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**PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 22 JULY 2009**

APPL NO: 1) UTT/0409/09/FUL & 2) UTT/0410/09/LB  
PARISH: RADWINTER  
DEVELOPMENT: 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.

APPLICANT: Mr T Chamberlain & Ms L Macfarlane  
LOCATION: 1 Church View Cottages  
D.C. CTTE: 1 July 2009 (see report attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION:** **Approval**  
*Case Officer:* Madeleine Jones 01799 510606  
Expiry Date: 04/06/2009

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APPL NO: UTT/0464/09/FUL & UTT/0465/09/LB  
PARISH: WENDENS AMBO  
DEVELOPMENT: Conversion of the Long Barn and the former Piggery Unit to form two residential units with associated gardens and car parking.

APPLICANT: Braybrooke Settled Estate (General fund)  
LOCATION: The Long Barn and Piggery Wendens Hall Farm  
D.C. CTTE: 1 July 2009 (see report attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION:** **Approval**  
*Case Officer:* Consultant North 3 telephone 01799 510469/510478  
Expiry Date: 12/06/2009

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## **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 14<sup>th</sup> May 2009.

**REPRESENTATIONS:** These applications have been advertised and one representation has been received. Period expired 29<sup>th</sup> 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.*

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**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.*

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## **UTT/0535/09/FUL - HATFIELD BROAD OAK**

Change of use of open pasture land to public amenity space

Location: Land to North West of junction of High Street & Dunmow Road. GR/TL 548-166

Applicant: Hatfield Broad Oak Parish Council

Agent: Lindy Livings & Howes

Case Officer: *Mr M Ovenden 01799 510476*

Expiry Date: 26/06/2009

Classification: OTHER

**NOTATION:** Outside development limit / outside Conservation Area / Listed buildings in the vicinity / Within Historic Parkland (Barrington Hall) Tree Preservation Order.

**DESCRIPTION OF SITE:** The site is situated on the north-eastern corner of the village to the east of the Church, opposite the Dukes Head PH and opposite the dwellings facing the Dunmow Road (road to the Four Ashes, Takeley). The site covers an area of 4.6 hectares is undulating and appears to be lightly used grassed parkland supporting some cattle. The land is above the level of the main village road running along the southern boundary and the Dunmow Road, in the case of the latter about a couple of metres higher. The eastern and southern boundaries are marked by deciduous hedges/tree groups of varying width and density, including some large trees and some gaps, but overall at this time of the year provide a good screen to passers by whereby the site itself, particularly from Dunmow Road, is not open to clear view. The screening is least significant along the south western corner of the site opposite the school. The eastern and southern boundaries are reinforced by wooden or wire fencing. The western boundary of the site features less vegetation and follows the line of historic and to the north partly filled in ditches. In the north western corner only remnants of a former hedge line remain. The proposed northern boundary of the site does not correspond to any feature on the land but cuts through the currently open parkland. Within the application site is a pond in the south east corner and a group of tall mature deciduous trees inside the North West corner.

**DESCRIPTION OF PROPOSAL:** The applicant proposes that the site be used for sports and general recreation. The application form makes reference to the creation of a vehicular access but provides no details. The applicant has confirmed that the vehicular access forms no part of this application. A further application would be required for this in any event. The application relates to this change of use only. The legislation does not allow for an outline change of use hence the brief but 'full' application.

An indicative plan has been submitted showing a cricket pitch, overlapping football pitch, future pavilion, village green, youth shelter, wildlife area and a car park in the north eastern corner served by an unspecified new vehicular access to Dunmow Road. Two or three pedestrian accesses are shown along the southern boundary. However these indicative facilities are not part of this application.

**APPLICANT'S CASE:** See letter from Parish Council dated 14 April 2009 attached at end of report.

In addition the application has been accompanied by a covering letter and a copy of an email from Cllr Artus; letter of support from ECC Schools, Children and Families Directorate; letter from Hatfield Broad Oak Sports Club, Hatfield Broad Oak Youth Club and Hatfield Broad Oak Guides and Brownies. A booklet of information has been submitted of a presentation made to local people prior to application.

**RELEVANT HISTORY:** None

**CONSULTATIONS:** ECC Highways: I can confirm that as highway authority we have no objections in principle to the change of use of open pasture to public amenity space, subject to satisfactory access being provided.

ECC Archaeology: Originally requested investigation prior to granting of permission but subsequently revised to request full archaeological survey condition if approved.

UDC Environmental Heath: No concerns.

Natural England: No objections

Essex Wildlife Trust: No objections

UDC Landscaping: To be reported

**PARISH COUNCIL COMMENTS:** None received (NB. Own application).

**REPRESENTATIONS:** Thirteen letters of support received and one letter querying information on trees. Seventy three letters of objection received (including letters from different occupiers of same properties). The application has been the subject of letters sent to residents in May and of a press advertisement. The site notice expired 21 July 2009.

Support:

- Used to live in village; The proposal close to my parents house is fantastic
- The existing cricket field and football pitch is dangerous to walk to as there are no footpaths and remote
- Unfortunately a few people do not want to see change
- My parents who live in Dukes Orchard also hope it is successful
- It would help us develop the sports facilities and develop a competitive team of players currently lost to the Rodings
- I would love to take my children to play and walk as we have no garden
- Suggest an entrance opposite to Dukes Orchard
- It will provide a focal point for the village
- The current cricket field is not situated in a place that families can walk to
- More people are likely to become involved in outdoor activities
- I fully support the application and hope it will be approved
- St Mary's school has 103 children and need additional play space and this is our major opportunity
- Cricket team has had to stop using the existing pitch as it is not practical or viable
- Fantastic opportunity to create a central safe and useful environment for children
- It would be wonderful to have a large safe area to learn to ride bikes, walk dogs and spend time
- Existing cricket club is too remote and has no facilities
- Hope that in the not too distant future that we can enjoy the facilities
- The best village scheme we could ever wish for; please support it for our youth
- The village desperately needs more public amenity space

Objections:

- The village already has most of the facilities at a fraction of the cost proposed
- Already has a scout hut and village hall with good kitchen; recreation ground with swings which doesn't require crossing the B183
- High Street already full of cars and this would make things worse
- Parking would inevitably occur in High Street
- Cannot see any reason to spoil this lovely historic park
- Has always been parkland. It is of historic interest

- View towards Barrington Hall is exceptional
- Current facilities (to the north of the site) used since early 1900s do not interfere with this view
- Pond is home to crested newts; bats use it to feed
- Oak trees provide many insects for bats
- Will upset many species of animals and birds
- Protected Oak tree would be felled
- Limited car parking and cars would park on highway and increase the hazard
- Proposed car park said to be locked except during events resulting in on street parking if driven to at other times
- Crossing the B183 is dangerous; traffic rarely uses speed limits
- Will need traffic lights to cross B183 which will be further urbanisation
- Prediction of vandalism
- Church has been the focus of the village for centuries and does not need this next to it
- Contrary to Policies S7, ENV3, ENV4, ENV9
- Land near village hall or near Cannons Lane would be more sensible
- Danger to archaeology
- Concern over future further development e.g. pavilion or housing
- Concerns over further uses e.g. car boot sales and litter problems
- Levelling for pitches would obliterate part of the park landscaping
- Levelling may affect the water table
- Query over whether it is an outline or full planning application
- No proper local consultation prior to application – no debate; concerns over survey giving a false impression of village feelings
- Survey was so bad I and many others threw it away
- Nowhere/only four questions allowed for a negative response
- Parish Council meeting held “in camera”
- As a Parish Councillor I object
- A footpath in the park would improve the safety of accessing the existing facilities
- Of 600 forms sent out only 141 returned and of those 80% were in favour which is only 112 of 600 people. Population is 1100 people. 112 of 1100 is only 10%.
- Strong objection within the village
- Concern over costs and the Council Tax
- I understand that insurance money is available to rebuild the cricket pavilion but don't know why it has happened
- Will change village forever
- Main concern is about the proposed car park
- Concern about all weather pitch and floodlighting
- Invasion of privacy into my (Dunmow Rd) property and others along the road
- Excellent idea for better facilities but scale is alarming
- Car park should be near school to ease dropping off in morning
- New pitches will involve removal of four metres of soil from northern end and redistribution for levelling
- Tranquillity of village will be lost with the influx of people from Harlow and surrounding areas
- Concern over location of youth shelter
- The youth requested the Youth shelter at the recreation ground – why change it
- Comparisons with the refused scheme at Stansted
- Myself and other residents will be subjected to noise and other anti social effects as a result and danger from cricket balls
- No indication of how it will be monitored to deal with noise, litter or bad behaviour

- Have other sites been considered
- Size and scope is not appropriate for Hatfield Broad Oak
- If permission for change of use is given I request conditions to ensure proposal complies with policies S7, ENV4 and ENV9.
- Would result in a significant increase in traffic into the village
- Concern about incremental change
- I previously expressed support but I have changed my mind
- I am not totally opposed but the development should be very modest
- Object to community hall, youth shelter, car park and access

**COMMENTS ON REPRESENTATIONS:** The planning issues are considered below and the application has to be considered on its merits. Future development proposed in future applications is to be considered if and when those applications are received. This application relates to the change of use and that is what is to be considered now. If there are subsequent phases the applicant will be aware of the potential that those may not be permitted even if this change of use is allowed. Permitting this application would permit the use of the land for sport and recreation but not the additional development.

There is no legal requirement for local pre-submission consultation and queries or concerns about how the Parish Council or other parties have or have not acted in this respect is not relevant to the determination of this application.

**PLANNING CONSIDERATIONS:** The Development Plan contains policies which are relevant to the determination of this application in various respects. As with all applications planning legislation requires this application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The following policies are relevant to this application:

- 1) Uttlesford Local Plan (ULP) Policy S7 *The Countryside* and LC4 *Provision of outdoor sport and recreational facilities outside development limits* and national policy in Planning Policy Guidance 17 (PPG17) - *Planning for Open space, Sport and Recreation*;
- 2) ULP Policy ENV2 *Development affecting Listed Buildings*, ENV3 *Open spaces and trees*, ENV4 *Ancient Monuments and sites of archaeological importance*, GEN7 *Nature Conservation*, ENV8 *Landscape elements of importance for nature conservation*, ENV9 – *Historic Landscapes*;
- 3) ULP Policies GEN1 *Access*, GEN2 *Design*, GEN8 *Vehicle Parking Standards*;
- 4) **Consideration needs to be given to whether there are other material planning considerations**

1) This application only relates to the use of the site. In due course the applicant envisages the provision of a cricket pitch, which is likely to require some levelling works, a pavilion, a vehicular access, a car park and the loss of an Oak tree which lies within the area proposed for the cricket pitch. However these future works will require a further application and do not form part of this application which is limited to (the principle of) the use.

