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PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 3 SEPTEMBER 2008

APPL NO: **1) UTT0601/08/FUL & 2) UTT/0608/08/CA**
PARISH: **GREAT DUNMOW**
DEVELOPMENT: 1) Demolition of 39 The Causeway and the erection of 1 No.2 bedroom house, 6 No. 3 bedroom houses
2) Demolition of 39 The Causeway
APPLICANT: Niro Development Ltd
LOCATION: 39 Causeway & land rear of 37 & 41-49 The Causeway.
D.C. CTTE: 13 August 2008 (see report attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: Approval
Case Officer: *Consultant North 3 telephone 01799 510469/478*
Expiry Date: 13/08/2008

APPL NO: **UTT/1105/08/FUL & UTT/1106/08/CA**
PARISH: **GREAT DUNMOW**
DEVELOPMENT: Demolition of existing barn and erection of dwelling with undercroft parking
APPLICANT: Mr M Miller
LOCATION: Land rear of 11 Market Place
D.C. CTTE: 13 August 2008 (see report attached)
REMARKS: Deferred fir Site Visit
RECOMMENDATION: Approval
Case Officer: *Miss K Benjafield 01799 510494*
Expiry Date: 26/08/2008

APPL NO **UTT/0976/08/FUL**
PARISH: **STANSTED**
DEVELOPMENT: Erection of front, side & rear extension. Demolition of existing garage
APPLICANT: Mr J Rich
LOCATION: 27 Brewery Lane
D.C. CTTE: 13 August 2008 (see report attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: Refusal
Case Officer: *Consultant North 2 telephone 01799 510478/605*
Expiry Date: 14/08/2008

1) UTT/0601/08/FUL & 2) UTT/0608/08/CA - GREAT DUNMOW

(Referred by Cllr Davey - Local concerns/ overdevelopment of small plot)

- 1) Demolition of 39 The Causeway and the erection of 1 No.2 bedroom house, 6 No. 3 bedroom houses
2) Demolition of 39 The Causeway
Location: 39 The Causeway & land rear of 37 & 41-49 The Causeway. GR/TL 626-225
Applicant: Niro Developments Ltd
Agent: Mr Biswell
Case Officer: Consultant North 3 telephone 01799 510469/510478
Expiry Date: 13/08/2008
Classification: 1) MINOR 2) OTHER

NOTATION: Within Development Limits & Conservation Area; access onto Class B road.

DESCRIPTION OF SITE: The site comprises a vacant and boarded-up two-storey dwelling fronting The Causeway, and incorporating garden land to the rear. This rear area incorporates sections of garden areas from No.37, 43 – 47 The Causeway, and the veterinary surgery, all of which front the main road. The land is overgrown.

The site backs onto other dwellings and garden areas for properties in Godfrey Way, and to the north it sides onto backland dwellings off The Causeway, and gardens to the south. No.37 to the south is a chalet and to the north is a terrace of 2½ storey houses.

There is an existing access point to the south of the existing dwelling.

DESCRIPTION OF PROPOSAL: The proposal is to demolish the existing vacant dwelling and construct a replacement 2½ storey dwelling on the frontage. The existing access would be widened to allow vehicular access to the rear to serve a terrace of six dwellings:

Dwelling No.	Storeys	Height	Gross Floor Area	Bedrooms	Garden	Parking
1 (frontage)	2½	9.3m	100m ²	3	Approx. 87m ²	2
2	1½	7.5m	123m ²	3	220m ² min.	2
3	2½	9.2m	115m ²	3	Approx. 88.6m ²	2
4	2½	10.45m max	100m ²	3	Approx. 74m ²	2
5	2½	8.85m	100m ²	3	Approx. 77m ²	2
6	2	8.7m	80m ²	2	Approx. 79m ²	2
7	1½	7.6m	123m ²	3	220m ² min.	2

APPLICANT'S CASE including Design & Access statement: Application has arisen by acquisition of 39 The Causeway, together with vacancy of adjacent long rear gardens not required by owners. Resultant area forms substantial urban Brownfield site capable of being developed to provide much-needed additional housing in area. Site has maximum width of 54m x 35m deep with additional area fronting The Causeway 11m x 21m deep. Area of site is 0.18 ha. Main part of site being at rear has a fall some 1m north to south and similar 1m from west to east.

Use: site is in a totally residential area. Therefore no change of use is sought [*NB - this section identifies the location of various houses that surround the site, but compass points appear to be incorrect*].

Quantum of development: creation of seven new dwellings creates a density of 38.9 units per hectare. This level makes proper use of urban Brownfield land and is in accordance with government advice. In evaluating site constraints, had regard to position of neighbouring properties and their outlook and amenity. Proposal has been assessed against

requirements of Uttlesford Local Plan and Essex Design Guide. Scale and mass of surrounding residential developments has been respected. New houses are two-storey or two-storey with dormer windows. Coach arches are single storey with dwelling over sailing in second-storey. Only back-to-back distance that exists is that to a new close, which is 24m. Back to flank distances are as follows: No.37 to Block 1 = 23.5m; 43 to 47 (diagonally) to blocks 1/2 = 27/27.5 m; 49 (The Vet's) dormer to coach arch wall = 10.5 m. Remaining relationships are flank/flank along the eastern boundary. 45° angles of light in accordance with British standards are maintained to the nearest rear windows of 37 and 43 The Causeway. Massing of entrance house is two storeys with dormers, adjacent to 43 – 47 The Causeway, with site entrance adjacent 37 The Causeway. This provides a transition between the two adjacent properties. Topography of site is used to its advantage to keep scale down while still achieving a 4.2 m wide the access. Proposed development of seven dwellings of varying sizes will provide an enduring and attractive development on this site. Scheme makes better use of overspill of excessive length garden areas forming the site.

Design process: planning and design of proposal has evolved having regard to meetings with planning and highways officers. Also studying the site and its surroundings, assessing character of site, studying accommodation and space requirements of client, studying Council statement to development principles and Essex Design Guide, considering government advice including PPS13 and PPS3, preparing topographical survey, and studying the viability and marketing of the site.

Topography of site together with setbacks between houses creates interesting roofscape of different characters and levels. Eaves levels are varied between plots to provide greater interest. Dormers and gable windows are of varying sizes and designs. Entrance House has been designed to reflect in scale adjacent 43-47.

Variation of materials and details are proposed including plain tile hanging, white render and quality stock facing bricks. Varying porch roof designs add character. Windows will be white UPVC with facing brick heads and stone cills. Pitched roofs will be plain tiles to match adjacent properties and cheeks of dormers in lead. Access and parking court will be in block paving. Hard landscaping will form a major part of this development, and the correct choice of materials and colour is important. Additional planting of trees and hedging is proposed to the boundaries, together with more formal planting internally to the site.

Sustainability: traditional materials will ensure longevity of the building. Hardcore and crushed concrete for the demolition will be used as the sub-bases for the new development. No major ground level changes will be necessary to create the development. High-value insulation will be used and condensing boilers installed. Surface water will be collected and recycled for landscaping water. Management company will be required to maintain the landscape and buildings.

Access: site is served by regular bus routes. Requirements of Essex County Council highways have been incorporated into scheme. Standing areas for refuse/recycling bins are indicated within the curtilage of each dwelling.

Landscape specification: this document sets out a specification for soft landscaping works, including tree and planting specification, and maintenance and management proposals.

Bat and reptile survey report: this report outlines the various surveys that were undertaken to establish the impact on protected species that could use the site.

RELEVANT HISTORY: 39-41 The Causeway – Erection of detached bungalow approved 2004. Demolition of existing dwelling and erection of 10 dwellings withdrawn April 2007. Dwelling and garage for veterinary surgery approved 1975. Erection of veterinary surgery and dwelling adjacent approved 1968.

CONSULTATIONS: ECC Transportation: No objection subject to conditions.

UDC Conservation Officer: Suggests approval subject to good natural materials and painted timber windows. Addition of chimney stacks and detailed conditions ensuring the design of the dwellings preserve the character and appearance of the Conservation Area.

Anglian Water: No reply received (due 9 July).

Three Valleys Water: No reply received (due 9 July).

Natural England: No objection provided the mitigation as outlined in the report is incorporated into a permission/condition.

Essex Wildlife Trust: No reply received (due 9 July).

Essex Bat Group: No reply received (due 9 July).

Essex Amphibian & Reptile Group: No reply received (due 4 July).

UDC Engineer: No objection subject to condition the C.8.27A surface water disposal arrangements,

UDC Building Control: Does not meet minimum turning circle criteria for emergency vehicles (Fire Brigade access) - 16.8m. between kerbs [*NB – the original layout plan was distorted in its printing prior to submission, and a revised plan has demonstrated that this is achievable*]. Nothing to support lifetime homes standards - further submission required.

TOWN COUNCIL COMMENTS: Objections. Inappropriate development on the last unspoilt conservation area in town. Too high. Will dominate the skyline and adjacent dwellings. Roof lines to be as existing. Remove dormer windows in the roofs. High pitch roofs give possibility of conversion with its concomitant effect on parking. Chimney required on No. 39 The Causeway to match the adjacent properties. Egress onto the busy Causeway is not satisfactory

REPRESENTATIONS: These applications have been advertised and 9 representations have been received. Period expired 24 July 2008.

