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UTT/0147/09/FUL - FELSTED

Variation of condition C.90L (The use of the site for storage of soil hereby permitted shall be discontinued and the land restored to its former condition by 1 April 2009 in accordance with a scheme of works that shall have been previously been submitted to and approved in writing by the local planning authority) of planning permission UTT/2152/04/REN

Location: Oakwood Park. GR/TL 670-201

Applicant: Enodis Ltd

Agent: G L Hearn

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 23/06/2009

Classification: MAJOR

NOTATION: ULP: Outside Settlement Boundary.

DESCRIPTION OF SITE: The site forms part of a field at the rear of a row of houses on the south west side of Station Road, Felsted.

DESCRIPTION OF PROPOSAL: Variation of Condition C.90.L of planning permission UTT/2152/04/REN (The conditions states: *The use of the site for storage of soil hereby permitted shall be discontinued and the land restored to its former condition by 1 April 2009 in accordance with a scheme of works that shall have been previously submitted and approved in writing by the local planning authority*).

APPLICANT'S CASE: The applicant has stated that the Oakwood Park development remains unfinished to date with Phase 6, the sports pitches and the NEAP still outstanding. The intention is that the remodelling of land to develop these unfinished elements of the application will incorporate some of the stored soil. Its retention in situ until such a time is required to avoid the unnecessary movement of soil from Station Road fields to a location off site and possibly back again in association with the Oakwood Park development at a later date. In these circumstances, the continued storage of topsoil is still needed for a further 3 years.

RELEVANT HISTORY: UTT/0903/98/FUL - temporary use of land for the storage of soil reclaimed from settlement lagoons on the adjoining sugar beet works for the duration of the development of the housing scheme on land to the rear of 35-63 Station Road, Felsted, allowed on appeal in 2000.

UTT/2152/04/REN - Renewal of UTT/0903/98/FUL to allow the continued storage of soil for a further period up to 1 April 2009.

UTT/1816/05/OP - development of site for residential development and sports pitches – dismissed on appeal May 2007.

CONSULTATIONS: Natural England: Recommend that permission is withheld on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect upon legally protected native reptiles. Concern relates specifically to the likely impact upon such reptiles and the possibility that animals may be killed or injured during restoration works.

Essex Wildlife Trust: None received.

Savills on behalf of Anglian Water: Object on the grounds that the application does not provide sufficient detail of potential traffic movements to and from the proposed site and consider that the local planning authority should require further information to ensure that the road and access points are sufficient to handle any additional capacity.

PARISH COUNCIL COMMENTS: Felsted Parish Council: Object to several planning applications by the applicants. Specific objection in respect of this application is that the Secretary of State has upheld the requirement for the Felsted land which is currently used for soil storage to be returned to its agricultural use. Felsted Parish Council believes that there should be no compromise on this decision

REPRESENTATIONS: This application has been advertised and 1 letter of objection has been received. Period expired 22 April 2009.

There has already been a postponement of the removal of the top soil from this site and it was never necessary to dump it here in the first place. This is purely an attempt to delay the removal as long as possible. The soil should have been moved by the 1 April 2009 and the Council has been derelict in its duty to secure its removal. No good and sufficient engineering or any other reason has been provided for the postponement and the soils should be removed and the site restored to agriculture as required.

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

PLANNING CONSIDERATIONS: **The main issue is whether there are any material considerations which warrant a decision different to the previous planning permission (UTT/2152/04/REN).**

This application seeks to vary condition C90L to allow the soil stored on the site to be retained for a further three years. Permission was originally granted on appeal in January 2000, for the temporary use of land for the storage of soil reclaimed from settlement lagoons on the adjoining sugar beet works for the duration of the development of the housing scheme on land to rear of 35-63 Station Road, Felsted. The Inspector found that the works would not cause significant harm to the character and appearance of the surrounding countryside, and the activities involved in depositing and removing the soil would only cause modest and short term harm to the living conditions of nearby residents through noise, fumes and dust with the moving of the soil, and there would be no significant loss of privacy. The principle of storage of soil on this land in connection with the development of Oakwood Park has therefore been established.

The temporary period of storage granted on appeal was extended in 2005 under UTT/2152/04/REN for a further 4 years in recognition of the then uncertain requirements over soil storage on the site. Under that permission, the removal of the soil and the restoration of the site should have taken place by 1 April 2009.

The soil was subsequently moved on to the site and has been shaped and, over the years, has become partially colonised by grasses and other flora. The storage is a dormant use and does not involve activity. The applicant is seeking a further extension to the time before the soil would need to be removed and the land restored. It is understood that much of the soil stored on the site is required to complete the development at Oakwood Park. Phase 6 housing, the sports pitches and the NEAP (Neighbourhood Equipped Area for Play) are still outstanding. Although the sports pitches are envisaged in the Masterplan to be located to the north of the Stebbing Brook, the applicant has submitted proposals for the sports pitches to be located to the south of Brook. Those applications are, as yet, undetermined but irrespective of the final destination of the playing fields, soil from the current storage site will be required for their construction and rather than remove it from this site and re-import it from elsewhere later.

There have been no significant changes in policy or other material considerations since the grant of planning permission on appeal or subsequent renewal for the storage of top soil on the site to warrant the immediate removal of the topsoil. The previous permission extended the time for implementation required the submission of details prior to the soil being stored on the site. Conditions C90C, C.90 D, C 90 E and C90 H have been discharged following the submission of the required information. The conditions recommended below reflect this fact and have been modified or deleted as necessary.

Although representations have questioned the continuing use of the land for storage purposes it is considered that as it is linked to the implementation of Oakwood Park which has yet to be completed, it is reasonable to allow a further period of storage which should allow the final stages of Oakwood Park to be resolved and implemented. A further period of three years would allow the final phase of Oakwood Park to be resolved, the soil to be moved and the land restored to its previous condition and use.

Felsted Parish Council's comments are noted but the Inspector allowed the storage of soil in 2000 for a temporary period in the light of what was known at the time and the assessment by the applicant that this period should be sufficient. It is known that the timescale for completion of the development has slipped since then and this proposal to retain the soil storage for a further period is the result. It is therefore necessary to judge the harm that would be caused by permitting the soil to be stored for a longer temporary period.. The objection by Anglian Water is in connection with the capacity of the accesses and highway to handle any additional capacity but the soil has already been imported onto the site and its removal is a requirement of the previous planning permission. Conditions are proposed to be carried forward which would govern the route of the lorries accessing the site. No objections have been received from the Highway Authority.

The objection from Natural England is directed at the removal of the top soil and the potential disturbance to reptiles that may have colonised the land. It is understood that the longer the top soil is in place, the more likely it is that reptiles will have moved onto the site and it is considered therefore that additional conditions are appropriate to protect any protected species.

CONCLUSION: The proposal seeks the variation of Condition C.90.L of the previous planning permission to allow the continued storage of topsoil on land to the rear of 35-63 Station Road, Felsted for a further 3 years. The permission would therefore extend the date when the land must be restored to its original condition to 1 April 2012. There are no changes in policy or material considerations, which warrant a decision other than approval, subject to all previous conditions, modified where appropriate

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. Only dried top soil reclaimed from the former Felsted Sugar Beet Works and suitable for re use in gardens, open space or landscaping works within its redevelopment shall be deposited on the site. The soil deposited shall not exceed contamination levels previously submitted to and approved in writing by the local planning authority.
REASON: To ensure a satisfactory standard of development.
3. Notwithstanding the plans submitted with application Ref: UTT/2152/04/REN, storage of soil shall be restricted to those mounds marked on Novell Tullet drawing no AN10. Mounds shall not exceed 2.5m in height above existing ground level, and their profiles shall conform to those indicated on Novell Tullett figure number AN11. No machinery shall be operated in the area between the mounds and the properties on Station Road.
REASON: To ensure a satisfactory standard of development in the interests of rural & visual amenity.

