vehicles, on narrow country lanes would present a danger to highway safety and the potential of conflicting vehicles causing damage to specially recognised and protected lanes would add further weight to the fact that the scheme should be refused. There has been no material change in circumstances since the previous refusal of this essentially identical proposal, and it is considered that there is no reason for the Local Planning Authority to come any different conclusion.

**RECOMMENDATION: REFUSAL REASONS**

It is the policy of Central Government PPS7, ERSP (Policy CS1, CS2, CS3, CS4, CS5, C5, HC3, BIW3, RE2, T3, T12), Uttlesford Local Plan (Policy S7, GEN1, GEN2, GEN4 GEN8, E4, E5, ENV2) to ensure that proposed development in the countryside is appropriately located and of a size commensurate with the sustainable rural development principles clearly identified in PPS7. Furthermore, such development should not have an adverse impact on adjacent properties nor increase the potential for highway dangers on the rural road network nor be potentially damaging to specially recognised biodiversity sites.

In this instance, the applicant wishes convert agricultural buildings for industrial use well away from established settlement limits on an isolated site accessible only along narrow country lanes. Facilities within walking distance are minimal and there is no bus service provided. The lack of facilities and public transport will mean that virtually all journeys to and from the development will be car borne. The proposal would be heavily reliant on the private motor vehicle due to the lack of alternative transport means. It is therefore considered to be unsustainable and contrary to the aims of promoting accessibility, as contained in Policies T1 Sustainable Transport Strategies & T3 Promoting Accessibility of the Essex and Southend on Sea Replacement Structure Plan adopted April 2001 and Planning Policy Statement 7 and Planning Policy Guidance 13.

The presence of additional vehicles on the twisting and narrow rural road network, many of which would be large heavy goods vehicles, would increase the potential for traffic conflict to the detriment of highway safety, contrary to the aims of Policy GEN1 of the Uttlesford Local Plan and Policy T3 of the Essex & Southend on Sea Replacement Structure Plan.

The increased potential for traffic conflict would also raise the probability of vehicles driving onto verges either side of the road in order to enable larger vehicles to pass. This would be clearly damaging to the special verges identified on the roads north of the site to the B1039, adversely affecting local biodiversity, contrary to Local Plan Policy ENV8 and Essex & Southend on Sea Replacement Structure Plan Policy NR7.

With regard to the proposed use of the barns, it has been identified that the buildings are not suitably constructed for industrial use without major alterations. These major alterations have been acknowledged by the applicant as being necessary to prevent noise spillage from the site onto adjacent residential properties. The proposal therefore fails to meet with the policy criteria relating to the re-use of rural buildings set out in Policy RE2 of the Essex & Southend on Sea Replacement Structure Plan and E5 of the Uttlesford Local Plan which require the buildings to be capable of conversion without major or complete reconstruction.

Noise from the site, particularly during the summer months when windows and doors are likely to be open, would also have a detrimental impact on the residential amenity of neighbouring properties, contrary to ULP Policy GEN4.

The proposed industrial use would be incongruous with the rural character and appearance of the countryside and would create a long-term frequent commercial use on the site compared with the seasonal agricultural use that existed more recently until the barns became redundant.

For the above reasons, the proposed development is contrary to adopted development plans and there are no material circumstances that would support a departure from policy in this instance.

*Background papers: see application file.*

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## UTT/2102/06/FUL - FELSTED

Demolition of existing dwelling. Erection of two detached dwellings and one pair of semi-detached dwellings. Construction of new access

Location: The Gables Garnetts Lane. GR/TL 683-206.

Applicant: Merrybell Ltd

Agent: Mr R Wallis

Case Officer: Mr M Ranner 01799 510556

Expiry Date: 01/03/2007

ODPM Classification: MINOR

**NOTATION:** Within Development limits.

**DESCRIPTION OF SITE:** The application site, which is situated at the eastern end of the village of Felsted, comprises a single detached dwelling house and associated outbuildings set within a relatively spacious plot of approximately 0.19 hectares in size. The dwelling house, which is of traditional design with front facing gables, has been extended in the past and now has single storey flat roof extensions to both the side and also the rear elevation adjacent to the site's northern boundary. A detached pitched roof garage and smaller out building to the rear are located adjacent to the site's southern boundary. Vehicular access is gained via a concreted driveway also adjacent to the sites southern boundary. The remainder of the site comprises domestic landscaped gardens with mature trees located towards the eastern (rear) boundary. Detached and semi detached dwellings set in reasonably spacious plots adjoin the site boundaries except for the western (front) boundary, which faces Garnett's Lane and open school fields beyond.