1. Against. Conservation Areas were designated to protect character of town. Application proposes high density development in inappropriate location. Does not “enhance” Conservation Area and should be refused. Application states there to be high demand, but consider this questionable. Area suffers road congestion caused by street parking, particularly associated with recreation ground and any intensification will make matters worse. Important that Highways take full account of traffic situation at peak times, to include weekends when football and other events are taking place. This stretch of Causeway is also busy with pedestrians including school children, and proposal will create significant hazard.
2. Object as reduces amenity of 31 Godfrey Way in terms of loss of sunlight, overlooking and adverse impact on enjoyment of property, and visually overbearing. Contrary to ULP Policy GEN2, as houses 5 – 7 will extend across bottom of garden. Window on 2nd floor of house 6 will overlook garden. Contrary to policies in respect of Conservation Area. Does not enhance area and is not in scale or harmony with nearby properties. Plans are misleading as they do not show impact of Houses 2-7 in background. Houses 43-47 are specifically mentioned in Conservation Area appraisal and draft management proposals. Prior to initial application, number of trees on site were lopped or felled. Site clearance would have impacted upon habitat, bat and reptile surveys. Disappointed at lack of consultation with community.
3. Boundary shown on 1:200 plan is inaccurate. In D&A statement there are discrepancies in compass directions. No mention of existing ash trees, which should be retained to screen development from Godfrey Way. Apart from these points, plans are acceptable and better than last scheme.
4. Objection. This type of development should be discouraged as it sets precedent for overdevelopment of rear garden site and poor access. Not Brownfield site, but gardens of houses located in The Causeway. Cannot be accessed without demolition of characterful detached house, removal of which would have significant impact on overall appearance of street. Houses are overcrowded with no garage space, and will form high level group that will completely block view of Chelmer Valley from Godfrey Way. Access will be hazardous,

as it is narrow, with speeding traffic en route to school. Increased hazards for pedestrians. High density development unsuitable. Visually intrusive. Will exacerbate lack of parking for current residents.

5. Appalling that period building that is part of Dunmow's history could be demolished. Dunmow has substantial new housing developments, which overrun already limited facilities and infrastructure. Increased noise and vehicle pollution to back gardens to Godfrey Way. 152 Godfrey Way will be completely overlooked and affected by three parking spaces nearby, with effect on young children from noise and pollution. Noise from 14 parking spaces in roadway, where there is currently no traffic noise. Form is incorrectly completed in relation to trees and hedgerows. Not Brownfield site.

6. D & A statement makes no reference to property immediately north (63 The Causeway). Ridge levels of six houses behind The Causeway are significantly higher than ridge levels of bungalows at 63 and 65 The Causeway. 14 parking spaces may meet standards, but overflow parking will undoubtedly occur on The Causeway, a busy road affected by parked cars. Rainwater should be harvested for flushing toilets. Various inaccuracies in D & A statement, with confusion over compass directions. Density of 38.9 units is over 50% greater than existing density of 24 units per hectare in The Causeway conservation area. Untrue to say that site is served by regular bus routes, as only one school bus per day, and 1 Dunmow to Saffron Walden route leaving at 7.36 in morning. Double yellow lines should be extended from Pleasant Terrace to Godfrey Way on both sides of The Causeway.

7. Application forms incorrect in relation to trees and hedges. Despite promises to contrary, still have bedroom window overlooking garden and house of 35 The Causeway. Unnecessary, as a secondary window. No objection to frosted glass window in en-suite.

8. Query what will replace the wall between 39 and 43 The Causeway, during and once demolition is complete. Query whether access to the building from No. 43 will be required and require guarantees against damage to No.43.

9. Object to demolition of 39. Over development of site. Not in keeping with conservation area. Dangerous proposed access for 14 class cars opposite recreation ground and on a route used by children to and from school.

COMMENTS ON REPRESENTATIONS: The design and impact on the Conservation Area and residential amenity, and highway issues, are addressed below. Concerns about loss of view are not material planning considerations. Issues regarding damage and arrangements during construction are civil matters not for consideration as part of this application.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are whether the proposal would be acceptable in relation to

- 1) **the principle of development of the site, and the density proposed (PPS1, PPS3, and ULP Policies S1, H3 & H4);**
- 2) **design in the Conservation Area (ULP Policies ENV1 & GEN2, & [SPD](#) Great Dunmow Conservation Area Appraisal and Draft Management Proposals);**
- 3) **affordable housing & housing mix (ULP Policies H9 & H10)**
- 4) **the residential amenity of adjacent residents (ULP Policy GEN2);**
- 5) **highway safety (ULP Policies GEN1 & GEN8)**
- 6) **Nature conservation and trees (ULP Policies GEN7 (Nature Conservation) & ENV3 (Trees)).**

1) The site is located within the Development Limits for Great Dunmow. ULP Policy S1 specifies that development compatible with the settlement's character and setting will be permitted in Development Limits. The development of this site is therefore acceptable in principle subject to the proposal complying with any other relevant development plan policies. In addition, PPS3 requires that new development should make efficient use of land

and sets a minimum density of 30 dwellings per hectare. It continues that if local authorities wish to agree to densities below this minimum then this will need to be justified.

ULP Policy H4 (Backland Development) allows for the development of sites without a road frontage provided there is significant under-use of land and development would make more effective use of it; there would be no material overlooking or overshadowing of nearby properties, and would not be overbearing; and access would not cause disturbance to nearby properties. All of these issues will be addressed below.

The land is currently vacant, forming garden land of dwellings fronting The Causeway, and unused space to the rear of the veterinary surgery (No.49). On this basis it is considered that the site is under-used land within Development Limits, and its redevelopment would in principle comply with PPS3 and Policy H4, in terms of land use.

The proposed density would be in the region of 39 dwellings per hectare. This gap is however unusual in this part of the conservation area, where the development pattern is mixed. Although some properties fronting The Causeway have long but narrow gardens, there are others on more modest plots. It is not considered that the proposed scheme would be out of keeping with some of the pockets of more dense development in the area and overall this density would be acceptable in this urban context. For example, the terraced dwellings further south, have a density in the region of 60 dph.

2) The proposal involves the demolition of a 2½ storey detached house with shallow pitched roof on the site frontage. The Conservation Officer raises no objection to the demolition of the dwelling. Although reference to the terrace of cottages is made in the Council's adopted Conservation Area Appraisal for Great Dunmow, this particular dwelling is not considered to be of such architectural or historic merit to warrant mention in the document, or retention. The design of its replacement dwelling is in keeping with the adjacent terraced houses, and is considered would preserve the street scene. Revised plans have been received which reduce the size of the front dormer window.

Due to the position and width of the proposed access route, the rear of the site will be visible from public views from the conservation area, and the treatment of the rear of the site is therefore as important in relation to the conservation area as the frontage. The proposal balances the need to make most efficient use of urban land, with the need to preserve and enhance the conservation area setting. The rear terrace has been designed using traditional forms, materials and detailing, such that it would introduce a degree of variety that would add interest to this part of the conservation area. The existing site is not particularly visible from the street, but other than being open its unkempt appearance makes little positive contribution to the conservation area. It is considered that this proposal would redevelop the site in a manner which would enhance the conservation area setting. The materials, hard and soft landscaping will be fundamental to the success of this scheme, and should be conditioned accordingly.

3) The application site area is 0.18 hectares. The preamble to ULP Policy H9 states that in Great Dunmow, affordable housing will only be sought on sites of 0.5 hectares or of 15 dwellings and above, and as such this development is not of sufficient scale to warrant any requirement for affordable housing.

ULP Policy H10 requires development on sites of 0.1 hectares and above or of 3 or more dwellings to include a significant proportion of market housing comprising small properties i.e. 2 and 3 bedroom homes. In this case, the entire development would comprise smaller units, and therefore would contribute to the demand for smaller and therefore more affordable general market housing.

4) The site is surrounded by dwellings: on the frontage, the replacement dwelling would be located between No.37 & No.43. To the south, it would side onto the long rear garden to No. 35. Dwellings in Godfrey Way to the rear would both back- and side on to the rear boundary of the site. Garaging to dwellings to the north are closest to the site. Opposite is the recreation ground and skate park. The site is therefore located in a relatively dense urban setting, and will inevitably have an impact on surrounding residents, but the degree to which this would be acceptable or otherwise is addressed below.

In relation to the frontage dwellings, the existing dwelling to be demolished is 7.55m wide and 8.5m deep, with a single storey rear section of 10.35m deep. It is 9m tall. In contrast, the proposed frontage dwelling would be 5.1m wide, 9.4m deep and 9.4m high. It is considered that the slight increase in height would be offset against the reduced width and overall reduction in depth. The projection rearward of No.43 would not breach a 45° line from its closest ground floor habitable window. Although the occupants of No.37 may experience increased activity from the use of the existing driveway adjacent the boundary, No.37 is separated from the boundary by its own access and garage. The impact is therefore considered acceptable in this context.

The proposal includes a terrace of six dwellings in the rear of the site, all at least 2-storey. Ridge heights would range from 7.4m to 10.45m for the central unit. However, it is also proposed to reduce the ground levels at the rear of the site, and submitted section drawings demonstrate that site levels are such that all the dwellings would be set below the ridge height of the closest house in Godfrey way.

Back-to-front distance between the houses fronting The Causeway and the new dwellings would be in excess of 29m, and there would be 10m between the 'coach arch' and the rear of the veterinary Surgery.

Distances to the southern and northern boundaries with adjacent gardens would be a minimum 6.9m and 7.5m. In both cases, the adjacent gardens would side onto garden areas for the end terrace units and parking spaces. Given the general pattern of development in the area, and the position of existing garaging and parking, it is not considered that this arrangement would be unduly harmful to amenity.