4. No development or works shall take place other than in accordance with the method statement submitted on 24 May 2005 and approved in writing by the local planning authority.
REASON: To ensure a satisfactory standard of development.
5. The noise bunds shown green on drawing AN10 and the acoustic fencing erected in the gaps between the mounds shall be retained in accordance with details submitted with the Method Statement submitted on 24 May 2005.
REASON: In the interests of residential & rural amenity.
6. No material shall be stored or ground levels raised within 3 metres of any sewer.
REASON: To ensure a satisfactory standard of development.
7. The vehicle crossing points of sewers shall be protected by timber matting of a minimum depth of 300mm and a minimum width of 5.5 metres
REASON: To ensure a satisfactory standard of development.
8. No development shall take place other than in accordance with the details submitted on 22 May 2005 in respect of the route between the Felsted Sugar Beet Works site and the site for storage of soil in accordance with the permission hereby granted, the details of the refurbishment of the existing bridge over Stebbing Brook and any temporary bridge to be constructed. No vehicles shall enter or leave the site other than via the approved vehicle route.
REASON: To ensure a satisfactory standard of development.
9. The removal of soil stored on the site shall take place on not more than 50 days in total during the period April to October inclusive in any one calendar year. The developer shall give at least 10 days' written notice to the local planning authority and the occupiers of no's 27-63 Station Road, Felsted, including any named houses within that grouping, of the commencement each of these periods.
REASON: To ensure a satisfactory standard of development in the interests of rural & visual amenity.
10. No plant or machinery shall be operated on the site outside the hours of 0900 to 1700 on Mondays to Fridays nor at any time on Saturdays, Sundays, Bank or Public Holidays.
REASON: To ensure a satisfactory standard of development in the interests of rural & visual amenity.
11. The level of noise emitted from the site shall not exceed 60 Laeq, between 0900 and 1700 on any day, as measured 1 metre from the façade of any dwelling.
REASON: To ensure a satisfactory standard of development in the interests of rural & visual amenity.
12. The use of the site for the storage of soil hereby permitted shall be discontinued and the land shall be restored to its former condition by 1 April 2012 in accordance with a scheme of work that shall previously have been submitted to and approved in writing by the local planning authority.
REASON: To ensure the land is restored to its original condition in the interests of rural & visual amenity.
13. No works of soil removal shall take place unless a licence to disturb any protected species has been granted by Natural England under the Conservation (Natural Habitats &c) Regulations 1994, and a copy of which has been provided to the local planning authority.
REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern.
14. If at any time during the course of soil removal hereby approved, a species of animal or plant (which includes bats and great crested newt) that is protected under the Conservation (Natural Habitats &c) Regulations 1994 is discovered, all site work shall cease until a licence to disturb any protected species has been granted by Natural England.
REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern.

Background papers: see application file.

1) UTT/0464/09/FUL & 2) UTT/0465/09/LB - WENDENS AMBO

(Referred by Cllr Menell)

(Reason: Access; effect on Church and Cricket Club activities)

Conversion of the Long Barn and the former Piggery Unit to form two residential units with associated gardens and car parking.

Location: The Long Barn and Piggery Wendens Hall Farm. GR/TL 512-363

Applicant: Braybrooke Settled Estate (Gen

Agent: Mr Andrew Hodgson, Savills

Case Officer: Consultant North 3 telephone 01799 510469/510478

Expiry Date: 12/06/2009

Classification: MINOR & OTHER

NOTATION: outside development limits; within conservation area; main barn is Grade II listed.

DESCRIPTION OF SITE: The site comprises a Grade II listed barn and modern agricultural building located near the entrance to Wenden Hall Farm. It is to the south of St Marys Church and to the west of the cricket ground, and is located in the Conservation Area. There is a green area in front of the buildings and the access also serves other buildings beyond. The main building is large barn with black horizontal boarding put way up and render above and its roof is covered in weathered day plain tiles. From the south east corner of the main barn is a range of modern utilitarian buildings. These are finished in blockwork and have corrugated sheet roofing.

DESCRIPTION OF PROPOSAL: The proposal is to convert the listed barn into 2 dwellings. Unit 1 would form just over half the 36.5m long barn and would provide a four-bedroom unit, retaining a significant proportion as void. Unit 2 would have one bedroom at first floor, and a single storey link to the modern piggery building. This would be converted to annex accommodation to that unit, providing three further bedrooms, a lounge, second kitchen, bathroom and WC, on a single level. The extreme end of the piggery would be converted to a double garage, store, cycle and refuse storage for use by Unit 2. Parking for Unit 1 would be located on the opposite side of the access drive, on an existing clearing (the site of a former building). A modern lean-to structure attached to the southern elevation of the listed barn would be removed.

A mezzanine floor would be inserted in the main barn to provide first floor accommodation in just over one third of the roof void of the barn, with the remainder of the barn remaining open at first floor.

APPLICANT'S CASE: lengthy supporting statements are available to view at the Council offices and via the website. They include a 24-page Planning Statement; a 48-page Design & Access Statement; 34-page Asbestos Survey; Building surveying Report; Beam Survey; Marketing Report; and Bat Survey.

The Long Barn is a high quality Grade II listed barn which is structurally sound and given its listed status must be retained and put into appropriate use by the Braybrooke Estate. The barn is capable of conversion to residential use in such a way to respect its original historical features and we consider a residential reuse to be the most appropriate reuse option to preserve the building and enhance the appearance and character of the Conservation Area.

We consider that the proposed scheme is fully supported by Government guidance set out in PPS 3 and PPS7 and has ensured that all the key elements of Local Plan Policy H6 have

been met through the design, and the marketing of the buildings for a period of over 20 months to fully demonstrate that there is not demand for alternative uses to residential use.

The Braybrooke Estate has an obligation to ensure this listed building finds an appropriate reuse within a key location within Wendens Ambo and in our view it is not acceptable to allow potential alternative uses to cause disruption to the conservation area or to potentially damage the historic fabric of the listed building. Residential reuse will ensure that minimum alterations are required to the historic fabric of the building and create a complimentary use to the conservation area. Residential conversion is therefore the only real practical and realistic approach to the future of this building such as this that the historic environment can be conserved and that an financially viable scheme can also be achieved.

We therefore look forward to receiving Uttlesford Distirct Council's support for the high quality conversion scheme proposed.

RELEVANT HISTORY: None relevant.

CONSULTATIONS: UDC Design Advice: The barn is a timber framed structure of C14 origins with C17 alterations and localised C17 extension. It is an imposing structure which together with the Hall and C16 thatched barn (now lost) formed an important historic farmstead. This barn is also important in terms of its effect on the setting of the Grade I church as it forms a unique back drop to its fabric. It appears that the barn can no longer perform the function for which it was designed, it is important therefore that a new economically viable future is assured. Clearly the unfortunate fate of the 'sister' (lost) barn should be avoided in this case.

