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## UTT/0184/08/FUL - GREAT DUNMOW

Erection of 8 No. residential flats & associated car parking  
Location: Harmans Yard New Street. GR/TL 627-217  
Applicant: Sabre Construction Limited  
Agent: Andrew Martin Associates  
Case Officer: Mr N Ford 01799 510629  
Expiry Date: 02/04/2008  
Classification: MINOR

**NOTATION:** Within Development Limits. Conservation Area. Affects the Setting of a Listed Building. Public Right of Way.

**DESCRIPTION OF SITE:** The application site is located in the centre of Great Dunmow and within its Conservation Area between New Street to the east, which has predominantly more traditional listed buildings flanking the road, and Highfields to the west which is a more modern housing estate. There is a public footpath designated as a Right of Way that runs between New Street and Highfields and is shared with traffic at the point of access with Harmans Yard. To the south of this footpath is a building containing flats that has recently been constructed and is now occupied. Beyond this are dwellings that share access with these flats from New Street.

The site is undeveloped and has previously been used for casual gardening but in the last two years has been unused. The applicant states that the land has never been used as a formal allotment but the previous owner did allow two local residents to cultivate the land with no leases or tenancy agreements in place. No public or private allotment use has been made available to the community.

The land is not flat and it declines from the footpath to the north. The site is occupied by various mature trees both evergreen and deciduous. There is a low brick wall bounding the southern edge of the site with the public footpath.

**DESCRIPTION OF PROPOSAL:** This is a full planning application that proposes the erection of two buildings each accommodating 4 no. flats (8 no. flats in total). One block would run north/south and one at right angles to this facing the existing building on the opposite side of the public footpath. Each flat would have two bedrooms. The accommodation is arranged over three floors. The first floor flats utilise the pitch of the roof for a bedroom. Access to the first floor flats would be via an external enclosed staircase to the rear elevation of each building.

The height of the buildings would be just over 9 metres. They would have steeply pitched roofs with half hipped ends. Red brick plinths to elevations, a smooth render surface and clay roof tiles. They would also have chimney stacks. The appearance would be similar to the recently constructed building of flats adjacent to the site.

A communal garden area is indicated between the public footpath and the new building adjacent. Bin stores are indicated either side of the access road to the east of the block nearest New Street.

Each flat would be allocated one vehicle parking space (100% provision) and these are located to the rear of the two buildings. Three of the parking spaces would be located within an open bay garage with brick and weather boarded elevations and a slate roof.

Access to the flats would be via the existing access to New Street either side of nos. 22 and 26 New Street that also serves the existing flats and houses. New Street is subject to a 30 mph speed limit.

**APPLICANT'S CASE including Design & Access statement:** See Design and Access Statement received 6 February 2008 available at the Council Offices. This describes the proposal and the relevant planning policies. The applicant has also submitted a Traffic Report by Millard Consulting Engineers.

The traffic report finds that the proposed use would result in less traffic use than the former uses of the site and therefore considers that there will be a decrease in traffic conflict at the junction with lower accident rates.

**RELEVANT HISTORY:** On 30 June 2004 planning permission was granted for the erection of 3 no. two bedroom dwellings and 6 no. two bedroom flats (UTT/0217/04/FUL). On land immediately to the south of the application site which was occupied by a storage building and lock up garages before this.

On 11 August 2005 planning permission was refused for the erection of 10 units (6 no. two bedroom flats and 4 no. one bedroom flats (UTT/0827/05/FUL)). The application was refused owing to loss of privacy as a result of overlooking. Loss of allotment land and intensification of traffic onto a substandard access and adverse effect on the Public right of Way.

**CONSULTATIONS:** Highway Authority: No objection subject to conditions.

Anglian Water Authority: None received.

Three Valleys Water Authority: None received.

Environment Agency: No comment.

ECC Archaeology: Recommends a programmed of archaeological work condition.

Natural England: Originally objected to the application on a precautionary basis due to a lack of ecological information noting a number of mature trees within or adjacent to the application site that could provide roosting opportunities for bats.

Natural England has since however confirmed that they have withdrawn their objection.

Essex Wildlife Trust: None received.

Ramblers Association: The only issue I have is with the existing footpath that runs in front of the first phase of the completed building. This must be maintained as a footpath and provision be made to ensure this does not become a parking area for any person living or visiting the next part of the development.

Environmental Services: None received.

Building Surveying: None received.

Conservation Officer: The proposal subject of this application is for further development off New Street. The now proposed development follows a general theme of previously approved and now build scheme nearby. I consider that this scheme due to its location away from the principal views within the Conservation Area would not unduly detract from its character subject to the use of good quality natural materials. Suggests conditions.

Landscape Officer: There are only two trees on the site which I consider are of some individual amenity value. They are a Walnut tree adjacent to the western boundary of the site and a Yew tree midway along the internal boundary of the site. However, neither of these trees in my view have sufficient prominence to be worthy of being made the subject of a Tree Preservation Order, although they do contribute to the general fabric of the Conservation Area. Whilst the loss of existing vegetation was not a reason for the refusal of a previous application for residential development on this site [UTT/0827/05/FUL] the loss of a 'green' space alongside the public footpath would impact on the character of this part of the Conservation Area.

**TOWN COUNCIL COMMENTS:** Object. Overdevelopment of the site. Insufficient parking. Vehicular access from New Street gives great concern to New Street being very narrow. It is considered that New Street will be unable to cope with the increase in traffic that will be generated by this development.

**REPRESENTATIONS:** Notification period expired 4 March 2008. Advert expired on 6 March 2008. Site Notice expired 7 February 2008.

17 Letters of objection – Comments summarised as follows:

Concern for light, privacy and noise (7 Standrums).

Loss of light (10 Harmans Yard)

Overshadowing to the existing block at Harmans Yard

Buildings are too large.

Loss of light and amenity to properties in Standrums and Highfields.

One parking space for each flat is insufficient.

Access onto New Street is dangerous for a substantial increase in traffic.

Flora and fauna would be lost.

Danger to pedestrians on the footpath.

Loss of town centre open space of amenity value

Loss of trees

New garden should not be accessible to the public due to littering and disturbance.

Odour from bin storage areas will effect neighbouring properties.

2 Letters of support – Comments summarised as follows:

Style reflects the character of the neighbouring site and is well finished.

The landscaping of the walkway will be pleasant when complete compared to existing.

Vacant sites should be developed to minimise urban expansion as favoured at Eisenham

Welcome the reduced scale of the proposal

Site has socially undesirable activities any use would contribute to Dunmow's social fabric

128 signatory petition objecting to the planning application for the following reasons:

Overdevelopment. Lack of light and privacy. Increase in noise. Parking provision is inadequate resulting in vehicles parked on nearby roads. Increased risk to pedestrians using New Street due traffic.

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

**The main issues are**

- 1) whether the proposal would be compatible with the character of the settlement, has an appropriate layout, scale and design, is acceptable in terms of access and parking, whether there would be any harm to neighbouring properties by way of overlooking, overshadowing or overbearing effect, whether there would be a loss of allotment land and meets accessible homes standards (ULP Policies S1, H3, H4, H10, LC1, GEN1, GEN2, GEN8 as well as PPS1, PPS3 & SPD Accessible Homes and Playspace);**
- 2) whether the proposal would preserve the character of the Conservation Area and the setting of adjacent listed buildings (ULP Policies ENV1, ENV2 and PPG15);**
- 3) whether the proposal would harm the amenity value of trees or cause any harm to wildlife (ULP Policies GEN7 and ENV3).**

1) The governing policy for development limits here is ULP Policy S1 which states that within development limits development compatible with the settlements character and countryside setting will be permitted. ULP Policy H3 relates to new houses within development limits. It generally states that they will be allowed if the development is compatible with the character of the settlement and, depending on the location of the site, its

countryside setting. ULP Policy GEN2 requires that amongst other things development be compatible with the scale, form, layout, appearance and materials of surrounding buildings.