With regard to the dwellings to the rear, the closest would be 162 Godfrey Way, which sides onto the site and has only secondary side facing windows. The submitted layout plan demonstrates that the proposed end terrace dwelling would not breach a 45° line from the rear facing windows of that property. Given the separation of the proposed buildings from No. 162 (over 11m), it is not considered this arrangement would be so harmful to amenity to warrant refusal. It is inevitable that the outlook of that property will be different compared to an open garden area, but given the mixed street scene and inter-relationship of dwellings in this part of the town, this arrangement is not atypical, and would not be unacceptably damaging to residential amenity. The separation between the dwelling at the opposite end of the terrace (House 2) and No.160 Godfrey Way to the rear would be in excess of 16m, and offset such that openness would be retained via the garden arrangements.

Although there would be rear facing bedroom windows to all the dwellings, the 3 rooflights in the 2½ storey dwellings would serve en-suite bathrooms.

Although the proposal would involve the development of a gap in an otherwise developed area, it is considered that the scheme has been designed to minimise its impact on the surrounding residents, and sufficient space and separation would be retained to prevent direct loss of amenity and material overshadowing of adjacent dwellings. It is inevitable that the proposal will impact upon outlook, but not to an unacceptable degree in this town location.

5) The site is accessed from a Class B busy distributor. There is an existing access point and this would be widened to enable two vehicles to pass each other at the entrance. ECC Transportation raises no objection to the proposal subject to the imposition of conditions (amended plans have been submitted to demonstrate that these conditions are achievable).

The parking standard for 2 and 3-bedroom houses is two spaces. Fourteen spaces are proposed, which would accord with the Council's standards. Although the parking would not be within the curtilage of each dwelling, each space is sufficiently close to the dwellings to ensure they would be used. Notwithstanding that residents have expressed concern about the potential for increased on-street parking on The Causeway, there is no justification to require parking in excess of the Council's standards. Indeed, it may be argued that this is a site where under-provision may be acceptable, given the proximity to the town centre.

Policy H4 requires access arrangements to be designed to prevent nuisance to adjacent residents. In this case, there would be no increased impact on the residents to the north, and the access already exists adjacent to No.37 to the south. Although there would be increased traffic along the northern boundary of that property, it is not considered that the nuisance would be so significant to warrant refusal of the application.

Given the support of the highway authority and the compliance with parking standards, the proposal is considered acceptable in highway terms.

6) The application is accompanied by a bat and reptile survey, which concluded that no bats or reptiles were recorded on site, and only two bats were recorded commuting past the site. The report states that the vegetation on site is not of high ecological value, but provides suitable conditions for protected reptiles. The dwelling to be demolished is not an ideal bat roosting place as the roofspace has been converted to living space. On the basis of the submitted report, Natural England has raised no objection to the proposal, provided the mitigation measures outlined in the report are conditioned in any permission granted.

Additional plans have been received confirming the retention of existing trees on the site, and any removal would be subject to Conservation Area approval. There are no trees worthy of retention to be removed as part of this development. A landscape scheme for additional planting has been submitted as part of this application.

CONCLUSIONS: In this town centre location, the proposed development would make more efficient use of land, and has been designed to minimise the impact on adjacent residents and to enhance the Conservation Area. The highway authority raises no objections to the proposal.

RECOMMENDATIONS:

1) UTT/0601/08/FUL - APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.4.6. Retention and protection of trees and shrubs for the duration of development.
6. C.5.1. Samples of materials to be submitted agreed and implemented.
7. C.5.5. Clay plain tiles.
8. C.5.7. Conservation rooflights.

9. C.5.14. Black cast metal rainwater goods.
10. C.5.8. Joinery details.
11. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission
12. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented – building(s).
13. C.8.29. Condition for compliance with code level 3 (five or more dwellings).
14. C.8.32. Compliance with the 10% rule (developments of five or more dwellings or greater than 1000sqm floor area).
15. C.8.31. Demolition recycling of materials.
16. C.8.27A. Surface water disposal arrangements.
17. The width of the driveway at its junction with the highway boundary shall not be less than 5.5 m retained at that width for 10m within the site.
18. C.10.18. Unbound material/surface dressing.
19. C.10.19. Access gradient.
20. C.10.26. Prevention of runoff from access.
21. Any gates provided at the vehicular access should only open inwards and shall be set back a minimum of 10m from the nearside edge of the carriageway
22. All vehicular hardstandings shall have minimum dimensions of 2.4 m x 4.8 m and the space between opposing parking bays shall be a minimum of 6 m.
23. C.10.14. Vehicle parking for site staff.
24. C.13.9. Hours of construction – 0900 – 1800 Mondays to Fridays and 0900 to 1300 Saturdays.
25. Prior to the commencement of the development the details of the number, location and design of powered two wheeler's and bicycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved facilities should be provided before occupation of any of the dwellings hereby permitted and retained at all times
26. Headroom requirements under the coach arches shall be a minimum of 2.5 m provided fire tender access is not required.
27. C.19.1 Avoidance of overlooking.
28. C.20.1. Acceptable survey mitigation/management plan – Implementation of scheme
29. C.20.3. If Protected Species discovered get licence from Natural England
30. C.28.1. Implementation of accessibility scheme
31. C.17.1. Amended plans – introduction of a chimneys to all dwellings.
REASON: To ensure the design of the dwelling is in keeping with the traditional features of the adjacent buildings and the Conservation Area.
32. C.10.13. Wheel washing equipment.
33. All weatherboarding to be painted timber feather edge.
34. The development shall not commence until details of brick colour, type, finish and bonding have been submitted to and approved in writing to the local planning authority. Thereafter, the development shall be carried out in accordance with approved details.
35. 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.

- 36. All casement windows shall be balanced (equal size panes of glass) unless otherwise agreed in writing by the local planning authority.
- 37. All porches shall not have fascias but shall have exposed rafter feet unless otherwise agreed in writing by the local planning authority. Canopies shall be lead covered.
REASON:
- 38. The development hereby permitted shall not be commenced until particulars of the colour and finish of the facing render for external walls has been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details and thereafter retained in that form.
- 39. 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.
REASONS (33-39): In order to preserve the character and appearance of the Conservation Area.
- 40. The details of the number, type and locations of bat boxes are to be submitted to and approved by the Local Planning Authority before commencement of development. The approved details shall be implemented as approved before occupation of any of the buildings hereby approved.
REASON: In the interests of the protection of the wildlife value of the site.

2) UTT/0608/08/CA - APPROVAL WITH CONDITIONS

- 1. C.2.2. Time limit for commencement of development - conservation areas.
- 2. No works involved in the demolition of 39 The Causeway shall commence earlier than one month before the commencement of works of redevelopment on the land to the rear of the site.
REASON: To avoid demolition in advance of a programme of works for redevelopment and replacement of the frontage dwelling, in the interest of preserving the character and appearance of the Conservation area.

Background papers: see application file.

1) UTT/1105/08/FUL & 2) UTT/1106/08/CA - GREAT DUNMOW
(MEMBER'S APPLICATION)

Additional and revised conditions added following previous Development Control Committee Meeting

Demolition of existing barn and erection of dwelling with undercroft parking

Location: Land rear of 11 Market Place. GR/TL 626-220

Applicant: Mr M Miller

Agent: Andrew Stevenson Associates

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 26/08/2008

Classification: MINOR

NOTATION: Within Development Limits / Conservation Area / Local Policy GD1 – relating to change of use of existing shops, restaurants, public houses and hot food takeaways to residential uses.

DESCRIPTION OF SITE: The site covers an area of 130m² and is located to the rear of 11 Market Place in Great Dunmow. The access to the site runs between nos 9 and 11 Market Place and provides a shared access to the site as well as nos. 9 and 11. There is an existing single storey weatherboarded building of no merit located on the site which has a length of 15m, a width of 5.6m and a maximum height of 3.1m. The application forms indicate that the existing building is in use as a storage facility for a builder.

DESCRIPTION OF PROPOSAL: These applications relate to the demolition of the existing outbuilding and the erection of a one and a half storey dwelling. The dwelling would have an almost barn-like appearance, cover an area of 54m² and would have a maximum ridge height of 6.1m. A walled patio area would be provided to the rear and would cover an area of 11m². Under croft parking would be provided for one car parking space.

APPLICANT'S CASE including Design & Access statement: D&A statement submitted with the application which provides details of the site and the proposal. Information is also provided under the headings of social, policy, scale and appearance, landscaping, access and summary of amendments from previous application.

RELEVANT HISTORY: Applications for conservation area consent and planning permission for demolition of existing barn and erection of dwelling with under croft parking withdrawn May 2008.

CONSULTATIONS: ECC Highways: To be reported (due 6 August).

Anglian Water: (Due 22 July).

ECC Archaeology: The outbuilding proposed for demolition and its replacement dwelling lie within an archaeologically sensitive area which would be impacted by any future redevelopment. As Industrial Age structures (1750-1900) and particularly those within an urban context, have been identified in the East Anglian Research Agenda as facing significant levels of loss or conversion, it is recommended that the outbuilding should be recorded prior to its demolition and any associated groundworks fully recorded through detailed archaeological monitoring. Recommendation: Building recording / Detailed Archaeological Monitoring.

Essex Wildlife Trust: No objection.

English Nature: (Due 17 July).

Building Surveying: (Due 15 July)

Engineer: No adverse comments – requests condition C.8.27.B be imposed.

Bat Group: (Due 17 July).

Design Advice: No objections to the demolition of the existing building. The proposed dwelling would not have a detrimental impact on the adjacent listed buildings or the character of the Conservation Area however the mix, shape and size of the rooflights and dormer windows in the roofslopes are not appropriate and should be replaced with conservation rooflights of more uniform dimensions.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS: Highways & Transportation: No objections.