The site lies outside the development limit and is therefore defined as countryside. In accordance with Policy S7 it will be protected for its own sake but development will be permitted if for example it is appropriate to a rural area. The explanatory text to the policy explains that outdoor sport and recreational uses are examples of appropriate development that may be permitted in the countryside. The principle of the proposal is therefore supported by Policy S7.

Policy LC3 *Community Facilities* is supportive of the provision of a broad range of community facilities; however Policy LC4 specifically relates to the provision of outdoor sport and recreational facilities outside development limits. As stated above, this application relates to the provision of outdoor sports and recreational facilities rather than a broader range of community facilities. This policy encourages the provision of outdoor sport and recreational facilities and supports this application.

PPG17 is supportive of proposals for the provision of sports facilities, citing their benefits to health, quality of life, social inclusion, sustainability and rural renewal. Due to the relative low intensity of the use currently proposed here there are no policy objections raised in the PPG and taken together both the national and local policies referred to in this section of the report support the application.

2) Barrington Hall (the historic property associated with this site) is a grade II\* listed building. This is situated approximately 700 metres from the north boundary of the site. It is considered that due to the low intensity of the use proposed – currently no application has been submitted for formal pitches and therefore a permission now would allow informal recreation only - and the distance between Barrington Hall and the site, the proposal would not have an affect on the setting of the listed building. There are other listed buildings around the site – the Church (Grade I) and a few of the dwellings to the east of the site (Vicarage Cottages and Fox Cottage both Grade II) – but again due to the low intensity of the changes subject of this application and, in relation to the dwellings along the Dunmow Road, the significant vegetation along the eastern boundary, no significant effect is considered likely on the setting of these listed buildings.

There is a scheduled ancient monument to the rear of the Church - Hatfield Broad Oak Priory - and the Archaeological team and Essex County Council are content that archaeological matters can be dealt with by way of a full survey required by use of a planning condition in the event of the change of use being approved.

The parkland at Barrington Hall is not included in the English Heritage Register of Parks and Gardens but is identified in the Local Plan as historic parklands whose character remains relatively intact. Policy ENV9 states:

**Development proposals likely to harm significant local historic landscapes, historic parks and gardens and protected lanes as defined on the proposals map will not be permitted unless the need for the development outweighs the historic significance of the site.**

As the application only relates to the use of the site for sport and recreational uses it would not be likely to harm the historic parkland. It is noted that the existing cricket ground to the north is in closer proximity to Barrington Hall and appears to exist without harm to the hall or the parkland. Currently no trees are proposed to be lost in the proposal although if the indicative plan is followed a mature tree would be removed to permit the provision of the cricket field. With that exception the existing trees and hedgerows would be retained. If a further phase of development is part of a future application it would need to be considered in the context of this policy. Both Natural England and the Essex Wildlife Trust raise no objections.

3) No car parking or vehicular access arrangements have been detailed and these would require a further permission. At that point the safety and amenity issues could be assessed. At this stage the proposal seems capable of being accessed on foot or cycle. The proposal contains no detail of how the recreational use would occur, other than indicative details which are not to be determined now, its environmental impact etc will be considered at the detailed design stage. Reference in some of the representation has been made to all

weather pitches and floodlights but these form no part of this application. At this stage as the application seeks permission for what would amount to low key sport and recreation – use of the land as it is – Officers do not consider that parking provision is required.

4) In some of the representations a comparison has been drawn with the unsuccessful proposal to create four football pitches at Bentfield Green in Stansted. This was a full application showing details of four formal pitches, clubhouse, car park and access. It was refused and the subsequent appeal dismissed. The Inspector dismissed the appeal but did not agree with all the reasons for refusal. He dismissed it on two grounds 1) the harm to the rural setting of the pitches, clubhouse, car park and access and the effect of these features on the Conservation Area; 2) that it would harm the amenities of neighbours including due to noise and disturbance directly and indirectly from the activities. He was not persuaded by the concerns expressed about highway safety, noting the support of the Highways Authority, or the remoteness from other transport networks. In contrast to the Stansted proposal this application contains no detail about pitches, clubhouse, car park or access. It has more significant tree screening and partly as a result of that is likely to have less of an effect on neighbours.

**CONCLUSIONS:** The application effectively seeks agreement to the principle only of the use of this land with other matters being determined later. The principle is accepted by policies at national and local level such that the proposal can be recommended for approval.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Standard time limit for detailed permissions.
2. This permission relates only to the use of the land for public amenity space. It does not relate to the erection of buildings, development of car parks, creation of vehicular access(es), the laying out of formal pitches with or without levelling of ground.  
REASON: This was not the purpose of the application and sufficient details were not provided to judge a development other than the change of use.
3. C.16.2. Full archaeological investigated.
4. The hedges and trees within the application site shall be retained unless the local planning authority gives its written consent to its removal or variation. Should any part of the hedge die, be removed or become seriously damaged or diseased, it shall be replaced during the following planting season by a hedge planted in accordance with a specification previously approved in writing by the local planning authority.  
REASON: To protect the character of the site.

*Background papers: see application file.*

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## **UTT/0558/09/FUL - ELSENHAM**

*(Referred at request of Cllr Mrs Dean – Reason: Concern for scale of development and the amenity of neighbours)*

Demolition of existing dwelling. Erection of 2 no. semi detached dwellings and creation of 2 no. new accesses

Location: 1 Robin Hood Road. GR/TL 534-262  
Applicant: N B Investments(UK) Ltd  
Agent: Lindy Livings & Howes  
Case Officer: Mr N Ford 01799 510629  
Expiry Date: 24/07/2009  
Classification: MINOR

**NOTATION:** Within Development Limits.

**DESCRIPTION OF SITE:** This application relates to a single storey detached dwelling named Alsa Glebe located near the centre of the village of Elsenham and south of Saunders Close. The dwelling is set back from the road behind a tall evergreen hedge and has an attached garage. There is a detached chalet style dwelling to the south named Barkwood and no. 1A Robin Hood Road to the north is also a single storey detached dwelling.

**DESCRIPTION OF PROPOSAL:** This is a full planning application that proposes the demolition of the existing dwelling and the erection of two semi-detached two storey three bedroom dwellings. There would be an integral garage for each dwelling and a parking space to the front. The dwellings would have a private rear garden of about 85sqm and 110sqm.

The dwellings would be 7.4 metres to ridge height and 5 metres to eaves height. Materials proposed are a brick plinth, render and plain tiles.

**APPLICANT'S CASE including Design & Access statement:** Describes site and surroundings. Identify that the dwellings would be similar to others in the area.

**RELEVANT HISTORY:** On 27 August 2008 planning permission was granted for the erection of a dwelling (UTT/1020/08/FUL).

On 25 March 2008 planning permission was refused for the erection of two semi-detached dwelling (UTT/0156/08/FUL).

On 16 November 1976 planning permission was granted for the erection of a car port (UTT/0935/76).

On 10 August 1972 planning permission was granted for the demolition of the existing dwelling and the erection of a new bungalow (UTT/SWR/0409/72).

**CONSULTATIONS:** Highway Authority: No objection subject to conditions.  
Water Authority: No objection to sewerage infrastructure. Advice for surface water drainage.  
Building Surveying: I have looked in ICLIPSE at the details and the Lifetime Homes Plan is ok. Emergency Access approach B5 appears satisfactory too. Use condition C.8.35 if approved.  
Drainage Engineer: Suggests a sustainable drainage condition.  
Landscape Officer: To be reported.

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

**REPRESENTATIONS:** One. Notification period expired 3 June 2009.

6 Saunders Close: Any new building should be of identical scale and height. We would have four windows looking into our kitchen. Trees on the site have been removed.

**COMMENTS ON REPRESENTATIONS:** See planning considerations for comments.

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

- 1) **whether the proposed new dwelling would be compatible with the character of the settlement, adheres to criteria of policy H3, has an appropriate layout, scale and design, is acceptable in terms of access and parking and meets accessible homes standards (ULP Policies S3, H3, H4, GEN1, GEN2, GEN8 & SPD Replacement Dwellings, Accessible Homes and Playspace, Energy Efficiency and Renewable Energy);**
- 2) **whether there would be any harm to neighbouring properties by way of overlooking, overshadowing or overbearing effect (ULP Policies H4 and GEN2).**

1) The governing policy for development limits here is ULP Policy S3 which states that within development limits development compatible with the settlements character and countryside setting will be permitted. ULP Policy H3 relates to new houses within development limits. It generally states that they will be allowed if the development is compatible with the character of the settlement and, depending on the location of the site, its countryside setting. ULP Policy GEN2 requires that amongst other things development be compatible with the scale, form, layout, appearance and materials of surrounding buildings.

The indicated ridge height of the dwellings is now reduced around 600mm to 7.4 metres from the 8 metres of the refused scheme. The dwellings are within about 1 metre of the boundary with 1A to the north and between 1m and 3m with the dwelling to the south. The pair no longer show a central gable to the front elevation and the gable end to side elevations has a hipped roof and a single storey rear section containing a kitchen.

Three bedroom semi-detached dwellings have been constructed to the south of Barkwood. These each have an integral garage parking space also with hard standing parking to the front of each dwelling. They also have a size, height and appearance that would not be dissimilar to the dwellings proposed here. As such it is considered that the dwellings as now indicated are of an acceptable scale and appearance.

The garden areas are considered of adequate size and similar to those approved for replacement dwellings nearby.

The dwellings would provide adequate off road parking both within garage and a parking space to the front. The Highway Authority raises no objection to the proposal subject to conditions.

2) It is now considered that the proximity of the dwelling to the boundary with 1A Robin Hood Road with regard to the combination of the reduced height and the hipped ends of the dwellings are such that it is now considered that the proposal sufficiently overcomes the concerns of the refused scheme that there would now not be significant overbearing on this neighbouring property.