The site is undeveloped and has previously been used for casual gardening but in the last two years has been unused. The applicant states that the land has never been used as a formal allotment but the previous owner did allow two local residents to cultivate the land with no leases or tenancy agreements in place. No public or private allotment use has been made available to the community. Therefore it is considered that proposal would not result in the loss of an allotment and as such the application site can be considered appropriate in principle for residential development.

The application site amounts to 0.11 hectares. This means that the density of development is 73 dwellings per hectare 9 (dph). This would generally meet the aims of Government policy aimed at making efficient use of urban land (over 30 dph) subject to matters of detail and preserving the character of the area. In comparison the site immediately to the south involved 12 dwellings at a density of 79 dwellings per hectare.

The buildings heights are about 9 metres to the ridge and in that respect are likely to be of a greater scale than the cottages fronting New Street and it would seem higher than those in Highfields but this is not indicated on drawings. Nevertheless, the buildings will be very similar in scale to the approved block of flats adjacent. The land is currently lower than this block on the northern side of the footpath and the drawings indicate that the floor level will be lower for this scheme. Therefore, the buildings will have a subservient scale to this. It is therefore considered that they will be appropriate to the scale of buildings in this locality.

The application proposed communal open space provision in a similar manner to the existing development to the south. This would be laid out between the footpath and the existing building and the new building running parallel to it. The Essex Design Guide suggests that amenity provision for flats can be communal and that this should be at 25 sqm per flat. Whilst the provision indicated here is a little lower at 23 sqm it is not considered reasonable to object to this because the development built to the south had a lower provision.

The parking provision for the development approved and built to the south (6 no. flats and 6 no. dwellings) has about 1.4 spaces per unit. This scheme provides for 100% parking provision of one parking space for each flat all of which have two bedrooms. The site plan indicates no space for the provision of additional spaces. The Council's adopted parking standards are expressed as a maximum and for such units up to 3 spaces are required. However, in this instance given that the site is in very close proximity of the site to the town centre where services and public transport are available and policy encourages flexibility in the application of standards, this provision is considered appropriate. Further out of the town centre for example on the former primary school site. A higher level of provision has been sought. On the grounds that they are more remote from services and public transport. Members will be aware that recent approvals in town centres have provided little or no parking provision due to similar considerations such as the White Horse Inn and Queen Elizabeth Public House in Saffron Walden that have been granted planning permission for flat conversions.

In terms of access the pertinent consideration is whether there would be an intensification of traffic onto a substandard access with restricted visibility and conflict with the Public Right of Way that would be unacceptable. The Highway Authority has raised no objection to the application in terms of the access onto New Street. They also raised no objection to the previous proposal for 10 flats on this site retracting a previous objection. That application was however refused by Members of committee, amongst other reasons, on highway grounds.

The submitted traffic report is based upon the previous uses present on the site to the south (i.e. commercial uses) and their associated traffic generation prior to the redevelopment of that site. This is therefore not considered relevant to the application site. Nevertheless, the Highway Authority has advised that irrespective of this they consider that intensification of traffic at the access resulting from 8 no. flats is acceptable due to the low traffic speeds along New Street.

The impact of the buildings on the amenity of neighbouring properties by way of overlooking, overshadowing and overbearing effect has been considered. The block adjacent Highfields on the western portion of the site has generally been designed to zone accommodation so windows do not overlook. In this respect first floor rear windows facing Highfields are to bathrooms and obscure glazed. First floor side elevation windows are to living rooms but it is indicated that obscure glazing will be employed here too. It would be in particular important to the southern elevation which is in close proximity to a private garden.

The block that sits centrally on the site would have a space of around 11 metres between it and the recently constructed block of flats to its south with the communal garden in between. This is considered appropriate. To the rear (north) is the proposed parking area and beyond is undeveloped but that has in the past been granted permission for office development. Windows to first floor side elevations are indicated as obscure glazed and as such there would be no overlooking of properties on New Street subject to a condition restricting the further insertion of windows.

Having had regard to the height of the buildings at around 9m and their orientation it is not considered that there would be any significant harm arising from overshadowing or overbearing effect on neighbouring properties.

2) The Conservation Officer has considered the proposal. She considers that the proposal is acceptable subject to the use of good quality materials as it would have a location as it would have a location away from principal views within the Conservation Area and would not detract from its character. The proposed development generally follows the theme of the previously approved and built development nearby.

3) There are a number of mature trees present on the application site. Natural England originally objected to the application on a precautionary basis due to a lack of ecological information as mature trees may provide roosting opportunities for bats. However, Natural England has since retracted this objection. Therefore, it is considered that there would be no significant demonstrable harm to wildlife.

### **RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
4. C.5.5. Hand made clay plain tiles.
5. C.5.7. Window / rooflight details.
6. C.5.9. Painted wood.
7. C.5.11. Smooth rendered walls.
8. C.7.1. Slab Levels.
9. C.11.6. Prior provision of parking.
10. All bricks to elevations and chimney stacks shall be hand made soft clay laid in Flemish bond.  
REASON: In order to preserve and enhance the character and appearance of the Conservation Area.
11. All external joinery shall be of painted timber with side sliding sashes (not top hung) with slender ovolo moulded glazing bars.

- REASON: In order to preserve and enhance the character and appearance of the Conservation Area.
12. C.16.2. Archaeological Investigation.
  13. The development hereby permitted shall not be occupied until the car parking area indicated on the approved plans, including any parking for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.  
REASON: In order to ensure adequate parking is provided in accordance with the Essex Local Transport Plan 2006/2011 Appendix G: Development Control Policies and Processes Policy 7 Vehicle Parking Standards.
  14. The vehicular hardstandings shall have minimum dimensions of 2.4 metres x 4.8 metres.  
REASON: In accordance with the car parking standard.
  15. Prior to the commencement of the development the details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided before occupation and retained at all times.  
REASON: In order to ensure appropriate powered tow wheeler and bicycle parking is provided in accordance with the Essex Local Transport Plan 2006/2011 Appendix G: Development Control Policies and Processes Policy 3.3 Accessibility (Cycling) and Policy 7 Vehicle Parking Standards.
  16. The development hereby permitted shall not be occupied until the garden area indicated on drawing no. 3487 03G received 4 March 2008 has been laid out, planted and made available of use of the occupants of the flats. Thereafter, such garden area shall remain for the sole enjoyment of the occupants of the flats hereby permitted.  
REASON: In the interests of amenity of the occupiers of the development hereby permitted and a satisfactory standard of development.
  17. C.8.29. Code for Sustainable Homes five or more dwellings and Standard Reason
  18. C.8.30. Location and Design of refuse collection points and Standard Reason
  19. All electrical and telephone services to the development shall be run underground. All service intakes to the dwelling shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned on the dwelling in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form. Satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish should be used. Satellite dishes shall not be fixed to the street elevations of the building or to roofs. All soil and waste plumbing shall be run internally and shall not be visible on the exterior, all rainwater goods shall be black, eaves to all roofs shall be open with expose rafter feet rather than boxed, all windows and doors in masonry walls shall be inset at least 100mm and shall be fitted with sub-cills unless otherwise agreed in writing by the local planning authority.  
REASON: In the interests of visual amenity.
  20. All weatherboarding shall be featheredge and painted. REASON: In the interests of visual amenity and the character and appearance of the Conservation Area.
  21. All porches shall not have fascias but shall have exposed rafter feet unless otherwise agreed in writing by the local planning authority.  
REASON: In the interests of visual amenity.
  22. Before any of the development hereby permitted is first occupied provision shall be made for combined radio, TV aerial and satellite facilities to serve the development and no individual external radio, TV aerial or satellite dish or aerial shall be fixed on any individual residential property or flat or other unit of living accommodation or on any wall or structure relative thereto without the prior express grant of planning permission.

REASON: In the interests of visual amenity and the character and appearance of the Conservation Area.

23. The development hereby permitted shall not be commenced until particulars showing the position of any external vents, balanced flue outlets from central heating boilers, breather pipes and other gas appliances to be incorporated into the roof or walls of the dwellings have been submitted to and approved in writing by the local planning authority. Such details shall be designed so as not to be positioned on street elevations and no larger than 150mm in diameter. The development shall be carried out in accordance with the approved details and thereafter retained in that form.