TOWN COUNCIL COMMENTS: To be reported (due 31 July).

ON SUPPLEMENTARY LIST OF REPRESENTATIONS: No comment.

REPRESENTATIONS: These applications have been advertised and 3 representations have been received. Period expired 12 August.

Letters object to the scheme with the main points relevant to this proposal being:

1. Concerns regarding the access so close to the junction of Star Lane, Market Place and North Street – it would result in a dangerous situation for pedestrians and vehicles.
2. The access is used for parking for tenants of a number of adjacent properties and is in constant use – this application does not take this into account.
3. The dwelling would be higher and wider than the existing building and does not respect the scale.
4. The proposal would result in a loss of privacy to nos 11, 11a and 1 Star Lane and will be overbearing.
5. The proposal would adversely affect the adjacent listed buildings.
6. The site is very limited in space – putting a dwelling here will therefore have a detrimental effect by cramming more people into a limited space.
7. Would result in noise and pollution over several months causing inconvenience and disruption to business and residents.
8. What guarantees can be made to make sure the development would be completed in a timely manner, inhabited and will fit in with the existing residential accommodation?

COMMENTS ON REPRESENTATIONS: The Highways Authority has been consulted with regard to the access arrangements and their response will be reported. Issues relating to other users of the access and rights of way over this land are civil matters and are not material considerations when determining these applications. Some disturbance from construction works is likely from almost all development schemes and as such, this is not a material consideration when determining planning applications. There is no mechanism for making an applicant implement a planning permission and the legislation does not include timescales as to when development schemes should be finished once commenced. See also planning considerations below.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are whether the proposal complies with policies regarding

- 1) **Development Limits for the Main Urban Areas and New Houses within Development Limits (ULP Policies S1, H3);**
- 2) **Design (ULP Policy GEN2 & [SPD](#) Accessible Homes and Playspace);**
- 3) **Development within Conservation Areas and affecting Listed Buildings (PPG15, ULP Policies ENV1, ENV2);**
- 4) **Access and Parking Provision (ULP Policies GEN1, GEN8) and**
- 5) **Protected Species (ULP Policy GEN7).**

1) This site is located within the Development Limits for Great Dunmow where ULP Policy S1 identifies that development, in principle, will be acceptable subject to compliance with other relevant policies. In addition ULP Policy H3 identifies that residential development within Development Limits will be acceptable if the site meets the following criteria:

“a) The site comprises previously developed land;

b) The site has reasonable accessibility to jobs, shops and services by modes other than the car, or there is potential for improving such accessibility;

c) Existing infrastructure has the capacity to absorb further development, or there is potential for its capacity to be increased as necessary;

d) Development would support local services and facilities; and

e) The site is not a key employment site.

f) Avoid development which makes inefficient use of land.”

In relation to these criteria the site would meet these requirements of the policy and therefore the development of this site is acceptable in principle.

2) The character and appearance of the buildings surrounding this site are of traditional design, appearance, scale and materials which is reflected by their listed status and the Conservation Area designation. The proposal broadly incorporates traditional aspects into its design, appearance and scale and as a result would be compatible with the surrounding buildings. The Council’s Conservation Officer has indicated that the proposed mix of rooflights with differing dimensions and sizes, in addition to the triangular dormer windows, would not reflect the traditional aspects of the surrounding buildings. However, if this aspect of the scheme is revised then the general design of the building would be appropriate within the context of the surrounding buildings.

The proposal has been designed to incorporate Lifetime Homes Standards as set out in Supplementary Planning Document – Accessible Homes and Playspace. The issue of whether the scheme meets with the Lifetime Homes Standards will be reported once the consultation response from Building Surveying has been received.

The proposal would have only 11m² of amenity space for use by the occupiers. The standards contained within the Essex Design Guide (EDG) and adopted by the Council specify that an acceptable garden size for an unextendable house could be 50m². This proposal does not have an adequate level of amenity space in accordance with the adopted standards however the EDG does specify that in high density situations it may be appropriate to reduce minimum garden sizes to a private sitting out area which is not overlooked. This proposal would provide a private walled area which it is judged would be acceptable in this high density situation.

The high level windows proposed to the building would prevent overlooking or loss of privacy from occurring to the occupiers of the properties to the east. In addition sufficient distance would occur between “Mallards” to the northwest and the proposed dwelling to prevent any loss of privacy from occurring. The dwelling would have a similar length and width as the existing building but would be higher. This additional height should not result in any material overshadowing due to its close proximity to the higher, two-storey building located to the south of the site. The position of the proposed dwelling adjacent to this higher building would lessen the potential impact of the proposed dwelling and prevent it appearing as overbearing when viewed from neighbouring properties.

3) The Council’s Conservation Officer has been consulted in relation to these applications and there is no objection to the demolition of the existing building. As detailed in section 2) above, the design of the proposal is broadly acceptable with the exception of the dormers and rooflights proposed within the roofslopes. This element could be addressed by way of the imposition of a condition requiring the submission of a revised plan incorporating

a more traditional combination of rooflights in the roofslopes. Subject to these revisions, the proposal would not have a detrimental impact on the setting, character or appearance of the adjacent listed buildings of the character of the Conservation Area.

4) This site is located within walking distance of the Town centre and therefore it is possible to access a range of shops and services by means other than by reliance on private vehicle. An off road parking space would be provided within the site. The access to the site is shared with the occupiers of neighbouring properties and this has been raised as an issue in representations received by the Council. However the issues relating to rights of access are civil matters between these interested parties and the applicant and are not material considerations when determining this application.

The issues relating to whether this proposal for residential development with no on-site turning area to allow vehicles to enter and leave the site in a forward gear will be reported following receipt of the Highway Authority's consultation response.

The level of parking provision proposed is acceptable in light of the proximity of the site to the Town centre.

5) The applications are accompanied by bat surveys and Natural England and the Essex Wildlife Trust (EWT) have been consulted. EWT has no objections to the proposal and Natural England's consultation response will be reported when it has been received.

CONCLUSIONS: In light of the information contained in the application and that which has already been received from statutory Consultees, the proposals comply with all relevant Development Plan policies. However it is noted that not all consultee responses have been received at the time of writing this report. These will be reported verbally and if they indicate that the proposal fails to comply with aspects of the Development Plan policies, the recommendation may be changed to reflect this.

RECOMMENDATIONS:

UTT/1105/08/FUL – APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1.(B) To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted agreed and implemented.
4. C.6.7. Excluding conversion of garages.
5. C.8.27A Soakaways.
6. C.8.35. Condition for compliance with code level 3 (less than five dwellings).
7. C.17.1. Revised plan required.
8. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented – building
9. No conversion or groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
REASON: In accordance with the requirements of PPG16 – Archaeology and Planning.
10. Other than the windows shown on the approved plans and the revised rooflight details required in accordance with condition C.17.1. no windows or other form of opening shall be inserted into the elevations or the roofslopes of the building hereby permitted without the prior written consent of the local planning authority.
REASON: To avoid overlooking of the adjacent properties in the interests of residential amenity and to maintain a scheme of fenestration to the building which is appropriate for the setting of this site within the Conservation Area and adjacent to listed buildings.

UTT/1106/08/CA – CONSERVATION AREA CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development – conservation area.

Background papers: see application file.

UTT/0976/08/FUL - STANSTED

*(Called in by Cllr Sell (if to be refused)
(Reason: To assess impact on street scene)*

Erection of front, side & rear extension. Demolition of existing garage
Location: 27 Brewery Lane. GR/TL 514-252
Applicant: Mr J Rich
Agent: Mr J Bagge
Case Officer: Consultant North 2 telephone 01799 510478/605
Expiry Date: 14/08/2008
Classification: OTHER

NOTATION: Within Development Limits.

DESCRIPTION OF SITE: The application site comprises a chalet style detached dwelling located within a spacious curtilage. It is located in the main settlement and within a low-density residential area. Brewery Lane rises up fairly steeply to the west from its junction with High Lane. The application dwelling appears to date from the 1960's and neighbouring dwellings on this north side of the road are also laid out within spacious curtilages.

The dwellings to the south of Brewery Lane, in the close vicinity of the application site, are more closely positioned but nonetheless setback from the highway to create a spacious street scene.

The land to the north of the application site has the benefit of planning permission for the erection of five detached dwellings which would be accessed from Brewery Lane, adjacent to the application dwelling.

DESCRIPTION OF PROPOSAL: This application seeks planning permission to erect a two-storey side extension adjacent to the east facing elevation of this dwelling. The existing garage would be replaced by this extension.

The main feature of note is the considerable footprint proposed for this extension; it would be 6.5 metres wide and 13.0 metres deep, projecting both forward and rearward of the existing property.

This existing property is a chalet style dwelling, whereas it is proposed to erect a conventional two-storey extension. As a result, the ridge of this extension would be 1.6 metres higher than the ridge over the existing dwelling. It is also of note that the plans indicate that the ridge over the existing property is 11.2 metres long, whereas the ridge over the proposed extension would be 14.4 metres long.

APPLICANTS CASE including Design & Access statement: None.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS: See covering letter and conclusion from 15 page submission attached at the end of Supplementary List of Representations.

RELEVANT HISTORY: UTT/0835/01/FUL – single storey rear extension – Approved.

UTT/1571/06/FUL - erection of five dwellings on Mont House site – Approved.

CONSULTATIONS: Water Authority: No objection.