The proposal is to convert the building to two residential units with the additional accommodation for one of the units being facilitated in the modern piggeries. The design constraints of this project have been discussed at pre application stage. By and large the architect has devised a scheme which would aim at the retention of the original agricultural character of the structure as much as possible. The conversion of the piggeries could be considered contrary to the aspirations of Policy H6 as the building is of no environmental value. However the endeavour to minimise the subdivisions/alterations to an important listed building could represent a certain level of justification. I suggest that some level of garaging/storage for Unit 1 should also be provided within this lesser range. In conclusion and on balance I suggest following conditions, should there be no planning objections.

- All necessary repairs to be carried out in timber of matching type and cross sections.
- The existing brick plinth to be repaired as necessary and its total rebuilding in new bricks to be avoided if possible.
- No elements of the historical timber frame to be cut or removed without inspection and consent.
- The principal internal partitions to be timber frame and located to respond to the defined historical bay system.
- All fenestration to be facilitated without cutting of historical timbers. Large scale drawings illustrating the proposed method to be approved.
- All weatherboarding to be feather edge and painted black.
- All render to be lime based with mix to be approved.
- Roof to the listed barn to be hand made plain clay tiles to LA approval.
- Final roofing material to the piggery block to be approved.
- All external joinery to be black painted timber.
- Any new boundary walls to be omitted and the curtilages defined by timber post and rail and indigenous species of hedging.
- Any drives and turning spaces to be formed in gravel not tarmac or paving.

In addition to the above I consider it appropriate to devise a condition which would remove permitted development rights relating to any domestic paraphernalia within these very exposed gardens.

ECC Archaeology: recommend building recording and archaeological monitoring condition.

ECC Transportation: Taking into account the lower traffic impact this proposal would generate together with the provision of a turning head within the site for public use as shown on revised drawing 2819/03 Rev C, the Highway Authority has **no objections to this proposal** as it is not contrary to the relevant transportation policies contained within the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07.

Natural England: largely satisfied with report's findings, but consider further summer surveys are required to determine whether or not the long barn is used as a bat breeding roost.

Recommend that local planning authority would withhold planning permission on grounds that application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. Comments on additional Survey: no objection provided mitigation outlined in report is incorporated by condition.

Essex Wildlife Trust: any comments received will be reported.

Essex Bat Group: any comments received will be reported.

Anglian Water: any comments received to be reported.

UDC Building Surveying: B5 (fire tender access) access road to be 3.7m wide with turning head. Where Lifetime Homes Standards can be met they should be incorporated. Note the step changes internally. As this is a conversion it would be difficult to enforce Part M (Access to Buildings) of the Building Regulations. Sustainability - submitted details satisfactory. Apply condition C.8.35.

UDC Engineer: No details of foul water drainage. Surface water disposal is stated as to soakaway which is preferred option but confirmation is required as to how driveway/parking hardstandings will be drained. Conditions recommended.

UDC Environmental Services: no comments.

PARISH COUNCIL COMMENTS: Objection – see response attached at end of report.

Additional Comments to Revised Plans: Parish Council have given consideration to additional plans showing a turning head which applicant has indicated will be provided for residents' of Church Path. Whilst this amendment is welcome, it is a very small turning head which we doubt meets acceptable planning /highway standards. There is still no information as to how residents of Church Path will access their septic tanks for emptying and maintenance which are on development site. Because of sensitivity of site and its close proximity to Church, a decision on application should be deferred until Uttlesford District Council has prepared a Conservation Area Character Appraisal to assist with management and control of development boundary. Parish Council ask that this application be refused.

REPRESENTATIONS: These applications have been advertised and 8 representations have been received. Period expired 8 June 2009.

1. Wendens Ambo Society – See representation attached at end of report.
2. Objection. Appreciate listed barn needs to be maintained and am supportive of application to convert it, but residents of Church Path and village green visitors need space currently available in farmyard to turn cars round, or else cars, deliveries and emergency vehicles have to reverse on to Royston Road. Extra traffic created by 2 dwellings would be excessive for such narrow access lane. Should be restricted to one dwelling and piggery should be demolished. Access should be by cricket pitch Lane not Church Path. Church Path too narrow for large vehicles, particularly construction.
3. Objection. Church Path is historically path to church and farm and proposal would change this dramatically and make it a road for general use. Road too narrow for vehicles to pass.

Development will make it worse. Inadequate and dangerous exit on to B1039. Need ongoing access to farmyard entrance as turning area, and ideally access to additional parking. Piggery is unsightly and of no historical or environmental significance and not convinced conversion will improve matters greatly, especially with corrugated iron roof. Would support conservation officer's preference for single dwelling and demolition of piggery.

4. Concern at protection of and access to septic tank of 1 and 2 Church Path within site.

5. Same concerns as '2' above about change to historic access and inadequacy of Church Path and access onto B1039 in highway safety terms. Increased traffic along Church Path would create additional hazards to children crossing to play area on The Wick. Proposals would allow centre of Conservation Area to be filled with cars, with extra noise, pollution, visual harm, and nuisance to nearby residents from vehicle lights. No means of preventing yard being used as public car park. Development of piggeries would not enhance site as building is of no architectural or historic merit, and obscures southern aspect of Long Barn. Better to demolish it to improve views of barn, The Wick, and cricket field. Awkward layout to Unit 2, reached along private road to Mutlow Farm. Should provide either 1 or 2 units within barn (as per view of conservation officer). Overlooking of Wenden Hall from Juliette balconies on southern elevation, and post and rail section of wall around gardens. Barn stands on higher ground than Hall, and trees are deciduous and provide no cover in winter. View of domestic clutter. Submitted photos misleading in relation to views of Wenden Hall. Plans do not provide for community space within farmyard. Amenities of village would be improved if access granted to public and benches provided. Future conversion of other farm buildings would add to difficulties of access and threaten village amenity of cricket ground.

6. Adverse impact on bats, particular rare Natterers and Long Eared. As natural historian, have grave reservations about likely success of mitigation measures. Additional vehicles will increase hazards onto blind corner of Royston Road. Additional risks to children and other pedestrians from extra traffic on narrow Church Path. Concern at construction vehicle hazards, and extra parking from construction staff. Increased use of Cricket ground access. Will eviscerate existing English village ambience and degrade picturesque nature. Gardens unlikely to be suitably planted for location. Request rejection.

7. Vision extremely restricted from Church path onto Royston Rd, and concerned at increased traffic, including lorries and increased cyclists going to station on hazardous road. Concern at increased use of cricket field access, which forms part of cricket playing area, is used by many children and teams. Clubhouse too small to act as substitute for village hall functions. Even combination of village Hall and cricket facilities cannot anywhere near match community facility village enjoyed when it virtually refurbished barn for social functions before Estate withdrew this free of charge facility. Wish to see Long Barn brought into use and not decay but not as currently planned.