REASON: In the interests of visual amenity.

24. C.19.1. Plots 1-4 – First floor rear bathroom windows to be obscure glazed. Bottom half first floor side elevations obscure glazed. No further windows to be inserted. Plots 5-8 – First floor side elevation living room windows obscure glazed. No further windows to be inserted.

REASON: In order to prevent overlooking in the interests of residential amenity.

25. C.8.32. 10% rule and standard reason.

*Background papers: see application file.*

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## **UTT/0338/08/FUL - LITTLE CANFIELD**

Demolition of existing dwelling. Erection of 7 No. terraced dwellings with associated parking.  
Construction of new vehicular and pedestrian access

Location: 8 Hamilton Road. GR/TL 576-213

Applicant: Thomas Construction

Agent: Ian Wood (IWPS)

Case Officer: Ms K Hollitt 01799 510495

Expiry Date: 24/04/2008

Classification: MINOR

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

**DESCRIPTION OF SITE:** The site covers an area of approximately 0.125ha and currently a detached bungalow to the front of the site. There is a garage to the rear and access is gained along the southern access of the site. The site is located at the end of a row of dwellings which are sporadically located along Hamilton Road. The land to the north and east of the site has been subject to planning applications for residential development by Countryside Properties as part of the Priors Green development.

**DESCRIPTION OF PROPOSAL:** The proposal relates to the erection of 7 terraced dwellings; a row of 4 dwellings fronting Hamilton Road and a terrace of 3 dwellings to the rear of the site. The terrace of 4 dwellings would have a frontage of 18.6m and a span of 9m; the rear terrace would have a frontage of 14m and a span of 9m. The dwellings would have an eaves height of 5.1m and a ridge height of 9.2m. They would be 2 bedroom, two bathroom units. To the rear of the front terrace would be a block of 4 garages and parking spaces. To the south of the smaller terrace would be a block of 3 garages with parking spaces in front. This development would create a small pocket of development at 56 dwellings per hectare. This is similar to the density of the immediately adjacent parts of Phase 3A (to the north). The parking provision would be 200% but there would not be any provision for visitor's parking. The frontage dwellings are proposed to be constructed in red multi-stock bricks at ground floor and white feather-edged timber cladding to the first floor and clad with Redland Grovebury pantiles. The rear terrace would be brick with pantiles.

**APPLICANT'S CASE including Design & Access statement:** See file for full statement. Density reflects size and scale of housing being provided within main Priors Green scheme. Design of surrounding dwellings have determined the size and shape of proposed dwellings which have been positioned to have minimal impact on those in closest proximity. Proposed the dwellings are set 1m in from each of the respective flank boundaries and run parallel to these boundaries. Each dwelling offers a net floor space of 71.4m<sup>2</sup>. All internal rooms are accessed from a wide and open hallway which affords plenty of width for wheelchair users. Level access will be provided to the main entrance doors, with an accessible WC facility at entry level.

**RELEVANT HISTORY:** Proposed erection of detached dwelling to rear of existing property refused March 2006. Outline permission and reserved matters approval for Priors Green Phases 3A and 4B (2005/6). Proposed single storey extension approved March 2006. Outline application for erection of 4 dwellings with all matters reserved except siting and means of access approved July 2007.

**CONSULTATIONS:** Highways: SPG requires access from approved internal road network. The applicant is unable to do this as Countryside have a gate/ransom strip to prevent access to the Priors Green site via Hamilton Road. Whilst access from the internal estate road is

preferable to using the unadopted Hamilton Road, if the Committee were minded to forego this requirement then no objections subject to contribution for Transport Enhancements and conditions.

Water Authority: Connections not permitted for removal of ground water. No objections in relation to sewerage infrastructure.

Archaeology: Trial trenching followed by excavation condition required.

Education: Education contributions required.

Drainage Engineer: Surface water disposal arrangements condition required.

Building Surveying: Unclear if access is via existing road which is un-made at present. This would need to be hard surfaced for emergency vehicle access.

Lifetime Homes: Further information required.

Sustainability: Will need to achieve Code for Sustainable Homes level 3 and 10% renewable energy.

**PARISH COUNCIL COMMENTS:** Little Canfield: Houses are in sympathy with nearby Priors Green development but number of dwellings seems excessive with very little 'play' space incorporated. Would help if access was onto the Priors Green development as increase in traffic seven new houses would engender on an unmade road is not acceptable. Problems with construction traffic at nearby Thornton Road – should be stipulated that this traffic accesses via the Priors Green road.

Takeley: Objection. Over intensification of site. Unmade road is unsuitable to sustain the associated traffic. If approved access should be via Priors Green development. Represents piece meal development and will set precedent for surrounding plots. Believe site not on mains drainage and capacity of current drainage system may be compromised. Should be connected to Priors Green mains drainage system. No provision for bin storage. With no access from back to front of dwellings will encourage residents to store refuse in front garden. Objects to proposed loss of trees. Trees identified for felling should be checked for TPO's.

**REPRESENTATIONS:** One. Notification period expired 20 March 2008.

Too many on that plot. 14 cars down an unmade road no way, 4 dwellings would be better.

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

**The main issues are whether**

- 1) the development would be compatible with the Master Plan, the Council's Supplementary Planning Guidance and policies relating to design and access (ULP Policies GEN1, GEN2 and Local Policy 3) and**
- 2) social, amenity and infrastructure contributions are required (ULP Policy GEN6).**

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

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

As Members will be aware, that outline and some subsequent reserved matters applications have been approved on adjacent land. Of particular relevance to this application are the details of the approved development within Phases 3a and 4b which are located adjacent to

the site. The layout of this application has been designed to take account of the approved Countryside schemes on adjacent sites. The row of four properties to the front of the site would reflect the approved development to the north by continuing a line of frontage development. However this would be set back slightly from the Countryside development resulting in a transition between the existing Hamilton Road properties and the approved Countryside development. The row of three properties to the rear of the site has been designed to minimise potential overlooking of the properties to the rear.

The siting of the proposed development would also allow for sufficient distance between the existing and proposed dwellings to prevent any material overlooking from occurring. The proposed parking areas would not result in any greater disturbance to existing neighbouring properties as the majority would be located away from the southern boundary. The minimal amount of parking and turning located to the south of the site is no greater than currently exists and therefore would not result in any additional harm. Furthermore, the presence of garaging in the centre of the site would create an element of screening between the existing and proposed dwellings.

The existing access to the site would be utilised as part of this development and due to the distance between the access and the adjacent property, it is not considered that this would result in any material loss of amenity or disturbance to the occupiers of that property. Any disturbance could also be mitigated through the use of appropriate boundary treatment and using bound materials for the access. The principle of the site retaining its access via Hamilton Road was accepted in the permission for 4 units.

2) SPG requires that all the island sites other than the land adjacent to Takeley Nurseries should make appropriate and proportionate contributions to social, amenity and infrastructure requirements. These are based on an assessment of the costs of primary and secondary education, a contribution to transport enhancement and a contribution to the enhancement of local sports and/or community facilities, a contribution to fitting out, equipping and furnishing the on-site community centre. The total basic financial contribution for wider and longer-term benefits excluding affordable housing and any associated additional educational payments and landscape contributions totals £4196 per dwelling at April 2002 (indexed) prices. Because this site is outside the Master Plan area these contributions would need to be made in full.

**CONCLUSIONS:** The siting of the dwellings is considered acceptable and the density of the proposed development would be appropriate for this part of the Prior's Green site. A Section 106 Agreement will be necessary to ensure contributions to social, amenity and infrastructure requirements as set out above and to link the site with the larger development, preventing its development in isolation.

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

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.8.29. Condition for compliance with code level 3 (five or more dwellings).
4. C.8.32. Compliance with the 10% rule (developments of five or more dwellings or greater than 1000sqm floor area).
5. C.5.2. Details of materials.
6. C.4.1. Scheme of landscaping.
7. C.4.2. Implementation of landscaping.
8. C.4.6. Retention of trees and shrubs.