Environment Agency: To be reported.

PARISH COUNCIL COMMENTS: Members agreed to ask Councillor Geoffrey Sell to call in this application.

REPRESENTATIONS: Two. Period for representation expired 11 July 2008.

20 Brewery Lane: oppose the application,

- dwellings on this side of road are predominantly chalet/bungalow construction;
- proposed extension would be out of character with existing buildings;
- inappropriate to make comparison with new dwellings on Mont House given that those have not been built.

22 Brewery Lane: support the application,

- would increase the quality of the housing stock;
- would better match surrounding dwellings.

COMMENTS ON REPRESENTATIONS: The issues are considered in the report below.

PLANNING CONSIDERATIONS: The main issues are -

- 1) **Whether the scale, design and external materials of the extension respect those of the original building (ULP Policies H8, GEN2 & [SPD](#) Home Extensions) and**
- 2) **Whether the proposal would result in harm to the amenity of neighbouring properties by way of overlooking, overshadowing or overbearing effects (ULP Policies H8, GEN2 & [SPD](#) Home Extensions).**

1) Policy H8 of the Local Plan states that extensions will be permitted if their scale, design and external materials respect those of the *original* building, that there be no material overlooking or overshadowing of nearby properties and that development would not have an overbearing effect on neighbouring properties.

Although there may be scope to extend this property, the policy requires that careful regard must be had to ensuring that the existing character of the dwelling is adequately protected and that the overall scale of built resultant is not out of keeping with the existing dwelling and the street scene.

The proposed extension would be substantial. It would project forward of the dwelling, and to its rear. Also, the ridge would be significantly higher than the ridge on the existing property. It would also be a conventional two-storey element whereas the existing property is a chalet bungalow. The extension would broadly double the mass of the existing dwelling. Having had regard to all of these factors it is considered that the proposed extension would completely fail to have any regard to the scale and character of the existing property. It would fail to be subordinate and, by way of its height and the gable projection, it would be a bold and excessively dominant feature of the property. The sloping ground level would exacerbate the height of this extension with an elevated ground floor level. As such the extension would fail Policy H8 as it would not respect the scale or design of the original building.

The resulting dwelling, would also be out of keeping with the scale of built form adjoining to the west. Comparison with the recently approved dwellings on the curtilage of Mont House is inappropriate given that these dwellings are set to the rear of the street and comprise a clearly separate site which would not form part of the Brewery Lane street scene.

Furthermore, such comparison is in general irrelevant to Policy H8 which requires that the scale respect the original building and not those elsewhere.

Although the proposals would result in the loss of the garage, adequate off-street car parking within the existing driveway would be retained.

2) Although this would be a relatively large side extension, it is considered that there would be no significant impact upon the amenities of adjoining occupiers, including those within the Mont House development to the north. This extension would be set away from the existing dwelling to the west. It is therefore the case that there would be no significant loss of light and outlook, and a satisfactory back-to-back distance with regard to the new dwellings would be retained.

CONCLUSION: The extension would be of an unacceptable scale and mass, and in particular would fail to have regard to the character and appearance of the existing dwelling contrary to Policy H8 and GEN2 of the Local Plan and SPD Home Extensions. Given the importance of the development plan in planning decision making its failure to meet adopted policy indicates that the application be refused.

RECOMMENDATION: REFUSAL REASONS

The proposed two-storey side extension, by reason of its prominent position and its excessive size and scale in relation to the existing property, would result in an overly dominant element of built form, harmful to the character and appearance of the dwelling, and to the wider street scene. As such, the proposal does not respect the scale and design of the original building and is therefore contrary to Policies H8 and GEN2 of the Uttlesford Local Plan adopted 2005 and Supplementary Planning Document 'Home Extensions'.

Background papers: see application file.

UTT/0926/08/FUL - TAKELEY

Demolition of pair of semi detached dwellings and ancillary buildings and erection of 14 dwellings, vehicular access and associated works

Location: 1 & 2 Broadfield Villas Dunmow Road. GR/TL 569-211

Applicant: David Wilson Homes Ltd

Agent: David Wilson Homes Ltd

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 22/09/2008

Classification: MAJOR

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

DESCRIPTION OF SITE: This site contains a pair of semidetached dwellings with rear gardens to the north of the B1256 approximately 0.85km to the east of the Four Ashes crossroads. The site covers an area of 1485m² and is bounded to the west, east and north by hedging and mature vegetation. The rear gardens to the dwellings have a hedge dividing the gardens running north – south. To the rear of the site is Broadfield Wood and to the east, running north – south, is Broadfield Road. Construction work is currently underway on the land to the west as part of the residential development on the site of the former Laurels Yard.

DESCRIPTION OF PROPOSAL: This application relates to the demolition of the two existing dwellings on the site and the erection of 14 units in the form of 13 new dwellings and 1 flat with associated parking, construction of a new pedestrian access and alteration of the existing vehicular access. The development would have a density of 53 dwellings per hectare (dph) and would consist of entirely 2 and 3 bedroom properties. Details of the dwellings are set out below:

Plot	No of Bedrooms	Garden Area	Parking spaces
1	3	80m ²	2
2	3	45m ²	2
3	3	69m ²	2
4	2	135m ²	2
5	2	44m ²	1
6	2	42m ²	1
7	2	46m ²	1
8	3	110m ²	2
9	3	55m ²	2
10	2 (flat)	None	1
11	3	54m ²	2
12	3	122m ²	2
13	2	79m ²	1
14	2	40m ²	1

It is proposed that the development would be accessed via the residential development currently under construction on the Laurels Yard site to the west, with no vehicular access from the B1256.

It is noted that the plans contain inaccuracies including the omission of details of the links between the dwellings on plots 1 and 2 and plots 3 and 4. This is shown on the proposed site layout plan but not within the floor or elevation details for these properties. The drawings for plot 8, 9, 11 and 12 also have a heading indicating that they are two-bedroom properties however the floor plans indicate that they are three-bedroom properties.

APPLICANT'S CASE including Design & Access statement: D&A statement submitted and details the following:

Evaluation and context of the site and surroundings, the character and wider context and the site location and transport links.

The Design Principles set out how the scheme has been constrained by physical features on the site in addition to the need for the access to be via the adjoining site to the west. The design concept is to create a higher density scheme of smaller dwellings which reflects the development to the west while adhering to the advice contained in the Essex Design Guide (EDG). 13 of the plots would have garden areas of 40m² or above. Rear garden sizes for the dwellings would have an average area of 54m². The layout aims to provide inconspicuous parking and a courtyard for the remaining units. The parking courtyard allows for natural surveillance of the parking by the occupiers of the surrounding properties.

The properties would generally consist of two-storey properties with two and a half storey properties located to the rear of the site to prevent these being visually dominant.

In relation to access, the main vehicular access is from the already approved access road within the adjoining Laurels Yard site. There will only be pedestrian access from properties onto Dunmow Road.

All dwelling access will conform to Part M of the Building Regulations and the plans indicate how each of the properties will comply with the relevant standards for lifetime homes provision.

The submitted habitat survey indicates that the site has a low ecological value. Bat surveys should be undertaken to establish whether there are any roosts in the existing dwellings and construction activities should be avoided during the bird nesting season. A additional document details that a bat survey has found no evidence of bats within the properties.

RELEVANT HISTORY: Outline application for erection of four detached dwellings with all matters reserved relating to the rear gardens of 1 & 2 Broadfield Villas finally disposed of April 2007 following request from applicants to withdraw the application. Demolition of two semi-detached house and erection of 14 dwellings with associated parking, construction of new access and alteration of vehicular access refused July 2008.

CONSULTATIONS: ECC Schools: Would require a S106 to ensure contributions towards education provision.

ECC Archaeology: Recommends trial trenching followed by excavation.

ECC Highways: 1. The transition of the existing road to a type 5 should be addressed and should be done in accordance with the attached drawing. 2. The parking space for plot 7 marked P7 is considered to be dangerous and therefore is not acceptable. It is located off of the radii for the private drive.

Thames Water: Recommends that petrol/oil interceptors be fitted in all car parking areas to prevent oil polluted discharges entering the local watercourses.

Essex Wildlife Trust: Raises a holding objection on a precautionary basis pending the provision of additional information by the applicant to the proposed development forming the subject of the application.

Environment Agency: recommend that a condition regarding the protection of bats be attached to any planning permission granted. Sustainable drainage and construction methods should also be implemented.

Building Control: No adverse comments. Lifetime Homes Standards. 1. Ensure staircases meet minimum 900mm requirements. 2. Ensure 1100mm is achieved in front of ground floor WC. 3. No details shown regarding a wheelchair accessible housing unit - as required in new housing developments of between 10 and 20 units, at least 1 dwelling must be built to wheelchair accessible standards. This will require a re-design of some aspects of the site.

Natural England: (due 10 July).

Drainage Engineer: (due 8 July).

PARISH COUNCIL COMMENTS: The PC request this application is reviewed by committee. The proposal seeks to over intensify the site. This sets a dangerous precedent along the street to demolish traditional /existing houses and intensify development. Insufficient off road parking provision. The style of these properties does not blend with the rural surroundings. This is viewed as ‘creeping incrementalism’ which will serve to extend the ‘Priors Green’ development. The loss of two large well maintained gardens will have a detrimental effect on local wildlife.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 24 July.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are whether:

- 1) **the development would be compatible with the Master Plan and the Council’s Supplementary Planning Guidance (PPS3, ULP Takeley / Little Canfield Local Policy 3) and**
- 2) **social, amenity and infrastructure contributions are required (ULP Policy GEN6).**
- 3) **the proposal would have an acceptable design and layout (ULP Policy GEN2 & SPD Accessible Homes and Playspace and Essex Design Guide);**
- 4) **the proposed car parking layout and provision would be appropriate for the development (ULP Policy GEN8).**

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, and community facilities; and that affordable housing should be provided where appropriate and in accordance with the requirements of the adopted local plan.