8. Wendens Ambo District Church Council – Concern that decision will be taken without benefit of Conservation Area Appraisal (CAA). 11th century church is Grade I listed. In lieu of CAA, UDC should establish in consultation with applicant broader long-term proposals for adjacent buildings which may also have development opportunities, potentially opening up access through Bearwalden Estate. This would offer holistic view necessary to satisfactorily preserve and enhance character and appearance of conservation area. Request planning condition of 'no objection' to ringing of bells in local church. Since collapse of tithe barn in 1990s church, bell ringers and families have informally parked up to 25 vehicles in this area. Plans now show only 4 spaces for barn residents. Continued use of this area for parking should be permitted thus relieving increased pressure from attempts to park in Church Path. Would prevent a drop in attendance to church as existing church car park contains only 11 spaces and is shared with village Hall. Single dwelling would reduce demand for new parking. Concern at number of windows overlooking church and graveyard. Church is in a peaceful location and converting barn would alter its setting. Due to proximity of north elevation request any windows are non-opening to minimise noise from televisions, home cinema's, radio, hi-fi and computer games that would intrude on solitude of church services, prayer meetings and graveyard. Request development boundary to north of barn terminates

no closer than 0.9m to church wall southern boundary to provide unrestricted access for maintenance and to allow for pedestrian passage. Request condition restricting planting between barn and Church to enable maintenance and prevent damage by growing roots to shallow foundations of wall. Do not object in general and support sympathetic development provided proposals can be amended to respect proximity of church and sensitivity of conservation area.

COMMENTS ON REPRESENTATIONS: highway safety and conservation area issues are addressed below. Although there may have been informal use of the building and parking areas by the local community, the removal of these facilities would not be reason for refusal. It would be unreasonable to require a landowner to provide a public parking area for use by third parties as this would be unconnected with the scale of the development, and would not meet the tests of Circular 11/95, 'The Use of Conditions in Planning Permission'. Private matters of access for maintenance of the wall and private drainage facilities are a civil matter between the relevant landowners. A planning condition could not prohibit objections to bell ringing, and any noise nuisance would need to be addressed through environmental health controls. The proximity to the church and any potential noise would be a consideration for any occupant purchasing the barn conversion.

PLANNING CONSIDERATIONS:

The main issues are

- 1) the principle of residential use of the barn and its effect on the listed building and the Conservation Area (PPS7, PPG15, ULP Policies S7, ENV2 and H6);
- 2) residential amenity, with particular reference to privacy and nuisance (ULP Policies GEN2 & GEN4);
- 3) highway safety (ULP Policy GEN1);
- 4) protected species (PPS9; ULP Policy GEN7) and
- 5) other material planning considerations.

- 1) The application site is outside development limits where new residential development would normally be unacceptable unless involving re- use of an existing building.

The conversion of rural buildings is subject to Uttlesford Local Plan Policy H6, which states:

Policy H6 - Conversion of Rural Buildings to Residential Use

The conversion of rural buildings to dwellings will be permitted if all the following criteria apply:

- a) *It can be demonstrated that there is no significant demand for business uses, small scale retail outlets, tourist accommodation or community uses*
- b) *They are in sound structural condition;*
- c) *Their historic, traditional or vernacular form enhances the character and appearance of the rural area;*
- d) *The conversion works respect and conserve the characteristics of the building;*
- e) *Private garden areas can be provided unobtrusively.*

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

The Long Barn is listed in its own right and both national and local policies seek to secure alternative uses to safeguard the future of such buildings. Its conversion would be supported by Policy H6, but before residential use is accepted it should be demonstrated that there is no significant demand for alternative uses specified in the policy.

The submitted supporting statement confirms that the Long Barn was marketed for a period of 20 months between August 2007 and March 2009. Both the Parish Council and Amenity Society were approached with a view to pursuing community use of the building. The submitted marketing survey information indicates a general lack of demand.

National and local planning policies support development in sustainable locations closest to settlements. In this instance, the site is sustainably located close to the development limit for Wendens Ambo. However, the development potential for the site is constrained by vehicular access. The site accesses onto Church Path, a narrow lane with poor visibility on to the main Royston Road. The highway safety implications of this proposal are addressed in section 3 below, but in terms of assessing potential alternative uses for the building it is evident that any use generating significantly more traffic would be unacceptable. Given the size of the barn, any commercial or community re-use is likely to generate higher levels of traffic movements compared to conversion to two dwellings, in terms of car borne trips for staff and visitors and traffic movements by larger vehicles. Although car movements would create additional hazards through intensification, traffic movements by larger delivery vehicles would create more significant harm. On that basis, the results of the marketing exercise and the constraints of access demonstrate that the site would be unsuitable for commercial re use.

Similarly, although residents have expressed a preference for community use, approaches to the Parish Council and Amenity Society did not generate any interest, as there are alternative facilities available in the village. Similarly, any use which would increase visitors to the area, over and above those already accessing the recreation ground and church, would exacerbate existing hazards.

The commercial use with the greatest potential is therefore tourist accommodation, but the agent has submitted a detailed analysis of the economic viability of such a use bearing in mind the financial outlay required for conversion. Although no specific details of local holiday accommodation demand are provided, there is analysis of the attractiveness of this site for holiday use, and the consequent limited demand. Furthermore, the size of the barn is likely to require subdivision into smaller units in order to be lettable, but this would be harmful to the historic character of the listed building by destroying its openness. On balance, the need to secure a viable alternative use for this listed building outweighs the potential that tourist accommodation could provide. National policy guidance in PPS7 states that local authorities should “support the provision of general tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities”, and in this instance sufficient information has been put forward to indicate accordance with this guidance. In the event of an appeal the Council has no contrary information to dispute the statements made in the supporting submission.

Having reached the view that the principle of residential re-use is acceptable, the advice of the Council's Conservation Officer is that internal subdivision should be limited to ensure the openness of the barn is retained. Pre-application advice indicated that the barn should be converted to a single unit, but on balance the Conservation Officer's view is that given its large size it is unrealistic for the building to accommodate only a single unit. The number and placement of windows proposed responds sensitively to the existing building.

However, in order to avoid excessive subdivision, the view of the Conservation Officer is that conversion of the adjacent modern piggery to form part of one of the units could be justified, as it would result in less subdivision of the main barn and therefore preserve more of its historic open character. The adjacent piggery is a modern structure of utilitarian design and materials. It makes no positive contribution to the setting of the listed barn or to the Conservation Area. The improvements to the exterior of the building – covering the bare

block work with weatherboarding changes to the fenestration, replacing the sheeting roof and removing the ridge mounted ventilation ducts - would be an enhancement to its setting.

The conversion of the buildings would result in changes to the exterior in terms of parking and gardens. It is accepted that the visual impact of the surface parking for Unit 1 would have a neutral effect on the conservation area, as the cleared area in question is already available for parking. A request to provide covered parking for both units has been declined by the agent on the basis that (1) the garage would be too far from Unit 1 to be used by residents; (2) it is not feasible to provide a garage in separate ownership in a neighbouring property for reasons including insurance, maintenance, and third-party wall issues, and would make the property difficult to let and sell; (3) the adverse effect extended access would have on the frontage of the barns and their gardens; and (4) loss of privacy to occupants of Unit 2. Although these are not considered insurmountable issues, the Council's policies do not require covered parking to be provided and as such this would not be a reason for refusal. Any future application for garaging for Unit 1 would have to be considered on its merits for example in terms of its effect on the setting of the listed building and the Conservation Area.

It should be noted that although the Conservation Officer advises that a condition should be imposed to prevent 'domestic paraphernalia' on the lawn in front of the buildings, there are considered to be no reasonable controls that could be imposed. Permitted Development rights for buildings, extensions and enclosures, etc, are to be removed, but it would be unreasonable to restrict all non-permanent features.

2) Although located in the centre of the village, it is considered that the barns are sufficiently distant from neighbouring residents to avoid direct overlooking and loss of privacy. Although Wenden Hall sits at a lower level than the application building, and would experience a change in outlook and potential disturbance compared to the current arrangement, it is not considered that this relationship would be so harmful to warrant refusal.

