



# Uttlesford District Council

Chief Executive: Dawn French

## Planning

**Date:** Wednesday, 08 March 2017  
**Time:** 14:00  
**Venue:** Council Chamber  
**Address:** Council Offices, London Road, Saffron Walden, CB11 4ER

**Members:** Councillors R Chambers, J Davey, P Fairhurst, R Freeman, E Hicks, J Lodge, J Loughlin, A Mills, V Ranger (Chairman), H Ryles.

## AGENDA PART 1

### Open to Public and Press

- 1 Apologies for absence and declarations of interest**  
To receive any apologies for absence and declarations of interest.
- 2 Minutes of the previous meeting** 5 - 8  
To consider the Minutes of the meeting held on 8 February 2017.
- 3 Chief officer's report, UTT/15/3537/FUL, Saffron Walden** 9 - 12  
To consider the chief officer's report on application UTT/15/3537/FUL, Saffron Walden.
- 4 UTT/16/3255/FUL Thaxted** 13 - 32  
To consider application UTT/16/3255/FUL, Thaxted.
- 5 UTT/16/3549/FUL Broxted** 33 - 52  
To consider application UTT/16/3549/FUL Broxted.

- |          |  |         |
|----------|--|---------|
| <b>6</b> | <b>UTT/16/3550/LB Broxted</b><br>To consider application UTT/16/3550/LB Broxted.   | 53 - 62 |
| <b>7</b> | <b>UTT/16/3062/HHF High Easter</b><br>To consider application UTT/16/3062/HHF High Easter.   | 63 - 70 |
| <b>8</b> | <b>Any other items which the Chairman considers to be urgent</b><br>To consider any items which the Chairman considers to be urgent. |         |

## **MEETINGS AND THE PUBLIC**

Members of the public are welcome to attend any of the Council's Cabinet or Committee meetings and listen to the debate. All agendas, reports and minutes can be viewed on the Council's website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk). For background papers in relation to this meeting please contact [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk) or phone 01799 510430/433

Members of the public and representatives of parish and town councils are permitted to speak at this meeting. You will need to register with Democratic Services by 2pm on the day before the meeting. An explanatory leaflet has been prepared which details the procedure and is available from the council offices at Saffron Walden.

The agenda is split into two parts. Most of the business is dealt with in Part 1 which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

### **Facilities for people with disabilities**

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate.

If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk) or phone 01799 510430/433 as soon as possible prior to the meeting.

### **Fire/emergency evacuation procedure**

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest designated fire exit. You will be directed to the nearest exit by a designated officer. It is vital you follow their instructions.

#### **For information about this meeting please contact Democratic Services**

Telephone: 01799 510433, 510369 or 510548

Email: [Committee@uttlesford.gov.uk](mailto:Committee@uttlesford.gov.uk)

#### **General Enquiries**

Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk)

Website: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)



**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 2pm on 8 FEBRUARY 2017**

Present: Councillor V Ranger (Chairman)  
Councillors R Chambers, P Fairhurst, R Freeman, E Hicks, J  
Lodge, J Loughlin, A Mills and H Ryles.

Officers in attendance: N Brown (Development Manager), M Cox (Democratic  
Services Officer), K Denmark (Development Management Team  
Leader), M Jones (Planning Officer), J Lyall (Interim Solicitor),  
M Shoosmith (Development Management Team Leader) and C  
Theobald (Planning Officer).

**PC39 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Cllr P Fairhurst.

*Councillors Freeman declared a non-pecuniary interest as a member of Saffron  
Walden Town Council.*

**PC40 MINUTES**

The minutes of the meeting held on 11 January 2017 were received and signed  
by the Chairman as a correct record.

**PC41 UTT/16/2701/DFO SAFFRON WALDEN**

Application for reserved matters (appearance, landscaping, layout and scale)  
pursuant to UTT/13/2423/OP for Phases 1b, 2 and 4 to provide 160 dwelling  
houses with associated car and cycle parking, hard and soft landscaping, 5-a-  
side football pitch and utilities & infrastructure including details pursuant to  
conditions 4 (accessibility), 11 (sub-station), 18 (electronic vehicle charging  
points) and 27 (rainwater harvesting) of outline permission UTT/13/2423/OP –  
Commercial Centre, Ashdon Road from Bloor Homes Easton.

RESOLVED that the application be approved subject to the conditions  
set out in the report.

*Nicky Parsons spoke in support of the application.*

**PC42 UTT/16/2632/FUL STANSTED**

Application for mixed use development comprising 10 no. dwellings, ground  
floor retail unit with independent first floor office and 1.5 storey commercial  
building, including associated garages, car parking, new access road and  
landscaping – 14 Cambridge Road for FOWE Developments and London and  
Stansted Furnishing Co. Ltd

RESOLVED that the application be approved subject to the conditions set out in the report.

*Cllr Alan Dean and Ruth Clifford spoke against the application. Mr Dagg spoke in support of the application.*

**PC43 UTT/16/2865/OP STANSTED**

Outline application with all matters reserved except for access and scale, for the redevelopment of the former gas holder site to provide for up to ten dwellings - land north of Water Lane for Mr D Smith.