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

3) The appearance of the proposed properties is acceptable however limited information detailing that the properties would comply with Lifetime Homes Standards contained within SPD – Accessible Homes has been submitted. The design and access statement identifies that the dwellings will comply with Part M of the Building Regulations however the SPD requires more than Part M does in terms of accessibility and there are a number of aspects of the development where it fails to comply with the Lifetime Homes Standards. Some examples of this are that the parking areas to plots 2 and 3 are insufficient to meet the requirements, the space within the ground floor WCs does not meet the

standards in a number of units and the stairs are not wide enough in a number of units to provide a stair lift at a later date.

In addition, the adopted SPD requires developments of between 10 – 20 units to have one dwelling which is built to wheelchair accessible standards. The dwelling on plot 4 is proposed to be the required wheelchair accessible unit however this fails to meet the standards set out in the SPD. The parking area is not wide enough and could not be increased, it is not on one level and although a space for a lift has been provided, there is no commitment expressed to provide a lift, the first floor layout would not permit a knock out panel between the main bedroom and bathroom to be constructed to allow them to be connected. Furthermore, the plans relating to the other units indicate a number of items which would be provided but are not shown on the layout plans, these details have not been repeated on the drawing for this plot. Therefore there is no indication that other features required by the standards e.g. that window cill heights would be at the required level, would be provided.

The size of the private amenity areas for the properties varies between the plots and a number of these are not dissimilar to the units approved on “The Laurels” to the west. Following revisions to the previously unacceptable scheme which was refused, all the houses within this development would have a minimum provision of private rear gardens of 40m² or above. It is still proposed however that the flat on plot 10 would have no private garden area. The 2-bedroom dwelling to plot 4 would have a disproportionately large garden with an area of 135m² while the 3-bedroom unit on plot 2 would have only 45m² of garden area.

The distances between nine of the proposed units would also be insufficient, at less than the 25m advocated by the Essex Design Guide (EDG), to prevent overlooking occurring between dwellings. The back to back distances indicated on the layout plan between two-storey properties on plots 8, 9, 11, 12 and plots 5, 6, 7, 13 and 14 range between 20m and 22m. This would result in overlooking occurring between these proposed properties to the detriment of the residential amenity of the occupiers of these dwellings.

The EDG also identifies that a distance of 35m should exist between the living rooms to upper storey flats and neighbouring properties in order to prevent overlooking. The distance which would exist between the flat on plot 10 and the dwelling to plot 7 would be 24.7m. This would fail to meet the standard by over 10m and would result in overlooking occurring from the occupiers of the flat to the occupiers of the dwelling on plot 7.

4) The proposed parking layout has been revised following the previous application however it fails to overcome all of the previous issues. The parking for plots 8 and 12 would be difficult to access from the dwelling unless the occupiers wish to walk through their garage and the rear garden to reach the dwelling from the parking space. Due to the overall site layout it is unlikely that this would result in the occupiers of the dwellings looking for alternative areas within the site to leave their vehicles and create obstructions as there would not be any alternative and closer areas in which to park. However, the dwellings on plots 8 and 12 face onto the B1256 and could result in the occupiers parking to the front of their properties on the footpath to the B1256.

The response from ECC Highways in relation to the internal layout of the site indicates that the parking space for plot 7 is dangerous. The lack of turning area associated with this space would lead to potential conflict between the users of this space and vehicles exiting from the adjacent junction.

The revised layout has provided improved turning areas in which vehicles would now be able to manoeuvre however it remains doubtful whether the occupiers of plot 4 would have sufficient turning area without needing to turning at the junction adjacent to plots 7 and 14. The distances between allocated spaces and the dwellings they serve, in addition to the inadequate turning area for plot 4 indicates that the proposed parking layout remains unacceptable and inappropriate for the location contrary to the requirements of ULP Policy GEN8.

CONCLUSIONS: The principle of residential development on this site is acceptable however the proposal would constitute an unacceptable layout which would result in an unacceptable level of overlooking between a number of the proposed dwellings. The properties would fail to comply with the requirements of adopted SPD regarding Accessible Homes and Playspace by not meeting the Lifetime Homes Standards or the requirements for wheelchair accessible housing. The proposed parking provision is also unacceptable due to the distances between spaces and the associated dwellings and could lead to vehicles being parked on the frontage to the B1256, potentially causing obstructions.

RECOMMENDATION: REFUSAL REASONS

1. The close proximity of dwellings within the site and also the relationship between the upper storey flat on plot 10 to the dwelling on plot 7 would fail to comply with the standards set out in the Essex Design Guide and would result in overlooking occurring between properties within the site. The proposed development fails to meet the requirements of the Accessible Homes and Playspace SPD both for Lifetime Homes Standards and for the one indicated unit of wheelchair accessible housing. The proposal therefore fails to comply with the requirements of ULP Policy GEN2 – Design, Supplementary Planning Document Accessible Homes and Playspace and the Essex Design Guide.
2. The proposed parking provision and layout would be unacceptable and inappropriate for the location as it would result in spaces being located in positions which would discourage their use by the occupiers of the associated dwellings they serve, an inadequate turning area for plot 4 within the site in order to enable drivers to manoeuvre and turn their vehicles without either having to rely on adjacent spaces being vacant or having to reverse and turn at the central junction adjacent to plots 7 and 14 and the parking space for plot 7 would be located in a dangerous position adjacent to the junction. The parking layout and provision is therefore contrary to the requirements of ULP Policy GEN8.

Background papers: see application file.

UTT/1148/08/FUL - STANSTED

(Referred at Members request: Cllr A Dean)

(Reason: Controversial; tree & traffic issues)

New garage to side of existing dwelling proposed vehicular access and erection of new dwelling to rear of existing property

Location: 66 Silver Street. GR/TL 509-248

Applicant: Mr A McPherson

Agent: Mr Edward Noad

Case Officer: Mr T Morton 01799 510654

Expiry Date: 03/09/2008

Classification: MINOR

NOTATION: Inside Development Limit / Part within Conservation Area/TPO trees/66 Silver Street is a grade II Listed Building.

DESCRIPTION OF SITE: The application site comprises a large two storey house facing onto Silver Street and set at a higher level than the road, with a large rear garden rising up the hillside to a further area of land that runs northwards behind the properties in Silver Street and Blythewood Gardens. Trees on the rear part of the site have TPO status.

DESCRIPTION OF PROPOSAL: Provision of a new vehicle access and driveway to Silver Street and new garage to the side of the house – Construction of a new two storey dwellinghouse on the land at the rear of the site. The proposal would involve the loss of some protected trees.

APPLICANT'S CASE including Design & Access statement: The statement is available in full on file. It describes the site and surroundings and the proposal.

RELEVANT HISTORY: UTT/0113/89 - erection of 2 detached house and garages on land to the rear (part of current application site) refused - 24/04/89 for reasons of inappropriate backland development likely to prejudice future of protected trees; increased use of access creating highway dangers.

UTT/1139/02/OP- Outline application for erection of a pair of semi-detached bungalows (part of current application site) - Refused 07/10/02 for reasons of inappropriate backland development; impact on TPO trees inadequate amenity space; inadequate parking and turning; intensification of use of substandard access (recommendation of refusal from ECC highways); traffic disturbance to properties in Blythewood Gardens.

CONSULTATIONS: Conservation Officer: The proposal has been discussed with the Conservation Officer who advises that the new garage and access to Silver Street are satisfactory. The new house would be outside of the Conservation Area and so no advice is offered upon that element of the application.

Drainage Engineer: Condition C.8.27A should be imposed upon any approval

Thames Water: No objection

Building Control Officer: Sustainability – no details are shown would need to achieve code for sustainable homes equivalent.

Lifetime Homes – stairs do not currently meet standard, no area defined for lift provision.

Essex County Council Highways: The Highway Authority would not wish to raise an objection to this proposal subject to the following conditions:

The vehicle access shall be constructed at right angles to the existing carriageway. The width of the driveway at its junction with the highway boundary shall not be less than 3.6 metres and retained at that width for 6 metres within the site.

Reason: To ensure that vehicles can enter and leave the highway in a safe and controlled manner.

The access shall be laid to a gradient not exceeding 4% for the first 6 metres from the highway boundary and not exceeding 8% thereafter.

Reason: To ensure that vehicles can enter and leave the highway in a safe and controlled manner.

Prior to commencement of the development hereby permitted a turning space of a design to be agreed in writing by the local planning authority enabling a motor car to enter and leave the highway in a forward gear shall be constructed, surfaced and made available for use and shall be retained for that sole purpose.

Reason: To ensure appropriate turning facilities are provided so that vehicles can enter and leave the highway in a safe and controlled manner.

No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

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

Reason: To prevent hazards caused by flowing water or ice on the highway.

Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 4.8 metres from the nearside edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway/footway whilst gates are being opened and closed.

The above conditions are required to ensure that the development accords with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the L TP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07 and Local Plan Policy GEN1.

Landscape Officer: There are two TPOs which protect trees on the above site. There is the ECC administered order 9/60 [ref: G2] which covers a group of trees along the east side of the driveway leading to The Old Manse and there is the UDC TPO 8/02 [ref: A 1] which covers all trees of whatever species on the land to the west of the drive. The current application proposals do not affect any of the trees under the County Order. The proposals do include the removal of 1 no Horse chestnut, 4no Cypress, 1 no Hazel and 1 no Apple tree which are covered by the UDC order.