The barn is adjacent to the church, and although concerns about potential noise nuisance which could affect users of the church are noted, the number of openings are relatively few. It would be unreasonable to prevent re-use of this building on the basis of its effect on churchgoers and the graveyard, particularly given the proximity of other dwellings in Church Path.

One of the most significant concerns expressed by local residents is the potential for increased traffic and highway hazards. Revised plans have been received which incorporate the relocation of an existing gate and provision of a turning head within the application site for use by residents in Church Path. This is an improvement over the existing situation, and even if residents have in the past used the application site for turning and parking, this is an informal arrangement which the local authority could not require. This compromise situation would address highway safety issues whilst benefiting local residents.

3) Church Path is a narrow, short access road serving a small group of dwellings, the recreation ground, the church and providing access to Wenden Hall Farm complex. There has historically been some traffic generated by use of the application buildings, and any future use, be it residential or commercial, would generate traffic. In this case it is considered that the domestic traffic to be generated by two dwellings would not intensify use of the substandard access onto Royston Road to such a degree that refusal could be justified. Essex County Council as highway authority has raised no objection to the proposal, particularly given the benefit of the inclusion of the turning head. In the absence of an objection from the highway authority, and the lack of any demonstrable evidence to refute the highway safety claims of the proposal, refusal on this point could not be justified.

4) There is evidence of bats using the barn and surveys have been undertaken which demonstrate that, subject to mitigation measures, the development could take place without causing harm to any protected species. Natural England raises no objection to the proposal.

5) Although this is an application for alterations to a listed building, it is considered there is scope to incorporate energy efficiency measures without undermining the status of the building. Appropriate conditions are therefore recommended. Although not all Lifetime Homes standards could be met, there is scope to incorporate many and this could be subject of a condition.

A number of representations have expressed concern that this development should not be considered in advance of a Conservation Area Appraisal being undertaken, or unless comprehensively with other future development at the farm. Although the Council has been working on a programme of Conservation Area Appraisals throughout the district, there are no immediate plans to assess Wendens Ambo. It would be unreasonable to withhold permission on development which affects the Conservation Area provided its merits are such that the Conservation Area is preserved or enhanced. The Council has a specialist Conservation adviser who has considered the proposal in the context of the listed building and the wider Conservation Area, and on the basis of that specialist knowledge the proposal is considered acceptable. Similarly, there would be no justifiable reason to prevent this application being considered in isolation of future development at the farm, given that it is acceptable in its own right. Any future development proposals would be considered in the light of existing and approved development at Wendens Hall Farm.

The Church Council has requested limitations on planting adjacent to the wall of the northern boundary. It is considered reasonable to restrict planting in this area by condition, given that uncontrolled planting could undermine the stability of this listed structure.

CONCLUSIONS: National policy encourages suitable alternative uses for listed buildings to ensure their long-term security and this is a building that requires an alternative use to safeguard its future. It is considered that there is adequate justification for the conversion of this range of buildings. External alterations to the piggery would be an enhancement to the Conservation Area. The proposal is considered acceptable in relation to highway safety, the living conditions of neighbouring residents and protected species.

RECOMMENDATIONS

UTT/0464/09/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.5.1. Samples of materials to be submitted agreed and implemented.
4. C.5.5. Clay plain tile – hand made.
5. C.5.9. Painted wood & weatherboarding. (to include window & door frames to be finished in colour to match the render or boarding as relevant)
6. Notwithstanding the submitted details, the samples of materials to be submitted pursuant to condition C.5.1. of this permission shall include roofing materials for the former piggeries.

REASON: In order to fully assess the impact of the proposed roofing material, and to enable consideration of alternative materials which may be more sympathetic to the setting of the listed building and the Conservation Area.

7. C.4.1. Scheme of landscaping to be submitted and agreed.
8. C.17.1. Revised plan required.
9. The area between the northern elevation of the barn and the southern boundary wall with the church to the north shall be kept clear of all planting except grass, unless in

accordance with details first submitted to and approved in writing by the local planning authority.

REASON: To avoid the introduction of planting and root systems which could undermine the stability of the boundary wall, in the interests of public safety and preserving the setting of the listed building.

10. C.6.2. Excluding all rights of permitted development within the cartilage of a dwelling house without further permission.
11. C.6.7. Excluding conversion of garages.
12. C.6.10. Residential annexe ancillary to rest of unit 2.
13. C.8.15. Restriction of hours of construction.
14. C.10.14. Vehicle parking for construction staff.
15. C.8.35. Condition for compliance with code level 3 (less than five dwellings).
16. All car parking areas and the turning heads shown on drawing number 2819/03 Revision C shall be laid out and surfaced, in accordance with a scheme which has been submitted to and agreed in writing by the local planning authority before the building conversions hereby permitted are first occupied and shall be retained permanently thereafter for the vehicle parking and turning of residents/occupiers and shall not be used for any other purpose. The turning head located to the north west of Long Barn shall also be retained free of obstruction for public use and shall thereafter be retained for that purpose.
REASON: In the interests of highway safety.
17. With the exception of the areas indicated as grasscrete on drawing no. 2819/03 Revision C, all drives and turning spaces shall be formed in gravel, but no development shall commence until details have been submitted of measures to prevent the displacement of loose gravel from the application site onto Church Path. The approved measures shall be constructed before the occupation of the converted barns, and shall thereafter be retained in the approved form.
REASON: To provide for sustainable drainage and a finish appropriate to a range of former farm buildings.
18. No conversion or preliminary groundwork's of any kind shall take place on the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority in writing.
REASON: To provide for the proper assessment of archaeological remains at the site.
19. C.20.1. Acceptable survey mitigation/management plan – Implementation of scheme.
20. C.20.2. Development not to proceed until licence from Natural England obtained.
21. C.28.2. Accessibility – further submission.
22. C.8.27. Drainage Details to be submitted agreed and implemented.
23. C.8.27B Soakways.
24. C.23.2. Demolition of outbuilding.

UTT/0465/09/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development – listed buildings.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. All repairs to the barn shall be carried out in timber of type and cross sections to match those of the existing building.
REASON: To protect the character of the listed building.
4. The principal internal partitions to the main barn shall be of timber frame and located to respond to the defined historical bay system.
REASON: To protect the character of the listed building.
5. C.5.16. No historic timbers to be cut.
6. C.5.9. Painted wood & weatherboarding.
7. The walls to the development hereby permitted shall have a lime based rendered surface. Details of the render mix shall be submitted to and approved in writing by the

local planning authority prior to the commencement of the development. The development shall be undertaken in accordance with the approved materials and the materials shall not subsequently be changed without the prior written consent of the local planning authority.

REASON: To protect the character of the listed building.

8. C.5.5. Clay plain tiles – hand made.

9. Notwithstanding the submitted details, the samples of materials to be submitted pursuant to condition C.5.1. of this consent shall include roofing materials for the former piggeries.

REASON: To protect the character of the listed building.

Background papers: see application file.