9. C.16.2. Full archaeological excavation and evaluation.
10. Construction noise associated with the development of the site shall not exceed 60LAeq measured as a 15 minutes LAeq at any point within 5 metres of the boundary of any occupied residential property existing within or adjacent to the site at the date of this permission, without the prior written consent of the local planning authority.  
REASON: To protect the amenities of residents during construction.
11. Except in emergencies no deliveries of materials shall be made to and no construction works shall be carried out on the site during this period of construction of the development:
  - a) before 0730 or after 1800 hours on weekdays (i.e. Mondays to Fridays inclusive),
  - b) before 0800 or after 1300 on Saturdays,
  - c) on any Sunday or Bank or Public Holidays.
 REASON: To safeguard the amenities of nearby residential properties.
12. No development shall take place until a program of works for the provision of foul and surface water drainage has been submitted to and approved in writing by the local planning authority, following construction with Thames Water. Subsequently the works shall be implemented as approved, including any phasing in relation to the occupation of buildings.  
REASON: To ensure adequate surface and foul drainage systems are provided for the development and there are no adverse effects on the wider community.
13. C.8.27A Surface water disposal arrangements.
14. C.8.30. Provision of bin storage.
15. No development (including demolition) shall be carried out until the developer has submitted to the local planning authority details of a system to limit as far as possible the amount of mud, dust or other materials carried onto the adjacent highways by vehicles and plant leaving the site. The approved system shall be implemented and maintained during the period of development.  
REASON: In the interest of road safety and to protect the amenities of the neighbourhood.
16. C.28.2. Accessibility – further submission.
17. Vegetation at the junction of Hamilton Road with the B1256 shall be trimmed back and maintained to allow for the simultaneous ingress and egress at the junction.  
REASON: In the interests of highway safety in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07.

*Background papers: see application file.*

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## **UTT/0581/08/FUL - HENHAM**

***(Called in by Cllr Morson)***

***(Reason: the Local Planning Authority have previously refused a scheme on this site)***

Erection of 2 No. replacement dwellings and 2 No. cart lodges

Location: Shamrock Cottage & Elmic Starr Road. GR/TL 547-283.

Applicant: Miss S Hampton

Agent: John Ready Architects

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 26/05/2008

Classification: MINOR

**NOTATION:** Outside Development Limits. Adjacent Grade II and Grade II\* listed buildings; within Conservation Area.

**DESCRIPTION OF SITE:** The site comprises a pair of two-storey, semi-detached rendered cottages under a slate roof with central chimney stack. There are lean-to single storey glazed roofed extensions attached to the rear elevation. The site lies outside the development limits for Henham. It is sited between a single storey detached dwelling, 'Langleys' to the east; and a row of three thatched/render, Grade II Listed cottages to the north at Tuckers Cottage; Dolls Cottage; and, Thatch End to the north. To the south lies 'The Glebe House' – a large detached two/three storey, Grade II\* Listed dwelling. Access to the site is via a track from Starr Road/High Street. The track runs across the frontage of Langleys, and is screened from neighbouring dwellings by panel fencing approx. 1.8m – 2.0m above ground level.

**DESCRIPTION OF PROPOSAL:** The proposal is for the erection of two 2 storey linked detached dwellings with a detached cart lodge to the front of each dwelling.

**APPLICANT'S CASE:** A full design and access statement has been submitted as part of the application but is summarised below:

The village has an attractive character and most of it is included within the designated Conservation Area. The green, with their sequence of fine ponds, and the preserved trees contribute significantly to this. There are many splendid listed building, particularly in the historic core of the village centred on the cross roads of High Street and Crow Street.

The existing properties fall far short of reasonable current space standards and, as well as being in poor condition, are of a semi-detached type that is uncharacteristic of this Conservation area. They are finished in pebble-dash, out of keeping with the attractive village of Henham. The proposed replacement dwellings use variants of a linked cottage-style design that adopts Essex Design Guide principles and would look more in keeping with the local residential properties.

Details on how the proposal has been reduced from the previous refusal.

A comprehensive landscaping scheme is planned.

Covered storage for three wheelie bins will be provided in both of the cart lodge stores and the residents will take bins to a collection point.

**RELEVANT HISTORY:** Erection of two x two storey replacement detached dwellings with detached garages – refused 2007 for reasons of size, scale, impact on character of area and on adjacent listed building.

Conservation Area Consent for demolition of pair of semi detached properties – conditionally approved 2007.

**CONSULTATIONS:** Water Authority: To be reported (due 22 April 2008).

Drainage engineer: Condition required

Building Surveying: The applicant has already been made aware of the Fire Service access requirements/issues for this site.

Lifetime Homes:

- i. Outward opening door required for toilet.
- ii. Confirm stairs will meet the minimum standard
- iii. No details regarding Lifetime Homes Standards – particularly with relevance to ground floor toilet, tracking hoist details
- iv. Nothing shown on drawings for through floor lift

Sustainability: Will need to achieve Code for Sustainable Homes Level 3 equivalent.

**PARISH COUNCIL COMMENTS:** To be reported.

**REPRESENTATIONS** This application has been advertised and 2 representations have been received. Period expired 8<sup>th</sup> May 2008.

1. Object
  - i. The properties to the north (The Row) are two storeys.
  - ii. The proposed height of the buildings will be considerably higher than the surrounding homes, dwarfing them and will be an intrusion on privacy by overlooking.
  - iii. Gravel driveway will increase the noise from this site.
  - iv. The space proposed for the development is almost twice the current volume, the noise and impact on neighbours and wildlife will be irreversible.
2. Do not object
  - i. The bulk and scale has been reduced from the previous application and also the buildings have been moved back from the southern boundary.
  - ii. Landscaping and boundary treatment should be properly carried out

**COMMENTS ON REPRESENTATIONS:** Please see planning considerations.

**PLANNING CONSIDERATIONS:**

- 1) **principle of development. (ULP Policies: S7, H3, ENV1, ENV2 & GEN2) and Supplementary Planning Document 'Replacement Dwellings' (Adopted September 2006); and PPS7.**
- 2) **whether the erection of replacement dwellings would preserve and enhance the character and appearance of the Conservation Area and not adversely affect the setting of a listed building (ULP Policies ENV1, ENV2 and PPG15);**
- 3) **whether the proposal would result in any harm to the amenity of neighbouring properties by way of overlooking, overshadowing or overbearing effect (ULP Policy GEN2) and**
- 4) **other material planning considerations.**

- 1) This application relates to the erection of two, 2-storey dwellings and detached cart lodges to replace a pair of semi detached, 2 storey dwellings.

The site lies outside the development limits for Henham, and therefore in the countryside. However, due to the way that the development limits of Henham has been split into two, the properties are not isolated but are surrounded by dwellings of various types and designs, including thatched, grade II and grade II\* Listed Buildings. It is situated within the Henham Conservation Area. ULP Policy S7 and SPD – Replacement Dwellings, echo's Central Government guidance contained in PPS7, and indicates that:

*'In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there or is appropriate to a rural area..... There will be strict controls on new building in the countryside. Development will*

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

*ULP Policy H7 states: ‘A replacement dwelling will be permitted if it is in scale and character with neighbouring properties. In addition, outside development limits, a replacement dwelling will not be permitted unless, through its location, appearance and associated scheme of landscape enhancement it would protect or enhance the particular character of the countryside in which it is set.’*

*The local Authority SPD Replacement Dwellings also states - Outside development limits, beyond the Green Belt development is generally more strictly controlled in order to protect the countryside as set out in policy S7. If the property you want to replace forms part of a group of houses which stand together in the countryside the new house should be in scale and character with neighbouring properties in terms of height and volume. You should show which properties you have judged to be neighbouring and how you consider the proposal to be in scale with them. However, if the surrounding properties are much larger than the original dwelling this could result in a new building which will have a greater impact on the character of the countryside. In this case the Council will make a judgement on the size of new building that would be acceptable. And if there is more than one dwelling on the site the Council will normally expect the replacement to be in the same form. For example a pair of semi detached cottages should be replaced by two new semi detached cottages and not a large single dwelling or two detached cottages*

The principle of replacement dwellings on the site is accepted by the Council. The issue is whether the proposed replacement dwellings will through their appearance and associated scheme of landscape enhancement protect or enhance the particular character of the part of the Conservation Area and countryside within which they are set, or there are special reasons why the development in the form proposed needs to be there.