The indicated windows are generally facing to the front and rear to first floor elevation. There are first floor side elevation windows shown that would serve a bathroom and landing



window. These could be obscure glazed by condition to preserve the amenity of neighbouring properties.

It is not considered that there would be any significant loss of amenity resulting from overlooking of gardens and properties to the west given an adequate distance of set back from the rear elevation first floor windows of the new dwellings. It is considered that the dwellings would not significantly overshadow neighbouring properties.

**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.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented – extension.
6. C.5.2. Details of materials to be submitted agreed and implemented.
7. The accesses shall be laid to a gradient not exceeding 4% for the first 6 metres from the highway boundary and not exceeding 8% thereafter.  
REASON: In the interests of highway safety.
8. No unbound material shall be used in the surface finish of the driveways within 6 metres of the highway boundary of the site.  
REASON: To avoid the displacement of loose material onto the highway in the interests of highway safety.
9. Prior to the commencement of the development details shall be submitted to and 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.
10. Prior to the occupation of the development hereby permitted the existing crossover shall be removed and the footpath resurfaced and kerb reinstated for use.  
REASON: In the interests of highway safety.
11. C.19.1. Avoidance of overlooking – 1.
12. C.8.35. Code Level 3 Sustainability.
13. C.28.1. Implementation of accessibility scheme.

*Background papers: see application file.*

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## **UTT/0625/09/CC - GREAT DUNMOW**

*(Notification by Essex County Council  
Uttlesford District Council is joint applicant)*

Change of use of land to a Resource Management Centre comprising a recycling centre for household waste, siting of storage containers and recycling facilities, a waste transfer/bulking station for mixed and source separated municipal and trade waste, including refuse collection vehicle parking provision and the formation of staff car park, landscaping and associated works.

Location: Land r/o Ambulance Station Chelmsford Road. GR/TL 636-205

Applicant: Essex County Council

Classification: OTHER

**NOTATION:** Outside development limit / allocated site for Civic Amenity Site and Depot (Policy GD8).

**DESCRIPTION OF SITE:** The site is located in the southern part of the town and the application drawings show it to have an area of 1.74 hectares. To the north is the commercial part of the town – Smiths Farm (allocated for employment uses), Hoblongs industrial estate and new hotel. Further north are the Oak and Chelmsford Road industrial estates. To the east is the A130 Chelmsford Road. Also to the east is an ambulance station sharing the same access to the public highway. There are also three dwellings served from a spur off the former A130 to the east of the site. Wrapping round the south eastern edge and southern boundary of the site is the new A120 and slip road at its junction with the A130. To the west is a further area of former A120 construction compound which is not covered by this application.

The site is former agricultural land used during the construction of the A120 as a site compound. Much of the site is covered by hard standings and shingle, subdivided in part by chain link fencing with height restriction barriers left over from its use as a compound. The land is gently sloping from west to east, including down towards Hoblongs cottages. The A120 is on an embankment as it passes the site with the slip road descending to a lower level at the south east corner. There is a small embankment within the site along part of the southern boundary and there is some immature planting along the side of the A120. Currently there are clear views into the site from the A120 across towards the new hotel.

**DESCRIPTION OF PROPOSAL:** The proposal involves developing the site in three portions. The eastern part (approximately 5800 square metres) would be developed as 1. a depot for Dustcart (and similar) parking, vehicle washing area, with street sweepings and skips and ancillary offices and 2. a waste transfer station with weighbridge and office, warehouse type building for processing the waste (unloading, sorting and re packing) plus lighting and camera columns. The building would be 55 m long by 25 metres wide and would be up to 10 metres tall. It would be a portal frame building with block work up to 3 metres with walls above and roof clad in coated steel panels (coloured dark green). It would incorporate various technologies to deal with dust and odour. It would be operated to have the adjacent door shut when waste is loaded or unloaded. To reflect changes in ground levels the building would step down mid way along its length by approximately 1 metre. This facility would be operated by Essex County Council between 6.30 am to 17.00 Monday to Friday only (except during bank holiday weekends when Saturday would be a normal working day). Daily about 70 vehicle movements in and 70 movements out are anticipated plus a further 6 to 8 vehicles would remove the repackaged waste from the site each day. Uttlesford District Council would have offices within the building and its refuse vehicles would feed the transfer station and use the depot to store its vehicles. Vehicles would be washed

at the site but other than incidental maintenance not repaired at the site. There would be a distance of 27 metres between the site boundary and Hoblongs cottages (dwellings not their gardens) and a further planting strip of approximately 8 metres is proposed along this boundary. The site specific policy in the Development Plan (Policy GD8) covers the depot part of the proposal but not the waste transfer station.

Towards the northern edge of the application site a car park for 42 cars plus vans is proposed for Uttlesford depot staff covering an area of 1680 square metres. This would be ancillary to the depot and therefore covered under the site specific policy.

The other part of the site (4850 square metres) would be used for 3. the siting of a recycling area for household waste. This would be operated by Essex County Council and open to members of the public to drop off their waste the whole year round except for Christmas, Boxing day and New Years day. The opening hours are proposed to be 0800 to 1700, 7 days a week between March and mid October with one late night a week (up to 1900 between May to August) with 1600 closing between mid October and February. The site will operate under a licence issued by the Environment Agency which will restrict the types and quantities of waste processed together with day to day operation (e.g. dealing with surface water control and dust).

New areas of landscaping are proposed along the western and southern boundaries ranging in depth from around 5m to 12m. The whole site would have its perimeter enclosed by 2.4m metal palisade fencing.

A central spine road terminates at the western end of the site providing an access to the land beyond. The land beyond, part of which also forms part of the former A120 compound, is not covered by this application. The site specific policy in the Development Plan (Policy GD8) covers the Civic Amenity Site aspect of the proposal.

If permitted the site is expected to be developed in a number of stages over a period of years.

The proposal is substantially the same as that considered by the committee in July 2007 when in accordance with the Officer recommendation no objections were raised subject to conditions. The main difference is that the site has been extended further south to provide a landscape officer.

**APPLICANT'S CASE including Design & Access statement:** The application is accompanied by the following documents, copies of which can be viewed on the file.

Reptile survey and bat assessment: Evidence suggests a population of slow worms exists on adjacent habitat and that occasional individuals venture onto the site. Potential of 3 trees to support bats is limited to areas of loose bark which is likely to fall off within next few years.

Technical Report – Noise Impact Assessment: Predicted noise from proposed site is to be 3dB(A) above the lowest background noise measurements. No predicted increase in background LA90 levels between 6.30am and 7.30am from refuse vehicle parking area.

Flood Consequence Assessment: Assessment has demonstrated that Hoblongs Brook does not pose a flood risk to the site from either upstream or downstream control influences. Providing the internal site drainage is regulated to present brownfield levels the developed site flood risk should be low.

Planning Statement: See summary attached at end of report.

Design and Access Statement

Alternative Sites Considered: Following further investigations undertaken at the request of Great Dunmow Town Council, no potential sites for the proposed Resource Management Centre have been identified in the Great Dunmow area which might provide a reasonable

alternative to the currently allocated site on the northern side of the A120(T) and to the west of Hoblongs and Brooks Cottages and the Ambulance Depot at Chelmsford Road.

Transport Assessment: See copy of conclusions attached at end of report.

**RELEVANT HISTORY:** Application for retail store refused 1993. Consultations by Essex County Council for civic amenity site withdrawn 2001, 2002 and 2005. No objections raised by UDC to a consultation by Essex County Council for a civic amenity site July 2007. Application subsequently withdrawn prior to determination by Essex County Council.

**CONSULTATIONS:** All carried out by Essex County Council as determining authority, except;

UDC Environmental Services: To be reported.

UDC Drainage Engineer: To be reported.

**TOWN COUNCIL COMMENTS:** None received.

As the County Council is the planning authority for applications proposing waste transfer it carries out consultation, publicity and notification. Its covering letter dated 19 May 2009 confirms this to be the case and states that in addition to a site notice and local press advertisement that it would extend "if appropriate" to direct neighbour notification. As part of the District Council's comments to the County Council it is recommended that the County Council ensures that at least those properties to the east of the site are notified.

**REPRESENTATIONS:** This application has been advertised and one representation has been received.

One letter makes comments about the validity of the application. These have been sent to the County Council and it should satisfy itself that an application it is to determine is valid. Object to lack of roundabout proposed and fail to see where evidence of modeled option have been assess and which justifies traffic light controlled junction rather than a roundabout. Traffic lights at this junction will impede the flow of traffic close to an Ambulance and Police Station, a large hotel and other significant users. Land elsewhere in Dunmow is identified for employment and housing growth, close to this junction and this will, in time, make traffic lights a serious and unnecessary hindrance to residents of the town. The applications assess a hotel which has permission for an extension, this has not been modeled. Any agreed highway option should be conditioned to be installed and operational prior to the facility being open for use.

**COMMENTS ON REPRESENTATIONS:** In accordance with normal practice Publicity to this application is undertaken by the County Council and it may have received additional representations. Comments regarding issues raised in the second representation are included in planning considerations.

#### **PLANNING CONSIDERATIONS:**

***The Committee will be aware that where an application is made to the County Council, it is the determining authority and the District Council is a consultee with an opportunity to comment on the proposal. Therefore the District Council does not approve or refuse the application but makes its comments known to the County Council so that they can be considered when it determines the application. In this instance the County Council has announced that the proposal exceeds what is allocated in the Development Plan – i.e. includes a waste transfer station in addition to the civic amenity site and depot proposed in policy GD8 - and is therefore a departure to it and if the County Council wishes to approve that application it would***

***need to inform the Government Regional office (Go-East) providing it an opportunity to consider the application.***

The main issues are

- 1) ULP Policies S7 and GD8, GEN2);
- 2) ULP Policies GEN1 & GEN8); highways and parking;
- 3) (ULP Policies GEN2); design & landscaping and
- 4) (ULP Policies GEN4 & GEN5); residential amenity.

1) The site is located outside the town development limit where in accordance with rural restraint policy there is a general presumption against development unless it is appropriate to a rural area or has to be sited there to meet a functional need. There is however a site specific policy in the Development Plan relating to the site that is supportive of the provision of a civic amenity site and depot. This states:

**“A 1.83 hectare site to the south of the Hoblongs industrial estate is proposed for a civic amenity site and depot. Proposals should include landscaping adjacent to the neighbouring properties and the A120 bypass. Any proposal must be subject to a Traffic Impact Assessment.”**

Therefore in principle the civic amenity site and depot have been accepted by the adoption of the local plan subject to details unless there are material considerations that out weigh the policy presumptions in favour of these aspects of the scheme it should be permitted.