1) UTT/0409/09/FUL & 2) UTT/0410/09/LB - RADWINTER

*(Called in by Cllr Schneider)
(Reason: The site is in a Conservation Area)*

1) Single storey rear extension
2) Single storey rear extension. Replacement of window to Rear elevation with doors and removal of door to Side elevation (east) to be infilled to match existing wall.
Location: 1 Church View Cottages. GR/TL 606-371
Applicant: Mr T Chamberlain & Ms L Macfarlane
Agent: Mr A Kellock
Case Officer: Madeleine Jones 01799 510606
Expiry Date: 04/06/2009
Classification: OTHER

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

DESCRIPTION OF SITE: The property is an end of terraced grade II Listed Building which is set south of the church in the centre of the village and Conservation Area. The house has garden to the front side and rear of the dwelling, however, the majority of the garden is forward of the dwelling. The site slopes down from north to south.

DESCRIPTION OF PROPOSAL: The proposal relates to three items 1) a single storey rear extension, 2) an existing window to be replaced with new doors to the rear elevation and 3) an existing rear door would be filled in and rendered. The dimensions of the rear extension would be 2.6m deep, 3.4m wide and 4m high. The extension would have a door to the rear elevation and a window to the west elevation (facing a previous extension).

APPLICANT'S CASE: (Summary) Church View Cottages comprise a range of timber framed structures which currently form two dwellings. Church View Cottages has a jettied gable forming the main historic section with later C20th single storey side and rear extensions. The cottages are probably C17th and form an important role in their relationship to the church to the northern side. The scale of the porch as proposed has been carefully reduced to the smallest element in the range of additive structures at the rear of the main dwelling. The ridge height has been set below that of the other extensions to enhance the hierarchy of rooflines presented by the complex. The layout is arranged to enable access from the rear garden through the porch as a storage area for hats coats boots and dogs prior to entering the main accommodation. The appearance of the porch is to match in materials roof pitch and detail the existing the existing building but to have a gabled end rather than hipped roof to add visual variety and interest.

RELEVANT HISTORY: Single storey rear extension approved 2001. Single storey extension refused 1999. Demolition of sub-standard bathroom/entrance hall and kitchen extensions approved 1977. Erection of a garage approved 1980.

CONSULTATIONS: Specialist Design Advice: The property subject of this application is a cross wing of a C16 timber framed house which has been subdivided into 3 tenements. The original part of number 1 Church View forms a diminutive dwelling on two floors which in order to fulfil the minimal expectations of living today, has been extended in the past in a single storey form. The present proposal is to create further small wing accommodating an entrance lobby. The new range would not extend beyond the southern wall of the existing wing, would not be visible in the context of the principle elevation and on balance and for the above reasons would not greatly alter the perception of the level of new build. Having said that , in order to unify the architectural concept certain alterations in the form and style of

detailing will have to be made. I am confident that these alterations could be resolved by relevant conditions.

PARISH COUNCIL COMMENTS: No reply received. Expiry date 14th May 2009.

REPRESENTATIONS: These applications have been advertised and one representation has been received. Period expired 29th May 2009.

The Old Bakehouse: (summary) Would like to strongly object as we believe they breach a number of the council's planning policies, guidance contained in PPG15 relating to Listed Buildings and Conservation Areas, and the English Heritage document "A charter for English heritage Planning and Development Advisory Services". There are errors in the design and access statement. There are three cottages. This cottage was originally a hall house at right angles to the road which was converted into three cottages under the guidance of the renowned Victorian architect and colleague of William Morris, William Eden Nesfield, as part of his major work in Radwinter following the Great Fire in 1874 and which includes many of the buildings at the centre of the village of which this forms a part.

There is a significant planning history to this site which we would like to refer as we believe the reason for this refusal is extremely relevant to the current application. In 1999, the current applicant submitted plans for a large extension (UTT/1286/99/FUL & UTT/1287/99/LB) which was refused as being "contrary to Policy DC5 (A) Unsuitable design regarding a listed building" the policy is then quoted followed by "the proposal would be unacceptable because the cumulative size of the existing and proposed additions would be out of keeping with the scale and character of the listed building. 1 Church View Cottages is a crosswing of a sixteenth century timber framed house and has been substantially extended to meet modern accommodation standards. The small scale of the original listed building is a fundamental part of the character of the building and further extension would have an overpowering and detrimental effect on the fabric, character and appearance of the listed building. Furthermore, the application site is prominently located in the conservation Area, in an elevated position, and a detrimental addition to the dwelling could not fail to adversely affect the character and appearance of its setting" This really summarises why the current application should be refused.

A further application was made in 2000 for a smaller extension. It is our concern that the applicant is trying in a piecemeal way, to achieve the original objective of the refused 1999 application in that should the current application being granted, a further will be made to "fill in the gap" between the two rear extensions which will be "only small & it would tidy the appearance" hence the applicant would have circumvented the planning system in an indirect manner which in our view is unacceptable and unethical.

We believe it would be an unnecessary disturbance to the appearance of this building which is at the heart of the Conservation Area (there is a protected lane which leads to the southern end of the conservation area and this represents a pleasing view across listed buildings to the church) the separation from the previous extension and differences in scale (roof and depth) would create a bitty appearance at variance with the listed building and its setting.

We would argue that there is no justification for this further extension, it is not needed in terms of modern living requirements, that the reason for refusal of the 1999 application on grounds that "further extension would have an overpowering and detrimental impact" is even more pertinent now following the approval of the 2000 extension.

We believe the current application breaches policy ENV1 in that it does not enhance or preserve, indeed it would cause significant damage to the setting and appearance of this important listed building. It also breaches policy ENV2 in that it is not in keeping with its scale, character and surroundings.

We would now draw reference to English Heritage Guidance. In addition to its connection with William Eden Nesfield, there is suggestion (although disputed by some) that it was, in the sixteenth century, a residence of William Harrison, the Elizabethan clergyman who wrote

the Description Of England. There is no justification for the application, it is not necessary, the accommodation is sufficient, the building has already undergone considerable extension and further extension is not desirable as cumulatively extensions reduce the small scale nature of the building, the building is not in danger and there are no other material considerations such as disabled access.

Section 2.16 of PPG15 refers to the desirability of preserving the setting of a listed building, obviously significant here as the rear of this listed building is in danger of being completely submerged.

Section 2.17 also refers to the setting of a listed building being wider than the immediate land around it and states “the setting of a listed building often owes its character to the harmony produced by a particular grouping of buildings. and to the quality of the spaces created between them” all this is threatened by this proposal.

Section 3.4 states that the proposal must be justified, this cannot be done in this case.

Very significant is section 3.13 which states “ some listed buildings are the subject of successive applications for alteration and extension; in such cases it must be borne in mind that minor works of indifferent quality, which may seem individually of little importance can cumulatively be very destructive of the buildings special interest – this is obviously the case with this application.

Section 4.19 – this application has no public interest consideration and this development would most certainly not preserve or enhance the character or appearance of the area.

COMMENTS ON REPRESENTATIONS: It has been agreed that the terrace is three dwellings and that the Design and Access statement’s reference to two dwellings is incorrect Other matters will be covered below.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

- 1) **Design, scale, impact on neighbours amenity and effect on character and setting of a Listed Building and Conservation Area (ULP Policies S3, GEN2, H8, ENV1, ENV2);**

In view of the location and scale of the proposed extension 11m from the road side boundary, it would not cause any overlooking or overshadowing of neighbours properties and as such there would be no material detrimental impact on neighbour’s amenity. The neighbour who has objected lives on the opposite side of the road, twenty metres from the proposed extension.