**DESCRIPTION OF PROPOSAL:** The application seeks full planning permission for the demolition of the existing dwelling and the construction of four dwellings. These would comprise two detached five bedroom dwellings and a pair of semi detached three bedroom dwellings. All provide accommodation within their respective roof spaces and all share ridge heights of approximately 8.3 m in height. The dwellings are of conventional design, consisting of projecting gables with hipped roofs and both detached dwellings incorporate front projecting attached double garages. The buildings would be set in a staggered line across in the site, facing the road with accesses and associated parking areas to the front of the dwellings. The rear of the site is shown to be subdivided into separate private amenity areas. The development represents a density of approximately 20 dwellings per hectare.

**APPLICANT'S CASE including Design & Access statement:** A Design and Access Statement accompanies the application, which covers design principles and concepts, layout, scale, landscaping, appearance, access and consultation. In summary the four dwellings are considered the correct amount of development for the site and the layout, design and scale compatible with existing development in the locality. Access is also said to be inclusive for all.

**RELEVANT HISTORY:** This application follows two earlier proposals for the residential development of the site. The first, ref: UTT/1393/05/FUL proposed a development of 12 no two bedroom apartments and alteration of existing vehicular and pedestrian access to the highway. The application was recommended to be refused but was withdrawn by the applicants prior to the meeting on 2 November 2005. The second application, ref: UTT/0259/06/FUL proposed a development comprising two, one bedroom dwellings and ten, two bedroom dwellings. This was refused by Committee on 27<sup>th</sup> April 2006. An appeal has been lodged by the applicants in respect of this decision, which remains undetermined.

**CONSULTATIONS:** The Environment Agency: suggests that the development incorporates principles of sustainable construction and design in order to minimise the use of resources and the production of waste.

ECC Highways and Transportation Department: recommend that the application be refused for the following reason:

“No adequate provision is included in the proposals for the satisfactory turning of vehicles clear of the highway. Vehicles reversing on this county road would interfere with the free flow of traffic and condition of safety on this county road.”

**PARISH COUNCIL COMMENTS:** Felsted Parish Council makes the following comments:

“The proposals are a great improvement on the previous submission. The Committee suggests that a slight repositioning of the buildings would ensure that there is sufficient space in front of them for vehicles to turn, rather than reverse into Garnetts Lane.”

**REPRESENTATIONS:** Six letters have been received from local residents. Five raising objections, with the other stating support. The objections are summarised below. The letter stating support states that the application appears to address their earlier concerns with regard to the previous proposal on the site and in principle support the application in terms of the revised density proposed. They do however go on to state that it is a pity that the existing attractive property has to be demolished to make way for the development.

- Loss of open space and garden inappropriate to the village.
- Overbearing
- Loss of view/outlook
- Overlooking and loss of privacy
- Increase in traffic using the lane
- Reversing vehicles harmful to highway safety
- Loss of sunlight
- Excessive height and limited spacing between the dwellings out of keeping with the character of the area undermining the character of the conservation area.

**COMMENTS ON REPRESENTATIONS:** Any comments of material consideration will be addressed within the considerations to this report.

**PLANNING CONSIDERATIONS including Design & Access statement:**

The main issues are

- 1) **Whether the proposal is in keeping with the character and appearance of the surrounding area. (ULP Policies S3 & GEN2);**
- 2) **The impact of the proposed development on the residential amenities of neighbouring properties. (ULP Policies GEN2 & GEN4) &**
- 3) **The likely affects of the proposal on highway safety (ULP Policy GEN1) and**
- 4) **Other material planning considerations.**

1) The application site comprises an existing residential property situated within the development limits of Felsted. In accordance with policies S3 of the local plan the principle of developing the site for residential purposes is acceptable. In this particular case the area surrounding the site is residential in nature and is characterised by detached and semi detached dwellings set in reasonably spacious plots. Garnett’s Lane to the front of the site is tree lined and borders the open playing fields associated with Felsted School to the west. Consequently the area is rural in character and the locality positively contributes to the attractive countryside setting of the village and indeed the playing fields directly opposite the