However the provision of a waste transfer station is not proposed in the policy. The County Council has determined that to permit this aspect of the scheme would be an exception to the Development Plan and therefore require the agreement of the regional office (Go-East). In essence it is necessary to judge the positive aspects of this aspect of the scheme against the harm that would result and form a view on where the balance lies.

Local plan policy GEN2 is supportive of proposals that reduce waste production and encourages recycling. This scheme for a waste transfer station would seem to support these aims. Local authorities are required to increase the level of recycling of waste and there would be environmental benefits of doing this locally and avoiding having to travel long distances to alternative facilities elsewhere. On the other hand the additional facility would increase activity, noise and its impact on amenity of neighbours (see section 4 below on amenity).

2) The County Council is the Highways authority and will consult its officers for advice on highway matters. The junction of the A130 and B184 together with the junction of the old A130 spur road is substandard and this has been recognised in various planning permissions for example that for the police station, for the new hotel and its extension and the proposed family restaurant in that S106 monies have been sought for road improvements. These improvements have not been carried out to date. In these circumstances provided that the County Council as determining authority can establish that the use of the site by waste vehicles would not give rise to highway dangers or unreasonable delays then this aspect of the proposal may be allowed to proceed. However in its previous response to the proposal in 2007 The district Council indicated that to permit public access to what is likely to be a well used facility prior to road improvements being carried out would be unacceptable, creating unnecessary inconvenience and dangers to all users of the junction which is used as the southern access to the town and access to the Dunmow East junction of the A120. A traffic assessment has been supplied with the application. It identifies that there are already capacity issues relating to the nearby junction which have been identified previously which would be added to by the traffic travelling to the new facility.

The report indicates that a traffic signal improvement should be progressed at the B184/A130 junction. This will operate within capacity in a future assessment year of 2021. The proposed provision of signals at the junction will provide increased gaps for vehicles leaving the site access arm. In addition, 'keep clear' markings are proposed which will assist vehicles when exiting the site access and travelling towards the A130. These works are recommended to be the subject of a Grampian (negative) planning condition preventing the transfer station part of the development until the road is improved.

3) In its former use as agricultural land the site was in keeping with its rural location. Since being used for the A120 compound the site has become disfigured and has been allowed to become derelict and unsightly. Policy GD8 requires that Proposals should include landscaping adjacent to the neighbouring properties and the A120 bypass. The site plans indicate a planting strip to the rear of Hoblongs Cottages of about 8 metres in width and 40 metres in length, another between the depot parking and the civic amenity site of about 85 metres by 6 metres and a further strip along the site's western edge of varying width over a length of 115 metres dissected by an 8 metre gateway. This revised proposal now includes a planting strip varying in width from between 5m and 12m along the southern boundary. The inclusion of this planting strip overcomes the previous concerns about lack of screening along the southern boundary.

4) In comparison to the previous use of the site for agricultural purposes the site would adversely affect the amenity of neighbours. However the appropriate comparison is to assess the impact of the proposal for the development in comparison to the development proposed in the Development Plan allocation, i.e. the difference made by the inclusion of the waste transfer station. As stated above the proposal does include some planting along the rear of Hoblongs Cottages but this is fairly minimal and is proposed to be supplemented by acoustic fencing. The provision of the waste transfer station would add to and focus activity of vehicles in this part of the site, with associated reversing sirens. As stated above, activities on this site would occur from 6.30 am to 17.00 Monday to Friday plus occasional Saturdays. The impact of the dominant buildings will be permanent. Matters relating to the detail of lighting could be controlled by condition. There are benefits in providing a transfer station and when considering an almost identical proposal in 2007 The District Council considered that the effects of the development could be mitigated by planning conditions. Officers considered that this remains the case.

**CONCLUSIONS:** There is no objection to the civic amenity site and the depot in principle and the County Council should satisfy itself that subject to conditions the development can satisfactorily overcome the negative aspects of the proposal. Officers believe that this is the case. With regard to the waste transfer station this is beyond the allocation made in the Development Plan and therefore requires the agreement of the Secretary of State. Officers can see the advantages of such a facility and of sharing a site occupied by related activities. Public access to the site should be precluded until the adjacent highway junction has been improved. Members should be aware that should planning permission be granted then it may prove necessary to follow compulsory purchase procedures to acquire the site.

**RECOMMENDATION: INFORM ESSEX COUNTY COUNCIL THAT THIS AUTHORITY SUPPORTS TO THE PROPOSAL SUBJECT TO REVISIONS**

1. Development to commence within three years of the date of the permission.
2. No development to commence until details of odour/dust measures have been submitted and implemented
3. Submission of landscaping scheme around perimeter of site and within it (to include bunding and semi mature planting).
4. Implementation of landscaping and protective fencing scheme prior to commencement of development.

5. Submission of noise fencing for construction and post construction to be submitted and implemented prior to commencement
6. Submission and implementation of scheme for treatment of water runoff & waste from office etc
7. Agreement of colour of cladding of building
8. No public access to the civic amenity site until road improvements to the junction of the B184/A130 have been carried out.
9. Implementation of scheme of car parking, motor cycle and bicycles prior to first use of depot.
10. Submission of cross sections for agreement.
11. Control over lighting – submission of details and timing of operation.

Note to County Council: The District Council recommends that the County Council ensures that the occupiers of residential properties near to the site are aware of the application before determining the application.

*Background papers: see application file.*

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## **UTT/1912/08/FUL - SEWARDS END**

Erection of boundary fence to additional land purchased

Location: Land to rear of 15-23 Radwinter Road. GR/TL 572-384

Applicant: Mr F Moule

Agent: Mr F Moule

Case Officer: Mr N Ford 01799 510629

Expiry Date: 02/02/2009

Classification: MINOR

**NOTATION:** Outside Development Limits.

**DESCRIPTION OF SITE:** A rectangular shaped parcel of land to the rear gardens of 15,17,19,21 and 23 Radwinter Road, Swards End. The land is occupied by rubble, wood, various items of machinery including a tractor and jcb as well as a storage container. The land is otherwise grassed with some mature trees to the southern boundary with residential gardens and to the north beyond an unmade track adjacent to a field ditch. Beyond this is an open sided steel framed utilitarian structure being agricultural in appearance, which would appear to have been associated with the listed Swards End Farmhouse to the west. Access to the site is near this Farmhouse on Redgates Lane via the unmade track. To the east is further open grass land and mature trees associated with the rear boundaries of properties fronting Radwinter Road and the field ditch previously referred to. A close boarded timber fence partly bounds the application site to the north of nos. 15 and 17 Radwinter Road. The Committee visited the site at the time of the previous application in 2007.

**DESCRIPTION OF PROPOSAL:** This planning application relates to the erection of a two metre high fence and two gates enclosing a rectangular shape area approximately 20x75x22x82m. The application is in part retrospective noting at the time of the Officer site visit that the timber close barded fence has been erected to the north of nos. 15 and 17 Radwinter Road.

**APPLICANT'S CASE including Design & Access statement:** See applicant's letter received 5 December 2008 attached at the end of report.

The supporting letter considers that the Article 4 Direction was wrongly imposed. The Direction does not ban development but ensures that it is subject to planning consent. There is a lack of security following items that have been stolen from adjacent sheds. There is existing use for storage. Enclosing the land will not set a precedent for others who wish to purchase land to extend garden. The enclosure of this land targeted by the Article 4 Direction bears no relevance and would not prejudice its retention over those areas of land.

Encloses various letters concerning the use of the land for machinery and equipment and supporting fencing of the land.

**RELEVANT HISTORY: Article 4 Direction:** An Article 4 Direction was issued by Uttlesford District Council restricting Permitted Development within Part 2 (Minor operations including erection of gates, walls and fences) and Part 4 (Temporary Buildings and Uses) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. The First Secretary of State in exercise of his powers under Article 5(1) of the Town and Country Planning Act (General Permitted Development) Order 1995 approved the Article 4 Direction.

Planning permission is therefore required to be sought for any operations or uses on the land normally permitted within Part 2 and Part 4 of the aforementioned Order.



On 14 June 2007 planning permission was refused for erection of fence and gates (identical application to this current application) (UTT/0565/07/FUL). The application was refused owing to harm to visual amenity and the character of the countryside. The development would create a precedent for means of enclosure on the land subject of the Article 4 Direction.

**CONSULTATIONS:** Serco: No comments.

**PARISH COUNCIL COMMENTS:** The Parish Council fought hard to get an Article 4 on the land and believe that the owner of the land [was] aware that there was an Article 4 on the land when he purchased it. The erection of a fence on this land will set a precedent for other Article 4 land in the village. The closely boarded fence is not appropriate for the rural location. Neighbours and local residents are concerned about the erection of the fence. Hedging would be more in keeping with the rural location.

**REPRESENTATIONS:** Three letters. Notification period expired 30 December 2008.

1. 8 Redgates Lane: Object. The application is the same as the previous refused one and nothing has changed. The land is agricultural and outside development limits. A fence has been erected contrary to the Article 4 direction. Mr Moules stores equipment and machinery on the land. The equipment and machinery on the land used to be stored in Mr Moules yard which he sold for development. The development is not just about the erection of a boundary fence but the creation of a new yard and as such should not be permitted.

2. 11 Redgates Lane: Object. Also objected to the previous application. The fence on the land remains in place. The Article 4 Direction covers the land on which the fence has been erected and on which the additional boundary fence is proposed. Obsolete machinery and old cars that the farmer owns were dumped on the land. This must not become a builder's yard if approval is granted.

The land is subject to the same restrictions as other pieces of land within the former Swards End Farm owned or managed by Glenridge Estates and Property Spy. The erection of the fence has taken place without planning approval. The applicant sold a previously owned builders yard for the development of five detached houses in Radwinter Road, Swards End and indications are that he now wishes to create a new builders yard on the plot in question including large metal security gates. Already there is various heavy duty earth moving equipment on site and local people have said the industrial sand blasting is being done. Access from Redgates Lane is a small stretch of road between two right angle bends and is potentially very dangerous.

3. 25 Radwinter Road: No objection. It will enhance the surrounding area.