In the past approved application (UTT/0781/00/FUL & UTT/0782/00/LB) received the comment that “ this is likely to be the most additional build which the dwelling can accommodate”. However the extension is minor in nature (the dimensions of the extension are only 2.6m by 3.4m), only single storey, does not extend out further than the previous approved small single storey extensions and would not harm any views of the church. Design Advice states that because “the new range would not extend beyond the southern wall of the existing wing, would not be visible in the context of the principle elevation and on balance and for the above reasons it would not greatly alter the perception of the level of new build.” It is not considered that this small addition, taking into consideration previous additions would be detrimental to the character and setting of the listed building or the character and setting of the Conservation Area.

The recommendation is based on any cumulative impact and not just the impact of the proposed extension. It is not considered reasonable to refuse this modest application. It is not considered that this development would have any impact on the protected lane.

CONCLUSIONS: The proposal complies with policy

RECOMMENDATIONS:

UTT/0409/09/FUL – APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.17.1. Revised plan required. (Provision of hipped roof to southern elevation of extension in place of gable end shown on submitted plan to correspond with similar arrangement on existing extension).
3. C.5.3. Matching materials.

UTT/0410/09/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development – listed buildings.
2. C.17.1. Revised plan required (Provision of hipped roof to southern elevation of extension in place of gable end shown on submitted plan to correspond with similar arrangement on existing extension).
3. C.5.5. Clay plain tiles – hand made.
4. C.5.8. Joinery details.

Background papers: see application file.

UTT/0538/09/FUL - QUENDON & RICKLING

(Officers' interest)

Demolition of single storey garage/store room and erection of two storey side/front extension. Erection of replacement garage

Location: Woodview House Brick Kiln Lane Rickling Green. GR/TL 508-301.

Applicant: Mr P Scales

Agent: Mr T Burton

Case Officer: Consultant North 2 telephone 01799 510478/605

Expiry Date: 02/07/2009

Classification: OTHER

NOTATION: Within settlement limits.

DESCRIPTION OF SITE: Application site comprises a two-storey detached dwelling located on the edge of this village. It is set to the rear of other dwellings which front the main road. The dwelling comprises a more modern two-storey detached property with various single storey extensions, including an attached garage, and a further outbuilding towards the front boundary adjacent to the access track. The site and close locality are on flat ground.

DESCRIPTION OF PROPOSAL: Application seeks planning permission to erect a two-storey front and side extension. This application follows refusal of planning permission for another scheme – see 'Relevant History' below.
With this revised application, the extension would be 5.5 metres wide and project to the front of the dwelling by 2.1 metres, with a further small projection to the front of the dwelling that now exists. This extension would replace the existing garage to the dwelling. The existing outbuilding at the front would be replaced by a separate detached garage. This would be 6 metres wide and 6.0 metres deep.

APPLICANTS CASE: None.

RELEVANT HISTORY: UTT/0416/08/FUL: Two-storey side and front extension, and detached garage. Application refused for the following reason:
The proposed two storey front and side extension, by reason of its excessive size and scale in relation to the existing property, would result in a visually discordant and overly dominant element of built form that would be harmful to the appearance of the dwelling and would result in an overly dominant element of built form at this site which is presently largely dominated by its curtilage. As such, the proposal is contrary to the aims of Policies H8, GEN2 of the Uttlesford Local Plan and Supplementary Planning Document Home Extensions.

PARISH COUNCIL COMMENTS: None received.

REPRESENTATIONS: None. Period for representation expired 29 May 2008.

COMMENTS ON REPRESENTATIONS: N/a.

PLANNING CONSIDERATIONS: The main issues are

**Design and neighbour's amenity (ULP Policies: H8, GEN2) including
Supplementary Planning Document "Home Extensions"**

With regard to the design and appearance of these extensions, and the effect upon the existing dwelling, both the adopted local plan policies and the Supplementary Planning

Document “Home Extensions” indicate that extensions should respect the appearance of the existing dwelling. Extensions should also have regard to the street scene that exists.

With the previous application the key concern was the overall size and scale of the proposed extensions and that they would fail to have any regard to the character and appearance of the existing property. Those extensions would become the dominant element and would result in an unacceptably imposing structure at this site.

The proposed extension would still be a relatively large addition to this property and in particular it also incorporates other significant alterations to the design and appearance of the dwelling. However, overall it is considered that the resultant built form would be satisfactory. It would in particular result in the removal of the large area of flat roof building to the front and overall the alterations to the external surfaces and fenestration would result in a substantially improved property.

The dwelling is in a large curtilage and in that context it would not result in an overly dominant element of built form at the site and would remain in keeping with the spacious character of this part of the settlement.

With regard to the detached garage this would also be of a satisfactory size and scale and would be clearly subordinate to both the existing and extended property.

Despite the size of these extensions and detached garage, there would be no significant impact on the amenities of adjoining occupiers given the distance to the boundary, and the orientation which means that direct shadowing would be very limited. The distance to the boundary, and the presence of landscaping, also means that there is no need for any conditions with regard to the insertion of windows at first-floor level.

There would remain satisfactory space for car parking within the indicated driveway area and therefore there is no need for any restrictions in terms of the use of the garage for car parking.

CONCLUSION: The revised proposals overcome the previous concerns with regard to the design and appearance of this extended dwelling and therefore the application should be approved.

RECOMMENDATION: APPROVAL WITH CONDITIONS:

1. C.2.1. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.3. Matching materials.
4. C.8.28 . Within four weeks of the date of the commencement of the development hereby permitted or other such period as agreed by the local planning authority details of Cost Effective Energy Efficiency Measures to be carried out to the extended dwelling shall be submitted to and approved in writing by the local planning authority. These measures shall be implemented during the construction of the development, unless otherwise previously agreed in writing by the local planning authority.

REASON: These measures are required to mitigate the greater use of energy resulting from the provision of the new extension.

Background papers: see application file.

UTT/0522/09/FUL - SAFFRON WALDEN

(Called to Committee by Cllr Ketteridge)

(Reason: Concern about highway safety)

Variation of condition C.90B (visibility splays in accordance with "manual for streets" i.e 48m x 2.4 metres) on planning approval UTT/0123/09/FUL

Location: Former Gas Works Radwinter Road. GR/TL 543-384

Applicant: Rydon Homes Ltd

Agent: Rydon Homes Ltd

Case Officer: Mr N Ford 01799 510629

Expiry Date: 24/06/2009

Classification: Minor

NOTATION: Within Development Limits.

DESCRIPTION OF SITE: The site currently comprises vacant land within the old gas works site on the corner of Radwinter Road and Thaxted Road, Saffron Walden. The Committee visited the site at the time of the previous application earlier this year.

DESCRIPTION OF PROPOSAL: The application proposes the variation of condition C.90B attached to the recent grant of planning permission for 9 dwellings. The conditions states:

"Clear to ground visibility splays of 2.4 metres by 90 metres to be provided either side of the access".

REASON: To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

This condition was imposed at the request of the Highways Authority.

APPLICANT'S CASE: See Design and Access Statement received 29 April 2009.

States that information submitted with the information was not considered and resulted in a requirement for visibility splays to the access of 2.4m x 90m. These are excessive and only applicable where the speed limit is 40mph or more. The current requirement would encroach on third party land and require the removal of trees.

Modification to the recommended standard of 2.4m x 48 metres or 2.4m x 90m westerly and 2.4m x 58.6m easterly (requested by Essex County Council).

RELEVANT HISTORY: On 24 March 2009 planning permission was granted for the erection of 9 dwellings, new access and ancillary works (UTT/0123/09/FUL).