The Horse chestnut proposed to be removed is a mature specimen of some 14m a height with a maximum canopy spread of approximately 8m. This tree has a large cavity with extensive decay in one of its two main stems. It is considered that the tree is at potential risk of a major failure and the owner has previously been advised that the Council would not object to this tree being felled for reasons of safety.

The 4no Cypress trees are relatively young specimens with a maximum height of some 10m. These subjects are not considered to be outstanding individual specimens and their removal would not significantly impact on the visual amenity of the surrounding area.

The Hazel is a relatively small specimen that has previously been coppiced and its removal would not have any significant impact. Similarly, the Apple tree proposed to be removed is not considered to be an outstanding or otherwise significant specimen.

The loss of trees to accommodate the proposed development would reduce the tree cover on the site and it is therefore recommended that any approval be subject to conditions requiring a scheme of landscaping to include tree planting. In addition, details of protective measures to protect trees to be retained during the course of construction should be required to be submitted for approval.

PARISH COUNCIL COMMENTS: Consultation period expired 15 August 2008

REPRESENTATIONS: This application has been advertised and representations have been received from the following properties
Blythwood Gardens; 25, 30, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47,
Silver Street; 50, 62
Period expired 13 August 2008.

These raise a number of common concerns;
Will cause noise and pollution to Blythwood Gardens
Will destroy current view of trees
Loss of TPO protected trees with their amenity value
Will add more traffic to Silver Street
There are already other new housing developments in the village, so no need for this
Would involve unsafe access to Silver Street. This was one reason for the previous refusal.
Loss of green space
Detrimental impact on Conservation Area
Overdevelopment of site
Noise and dust to nearby house
Overshadowing
Loss of wildlife
Lack of privacy
Previously rejected application UTT/1139/02/FUL
Excessive size of new house
New front drive and access will change the design of the frontage.
Loss of an area of public amenity value
Impact upon Protected Species – bats fly in this area.
Accuracy of information – several respondents pick up details of the design and access statement.
Impact upon foundations of the house adjacent to the access road.
Existing private right of access to land by an adjoining owner over part of the site where the new house is proposed.

COMMENTS ON REPRESENTATIONS: It should be noted that the objections are predominantly related to the new house at the rear. Only one comment is made about the change in appearance to the Silver Street frontage and proposed new driveway.

The issues raised are dealt with in the following sections.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are;

- 1) **Principle of development (ULP Policies S1, H4.);**
- 2) **design in the Conservation Area (ULP Policies ENV1 & GEN2, & [SPD](#) Stansted Conservation Area Appraisal);**
- 3) **design and amenity (ULP Policies GEN2, H4);**
- 4) **highway safety (ULP Policies GEN1 & GEN8)**
- 5) **Nature conservation and trees (ULP Policies GEN7 (Nature Conservation) & ENV3 (Trees) and**
- 6) **Other material planning considerations.**

1) The site is located within the Development Limits for Stansted Mountfitchet. ULP Policy S1 specifies that development compatible with the settlement's character and setting will be permitted inside Development Limits. The development of this site is therefore acceptable in principle subject to the proposal complying with any other relevant development plan policies. In addition, PPS3 requires that new development should make efficient use of land and sets a minimum density of 30 dwellings per hectare. It continues

that if local authorities wish to agree to densities below this minimum then this will need to be justified.

ULP Policy H4 (Backland Development) allows for the development of sites without a road frontage provided there is significant under-use of land and development would make more effective use of it; there would be no material overlooking or overshadowing of nearby properties, and would not be overbearing; and access would not cause disturbance to nearby properties. All of these issues will be addressed below.

The land is currently vacant, forming land associated with the dwelling at 66 Silver Street. On this basis it is considered that the site is under-used land within Development Limits, and its redevelopment would in principle comply with PPS3 and Policy H4, in terms of land use.

The proposed density would be in the region of 7.3 dwellings per hectare. This is very low, but due to the setting of the site the Local Planning Authority would not wish to encourage development at higher density.

It is not considered that the proposed scheme would be out of keeping with some of the pockets of more dense development in the area and overall this density would be acceptable in this urban context.

2) The front part of the site lies inside the Conservation Area, but the part where the proposed new dwelling would stand is outside of the Conservation Area. The Stansted Conservation Area Appraisal makes no specific recommendation for 66 Silver Street. The Conservation Officer has seen the proposal for the new garage and driveway to the front of the property to serve the existing house and is satisfied with the detail of the proposal.

Many comments from nearby residents relate to the impact on the Conservation Area of the new house but the house would not be sited on a public thoroughfare and therefore has very little impact in the public realm, which is where the impact on the Conservation Area is judged.

3) The design of the new dwelling is intended to relate to the constraints imposed by the site and its surroundings. There is a need to protect nearby residential properties from loss of daylight and from overlooking. Planning Law gives a specific meaning to these issues and it only deals with the impact of daylight upon the windows of habitable rooms in nearby properties. There is no protection given to daylight levels in gardens, nor any right to absolute privacy, and it has to be accepted that gardens in towns have some degree of overlooking from neighbouring property as the normal state of affairs. The gardens of Blythwood Gardens would be already overlooked from the neighbouring houses in that street to some degree.

The proposed house would stand sideways on to Blythwood Gardens and would have two ensuite first floor bathroom windows on the side elevation, one in the gable end, the other 3 metres further back facing towards houses in that street, which can be frosted. There are also ground floor windows to a kitchen and utility room and a conservatory, but these would be screened by the double boundary fence line and would not give rise to material overlooking from within those rooms into the rear gardens of the Blythwood Gardens houses. There would be a rear lean-to conservatory but it is quite common for rear conservatory extensions on houses to be adjacent to the garden of the adjoining house. There is therefore considered to be no material overlooking issue.

Daylight to the rear windows of houses in Blythwood Gardens is protected by reference to a standard that draws a line rising at 25 degrees from a point 2 metres above ground level on the rear face of the relevant house in Blythwood Gardens, and if the new house sits beneath

that line no loss of daylight results. The new house sits well below this daylighting constraint line, and there is no material impact upon daylighting to house in Blythwood Gardens.

4) The comments of the Highway Authority are set out above, and it is noted that they do not raise an objection (in contrast to the previous proposal), and have recommended conditions to be attached to an approval. The access is an existing one and can be used to any degree by those with existing rights. The addition of traffic from one new house is unlikely to make a noticeable or demonstrable difference in traffic levels. It is also noted that the much more dense flatted development to the north (Masons Court) gains its access through similarly narrow and constrained access point.

5) Reference is made in neighbour representations to bats flying in the area and to use of the site by garden birds. The protection afforded by law to bats is to protect roosting sites, and the mere fact that they fly in the area is not necessarily significant. It is a fact that bats range widely at night and are highly mobile animals. The new house does pose any direct threat to a bat roosting site and therefore no material harm arises.

The use of gardens by birds is a common occurrence, and again these are highly mobile animals. They have protection from disturbance to their nests during the nesting season, but their presence within a garden is not a valid reason to preclude development of such land.

The Landscape officer's comments are set out above. The removal of the trees involved in the proposal is not considered to significantly affect the visual amenity of the surrounding area. It should be noted that a specific consent to remove TPO trees is not required where a planning permission implicitly agrees to their removal by development. It is recommended that any approval be subject to conditions requiring a scheme of landscaping to include tree planting. In addition, details of protective measures to protect trees to be retained during the course of construction should be required to be submitted for approval.

6) No other issues are considered to arise.

CONCLUSIONS: The proposal is considered acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.2. Details of materials to be submitted agreed and implemented.
4. C.6.2. Excluding all rights of permitted development within the cartilage of a dwelling house without further permission.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. C.4.6. Retention and protection of trees and shrubs for the duration of development.
9. The dwelling shall not be occupied until the garage and hardstanding shown on approved drawing 808 PL 200 A have been provided. Thereafter they shall remain available for the parking of domestic vehicles in connection with the normal residential use of the dwelling to which they relate and shall not be built over or similarly developed, notwithstanding Permitted Development Rights of extensions contained in the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification).
REASON: In the interests of highway safety and protection of the appearance of the countryside.
10. C.8.35. Condition for compliance with code level 3 (less than five dwellings).
11. C.28.2. Accessibility – further submission.
12. C.19.1. Avoidance of overlooking -1.

13. C.13.9. Hours of construction.
14. C.8.30. Provision of bin storage.
15. The new vehicle access onto Silver Street shall be constructed at right angles to the existing carriageway. The width of the driveway at its junction with the highway boundary shall not be less than 3.6 metres and retained at that width for 6 metres within the site.
REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner.
16. The access shall be laid to a gradient not exceeding 4% for the first 6 metres from the highway boundary and not exceeding 8% thereafter.
REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner.
17. Prior to commencement of the development hereby permitted a turning space to serve 66 Silver Street of a design to be agreed in writing by the local planning authority enabling a motor car to enter and leave the highway in a forward gear shall be constructed, surfaced and made available for use and shall be retained for that sole purpose.
REASON: To ensure appropriate turning facilities are provided so that vehicles can enter and leave the highway in a safe and controlled manner.
16. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.
17. Prior to commencement of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.
REASON: To prevent hazards caused by flowing water or ice on the highway.
18. C.10.16 Gates over highway.

Background papers: see application file.