**COMMENTS ON REPRESENTATIONS:** See planning considerations. As a point of clarification the Article 4 Direction was not served on the applicant although he owned the land at the time, because his land registry entry had not been processed at the time of service.

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

- 1) **whether the erection of two metre high fence and gates would be detrimental to the visual amenity of the area and harm the openness of the countryside (ULP Policies S7 and GEN2), and so be detrimental to the aims of the Article 4 Direction and**

**2) whether there have been any changes in circumstances since the previous application was refused that could result in a different recommendation.**

1) Permitted development rights are normally only withdrawn in exceptional circumstances and their withdrawal is rarely justified unless there is a real and specific threat i.e. there is reliable evidence that permitted development is likely to take place which would damage an interests of acknowledged importance and therefore be brought within full planning control in the public interest. Article 4 Directions for leisure plots are justified where development is likely to take place that would seriously affect the attractiveness of the surrounding countryside. In this case the Article 4 Direction was placed on the land in response to the purchase of the land at auction by property developers who subsequently offered the land for sale in separate plots. However, the land the subject of this application has never been included in the area which was parcelled into leisure plots.

Had the Article 4 Direction not been in place then the fence would have been permitted development (indeed, the applicant was given a written assurance prior to erecting the fence that planning permission was not needed). When the previous application was refused the fence was considered to be urban in appearance. Close boarded fences are not a normal means of field subdivision in the countryside but they are frequently found at the edges of settlements where they adjoin open countryside. In this respect the appropriateness of the fence may be reassessed. The purpose of the Article 4 Direction is to bring certain types of development under planning control by requiring planning permission. It is not a blanket prohibition order and when determining such an application normal planning judgements are required. The shape and location of this piece of land is such that its enclosure would not have an adverse affect on the overall openness of the countryside and moreover would not set a precedent for the enclosure of the leisure plots. Indeed there has been no activity on either of the “plotland” sites, and in any event all applications are treated on their merits.

2) Changes since the application was previously considered. There have been two principal changes in circumstances. The first is that sufficient evidence has emerged to show that the land has a lawful use for parking a storage of vehicles, plant and equipment, independently of Redgates Farm. The present use therefore, although intensified, is lawful, and it is reasonable for security purposes for it to be suitably enclosed. The second change is that the Council has granted permission for an extension to the garden of the adjoining house subject to conditions.

**CONCLUSIONS:** Had there been no Article 4 Direction in place planning permission would not have been required for this fence. The purpose of the Article 4 was to prevent the physical sub-division of plots, and in this respect it has been completely successful. Indeed, the Council is not aware of any recent activity on either of those sites. The fence the subject of this application would not set a precedent for further similar development in the Article 4 area, and would not in itself affect the open nature of the countryside. The use of the land for the storage and parking of plant, vehicles and materials is lawful – which was not proven at the time – and justifies a need for security, which the fence would provide. In the circumstances it is considered that on balance permission may now be granted.

**RECOMMENDATION: APPROVAL WITH CONDITION**

C.3.1. To be implemented in accordance with approved plans.

*Background papers: see application file.*

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## UTT/0557/09/OP - TAKELEY

Erection of 300 Bedroom 4 storey hotel with ancillary car parking and landscaping. Outline application with details of access, appearance, layout and scale.

Location: South Gate Hotel Site Thremhall Avenue Stansted Airport. GR/TL 547-220

Applicant: Mr Tim Jurdon

Agent: Mr Tim Jurdon

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 11/08/2009

Classification: MAJOR

**NOTATION:** Within Development Limits – S4; Part within AIR 6 – Strategic Landscape Area and part within AIR3 – Development in the Southern Ancillary Area.

**DESCRIPTION OF SITE:** The South Gate site is located to the south of Bassingbourn Roundabout, immediately southwest of the mid stay car park. Thremhall Avenue lies to the northwest, with the (new) A120 to the south. To the east, feeding off the Bassingbourn roundabout is a local distributor roundabout which serves the mid stay car park and the South Gate site, as well as providing a link into the airport road system from the A120 for motorists coming from and going to the east.

The South Gate site is roughly triangular in shape, measuring approximately 470m along the A120 boundary and 200m in depth from the same boundary towards the Bassingbourn Roundabout. The total site area is 5.6 hectares (13.85 acres). However, this proposal is for only part of the whole site (approx 2.5ha) and comprises an area to the south of the site adjacent to the A120. The site rises gently from south to north and is at a lower level than Thremhall Avenue, from which it is separated by a planted embankment established in 1990. The A120 is at the same level as the southern part of the site, but separated from it by recent copse planting undertaken as part of the A120 road improvements. On the southern side of the A120 there is a planted bund giving some screening towards Takeley. Following reserved matters approvals granted in 2003, the main site access road has been constructed, as have the 'Express by Holiday Inn' petrol filling station and fast food restaurant.

**DESCRIPTION OF PROPOSAL:** *This is an outline application for planning permission, submitted to establish the principle of the development but includes details of Access, Appearance, Layout and scale leaving only landscaping reserve for subsequent approval.*

A budget hotel of four storeys and 300 bedrooms would be erected on South Gate West, which is a rectangular shaped parcel of land of 2.5 hectares in area located immediately to the south west of the Express by Holiday Inn and west of the petrol filling station.

The site layout plan shows an rectangular shaped building with its main axis running east-west across the southern edge of the site. The plans show a new hotel of 4 storeys (5 including lantern roof), with part of the land to the east allocated for parking. The main elevation of the hotel would be east facing, i.e. towards the established fuel station. The ground floor plan shows that the new hotel would have separate restaurant/bar area. The new hotel would be served by a continuation of the existing site access, giving internal circulation to car parking and a service yard. Parking for cars would be provided at 0.6 spaces per room including spaces for people with disabilities. Parking would be controlled for hotel users only, and there would be appropriate provision of courtesy bus links. The proposed hotel would be to a maximum height of 16.2m which would be of a similar height to that of the Express by Holiday Inn (which is approximately 14m including roof enclosures) to

the north because of the change in levels. The site layout plan shows that the hotel would require removal of a major part of an ancient hedgerow which runs from north – south across the site. The Landscaping does not form part of this proposal. All planting would, of course, need to comply with aerodrome safeguarding requirements.

**APPLICANT'S CASE:** The principle of hotel development is established because the site benefits from an extant 2007 outline planning consent for a hotel.

The site is located within the Southern Ancillary Area where hotel development qualifies as activity directly related to, or associated with, the airport. It is proposed to provide 2 hotels on this site in place of the permitted 1, to provide hotel accommodation for airline passengers using the existing single runway 1 terminal airport. The second hotel to the north of the site would follow as a second phase but again is required for existing passengers using the airport and is not related to the second runway.

The vacant site at South Gate East, adjoining the eastern side of the Express Holiday Inn, also has consent for a hotel, permitted at the same time as that on the application site. The site is also owned by the applicant but for commercial reasons it is unlikely that the hotel will be implemented.

Stansted, at 15.2 hotel bedrooms per 1,000 passengers, has the lowest number of directly airport related hotel bedrooms of comparable UK and European airports (with the exception of Luton).

Landscaping is a reserved matter but the layout plan shows indicative landscaping. It is proposed that the existing suitable rootstock is translocated from the existing hedgerow to areas of new planting within the site.

The revised application incorporates a larger site and includes the following changes compared to the withdrawn application which was recommended for refusal:

- Reduced building footprint
- Additional 65 parking spaces
- Revised siting further north
- Additional landscape screen along the entire southern boundary
- Additional 5m wide landscape screen along eastern boundary
- Service yard moved to rear of building
- Pond provided for enhanced diversity.

**RELEVANT HISTORY:** Outline planning permission granted subject to conditions in 1985 by the Secretaries of State for the Environment and for Transport for the expansion of Stansted Airport to about 15 million passengers per annum (mppa). The permission included a new passenger terminal, cargo handling and general aviation facilities, hotel accommodation, taxiways (including the widening of a proposed taxiway to be used as an emergency runway), associated facilities (including infrastructure for aircraft maintenance and other tenants' developments) and related road access. A condition of the outline permission required that the reserved matters be submitted within 20 years (i.e. by 5/6/05).

Further conditions of the outline planning permission required, *inter alia*, that the location of hotels within the site be agreed via general layout plans for 8 & about 15mppa phases (approved 9/4/86) and that the height of any hotels within the terminal area not exceed 3 storeys in height except with the written agreement of the local planning authority.

Reserved matters submissions relating to Phase 1 airport expansion to 8mppa were made and approved during the late 1980's and early 1990's. Phase 2 expansion from 8 to about 15mppa was approved in 1999. The reserved matters for the access road, petrol filling station and hotel (Express by Holiday Inn) on the South Gate site were approved in 2003. Reserved matters applications for development of the remainder of the South Gate site could also have been made by 5/6/05, but that deadline has now lapsed. The 'Express by

Holiday Inn' was opened in 2005 with 183 bedrooms. It has subsequently been extended to a total of 256 bedrooms.

The application site has an extant permission for a 250 bedroom hotel and associated parking – conditionally approved 2007. (UTT/0308/07/OP).

Outline planning permission for airport expansion from about 15mppa to 25mppa was granted in May 2003 subject to conditions and a Section 106 Agreement. In the Environmental Statement that accompanied that application, the development of the South Gate site (including any proposed restaurant on land to the east of the petrol filling station) was taken as being part of the cumulative impact at about 15mppa against which further expansion to 25mppa was assessed.

In 2006, planning permission was refused for the removal of one condition and the variation of another to allow the expansion of Stansted Airport (Generation 1) to about 35mppa (BAA's estimation) in 2014. In the Environmental Statement that accompanied that application, hotels on South Gate West and East were assumed to be brought forward to support 35mppa in 2014, with construction taking place in 2008-10 and 2011-13 respectively.

Subsequently the refusal was overturned at appeal and the increase in numbers etc was allowed.

2008 – Outline application for 300 bedroom hotel – withdrawn by applicant

**CONSULTATIONS:** County Highways: 1. concerned with the parking provision which is below the ECC standards and issues surrounding the management of those parking spaces i.e. that they are used for the sole use of Hotel residents and not being used long term by non hotel residents;

2. acknowledge good public transport services to the airport but concerned that they have not secured a dedicated bus service to run between the hotel and the terminal buildings. There is correspondence that talks about providing a shuttle bus service between the hotel and the terminal; however this will not solve the lack of parking provision at the hotel.