CONSULTATIONS: Highway Authority: No objection subject to a visibility condition as agreed with the applicant - Clear to ground visibility splays of 2.4 metres x 90 metres to the west and 2.4 metres x 58.6 metres to the east of the access as shown on Drawing No: RSF/SL1 dated April 2009 to include the removal of all scrub vegetation.

TOWN COUNCIL COMMENTS: To be reported.

REPRESENTATIONS: Two. Notification period expired 21 May 2009.

1. The Old Vicarage – Refers to making amendments to the scheme layout to provide a second to relive traffic pollution from waiting cars at the traffic lights in the Air Quality Management Area.

2. 9 Radwinter Road – Makes the suggestion that the developer could provide a filter lane for the Thaxted Road/Radwinter Road junction to the front of the application site due to traffic and air quality management problems.

COMMENTS ON REPRESENTATIONS: This planning application relates solely to an application to vary the requirements of the visibility condition. As such it is not appropriate to re-visit the merits of the scheme in terms of number of dwellings, layout, scale and design as this has already been agreed. It is not appropriate to re-visit other highway issues.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

1) Whether the visibility splays in the amended dimensions proposed would be satisfactory in terms of highway safety and would preserve visual amenity (ULP Policies GEN1 and GEN2).

1) The site is within the Development Limit of Saffron Walden where in principle development is acceptable, subject to compliance with other policies of the Local Plan; Indeed planning permission has recently been granted for a scheme of 9 dwellings to which this application relates.

The details of the housing scheme have already been agreed by the Committee in relation to layout, scale and detailed design. The sole consideration here is in terms of highway safety and amenity relating to the amendment of the visibility splay condition. The condition as currently framed is impracticable as it is not possible to implement as it crosses third party land. It would also have the added disbenefit of requiring the removal of trees fronting Radwinter Road which provide visually important relief.

The splay dimensions as requested would achieve adequate visibility for drivers in both a westerly and easterly direction and would also retain the tree frontage as only grass and undergrowth would need to be trimmed back. The Highway Authority is satisfied with the revised condition.

CONCLUSIONS: The amended visibility requirements would satisfy highway safety requirements as requested by the Highway Authority and would benefit visual amenity by preserving frontage trees.

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.4.1. Scheme of landscaping to be submitted and agreed.
5. C.4.2. Implementation of landscaping.
6. The vehicle access shall be not less than 4.8 metres and retained at that width for 15 metres within the site and radius kerbs of 7.5 metres should be provided at the junction with Radwinter Road. Two x 1.8 metre wide footways to be provided around the radius with suitable crossing points at the Radwinter Road junction.

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

7. Clear to ground visibility splays of 2.4 metres x 90 metres to the west and 2.4 metres x 58.6 metres to the east of the access as shown on Drawing No: RS/SL1 dated April 2009 to include the removal of all scrub vegetation.
REASON: To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.
8. 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.
9. 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.
10. 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.
11. Each vehicular hardstanding shall have minimum dimensions of 2.4 metres x 4.8 metres.
REASON: In accordance with the Car Parking Standard.
12. Prior to the commencement of the development the details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided before occupation and retained at all times.
REASON: To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with the Essex Local Transport Plan 2006/2011 Appendix G: Development Control Policies and Processes Policy 3.3 Accessibility (Cycling) and Policy 7 Vehicle Parking Standards.
13. The development hereby permitted shall not commence until a 'Keep Clear ' roadmarking has been provide in the carriageway of Radwinter Road for the full width of the bellmouth junction with this development unless otherwise prevented from so doing by decision of the Essex County Council as highway authority.
REASON: To unsure the entrance to the development is not obstructed by queuing traffic in Radwinter Road.
14. C.17.1. Revised plan required.
15. C.8.23. Ground contamination.
16. Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
REASON: The site is contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.
17. The surface treatment of the parking areas, shall use permeable paving to enable sustainable drainage. Details of the paving to the parking bays shall be submitted to and approved in writing by the Local Planning Authority before commencement of development, and the development shall be carried out in the approved form.
REASON To encourage sustainable forms of surface drainage.
18. C.8.21. Control of odour and other effluvia – 4 construction sites.
19. Full details of the acoustic fence shown on approved drawing RSF/P04RevB and of acoustic control measures to affected houses to achieve compliance with the BS8233 standards specified in paragraphs 5.2.2 and 5.3.2 of the Environment Noise Assessment submitted with the application shall be submitted to and approved in writing

by the Local Planning Authority before commencement of development. The development shall be completed in accordance with the approved details.

REASON: In the interest of the control of noise levels to residents within the site.

- 20. No form of access shall be provided to adjacent land or development in the site known as Jossaumes Yard.

REASON: To prevent excessive traffic movements on and off of the site into Radwinter Road in the interest of traffic safety.

- 21. C.8.29. Condition for compliance with code level 3 (five or more dwellings)
- 22. C.8.32. Ground contamination.
- 23. C.8.30. Provision of bin storage.
- 24. C.28.2. Measures for dwelling house.

Background papers: see application file.

UTT/0504/09/FUL - SAFFRON WALDEN

(Officers' interest)

Change of shop frontage to folding doors

Location: 48 High Street. GR/TL 537-383

Applicant: Mr I Yildirim

Agent: Mr I Yildirim

Case Officer: Consultant North 2 telephone 01799 510478/605

Expiry Date: 01/07/2009

Classification: MINOR

NOTATION: Within settlement limits; conservation area.

DESCRIPTION OF SITE: Application site comprises a ground floor commercial unit located close to the main retailing part of the town centre. It is within a parade of generally two-storey properties. The building is presently used as a cafe.

DESCRIPTION OF PROPOSAL: Application seeks planning permission to replace the existing shopfront with opening doors the full width of the shopfront. These would be constructed in two main sections with a central pillar. The doors would comprise full height glass panels within timber frames.

APPLICANTS CASE including Design & Access statement: A Design and Access Statement was received with this application. It suggests that the existing shopfront is unattractive and the proposals would improve the appearance of the shop frontage without affecting any neighbour. It also claims that better access would be provided for customers and deliveries; a further supporting letter dated 24 April 2009 has been received, reiterating the comments within the Design and Access Statement.

TOWN COUNCIL COMMENTS: To be reported.

CONSULTATIONS: Design Advice: The proposed fenestration would not diminish the quality of the conservation area. Recommend condition requiring glazing panels to be timber framed.

REPRESENTATIONS: None Period for representation expired 11 June 2009.

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

- 1) **Design/Conservation Area: (ULP Policy/ices ENV1, and GEN 2; PPG15);**
- 2) **neighbour's amenity (ULP policy/ices: GEN4) and**
- 3) **other material considerations.**

The key issue in terms of design is the impact of this new shopfront on the appearance of the property and the character and appearance of the conservation area.

The existing shopfront is of little architectural value. Although it has a traditional stall-riser, this is of a very limited height and overall it has a functional modern appearance. In that context, it is considered that the proposed new doors would have a neutral impact upon the character of the conservation area. Furthermore, it would help create a more open and welcoming shopfront and thus, to a degree, a more vibrant street scene which would contribute to the vitality and viability of this centre.

There would be no impact on the amenities of adjoining occupiers, or the use of adjoining land/buildings.

CONCLUSION: The design and appearance are acceptable and that the development can take place without affecting the use of adjoining land or buildings.

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. The window door frames shall be constructed from timber.

REASON: To protect the character of the Conservation Area.

Background papers: see application file.