Though the style of the new proposal has some sympathy with the style of the houses which are to be replaced, they involve a significant the increase in built form on the site there is concern in terms of countryside policy. The properties on the site are semi detached and outside development limits the SPD – Replacement Dwellings states that the Council will normally expect the replacement to be in the same way and in this case a replacement with semi detached properties of similar scale would be appropriate.

<b>Total for New Dwellings</b>		<b>Existing dwellings (both):</b>	
Ground floor area:	164.135m <sup>2</sup>	Ground floor area:	99.75m <sup>2</sup>
First floor area:	125.28m <sup>2</sup>	First floor area:	61.75m <sup>2</sup>
Total Floor area:	289.42m <sup>2</sup>	Total Floor area:	161.50m <sup>2</sup>
Length of main elevation:	20.9m	Length of main elevation:	9.5m
Height to eaves:	5.0m	Height to eaves:	4.8m
Height to ridge :	8.3m	Height to ridge:	7.9m
Detached Cartlodges:			
Ground floor area:	45m <sup>2</sup>		
Height to eaves:	1.35 – 2.2m		
Height to ridge:	3.9m		
<b>Overall foot print for new built form on site: 209.14m<sup>2</sup></b>		<b>Overall foot print for existing built form on site: 99.75m<sup>2</sup></b>	

1) Adopted policy and the SPD relating to replacement to replacement homes provides scope for some increase in the size of replacement dwellings but not to the extent proposed here. The applicants drawings show the existing pair of dwellings to have a combined width of 9.5 metres. Plot B which would stand partly on the footprint of the existing dwellings has a width by itself of approaching ten metres. The depth of the two storey part of plot B is slightly less than that of the existing pair and both have single storey elements. Plot B would be approximately 400mm higher than the existing pair. In summary plot B by itself is approximately the same size as both the existing pair of dwellings combined. Plot A therefore represents the increase in size of the scheme in comparison to the existing dwellings. This is considered unacceptable in respect of the advice contained in ULP Policy H7 or SPD – Replacement Dwellings.

2) The design is generally in keeping with the character of the area, and would be set far enough away from the row of thatched cottages to the north as to not impinge on their character or setting. The proportions of the dwellings are large given that they are proposed as replacements for a small pair of semi-detached cottages. However, these detached dwellings are much larger than those existing on the site.

3) By adding significantly to the built form on the site and spreading it westwards it would erode the spacious open character of this part of the Conservation Area. Consequently the proposed would fail to meet the requirement of legislation adopted policy to protect or enhance the character of the Conservation Area.

4) It is considered that the proposed increase in height will not unduly affect any neighbouring property by way of overshadowing. The rooflight in the southern elevation creates an opportunity of looking towards the property known as the Glebe but is unlikely to create material overlooking. Gravel surface to the turning and parking area has the potential to create a noise concern to the properties to the north and an alternative surface should be considered if minded to approve.

5) Other material considerations: The loss of the cottages – whilst the cottages have been a feature of the Conservation Area for a number of years, and pre-date its designation, they are not of sufficient architectural merit to warrant retention and the grounds that they preserve and enhance the character and appearance of the Conservation Area. Conservation Area Consent was granted last year for their removal.

6) The design and access statement submitted with the application refers back to the refused application and how the application as submitted has reduced in size and scale. This is not the appropriate measure. The policy requires proposals to be considered against the existing dwelling and not a previous unsatisfactory scheme.

**CONCLUSIONS:** The applicants consider that this location, due to its position, should be considered against the criteria for development within development limits rather than for that stated for development in the countryside. However the site is outside development limits and it is a matter of fact that it is subject to policies for the countryside. Not all villages in Uttlesford are located within a development limit and any proposals received, outside development limits, need to be considered against the appropriate policies.

The application is for two link **detached** dwellings which appear to sprawl across the width of the site, especially when viewed from the front and increases the built form by more than 100%.

The proposal is therefore recommended for refusal.



**RECOMMENDATION: REFUSAL REASONS**

Uttlesford Local Plan Policy S7 advises that the countryside will be protected for its own sake and, that there will be strict controls on new buildings in the countryside. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

The Supplementary Planning Document ‘Replacement Dwellings’ states that ‘if there is more than one dwelling on the site the Council will normally expect the replacement to be in the same form. For example a pair of semi detached cottages should be replaced by two new semi detached cottages and not large single dwelling or two detached cottages’.

In this case, the proposal would result in link detached dwellings that would amount to twice the size of the semi detached properties which they would replace, by way of their scale and height which would amount to a substantial and excessive amount of development on this site. It is considered that overall the proposal would have a significant adverse visual impact on the semi-rural character of the site and its immediate locality resulting in it appearing more built-up and suburban in character. Especially replacing semi detached properties with link detached properties on a site outside of development limits. This would result in an unacceptable level of visual harm to the character and appearance of the site, its countryside surroundings, the Conservation Area, and the setting of the adjacent Grade II\* Listed ‘The Glebe House’. This is contrary to the provisions of the Uttlesford Local Plan Policies ENV1, ENV2, GEN2 and H7 and Supplementary Planning Document – Replacement Dwellings.

*Background papers: see application file.*

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**UTT/0535/08/FUL & UTT/0806/08/LB - GREAT HALLINGBURY**

***(Called in by Cllr Artus)***

***(Reason: Not given)***

1&2) Change of use and conversion from agricultural barns to B1 (office/light industry) & B8 (storage and distribution) uses

Location: Hall Farm Church Road. GR/TL 510-194

Applicant: A C & J Streeter

Agent: Miss Lucy Back

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 22/05/2008

Classification: MINOR

**NOTATION:** Outside Development Limits; Part within Conservation Area; One building is Grade II Listed.

**DESCRIPTION OF SITE:** The site is located part in a Conservation Area and part outside, outside of development limits. The site is a traditional farm yard with various agricultural type buildings of varying sizes. One of the buildings is a listed building. The site is slightly sloping and the neighbouring property to the south west is lower than the nearest building.

**DESCRIPTION OF PROPOSAL:** The proposal is for the conversion of buildings and structures from agricultural use to B1 (office/light industry) and B8 (storage and distribution) Uses.

**APPLICANT'S CASE:** Until 2005 Hall Farm provided accommodation for the dairy herd, unfortunately owing to the increasing marginality of dairy farming the herd was dispersed and the majority of the buildings at Hall Farm became redundant. The statement includes details with regard letting the cartshed building as an office and now having the opportunity to convert the larger stable building.

**RELEVANT HISTORY:** Conversion of traditional building to one live/work unit and erection of 3 No. Further live work units. Change of use from agricultural to residential – withdrawn by applicant 2007.

A concurrent application for conversion of 1 no. Building to a live work unit; conversion and extension of 1 no. Building to 2 live work units and 1 no. New build as a live work unit – under consideration.

**CONSULTATIONS:** Natural England: No objection to the proposed development. However if any other representations from other parties highlights the possible presence of a protected species then a further survey should be requested.

Essex Wildlife Trust: Raises a holding objection as there is the possibility of bats, European protected species, now using the barns and this is a material planning consideration. The survey carried out in December 2006 summarises with 'although many buildings were unsuitable for colonization by bats, if several months were to elapse before the commencement of any building work, it would be prudent to conduct a further survey of the Old dairy and the former Calf Pens to determine if bats have colonized these buildings during the intervening period'. EWT recommends a further bat survey is now carried out.

BAA: 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 a specific control of lighting on the proposed development condition.

Essex County Council Highways: To be reported.

Essex County Council Archaeology: The proposed development lies in a highly sensitive area of archaeological deposits. The proposed conversion of the farm buildings is unlikely to have a significant impact and therefore no archaeological recommendations.

Environment Agency: To be reported.

Thames Water: To be reported.