These can both be conditioned

Environment Agency(EA): No objection providing relevant conditions are appended to any planning permission.

Highways Agency: The Highways Agency is of the opinion that the Transport Assessment (TA) that has been provided as part of this application is brief but seems reasonable. The Trip Generation for the site will be significantly less and this section of the TA concludes that the amount of traffic caused by the hotel in the peak hours is negligible, and therefore a junction capacity assessment is not required for the site. The Highways Agency can advise that the conclusion is reasonably sound and further modelling work is not necessary.

The Highways Agency offers no objection.

NATS: No safeguarding objections.

English Nature: Object to the proposed development because the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species particularly native reptiles and badgers. If the local planning authority are minded to approve the applicant should be informed that planning permission does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of Circular 26/2005.

Essex Wildlife Trust: Reply due by 2<sup>nd</sup> June 2009

BAA Safeguarding: The proposed development and could conflict with safeguarding criteria unless any planning permission is subject to various conditions including:

- Submission of a Bird Hazard Management Plan
- Submission of landscaping scheme

And there are two in formatives:

- Cranes
- Lighting

Archaeology: Recommend an archaeological trial trenching and excavation.

Environmental Services: No concerns from the potential contaminated land viewpoint

Building Control: Part M requires one in twenty bedrooms to be built as accessible bedrooms for disabled. Room sizes need to be set out to incorporate shower facilities to comply.

Further information required with regard to adequacy of access for fire service vehicles.

Sustainability comments – Concerned that windows are not shown as shaded and that the atrium roof is the greatest risk for uncontrolled solar gain and overheating.

The energy statement is fine as is the use of CHP (Combined Heat and Power) to meet their renewables requirement. There is a brief statement on water however they will have to get a BREEAM 'very good' rating and this is not referenced. Within this we are looking for the applicant to exceed building regulations Part L2A BER by 22%. From the energy statement this looks achievable.

UDC Planning Policy: Reply due 26<sup>th</sup> May 2009

Landscaping: No objections suggest a planting mix that reduces the percentage of berry producing species without affecting their landscape characteristics.

Polluted Ground: No concerns from a potential contaminated land aspect.

STAL: No objection subject to conditions:

- Parking spaces are for hotel residents and shall not overspill onto surrounding areas
- Staff travel plan or signs up to Stansted Airport Travel Plan
- All details of landscape plans are submitted and comply with Airport wide landscape scheme
- Water drainage details are submitted to ensure they comply with discharge consents

Three Valleys Water: Reply due 2<sup>nd</sup> June 2009

Thames Water: No objection subject to condition and informatives:

- Condition re - Petrol/oil interceptors be fitted to all car parking/washing/repair facilities
- Informative – surface water drainage and trade effluent consent

**PARISH COUNCIL COMMENTS:** Takeley – In the current climate, with Airport throughput declining, is this sustainable development?

The proposed building is too tall and will have an unacceptable visual impact from Takeley Street

Illumination from the site will have a detrimental impact on the amenity of residents in parts of Takeley, in particular Takeley Street residents

The design is featureless, unsightly and totally inappropriate given the rural location. The drawings suggest a 'prison/holding facility' TPC recommends a more sympathetic appropriate architectural design given the rural aspect.

Stansted: No comment.

**REPRESENTATIONS:** This application has been advertised and 0 representations have been received. Period expired 11<sup>th</sup> June 2009.

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

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

- 1) **The use of South Gate West and East for hotels would be acceptable in principle (ULP Policies S4, AIR3 and LC5)**
- 2) **Sufficient information has been submitted with the outline application to indicate that:**
  - i) the hotel would be compatible with surrounding buildings (ULP Policies S4, GEN2, ENV13 and LC5)*

*ii) important environmental features would be safeguarded, including ecology, nature conservation and archaeology (ULP Policies GEN2, GEN7, ENV4 and ENV7)*

*iii) visual impact would be reduced, including the effect of lighting and landscaping (ULP Policies GEN2 and GEN5)*

*iv) the needs of people with disabilities has been taken into account (ULP Policy GEN1)*

*v) the potential for crime has been reduced (ULP Policy GEN2)*

*vi) water and energy consumption would be minimised (ULP Policy GEN2)*

*vii) waste production would be reduced and recycling and reuse encouraged (ULP Policy GEN2)*

- 3) **Access and parking would be convenient and safe (ERSP Saved Policy BIW9 and ULP Policies GEN1 and GEN8)  
Drainage would be satisfactory and flood risk would not increase (ULP Policy GEN3)  
There are any airport safeguarding issues that require mitigation or which necessitate refusal of outline planning permission**
- 4) **The proposal fulfils the Strategic Landscape Area (ULP Policy AIR6)**
- 5) **Any other material consideration.**

1) The hotel would be located within the Southern Ancillary Area, which under ULP Policy AIR3 is principally reserved for activities directly related to, or associated with the airport. Hotels do qualify. There is an established precedent for hotel development on the South Gate site following the granting of outline planning permission in 1985 and reserved matters in 2003. Subsequently outline planning permission was granted for a hotel on this site in 2007.

2) Although this application is in outline only, it provides a level of detail comparable to many full applications indeed the only matter reserved is landscaping.

i) The height of the new hotel would be in keeping with the Express by Holiday Inn, and would be read in combination with it and against the backdrop of structural landscaping along Thremhall Avenue. The hotel would be erected on land that is at a lower level than that the Express by Holiday Inn.

ii) In relation to the site there are 3 main issues, namely the destruction of the species-rich hedgerow, loss of species-rich grassland (albeit of modern origin) and the status of the badger sett. Additional planting has been offered for the southern and eastern boundaries to ensure that any loss of hedgerow is suitably replaced and an ecological survey requirement prior to commencement should ensure that not only bats but other native species are protected.

iii) Visual impact of the hotels would be reduced as per point i) above, particularly in relation to views from Takeley.

iv) The Design, Accessibility and Sustainability Statements confirm that the buildings and wider sites would be designed to Building Regulations Part M (Disabled Access). Lifts suitable for wheelchair use would be provided, and there would be 5% provision of bedrooms and car parking spaces for people with disabilities. There is some concern that the BREEAM requirement 'very good' may not be met and this should be a requirement of any permission.

v) The applicant's agent has confirmed that, as with the 'Express by Holiday Inn', the

operators would seek “Secured by Design” and “Safer Parking Award – Park Mark” accreditations.

vi) and vii) The Design, Accessibility and Sustainability Statements set out the specific measures for consideration and further development prior to the submission of the reserved matters. These include grey water collection and recycling, and thermal insulation to minimise emissions due to the need for heating and cooling. However, the south facing windows and the glazing to the roof would mean that in the summer the hotel would require a lot of additional cooling and therefore this would not meet the requirements to minimise power use and some other measure should be introduced in the design.

3) In relation to car parking, the applicant is offering 0.60 spaces per bedroom which does not meet the adopted (maximum) standards. However the extant permission for the site was offering 0.93 spaces per bedroom prior to the application for extension which if permitted would have reduced the parking to 0.5 spaces per bedroom. The Holiday Express Inn has 0.68 parking spaces per bedroom. Therefore parking in this instance at 0.60 per bedroom is similar to that approved next door and considered acceptable and suitably worded conditions should be imposed to ensure that the vehicles are only parked on site whilst the drivers are resident at the hotel and not used for long term parking.

On-site parking for hotel guests would be limited to when they are staying at the hotels. If guests are going on holiday from the airport, they would be required to move their cars into one of the on-airport car parks prior to departure.

The hotel operators will be required either to sign up to the airport’s existing staff travel plan, or to produce one of their own. A courtesy bus should be implemented from the hotel to the terminal building.

Subject to the conditions requested by the Environment Agency, it is not considered that the hotel would result in increased flood risk.

Subject to the conditions requested by the Safeguarding Authority, there would be no outstanding safeguarding issues that merit refusal of this outline proposal.

The applicant is relying on the previous application with regard the need for a hotel on this site because they say nothing has changed – the Consultants acting for the applicant previously submitted a need case for the provision of additional hotel bedrooms at Stansted Airport. As part of the need case, a micro analysis has been carried out. This quantifies current airport hotel supply and conducts an analysis of potential future supply and using comments derived from interviews held with general managers of hotels in the vicinity. Secondly is a macro analysis, which looks at the number of passengers relative to the hotel bedroom supply for the airport and determines the appropriate number of bedrooms that should be provided at the airport. 12 European and UK airports have been examined for comparison purposes.

The conclusions were that, during very busy periods, travellers are forced off airport to find accommodation due to the limited on-airport supply. The need case states that the introduction of a number of hotels to the airport supply in recent years has merely served frustrated demand through a long period of no new room provision at the airport and is clearly demonstrated in the remarkable penetration of the market that these hotels have experienced”. This market penetration is well illustrated by the Express by Holiday Inn, which experienced 90%+ occupancy levels in its first trading year. This high level of occupancy has resulted in the Phase II extension being built 18 months ahead of schedule.



The need case also states that the introduction of further on-airport bedrooms would reduce the risk of severe undersupply that may take up to 2 years to correct as the rooms are being developed. Severe undersupply may have the effect of increasing room rates and negatively affecting the airport's ability to offer accommodation within the airport boundary forcing people to travel off the airport to seek accommodation. Correcting the shortage of rooms will have the effect of competitively maintaining hotel room rates, reducing the number of nights that hotels are fully booked at the airport, particularly during peak periods and offering a wider variety of choice.

Officers looked at the need case using the Council's own in-house resources. It is an important principle established in ULP Policy S4 that airport related development should be within the airport development boundary. It is therefore appropriate for additional hotels to be on airport, where they can benefit from courtesy bus links to the terminal rather than adding to journeys on the local road network. There is no doubt that additional on airport provision would have some knock-on effect on hotel, guesthouse and bed and breakfast accommodation beyond the airport, but it is not considered that this knock-on effect outweighs the advantages of on airport provision.

4) Uttlesford Local Plan Policy AIR6 – has set part of this area as a strategic landscape area and does not allow for any development within the site covered by this policy. A 10metre stretch of significant planting needs to be in place between the boundary and any development. This proposal has taken this into account and proposes such planting. The indicative planting scheme shows a bank of compensatory planting along the eastern boundary plus planting on the southern and western boundary. The section of ancient hedgerow to be removed is in a different location but comparable size to that approved for removal in 2007.