UTT/0818/08/FUL & UTT/0819/08/LB - HEMPSTEAD

Conversion of barns to a dwelling, office/workshop and annexe

Location: Lakehouse Farm. GR/TL 661-380

Applicant: Mrs M Lubbock

Agent: Mrs N Bickerstaff

Case Officer: *Mr T Morton 01799 510654*

Expiry Date: 01/08/2008

Classification: MINOR

NOTATION: Outside Development Limit / Lakehouse Farm is Grade II listed / Special Verge. The barns are included within the listing of Lakehouse Farm.

DESCRIPTION OF SITE: The site is located on the eastern edge of the district approximately 2.8 kilometres east of Hempstead and 1 kilometre south of Hempstead Hall. The Farm comprises the main farmhouse with three timber framed barns (Barns 1, 2 and 3) and large open barn building north of the farm. The three barns form an open courtyard with a grass verge between them and the road. Access and parking to the farmhouse is from a gravelled driveway.

DESCRIPTION OF PROPOSAL: Conversion of barns to dwelling (barn 2), an ancillary office/workshop (barn 1) and annexe.

The barns are denoted as Barn 1 (North barn), Barn 2 (East barn) and Barn 3 (West barn)

This proposal amends the approved 2004 scheme by changing the residential element from barn 1 to barn 2 and the workshop/office from barn 2 to barn 1. Barns 1 and 2 were tied in occupation by a s.106 Legal Agreement in the 2004 approval. The third barn remains as before an ancillary annexe tied to Lakehouse Farm.

Barn One would require minimal alteration with the main double doors pegged back and the opening glazed, and with a new window at first floor level on the west elevation to serve a new partial mezzanine level.

Barn Two would be converted into a three bedroom residential unit with a new internal mezzanine floor. The main double doors would be tied back with a new full height glazed section and two new windows created in the west elevation. The south elevation has a new first floor window, the east elevation a small door pegged open, the north elevation two new windows.

Barn Three would be converted as an annexe to Lakehouse Farm with two office/bedrooms, an office/sitting room and storage. Two bathrooms would be created as well as a dressing room. One new window would be inserted on the eastern elevation.

APPLICANT'S CASE including Design & Access statement: The statement is available in full on file. It describes the site and surroundings and the proposal.

RELEVANT HISTORY: 1) UTT/2163/03/FUL & 2) UTT/2164/03/LB

1) Change of use of barns to form one dwelling with ancillary office/workshop. Conversion of barn to form ancillary annexe to Lakehouse Farm.

2) Internal and external alterations to barns to form one dwelling with ancillary office/workshop and ancillary annexe to Lakehouse Farm

Both Approved 23 August 2005 with S106 Agreement.

CONSULTATIONS: Conservation Officer: The buildings subjects of this application are part of a historical farmstead with the listed Grade II Lakehouse Farm being the principal listed building. All the outbuildings on this site are deemed listed by the virtue of the curtilage. They form a pleasant rural group, which positively contributes to the character of the countryside. In principle the conversion of these buildings would conform to the requirements of the local policies and the ministerial advice.

The present proposal follows a previously approved scheme. In concept I consider the intended variations acceptable. However the drawing of the plan is so poor that a lot of details are not visible. Should there be no planning objections to this illegible drawings I suggest all previous relevant conditions.

PARISH COUNCIL COMMENTS: Consultation period expired 10 July 2008
Advises it has no comment to make.

REPRESENTATIONS: These applications have been advertised and no representations have been received. Period expired 10 July 2008.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are:

- 1) whether the proposal meets with the environmental, historic and architectural quality criteria relating to the residential conversion of rural buildings (PPS7, Uttlesford Local Plan Policies E5, H6);
- 2) whether the impact of the development on the countryside would be acceptable (Uttlesford Local Plan Policy S7);
- 3) whether the proposed conversion would affect the setting of Lakehouse Farm (PPG15, Uttlesford Local Plan Policy ENV2);
- 4) Protected Species (ULP Policy GEN7) and
- 5) Other relevant issues.

1) The Development Plan policies allow the residential conversion of suitable rural buildings subject to certain criteria being met. The buildings have to be of sound construction capable of conversion, their form should enhance the character and appearance of rural areas and the private gardens should be provided unobtrusively.

When considering the conversion of rural buildings for other uses it is normally desirable to first seek a suitable commercial use such as B1 office and light industry before pursuing residential conversion. In this instance it was considered with the 2003 application that such a use would create far more traffic on the rural road than the current existing use of the site. The principle of residential conversion was conceded with that approval, which has not expired.

The barns appear to be in sound structural condition with recently tarred/stained feather-edged boarding on the outside. Barn 1 has an asbestos roof while barn 2 has a metal clad roof and Barn 3 has a clay pan-tile roof. All appear to be capable of conversion without significant levels of repair or damage to their timber frames.

The barns are of typical 3 and 4-bay type timber frame construction found widely throughout the district on agricultural holdings of reasonable size and wealth. Their form and character owe much to their function and as such they contribute positively to the character and appearance of the rural area into which they are set. The buildings are listed by virtue of their proximity within the curtilage of Lakehouse farm. In view of their listing and to preserve the character and appearance of the structures, it is proposed to insert the minimum number

of new openings in the barns, whilst still allowing enough light to meet Building Regulations approval. With regard to the provision of a private garden area for the new dwelling, the application contains no proposals.

It would be desirable to maintain the courtyard's open character to retain the historical link of the site as a farmstead. Landscape details are required by the proposed conditions.

2) Policy S7 requires that where approvals are given for development in the countryside it should protect or enhance the appearance of the countryside.

The essential appearance of a group of barns standing in proximity to the original farmhouse will remain, and few of the alterations to the external elevations will have an impact on the appearance of the group.

3) Lakehouse Farm is grade II listed and is 35 metres south of Barn 1. It is clearly evident when passing the site that both the farmhouse and the barns form one unit, although the farmhouse has been divided into two dwellings. The minimal level of alteration to the barns means that the overall setting of the farmhouse will change very little. The removal of permitted development rights by condition will prevent the erection of domestic paraphernalia in the curtilage and thus reduce the potential for incongruous development and clutter, which can be associated with barn conversions. Overall, the proposal should not detrimentally affect the setting of Lakehouse farm.

4) The bat survey submitted with the applications finds that barns 1 and 2 are thought to be used by Pipistrelle bats, probably as roosting sites, and the report appears to recommend further surveys, which appear not to have been carried out. Vague mitigation proposals are made which do not clearly demonstrate that no adverse impact would occur to the bats.

5) The previous approval is a material consideration, and the principle of the uses has been conceded. This proposal exchanges the residential and work elements between the two main barns, but introduces no other new elements.

With regard to the proposed annexe to Lakehouse Farm (Barn 3), the level accommodation provided inside, although consisting of three main rooms and two bathrooms, is not so great as to raise concerns about it being operated independently of the farmhouse. The facilities do not include any areas for food preparation and so there is dependence on the main farmhouse for these facilities. Use of this building can be conditioned.

In order to prevent any further future conversions on this site, it would be desirable to secure a section 106 agreement to prevent the sale of barn 3 away from Lakehouse Farm and also to prevent the sale or conversion of barn 2 away from barn 1. Such agreements should also clearly show the curtilage of Barn 1 and the area to be retained as part of Lakehouse farm for the purpose of clarity.

CONCLUSIONS: The applicant has demonstrated that the conversion of the three barns can be carried out without serious detriment to the character of the countryside or the setting of Lakehouse Farm. The barns are of sound structural condition, the level of works and alteration are acceptable and private garden space can be accommodated unobtrusively. Furthermore it has been considered that a sole commercial use for the barns would create significantly more traffic on a rural road than the existing use of the site

RECOMMENDATIONS:

UTT/0818/08/FUL – APPROVAL WITH CONDITIONS SUBJECT TO A SECTION 106 AGREEMENT SECURING BARN 2 BRING TIED TO BARN 1 WITH THE PREVENTION OF SEPARATE SALE AND BARN 3 BEING TIED TO LAKEHOUSE FARM WITH THE PREVENTATION OF SEPARATE SALE OR USE AS A SEPARATE DWELLING

1. C.2.1. Time limit for commencement of dwelling.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.6.10. Residential annexe ancillary to rest of site.
4. C.5.1. Samples of materials to be submitted and agreed.
5. C.5.4. Natural Slate.
6. C.5.8. Joinery details.
7. C.5.9. Stained wood.
8. C.5.14. Black rainwater goods.
9. C.5.17. Window & door details and sections to be submitted and agreed.
10. C.6.2. Excluding PD Rights.
11. C.4.1. Scheme of landscaping to be submitted and agreed.
12. C.4.2. Implementation of landscaping.
13. The courtyard between the farmhouse and the barns to be converted shall be left open and finished gravel or similar material, details of which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.
REASON: To ensure that the historical relationship between the buildings is retained.
14. C.20.2. Protection of bats.
15. C.8.29. Details of sustainable construction for new residential or commercial development.
16. C.28.2. Accessibility – Further submission.

UTT/0810/08/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development – listed building.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted and agreed.
4. C.5.4. Natural Slate.
5. C.5.16. No historical timbers to be cut.
6. The necessary repairs to the building shall be carried out in timber of matching type and cross-sections.
REASON: To ensure the appropriate materials are used for the approved works.
7. C.5.8. Joinery Details.
8. C.5.9B Stained Wood.
9. C.5.14A. Black rainwater goods.
10. C.5.17. Window & door details and sections to be submitted and agreed.
11. C.20.2. Protection of bats.

Background papers: see application file.