RESOLVED that the application be approved subject to the conditions set out in the report.

It was also agreed to include an informative note to be aware of the brook during construction and clearance.

*Stuart Walsher spoke in support of the application.*

**PC44 UTT/16/2597/FUL ELMDON & WENDENS LOFTS**

Application for Change of use from public house to licensed cafe, Shop/delicatessen and hairdressers, alterations and repairs, and erection of cartlodge -Elmdon Dial, Heydon Lane, Elmdon for H E Stringer Flavours Ltd

RESOLVED to defer the application in order to assess the market strategy and financial statement submitted by the applicant.

*Nick Elbourn, Phil Kay, Richard Williams and Peter Hoskins and Ian Donaldson spoke against the application. Julie Barns spoke in support of the application.*

**PC45 UTT/16/ 2598/LB ELMDON & WENDENS LOFTS**

Application for alterations and repairs - Elmdon Dial, Heydon Lane, Elmdon for H E Stringer Flavours Ltd

RESOLVED to defer the application in order to assess the market strategy and financial statement submitted by the applicant.

**PP46 UTT/16/2404/FUL GREAT HALLINGBURY**

Application for change of use from unimproved grassland and woodland to burial ground including erection of service building, access road, car parking and associated landscaping – Land east of M11, Howe Street, Howe Street Road for Mrs C Daly.

RESOLVED that the application be approved subject to the conditions set out in the report.

PP47

**UTT/16/3392/FUL NEWPORT**

Application for variation of condition 13 on planning consent UTT/15/2364/FUL to 5% of the dwellings hereby permitted shall be wheelchair accessible dwellings in accordance with Policy GEN2 (c) and the subsequent SPD on Accessible Homes and Playspace. The remaining dwellings shall comply with the Lifetime Homes standard as published by the Joseph Rowntree Foundation - Land West of Cambridge Road for Hastoe Housing Association

RESOLVED that conditional approval be granted for the application subject to the conditions set out in the report and a deed of variation to a S106 legal agreement as follows

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freeholder owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following:
  - (i) suitable provision of affordable housing
  - (ii) suitable maintenance of the sustainable drainage system
  - (iii) payment of the Council's reasonable legal costs
  - (iv) payment of the monitoring fee
- (II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below
- (III) If the freehold owner shall fail to enter into such an obligation by 22 February 2017 the Assistant Director of Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:
  - (i) lack of suitable provision of affordable housing
  - (ii) lack of suitable maintenance of the sustainable drainage system

*Ulrike Maccariello spoke in support of the application*

PP48

**UTT/16/3394/FUL GREAT CHESTERFORD**

Application for erection of 2 no. detached dwellings and garages – The Delles, Carmen Street, Great Chesterford for Mr and Mrs Redfern.

RESOLVED that the application be approved subject to the conditions in the report.

PP49            **UTT/16/3659/HHF SAFFRON WALDEN**

Application for the erection of single storey rear extension – 17 Plantation Close for Mr D Scraggs and Miss K Goose.

RESOLVED that the application be approved subject to the conditions in the report.

PP50            **UTT/16/3687/HHF SAFFRON WALDEN**

Application for the erection of single storey front extension and loft conversion including rear dormer window and roof lights to front elevation – 7 Brooke Avenue for Mr and Mrs Robinson.

RESOLVED that the application be approved subject to the conditions set out in the report.

PP51            **LAND SOUTH OF ONGAR ROAD GREAT DUNMOW**

The committee was advised that application UTT/16/2669/FUL Great Dunmow had omitted in error a condition requested by ECC in relation to the temporary constriction access. It was considered necessary to add this condition to retain control over the future closure of this access.

RESOLVED that the following condition is added to the resolution to grant for UTT/16/2669/FUL

Prior to commencement of the development the construction access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 6.5 metres, shall be retained at that width for 10 metres within the site and shall be provided with 6 metre radius kerbs. Upon completion of the development the temporary construction vehicular access shall be suitably and permanently closed, details to be agreed with the highway authority.

**Reason:** To ensure to ensure that vehicles can enter and leave the highway in a controlled manner and to preclude the creation of unnecessary points of traffic conflict in the highway following development in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1 (adopted 2005).

The meeting ended at 5pm



**Committee:** Planning

**Agenda Item**

**Date:** 8 March 2017

**3**

**Title:** UTT/15/3537/FUL; Residential development of five houses with garages/carports and removal of remaining bridge abutment, Goddards Yard (Phase II) Thaxted Road, SAFFRON WALDEN

**Author:** Nigel Brown  
Development Manager

Item for decision

---

## Summary

1. Members will be aware that on 19 May 2016; the Government updated its Planning Practice Guidance by adding a new paragraph (ID: 23b-031-20160519 - <http://planningguidance.communities.gov.uk/revisions/23b/031/>). This follows the Order of the Court of Appeal dated 13 May 2016, which gives legal effect of the original Written Ministerial Statement of 28 November 2014, following a previous legal challenge
2. This alters the guidance as to when affordable housing (and other tariff based contributions) can be requested. This will override any existing document we have adopted.