5) The extant planning permission for a 250 bedroom hotel on this site is a material consideration although all matters were reserved except the access and therefore it only forms a part of this application. The principle of a hotel on this site is established, the access is acceptable as this has not altered from the extant permission and then it depends on the other matters to be considered.

Takeley Parish Council is concerned with regard:

- i. Need for proposal – the applicants have submitted details stating that key findings were that there is an 85% occupancy compared to the UK average of 71%. Over 80% average occupancy at Stansted results in regular shortages which are normally Tuesday to Thursday. From this evidence it would appear that the proposal is sustainable and that there is a need.
- ii. The building is too tall – the plans indicate that the building would not be any taller than the existing hotel to the rear of the site
- iii. Illumination from the site – details of lighting will be required as a condition
- iv. The design is featureless etc – The design of the building is not exciting however it is along similar lines to other hotels on the airport and it would be difficult to refuse the application because the design is featureless.

**CONCLUSIONS:** The principles of a hotel on this is established and although there are concerns with regarding the parking being under the adopted standard the hotels in the vicinity have been allowed with lower parking requirements and issues do not appear to have been raised. Therefore subject to various conditions the application is recommended for conditional approval.

### **RECOMMENDATIONS: APPROVAL WITH CONDITIONS**

1. C.1.1. Submission of Reserved Matters: 1.
2. C.1.2. Submission of Reserved Matters: 2.

3. C.1.3. Time Limited for submission of Reserved Matters
4. C.1.4. Time Limited for commencement of Development.
5. C.7.1. Slab Levels.
6. C.4.1. Scheme of landscaping to be submitted and agreed.
7. The planting plans to be submitted under Condition C.4.1. shall comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' available at [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome) No subsequent alterations to the approved planting plans shall be made unless they have previously been submitted to and approved in writing by the local planning authority.  
REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application.
8. C.4.2. Implementation of landscaping.
9. No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the local planning authority, details must comply with Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping & Building Design' available at [www.aoa.org/publications/safeguarding.asp](http://www.aoa.org/publications/safeguarding.asp). These details shall include:
  - Grassed areas
  - The species, number and spacing of trees and shrubs
  - Details of planting around the pond
 No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.  
REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site.
10. C.4.4. Retention/replacement of trees.
11. C.4.5. Retention of hedges.
12. Details of protective measures for the sections of hedges retained under the preceding condition shall be submitted to and approved in writing by the local planning authority. The measures as approved shall be implemented in full prior to the commencement of development and retained for the duration.  
REASON: To protect the existing hedgerow in the interests of visual amenity.
13. No development shall commence until details of a scheme for the replacement of the species-rich grassland that would be lost have been submitted to and approved in writing by the local planning authority. The submitted scheme shall include a timetable for the establishment of the replacement grassland. The scheme shall subsequently be implemented in accordance with the approved timetable.  
REASON: To retain the ecological richness of the airport.
14. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control shall be submitted to and agreed in writing with the local planning authority. The development shall be constructed and completed in accordance with the approved scheme at such time(s) as may be specified in the approved scheme.  
REASON: To ensure a satisfactory method of pollution control.
15. Details of all external lighting shall be submitted to and approved in writing by the local planning authority prior to installation. The details as submitted shall minimise vertical light pollution and shall minimise visual impact by use of horizontal cut-off to avoid light spill and be the lowest lighting (height and brightness) commensurate with personal safety. Subsequently, the approved lighting shall not be altered without the prior written approval of the local planning authority.  
REASON: In the interests of visual amenity and aircraft safety.

16. No development shall commence until details of measures to achieve Secured by Design certification and the Safer Parking Award - Park Mark have been submitted to and approved in writing by the local planning authority. The measures shall be implemented prior to the opening of the hotel to guests.  
REASON: To enhance public and staff safety.
17. C.11.9. Disabled parking provision.
18. Development shall not begin until surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.  
REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.  
Informative: In order to check that the proposed stormwater system meets the Environment Agency requirements, the following information should be provided:
- A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and other SUDS features. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should show invert and cover levels of manholes.
  - Confirmation of the critical storm duration
  - Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365
  - Where on site attenuation is achieved through attenuation ponds or similar, calculations showing the volume of these are also required.
  - Where an outfall discharge control device is to be used such as a hydrobrake or twin office, this should be shown on the plan with the rate of discharge stated.
  - Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event, with an appropriate allowance for climate change in line with PPS25. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flows.
19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.  
REASON: To ensure appropriate protection to the water environment.
20. C.20.7. Survey required before commencement of development.
21. The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.  
REASON: To ensure surface water drainage from parking areas is appropriately discharged.
22. C.8.32. Compliance with the 10% rule (developments of five or more dwellings or greater than 1000sqm floor area)
23. C.8.33. Condition for compliance with BREEAM 'very good' (non-domestic buildings with 1000 sqm or greater floor area)
24. C.8.30. Provision of bin storage.
25. The provision of a dedicated shuttle bus service to operate between the proposed hotel and the terminal building.  
REASON: In the interests of accessibility in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the Local Transport Plan 2006 - 2011 and refreshed by Cabinet Member decision on October 19th 2007.

26. The development hereby permitted shall not commence until such time as a car park management plan to ensure the hotel's parking spaces, are used for the sole use of guest's currently residing at the Hotel and not to be used for long term parking by air passengers has been submitted to, and approved in writing by, the local planning authority,  
REASON: In the interests of highway safety/efficiency in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the Local Transport Plan 2006 - 2011 and refreshed by Cabinet Member decision on October 19th 2007.
27. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the local planning authority. The submitted plan shall include details of:
- Management of any flat/shallow pitched roofs on the building which may be attractive to nesting, roosting and 'loafing' birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' - attached to decision notice
  - Details of the pond netting and details of the fencing around the pond area. The Bird Hazard Management Plan shall be implemented as approved upon completion of the development and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the local planning authority.
- REASON: It is necessary to manage the sit in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport.
28. No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the local planning authority, details must comply with Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping & Building Design' available at [www.aoa.org/publications/safeguarding.asp](http://www.aoa.org/publications/safeguarding.asp). These details shall include:
- Grassed areas
  - The species, number and spacing of trees and shrubs
  - Details of planting around the pond
- No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.  
REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site.
29. No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.  
REASON: The proposed development lies in a highly sensitive area of archaeological deposits. Within the vicinity of the development area large scale excavations have been undertaken by Framework Archaeology identifying multi-period archaeological deposits. Excavations have taken place in the area of the adjacent hotel and service station which found multi-period occupation from the Neolithic period.
30. Prior to the commencement of the development hereby permitted, an accessibility statement/drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the building is accessible to all sectors of the community. The buildings shall be designed as 'Part M building regulations' and the accessible bedrooms for disabled guests should be shown to incorporate shower facilities. All the measures that are approved shall be incorporated in the development before occupation.

REASON: To ensure that the development is accessible to all.

31. No development shall take place until a plan for external shading (including the roof) is submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

REASON: The development as proposed may overheat and increase the demand for air cooling.

*Background papers: see application file.*

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**UTT/0460/09/LB - GREAT DUNMOW**

*(Member's interest – Councillor Clive Smith)*

Proposed boiler flue installation

Location: Brick House North Street. GR/TL 627-221

Applicant: Mr C Smith

Agent: Mr D Tuttlebury

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 11/06/2009

Classification: OTHER

**NOTATION:** Within Conservation Area; Grade II Listed Building

**DESCRIPTION OF SITE:** The site contains a two storey detached dwelling in Great Dunmow.

**DESCRIPTION OF PROPOSAL:** The application is to install a small boiler flue to the northern elevation.

**APPLICANT'S CASE:** Existing dwelling is retained without any extensions. One minor site elevation appearance adjustment via boiler terminals.

**RELEVANT HISTORY:** None relevant

**CONSULTATIONS:** Conservation Officer - The proposal subject of this application is to install a small boiler flue on one of the elevations of the above listed building. I consider that as the proposed flue would be located on a less conspicuous elevation it is unlikely to diminish the special architectural and historical interest of the listed building.

**TOWN COUNCIL COMMENTS:** Support.

**REPRESENTATIONS:** This application has been advertised and to date 0 representations have been received. Period expired 28<sup>th</sup> May 2009.

**COMMENTS ON REPRESENTATIONS:** None

**PLANNING CONSIDERATIONS:** The main issues are whether the proposal would have a detrimental impact to the character or appearance of the listed building (PPG15 & ULP Policy ENV2)

The proposal subject of this application is to install a small boiler flue on the northern elevation of the above listed building. The proposed flue would be located in an inconspicuous location and will not diminish the special architectural and historical interest of the listed building.

**CONCLUSIONS:** The proposal is acceptable, will not result in any detrimental affect on this listed building and would comply with the requirements of ULP Policies ENV2 and national advice given in Planning Policy Guidance Note is (PPG15).

**RECOMMENDATION: LISTED BUILDING CONSENT WITH CONDITIONS**

1. C.2.2. Time limit for commencement of development – listed buildings.
2. C.3.1. To be implemented in accordance with approved plans.
3. The external element of the flue shall be painted to match the brickwork or be matt black.  
REASON: In the interests of preserving the historic character and appearance of the listed building and its setting.

*Background papers: see application file.*

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## **UTT/0630/09/DFO - LITTLE CANFIELD**

*(Called in by Cllr Cheetham if recommended for conditional approval)*

Erection of a parade of shops comprising a convenience store (Class A1) together with 5 further units suitable for Use Class A1 (retail), Class A2 (financial and professional services), Class A3 (cafe/restaurant), Class A5 (takeaway) or Class D1 (health facilities). Associated hard and soft landscaping, car and cycle parking. Revised proposals from those previously approved under ref: UTT/2205/07/DFO

Location: Community Site Priors Green. GR/TL 571-215

Applicant: Mr Phil Daniels

Agent: Mr David Poole

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 17/07/2009

Classification: MINOR

**NOTATION:** Takeley/Little Canfield Local Policy 3 – Priors Green.

**DESCRIPTION OF SITE:** Priors Green is situated to the north of B1256, to the eastern side of Takeley. Access is directly from the B1256, with one access from the east and one from the west. The proposed local centre site is situated approximately centrally within the development, with proposed residential development to the north, south and east. The reserved school site is to the west of the larger half of the site. The local centre is in two parts, the west site of which this forms part, measuring approximately 0.58ha in area and the east site approximately 0.2ha. Each has been leveled and cleared. The Community Hall has been erected near to the site.