**PARISH COUNCIL COMMENTS:** Whilst these redundant farm buildings will be very suitable for the proposed conversions, my Council are concerned at the probable increase of heavy traffic through our village. Our road is often used as a rat run, is still a residential area with only one half mile stretch of footpath, and is still used by farm vehicles. We would not like to see any large increase in numbers of vehicles passing through the village, nor further heavy traffic. The road is weight restricted from the south and a low bridge to the north.

**REPRESENTATIONS:** These applications have been advertised and 1 representation has been received. Period expired 13 May 2008.

1 letter of objection raising the following points:

1. Part of site falls within the conservation area
2. The potential implications of development in terms of amenity and the impact on neighbouring property and the wider village
3. Intensification of use on the site will lead to noise and disturbance.
4. Unacceptable pressure on the rural road network.
5. The promotion of new employment uses in an unsustainable location in a manner proposed clearly does not meet the objectives of sustainable development.

**COMMENTS ON REPRESENTATIONS:** Please see planning considerations as the comments received are material considerations.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposal would comply with policies regarding the Conversion of Rural Buildings to Business Use, Listed Buildings, Conservation Area, Design and New Buildings in the Countryside (ULP Policies S7, E5, ENV1, ENV2, GEN2, PPG15 and PPS7);

Uttlesford Local Plan Policy E6 – Re-Use of Rural Buildings says ‘the re-use and adaption of rural buildings for business use etc will be permitted in the countryside if all the following criteria are met:

- a) **The buildings are of a permanent and substantial construction** - A structural report has not been submitted with the application. Insufficient information has therefore been submitted to indicate that the building is a permanent and substantial construction.
- b) **They are capable of conversion without major reconstruction or significant extension** – All of the buildings will need to be modified in some way including significant infilling. However there does not appear to be any extensions proposed.
- c) **The development would protect or enhance the character of the countryside, its amenity value and its biodiversity and not result in a significant increase in noise levels or other adverse impacts** – the application does not include details of whether there would be any heavy goods vehicles entering and exiting the site and the form only includes details of parking on the site so it is not possible to conclude a lack of impact on the countryside. However any increase is likely to have an impact on the countryside.
- d) **The development would not place unacceptable pressures on the surrounding rural road network** (in terms of traffic levels, road safety countryside character and amenity). With the increase in the number of potential vehicles entering and exiting the site it is likely that the development will put unacceptable pressures on the surrounding rural road network in this unsustainable location.

These works would result in unnecessary alterations to a listed building which would alter its character and appearance and would therefore be contrary to the requirements of ULP Policy ENV2.

*Uttlesford Local Plan Policy S7 - In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. There will be strict control of new building. Development will only be permitted if its appearance protects or enhances the particular character of the countryside within which it is set of there are special reasons why the development needs to be there.*

The application consists of substantial new building in the countryside (alteration of open sided buildings to enclose and reroof them) and will introduce a significant amount of additional vehicular movement to and from the site. The site has traditionally been a farmyard with traditional farm buildings. The appearance of the site will change significantly by this proposal and there has been no special reason why the development needs to be in this location. Therefore the requirements of this policy have not been met.

No windows are proposed to the south west elevation of unit 3 and therefore the neighbouring property known as Hall Farm Cottage is not likely to be overlooked.

A recent application at the neighbouring property to the north east has recently been refused, this proposal was for the change of use of a former coach lodge to an annexe. The officer explained that the site was 'isolated and increased activity would likely unsustainably introduce traffic activity into the countryside contrary to policy S7 and H6 of the ULP and PPS7'. The applicants claim that there is a regular bus service, however this operates only on a Thursday and indicates that visits to the site are more likely to be by motorised vehicular transport and is therefore not a sustainable location.

Policy GEN8 says that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location. B1 and B8 use of the site would indicate that there should be a maximum of 38 spaces although 40 spaces are indicated on the application form. The plans do not indicate whether the location or size of the parking bays are appropriate. Therefore the proposal does not meet the requirements of Policy GEN8 because of insufficient details on parking location and size of parking bays.

Policy GEN7 – Nature Conservation says 'development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation'. Essex Wildlife Trust sent in a letter stating that the Bat and Owl survey carried out in December 2006 is outdated and a new survey needs to be carried. Even the person who carried out the survey stated that there would be a need for an updated survey if there was more than a couple of months between the survey previously carried out and any building works started to ensure that nothing had altered. In view of these comments the proposal does not protect the possibility of protected species being on the site. Natural England although they had no objection did go on to state that if further representation was received which indicated that there may be protected species on the site then the local authority should request a further survey to be carried out.

**CONCLUSIONS:** The site is located in the countryside which should be protected. It is not considered that the applicant has sufficiently demonstrated that the buildings are of a permanent and substantial construction which then leads on to whether the buildings are capable of conversion without major reconstruction.

The proposed works to the listed building would also be detrimental as no planning permission is forthcoming for an alternative use for the barn.

**RECOMMENDATIONS:**

**1) UTT/0535/08/FUL - REFUSAL REASONS**

1. The proposal does not include details as to whether the buildings are of a permanent and substantial construction and whether they are capable of conversion without major reconstruction and as there are no special reasons why the development needs to be in this location the proposal does not meet the requirements of Uttlesford Local Plan Policies S7 or E6 or Planning Policy Statement 7.
2. The submitted Bat and Owl Survey does not show the up to date information with regard protected species and as such the proposal may harm any protected species on the site and does not meet the requirements of Uttlesford Local Planning Policy GEN7.
3. The proposal does not indicate the size or location of the parking and the local authority can not fully assess the impacts of the development on the countryside therefore the requirements of Uttlesford Local Plan Policy GEN2 and GEN8 have not been met.

**2) UTT/0806/08/LB - REFUSAL OF LISTED BUILDING CONSENT**

The proposed alterations to the building are unacceptable as the traditional character and appearance of the building would be adversely altered given that there is no planning permission forthcoming for a use, which constitutes an acceptable approach to preserving the buildings special architectural and historic characteristics, contrary to Policy ENV2 of the Uttlesford Local Plan 2005 and PPG15.

*Background papers: see application file.*

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## **1) UTT/0532/08/FUL & 2) UTT/0533/08/LB - GREAT HALLINGBURY**

***(Called in by Cllr Artus)***

***(Reason: Not given)***

1) & 2) Conversion of traditional building to one live/work unit and erection of three further units

Location: Hall Farm Church Road. GR/TL 510-194

Applicant: A C & J Streeter & Sons

Agent: Miss Lucy Back

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 22/05/2008

Classification: MINOR

**NOTATION:** Outside Development Limits; Part within Conservation Area; One building is Grade II Listed (due to being linked to a listed building).

**DESCRIPTION OF SITE:** The site is located part in a Conservation Area and part outside, outside of development limits. The site is a traditional farm yard site with various agricultural type buildings of varying sizes. One of the buildings is a listed building. The site is slightly sloping and the neighbouring property to the south west is lower than the nearest building.

**DESCRIPTION OF PROPOSAL:** The proposal is for the conversion of the traditional building to one live/work unit; the conversion and extension of a milking parlour to two further live/work units and one new build live/work unit.

Unit 1 – a listed building set at the front of the site. Useable floor space for residential – 190sqm (approx); for work unit – 128sqm (approx)

Residential area would be set over two floors whilst work area would be single storey. The plans indicate that the material to the roof of the existing facing brick section would be lowered and replaced; whilst the roof of the rendered would remain the same height but the material changed; the walls would be weather boarded and there would be additional windows.

Unit 2 and 3 – the existing plans have not been submitted and therefore can not compare to see how much extra new build is involved, whether there is any additional height. The proposed total residential area – 326sqm (approx); for work units – 238sqm; externally the buildings would be part render and part weather boarded.

Unit 4 – a complete new build. Residential – 200sqm (approx); work units – 214sqm (approx).

**APPLICANT'S CASE:** Until 2005 Hall Farm provided accommodation for the dairy herd, unfortunately owing to the increasing marginality of dairy farming the herd was dispersed and the majority of the buildings at Hall Farm became redundant.