site form part of a conservation area. The existing dwelling is larger than those that surround it and the plot itself is relatively large and can readily accommodate more than a single dwelling. The four dwellings proposed in this case, would not appear cramped and congested within the site and would not be disproportionate to the size, scale and pattern of development in the surrounding locality. The dwellings utilise nearly the full width of the site, although the use of hipped roofs in the design breaks up the ridge line of the three buildings providing the development with a more spacious feel. The dwellings would be set back from the front of the site and the road frontage retaining a sense of spaciousness respecting the setting of the open space located opposite the site beyond Garnetts Lane, which forms part of the Felsted Conservation Area. The designs of the dwellings are traditional in style and respect the local vernacular, which comprises traditional styled, detached and semi detached dwellings set within similar sized plots as those proposed. The density of the proposed development at 20 dwellings per hectare is below the recommended minimum of 30 per hectare. The development is however sympathetic in terms of layout, and mix in respect of the pattern of surrounding development and a higher density would be likely to be prejudicial to the spacious rural character and countryside setting of the locality.

2) The nearest property to the application site is Globe House which abuts the site's northern boundary. Officers are satisfied that the new dwelling on plot one would be sited a sufficient distance away to ensure that the development would not give rise to significant overshadowing, loss of daylight/sunlight or outlook or similar. The development would result in the removal of the existing unsightly large flat roofed extension which abuts the boundary with Globe House and extends significantly back into the site, extending approximately 12 metres beyond the rear elevation of Globe House. The flank elevation of the plot 1 dwelling does contain a number of proposed windows, which will face Globe House. Three are at ground floor level, which are unlikely to give rise to material over looking or loss of privacy due to existing boundary treatment and screening. The first of three windows at first floor level serves a shower room although this will merely face the flank elevation of Globe House which only comprises a pair of windows fitted with obscure glazing. A similar view would be obtained from the landing window and officers are satisfied that no significant overlooking will occur. The third window serves a dressing area although as this is set further back it will allow more of an opportunity to gain views out across the rear garden area of the neighbouring property. As a consequence officers recommend that a condition be imposed to ensure that this particular window is fitted with obscure glazing. There are no first floor windows proposed within the flank elevation of plot 4, which faces the existing properties that abut the opposite southern boundary of the site and the dwellings associated with the neighbouring properties are set at least 21 metres away. Officers are satisfied therefore that the development will not have any significant impact on the amenity of these properties. Finally, with regard to the existing property that abuts the eastern (rear) boundary, the proposed dwellings are located well away from this boundary (approx 27 m) and a good degree of screening is afforded by mature trees and vegetation.

3) With regard to matters of highway safety, the Highways Authority has raised objections to the scheme concerning lack of turning facilities within the site. In response the layout has been amended to incorporate turning facilities in order to allow vehicles to enter and exit the properties in forward gear and the dwellings have been set back a further three metres from the highway. The Highway Authority has been consulted concerning these amendments and if received, their comments will be reported to Members. Parking provision is adequate and accords with the council's maximum parking standards.

4) Turning to the issue of lifetime homes, the dwellings have been designed in order to comply with lifetime homes standards as set out in the Supplementary Planning Document "Accessible Homes and Play space." This has been achieved with the exception of a couple of minor points. These however can be amended relatively easily and a condition is recommended to ensure that the scheme is fully compliant in this respect.

Finally with regard to energy efficiency, conditions have been recommended to ensure that the development achieves a high level of energy efficiency in the interests of sustainability.

**CONCLUSIONS:** In light of the above considerations officers are satisfied that the development accords with relevant development plan policies and so recommend that the application be approved subject to the following conditions.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.4.1. Scheme of landscaping to be submitted and agreed.
3. C.4.2. Implementation of landscaping.
4. C.5.1. Samples of materials to be submitted agreed and implemented.
5. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented – buildings.
6. C.8.29. Details of sustainable construction required.
7. C.8.30. Provision of bin storage.
8. C.8.31. Demolition recycling of materials.
9. C.10.18. Unbound material/surface dressing.
10. C.11.7. Prior implementation of residential parking.
11. C.19.1. Avoidance of overlooking.
12. The first floor window on the north facing flank elevation of the plot one dwelling as shown shaded red on drawing no. M/5871/4 Rev A, shall be fitted with obscured glazing and be fixed shut in perpetuity.  
REASON: In the interests of privacy.
13. The development shall accord fully with the criteria listed for 'Lifetime Homes' in Supplementary Planning Document 'Accessible Homes and Play Space', unless otherwise agreed in writing by the local planning authority. Detailed drawings depicting the necessary revisions to the scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.  
REASON: To ensure that the development provides effective and practical lifetime homes.

*Background papers: see application file.*

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