Jacks Lane, a public right of way, runs to the north of the two sites. Alongside the byway runs a ditch, classified as an open watercourse. Running to the south of each site is the 'principal distribution route' and this bisects the Local Centre site from the 'roundabout', set between the two parts of the local centre..

The location of the local centre site accords with the approved Master Plan.

**DESCRIPTION OF PROPOSAL:** Permission is sought to vary a previously approved scheme – UTT/2205/07/DFO conditionally approved 20<sup>th</sup> February 2008 - for the reserved matters for the erection of a parade of shops comprising a convenience store (Class A1) and 5 smaller units to provide complementary shopping opportunities and service uses within the following Use Classes:

- A1 - retail uses including hairdressers or sandwich bars;
- A2 – professional and financial services, e.g. estate agents
- A3 – café and restaurant uses
- A5 – takeaway
- D1 – health uses – including, for example, dispensing pharmacy, dentist, osteopath or chiropractor

Car parking for 64 cars, space for 30 cycle spaces, and 8 powered two wheelers are provided.

The principle change is the increase in proposed floor space for the main retail unit from 279sqm to 465sqm.

**APPLICANT'S CASE:** The parade is to be anchored by a local convenience store, approximately 465sqm in floor area. The increase in the proposed floor area allows for internal changes specific to the needs of the prospective operator – East of England Co-Operative.

5 smaller units, each approximately 100sqm in floor area will provide complementary shopping opportunities and service with the following Use Classes:



- A1 - retail uses including hairdressers or sandwich bars;
- A2 – professional and financial services, e.g. estate agents
- A3 – café and restaurant uses
- A5 – takeaway
- D1 – health uses – including, for example, dispensing pharmacy, dentist, osteopath or chiropractor

Servicing of these units will be provided to the western side of the shops which provides access to the rear of the units. The demarcation and control of the pedestrian area in front of the parade has been considered as part of the proposal. Control measures can be applied to prevent access to this space.

Car parking for 64 cars, space for 30 cycle spaces, and 8 powered two wheelers are provided and will serve all uses on the western side.

The application is supported by a comprehensive design and access statement and planning statement which may be viewed at the Council Offices or on the website.

**RELEVANT HISTORY:** The main permission is UTT/0816/00/OP – development of new residential neighbourhood – approved 23/06/05 after prolonged land assembly difficulties following the resolution to grant permission in 2002. There are many other outline and reserved matters applications as discussed above, which are not material to the issues raised by this application. The full history may be viewed on the application file. The outline permission is subject to the following conditions:

Condition reference	Subject of condition	Comments
C90A	Submission of phasing plan	This submission complies with the specified phasing.
C.1.1 – 1.4	Time limits for submissions and implementation	This submission complies with the specified timing
C90B	Maximum of 650 dwellings at Priors Green	Subject to application UTT/1086/07/FUL to increase that number
C90C	Overall density of 30 dwellings per hectare	The density over the main Priors Green site meets this requirement
C90D	To be carried out in accordance with the Masterplan	The proposal is in accordance with the masterplan
C90E	Details of materials	Forms part of this submission
C.4.1, 4.2 & 4.6	Submission and implementation of landscaping and retention of trees	An outstanding requirement to be the subject of further submissions. Agent informed.
C90F	Submission of ecology strategy	An outstanding requirement
C.16.2	Scheme of archaeological works	Being dealt with as part of the overall site.
C90G	Scheme of water supply and foul drainage	Being dealt with as part of the overall site.

C90H	Submission of parking layouts	Forms part of this submission
C90J	Submission of street furniture details	None proposed on this phase.
C12.1	Scheme of walls and fences	Not shown on this proposal. Will require a further submission. Agent informed.
C90K	Control of construction noise	Requires compliance but no further submission.
C90L	Construction access details	Requires compliance but no further submission.
C90M	Hours of construction	Requires compliance but no further submission.
C90N	Agreement of routs of construction vehicles	Requires compliance but no further submission.
C90O	Preventing dust and mud passing onto the highway	Requires compliance but no further submission.
C.7.1	Submission of cross sections	Will need to be the subject of a further submission. Agent informed.
C90P	Prohibiting development until new A120 is open	The new A120 is open
C90Q	Dust prevention measures	Applies to this site & requires compliance.
C90R	Provision of affordable housing over the main Priors Green site	This phase contains no affordable housing as it is allocated to phases elsewhere

**CONSULTATIONS:** Thames Water: - Waste Comments -Thames Water would recommend that the applicant should ensure storm flows are attenuated or regulated into the receiving public network through on or off site storage.

Three Valleys Water: Reply due 18<sup>th</sup> June 2009

Environment Agency: Reply due 18<sup>th</sup> June 2009

ECC Transportation: Reply due 18<sup>th</sup> June 2009.

Archaeology: The area has already been archaeologically assessed. Therefore no recommendations are being made.

Building Surveyor: Insufficient details provided. Development would need to achieve the equivalent of BREEAM 'Very Good', which we will take as a 22% improvement in BER compared to Building Regulations Part L2A TER as calculated in SBEM.

Essex County Council Schools: The above application is a revision of the application that relates to the area in front of the new school. The plan provided does not appear to include the hard won measures, regarding safe pedestrian ingress and egress to the school, that were previously secured as conditions 4 (footpath), 8 (delivery hours), 19 (traffic calming) & 25 (safe routes) to application UTT/2205/07/DFO.

Concerned that the applicant has reverted to a scheme that could prevent the school entrance from facing the shops.

Please ensure that the conditions attached to the new application go at least as far as the previous requirements.

**PARISH COUNCIL COMMENTS:** Takeley Parish Council: No objection

Little Canfield Parish Council: Reply due 27<sup>th</sup> June 2009

**REPRESENTATIONS:** None. Notification period expired 18<sup>th</sup> June 2009.

**PLANNING CONSIDERATIONS: The main issues are**

- 1) the principle of the development (ULP Policy Takeley/Little Canfield Local Policy 3, approved masterplan);
- 2) design and Access (ULP Policy GEN1, Urban Place Supplement and other SPD, approved masterplan) and
- 3) other material planning considerations.

1. The principle of the development has been accepted by way of an extant details following outline planning permission granted February 2008.

This proposal seeks to increase the floor space of the convenience store from 279sqm to 465sqm. This increase in floorspace should improve the product range to customers and is seen as beneficial. The other units (R2 – R6) would be smaller by between 14 and 18sqm each. This modest reduction in size of those units should not materially affect their operation. The design of the building follows the same format as the approved scheme – L shaped footprint, gable end to unit R1 and two other small gables to the front elevation. Parking standards for the retail would be more than sufficient due to the nature of the site which will share parking with the adjacent Community Hall. The increase in the size of the main shop is to the rear which will take the built form closer to the landscaping scheme to the rear. This will also leave less open space which may have previously become used for outside storage of waste etc and therefore the increase in built form would aid in keeping the site appearance less cluttered.

2. The use of the shops can not be fixed at this time however a condition can be applied to any permission to prevent the use of the shops all becoming of the same type which would not be viable in this location. A mix of uses needs to be encouraged mainly because of the position of the local centre not really attracting passing trade but will be reliant on the residents of Priors Green. The applicant has suggested that Class A1 be restricted to the larger and one other unit whilst the others are less restricted to ensure that there is a mix of users on the site. This is considered as a reasonable request and conditioned as per the extant permission.

3. Hard and soft landscaping details have been included in the proposal to ensure that the site is screened sufficiently.

**CONCLUSIONS:** The application meets the requirements of Uttlesford Local Plan Policies and the Masterplan and is therefore recommended for conditional approval.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.3.1. To be implemented in accordance with approved plans.
2. C.4.2. Implementation of landscaping.
3. C.8.22. Control of lighting.
4. The shops hereby approved shall not be used outside the hours of 07:00 - 22:00, seven days a week and shall not be used at all on Christmas Day.  
REASON: To ensure that the residential properties are not adversely affected by noise nuisance at unreasonable times of the day and night.
5. Delivery vehicles to be restricted from entering the site between the hours of 08:30 and 09:30 and 15:00 and 16:30 weekdays, to reduce conflict between delivery vehicles, parents and pupils at school drop off and pick up times. Details to be agreed with the local planning authority prior to the commencement of development.  
REASON: To ensure Highway Safety in accordance with Appendix G of the Local Transport Plan.

6. The development hereby permitted shall not commence until details of street lighting lanterns and columns have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained in that form.  
REASON: In the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005 and the Essex Design Guide 2005.
7. C.8.34. Details of sustainable construction for new residential or commercial development.
8. C.28.1. Accessibility – implementation of scheme.
9. Prior to occupation of the development, car park access onto the access road shall be provided with a 1.5m x 1.5m pedestrian visibility sight splay as measured from the back of the footway. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.  
REASON: To provide adequate inter-visibility between the pedestrians and users of the access and the access road for the safety and convenience of users of the road and in accordance with Appendix G of the Local Transport Plan.
10. The development shall not be occupied until the car parking area indicated on the approved plans, including any parking spaces for the mobility impaired has been surfaced, sealed and marked out in the parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.  
REASON: To ensure appropriate parking is provided in accordance with Appendix G of the Local Transport Plan.
11. Oil/petrol/diesel interceptors shall be fitted in the car park area to prevent contamination of watercourse. Details shall be submitted to and approved in writing by the local planning authority prior to commencement of any development.  
REASON: To prevent any oil-based discharge entering the local watercourse.
12. C.8.18. Control of odour and other effluvia – 1 cooking equipment.
13. The Use of the retail unit R1 and one other retail unit hereby approved shall be Class A1 (convenience store/retail) whilst the remaining four retail units shall be available for the use of A2 (financial and professional services); Class A3 (café/restaurant); Class A5 (takeaway) and/or D1 (health facilities) and for no other use.  
REASON: To ensure that there is a mix of uses available on the site whilst not being too restrictive.
14. The development hereby permitted shall not commence until details of points of access to the school grounds and traffic calming measures to permit safe use of the means of access to the school site and through the car park have been submitted to and approved in writing by the local planning authority. The agreed details shall be implemented prior to the first occupation of any of the units.  
REASON:  
To provide safe pedestrian access to and from the school.

*Background papers: see application file.*

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