Each unit has a significant area of business space which is proposed to be limited to a B1 (office) use by condition. The proposed B1 space amounts to 610m<sup>2</sup>, 47% of the total floorspace proposed (including the building for conversion).

The proposal will result in the removal of 12,184 cubic metres of buildings.

Alternative options for Hall Farm: The modern farm buildings which are outside the application site are not redundant for agricultural purposes and are therefore excluded.

Business reuse of the whole site – would involve the retention of all current buildings on the site and their retention and reuse would have no negative impact. However it is extremely difficult to let traditional buildings for industrial storage purposes as a result it is likely that these buildings will remain vacant and continue to degrade.

Mixed Business/Residential Re-Use – Given the likely occupiers of the utilitarian buildings, together with their extent and their proximity to the traditional buildings, it was felt that there would be significant amenity concerns which would preclude this option.

Business Re-Use of the Traditional Buildings Only – In viability terms the cost of the conversion makes office schemes often close to margin of viability unless they can benefit from prominent main road locations or proximity to Stansted Airport. In this instance to provide an office environment of a standard to secure a tenant willing to pay the rental levels required to provide sufficient return on the conversion costs the utilitarian buildings close to the traditional buildings would need to be removed making such a proposal unviable financially.

Residential Re-Use of the Traditional Buildings only – This would improve the appearance of the Conservation Area if the utilitarian buildings were removed, and the modest value of a single unit does not justify the removal of such a substantial area of utilitarian buildings.

Conversion of Traditional Buildings to Residential or Office Use and Redevelopment of Remainder to Provide Office Use – In viability terms the development of what essentially amounts to speculative is extremely risky.

Conversion of Traditional Buildings to Holiday lets – The viability of conversion to holiday lets is extremely marginal and generally only realistic if the applicant is intending to carry out the majority of the conversion works themselves.

**RELEVANT HISTORY:** Conversion of traditional building to one live/work unit and erection of 3 No. Further live work units. Change of use from agricultural to residential – withdrawn by applicant 2007.

**CONSULTATIONS:** Natural England: Objects to the proposed development and recommend refusal on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species namely roosting bats and possibly nesting barn owls.

Essex Wildlife Trust: Raises a holding objection as there is the possibility of bats, European protected species, now using the barns and this is a material planning consideration. The survey carried out in December 2006 summarises with 'although many buildings were unsuitable for colonization by bats, if several months were to elapse before the commencement of any building work, it would be prudent to conduct a further survey of the Old dairy and the former Calf Pens to determine if bats have colonized these buildings during the intervening period'. EWT recommends a further bat survey is now carried out.

BAA: 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 a specific control of lighting on the proposed development condition.

Essex County Council Highways: The Highway Authority has no objections to this proposal.

Essex County Council Archaeology: The proposed development lies in a highly sensitive area of archaeological deposits. The Historic Environment Record shows the development to lie within a moat and possible deserted medieval village immediately adjacent to the church. Archaeological work will be required to record earlier deposits on this site.

Environment Agency: No objection to the proposal. However there are some which will be of use to the applicant with regard Private Treatment Plant, Soakaway and Surface Water Discharge.

Thames Water: With regard sewerage infrastructure we do not have any objection to the proposal.

**PARISH COUNCIL COMMENTS:** The conversion makes a good use of a traditional but redundant farm building, and the three new units proposed are of a sensitive design in keeping with the redundant farm area. My Council have no objections to this application.

**REPRESENTATIONS:** These applications have been advertised and 2 representations have been received. Period expired 13 May 2008.

Two letters of objection raising the following points:

6. Part of site falls within the conservation area
7. The potential implications of development in terms of amenity and the impact on neighbouring property and the wider village
8. The proposal only includes a very small component of conversion.
9. Development has to be considered as development within the countryside as Great Hallingbury does not have any settlement limits.
10. No justification has been put forward for live/work units
11. The new build units are not conversion and the scale of such will impact upon the character of the conservation area.
12. The adjoining site recently had a refusal for conversion of office to annexe refused (UTT/0119/08/FUL) and the site was described as 'isolated and increased activity would likely unsustainably introduce traffic activity into the countryside contrary to policy S7 and H6 of the ULP and PPS7'.
13. There is only one bus per week on a Thursday
14. A footpath only exists along part of the road into Gt Hallingbury.
15. Parking for 14 cars has been provided but the need is likely to be nearer 30 which would generate considerably more traffic than the original dairy farm.
16. The existing access has been altered and there is no mention of access to the new Dutch type barn to the west of the site.
17. Windows added to Unit 1 – SE elevation – will create overlooking of 'Captains'.

**COMMENTS ON REPRESENTATIONS:** Please see planning considerations as the comments received are material considerations.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposal would comply with policies regarding the Conversion of Rural Buildings to Residential Use, Listed Buildings, Conservation Area, Design and New Buildings in the Countryside (ULP Policies S7, H6, ENV1, ENV2, GEN2, PPG15 and PPS7);

ULP Policy H6 identifies that the conversion of rural buildings to dwellings will be permitted if all 5 criteria stated in the policy apply. These criteria are detailed below in relation to this proposed conversion to residential use.

a) **“It can be demonstrated that there is no significant demand for business uses, small scale retail outlets, tourist accommodation or community uses”**. This application is not accompanied by information indicating that it has been marketed. The supporting information runs through the thought process of what type of development may be acceptable and then states that it would be too costly but the lack of demand has not been demonstrated and it appears to be a result of the writer’s opinion rather than based on any factual information.

The supporting information also does not adequately address any demand for the alternative uses and does not include, for example, the submission of independent third party information to support the comments made in the supporting statement. It is also contradictory indicating that alternative uses would encourage car borne traffic but later states that the site is suitable for residential use as it is in a sustainable location and has good public transport links. If the site is located in a sustainable location then this is relevant whatever the proposed use is, not just for residential use. It is therefore considered that it has not been demonstrated that there is no significant demand for alternative uses for the building.

b) **“They are in a sound structural condition”**. A structural report has not been submitted with the application. Insufficient information has therefore been submitted to indicate that the building is in a sound structural condition.

c) **“Their historic, traditional or vernacular form enhances the character and appearance of the rural area”**. One of the application buildings is Grade II Listed whilst the



remaining are traditional farm structures, a milking parlour and open metal structures. The design of the proposed conversion would meet this criterion.

d) **“The conversion works respect and conserve the characteristics of the building”**. It is considered that the conversion works would respect and conserve the characteristics of the buildings.

e) **“Private garden areas can be provided unobtrusively”**. The proposed garden area would involve the change of use of a relatively large area of agricultural land which would not normally be acceptable. However, the area of land would not extend further into the countryside than the adjacent areas of residential gardens and in this instance it is considered to be acceptable.

Policy H6 also says that ‘substantial building reconstructions or extensions will not be permitted’. The proposal includes a large extension to both side elevations of the milking parlour. Existing elevations and floor plans of the milking parlour have not been submitted and so the full impact can not be assessed. However the extensions proposed would be substantial and would not therefore meet the requirements of this policy.

The application does not therefore adequately address the requirements of criteria a) and b) as required by ULP Policy H6. The proposed conversion works would themselves not have a detrimental impact to the setting, character and appearance of the listed building. However, as the proposal is considered to be unacceptable in planning terms, it would be inappropriate to grant listed building consent for alterations to enable a use for which a planning permission has not been forthcoming. These works would result in unnecessary alterations to a listed building which would alter its character and appearance and would therefore be contrary to the requirements of ULP Policy ENV2.

***Uttlesford Local Plan Policy S7 - In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. There will be strict control of new building. Development will only be permitted if its appearance protects or enhances the particular character of the countryside within which it is set of there are special reasons why the development needs to be there.***

The application consists of substantial new building in the countryside both the extensions to form units 2+3 and construction of unit 4 which in turn will introduce a significant amount of additional vehicular movement to and from the site. The appearance of the site will change significantly by this proposal and there has been no special reason why the development needs to be in this location. Therefore the requirements of this policy have not been met.

A neighbour has expressed concern with regard to overlooking from the converted building. At some 100metres from the private area associated with a property it is considered that there will be no loss of privacy to this particular property. No windows are proposed to the south west elevation of units 2 and 3 and therefore the neighbouring property known as Hall Farm Cottage is not likely to be overlooked. However the impact of a substantially larger development sprawling along the boundary may cause an overbearing issue. However the lack of existing information means that a full assessment can not be addressed.

A recent application at the neighbouring property to the north east has recently been refused, this proposal was for the change of use of a former cartlodge to an annexe. The officer explained that the site was ‘isolated and increased activity would likely unsustainably introduce traffic activity into the countryside contrary to policy S7 and H6 of the ULP and PPS7’. The applicants claim that there is a regular bus service, however this operates only on a Thursday and indicates that visits to the site are more likely to be by motorised vehicular transport and is therefore not a sustainable location.

Policy GEN8 says that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location. B1 and residential use of the site would indicate that there should be a maximum of 24 spaces although only 18 are indicated on the application form. The plans do not indicate whether the location or size of the parking bays are appropriate. In contrast to town centre locations where flexibility on parking requirements can be made. This is location where visitors will be largely dependence on use of the private car. Therefore the proposal does not meet the requirements of Policy GEN8 because of insufficient parking and information on parking location and size of parking bays.

Policy GEN7 – Nature Conservation says ‘development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation’. Both Natural England and Essex Wildlife Trust have sent in letters stating that the Bat and Owl survey carried out in December 2006 is outdated and a new survey needs to be carried. Even the person who carried out the survey stated that there would be a need for an updated survey if there was more than a couple of months between the survey previously carried out and any building works started to ensure that nothing had altered. In view of these comments the proposal does not protect the possibility of protected species being on the site.

**CONCLUSIONS:** The site is located in the countryside which should be protected. The proposal includes a significant new building and substantial extensions to an existing building. The applicant has not demonstrated that there is no significant demand for alternative uses for the buildings and that the buildings are structurally sound and capable of being converted without requiring substantial building reconstruction.

The proposed works to the listed building would also be detrimental as no planning permission is forthcoming for an alternative use for the barn.

### **RECOMMENDATIONS:**

#### **1) UTT/0532/08/FUL - REFUSAL REASONS**

4. The proposed change of use of these building to residential use is unacceptable because it has not been demonstrated that there is no significant demand for business uses, small scale retail outlets, tourist accommodation or community uses in the interests of promoting rural enterprise and economic activity in the countryside. In addition, there is no structural survey of the buildings submitted with the application to demonstrate that the building is structurally sound. The proposal is therefore contrary to Policy H6 of the Uttlesford Local Plan 2005.
5. The proposal includes substantial extensions to an existing building and a significant amount of new build in the countryside and as there are no special reasons why the development needs to be in this location the proposal does not meet the requirements of Uttlesford Local Plan Policies S7 or H6 or Planning Policy Statement 7.
6. No existing plans have been submitted with regard the milking parlour and therefore the full impact on the adjacent property known as Hall Farm Cottage can not be ascertained. The proposal therefore does not meet the requirements of Uttlesford Local Planning Policy GEN2.
7. The submitted Bat and Owl Survey does not show up to date information with regard protected species and as such the proposal may harm any protected species on the site and does not meet the requirements of Uttlesford Local Planning Policy GEN7.
8. The parking stated on the application forms would not meet the meet the requirement so Uttlesford Local Plan Policy GEN 8 which because of the location in the countryside without a regular daily public transport service, would require a maximum of 24 spaces plus a provision of 4 disabled spaces. There is no information on the

plans which indicate the size or exact location of these spaces and therefore the requirements of policy have not been met.

**2) UTT/0533/08/LB - REFUSAL OF LISTED BUILDING CONSENT**

The proposed alterations to the building are unacceptable as the traditional character and appearance of the building would be adversely altered given that there is no planning permission forthcoming for a use, which constitutes an acceptable approach to preserving the buildings special architectural and historic characteristics, contrary to Policy ENV2 of the Uttlesford Local Plan 2005 and PPG15.

*Background papers: see application file.*

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## **1) UTT/0643/08/FUL & 2) UTT/0647/08/FUL - SAFFRON WALDEN**

1) First floor front extension  
2) Erection of first floor front extension  
Location: 82 & 80 Cromwell Road. GR/TL 543-372  
Applicant: Mr & Mrs R Start  
Agent: Mr Jeremy Denn  
Case Officer: *Consultant North 2 telephone 01799 510478/605*  
Expiry Date: 10/06/2008  
Classification: OTHER

**NOTATION:** Within settlement limits.

**DESCRIPTION OF SITE:** Application sites comprise a pair of terraced dwellings located within a short row of three properties. These dwellings are located at the junction between Cromwell Road and Church Field. The main feature of note relevant to the determination of these applications is that there is an existing single storey extension to the front of each property. These extensions adjoin at the party boundary. The sites and close locality are on flat ground.

**DESCRIPTION OF PROPOSAL:** Both of these applications seek planning permission for very similar first-floor front extensions. Each extension would be the depth of the existing single storey front extension (2.7 metres) and each would be 2.7 metres wide. They would both be finished with gable fronts and ridged roofs, with a valley between running along the boundary. The proposed extensions would extend an existing bedroom to each of these dwellings.

**APPLICANTS CASE including Design & Access statement:** None

**RELEVANT HISTORY:** None

**CONSULTATIONS:** None

**TOWN COUNCIL COMMENTS:** To be advised.

**REPRESENTATIONS:** None. Period for representation expired 8 May 2008.

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

- 1) design (ULP policies: H8, GEN2);
- 2) neighbour's amenity (ULP policies: H8, GEN2) and
- 3) other material considerations including Supplementary Planning Document "Home Extensions".

With regard to the design and appearance of these extensions, and impact upon the existing dwellings, both the local plan policy and the Supplementary Planning Document "Home Extensions" indicate that extensions should respect the appearance of the existing dwelling.

Although the proposed extensions would each be at a prominent position on the front elevation, they would nonetheless be clearly subordinate additions. They would each be less than half the width of the respective host dwelling, and the ridged roof to each extension would be set well below the ridge of the main dwelling. These dwellings are located at a

relatively spacious corner plot and, given particularly the existing single storey front extensions, these additions would not be overly intrusive and would also be harmonious additions to the existing properties. To ensure that the proposals adequately integrate with their respective dwelling, matching materials are appropriate in the interests of visual amenity and a condition to require this is proposed.

With regard to the impact on the amenities of adjoining occupiers, the extension to number 82 (the middle of the row) would not have an excessive impact upon number 2 Church Field, to the north. It would be set away from the boundary and would not intrude into a 45 degree line in either horizontal or vertical planes drawn from the centre of the nearest habitable room windows.

However, with regard to the impact of each extension upon the other dwelling the subject of these applications, it is considered that if each were built in isolation it would cause an unacceptable loss of light and outlook to the immediately adjoining house. This largely arises from the depth of the extension and the immediate proximity to the boundary and the existing bedroom window facing the front. If the extension to number 82 were built it would unacceptably harm the amenities of the occupiers of number 80, and vice versa. However, this harm would be avoided if both extensions were built at the same time. In this regard therefore it is proposed that the application should be approved but that this approval is subject to the applicants entering into a legal agreement to ensure that both are implemented simultaneously.

These extensions would not impact upon the existing car parking available for this dwelling. The front curtilage to each property is hard surfaced and provides two off-street car parking spaces for each property.

**CONCLUSION:** It is considered that the extensions would be of an acceptable design and, provided the extensions were implemented simultaneously, they would not cause undue harm to the amenities of adjoining occupiers.

**RECOMMENDATION: APPROVAL WITH CONDITIONS and LEGAL AGREEMENT**

1. C.2.1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.3. Matching materials.
4. C.8.28. Cost Effective Energy Efficiency Measures.
5. C.8.27B Soakaways.

**Legal Agreement Heads of Terms:**

The work in connection with the erection of these extensions shall be begun, carried out and completed simultaneously.

*Background papers: see application file.*

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