## Recommendations

1. To allow a Deed Of Discharge removing the Section 106 Obligation requirements concerning affordable housing contributions on Planning Permission reference UTT/15/3537/FUL dated 12 July 2016.

## Financial Implications

2. None. There are no costs associated with the recommendation.

## Background Papers

ID: 23b-031-20160519

<http://planningguidance.communities.gov.uk/revisions/23b/031/>

Committee Reports; 4 May 2016

## Impact

- 1.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## Situation

1. The confirmed changes to the Planning Practice Guidance re- issued on 13 May 2016 confirm.
  - contributions should not be sought from developments of 10-units or less,
  - In designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or fewer thresholds is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under [section 157\(1\) of the Housing Act 1985](#), which includes National Parks and Areas of Outstanding Natural Beauty
  - affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home
  - None of the parishes within Uttlesford District are defined as “rural” under Section 157 of the Housing Act. This is set out in SI 1997/623 Housing (Right to Acquire or Enfranchise) (Designated Rural Areas in the East) Order 1997.
2. These changes have no implications for developments of 11 units and above. In this situation, the 40% provision of affordable housing will be sought on developments of 15 units and above; with 20% sought on developments of 11-14. Any developer still has the right to claim and demonstrate lack of viability, where affordable housing provision is sought.

3. This application was reported to Planning Committee on 4 May 2016; members resolved to approve planning permission subject to a Section 106 Obligation to secure financial contributions towards affordable housing. This Section 106 Obligation was completed and planning permission was duly granted. The approval of this development coincided with the confirmation of the High Court's decision and the reiterating of the Planning Practice Guidance on this matter.
4. Rather than insist that the developer reapplies on this matter it is considered expedient to allow a Deed of Discharge with respect of the requirements of the Section 106 Obligation.

## Conclusion

5. In light of the confirmed changes to National Planning Policy Guidance on this matter it is considered that the Local Planning Authority can no longer seek financial contributions towards affordable housing. It is therefore recommended that a Deed of Discharge be issued regarding the requirements of the Section 106 Obligation.

## Risk Analysis

2.

Risk	Likelihood	Impact	Mitigating actions
1	1	1	

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



**UTT/16/3255/FUL (THAXTED)**

(MINOR)

**PROPOSAL:** Residential development for the construction of 9 dwellings with associated parking and landscaping.

**LOCATION:** Little Maypole, Thaxted.

**APPLICANT:** Mr M Wellings

**AGENT:** Greenhayes Planning

**EXPIRY DATE:** 20<sup>th</sup> January 2017

**CASE OFFICER:** Lindsay Trevillian

---

**1. NOTATION**

1.1 Outside development limits,

**2. DESCRIPTION OF SITE**

2.1 The application site as outlined in red on the submitted location plan is located at the end of the cul-de-sac known as Little Maypole on the settlement edge of the town of Thaxted. The site itself is mainly rectangular in shape, has a slight slope that falls away from east to west and consists of approximately 0.32 of a hectare.

2.2 Although the site is currently vacant of any built form, it should be noted that extent planning permission for the erection of a Short Breaks Centre for up to 8 residents can still be lawfully carried out as works on this permission (ref: UTT/0302/09/FUL) have commenced due to the carrying out of some excavation works. As such the site is classified as previous developed land (brownfield). The site is general overgrown with little in the way of mature vegetation and consists of a post and rail fence along its boundaries.

2.3 The site currently has a single gated vehicle access point off Little Maypole that is used to provide access for vehicles.

2.4 Residential dwelling units that consist of a variety of different building forms, sizes and scales are located to the east of the site that front onto Newbiggen Street and along the southern boundary of the site that front onto Clair Court. Large open fields used for agriculture are located to the north and west of the site. Playing fields consisting of sports pitches, clubrooms and a playground are located to the north east of the site.

**3. PROPOSAL**

3.1 The applicant seeks planning permission for the construction of 9 dwelling houses with associated parking and landscaping.

3.2 The dwellings would be arranged in three blocks of terrace style housing with each block containing 3 units. They would be set out in a linear formation running in a north south orientation centrally positioned within the middle of the site with the

principle elevations facing Little Maypole. The form of the dwellings would be 2 storey with 6 of the 9 units having further living accommodation within the roof space. The maximum height of the dwellings would be 8.4m high to the ridgeline. The dwellings would be externally finished from an assorted use of materials and detailing containing plain tile roofs, black weatherboard siding and local stock brickwork.

- 3.3 The proposed scheme would consist of 100% open market housing. No on site affordable housing or contribution is proposed as part of this scheme. The provision of the housing mix would be:

3 x 3 bedroom dwellings  
6 x 4 bedroom dwellings

- 3.4 Each of these dwellings within the development would be provided with off street parking spaces and its own private amenity space.

#### **4. APPLICANT'S CASE**

- 4.1 Extensive pre-application meetings with the Local Planning Authority were held in which general advice was taken into consideration regarding the final design and layout of the application.

- 4.2 The applicant has provided a Design and Access Statement and a Planning Statement of Conformity in support of a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way. In addition further information in relation to technical issues such as ecological mitigation & enhancement strategy, surface water drainage strategy, transport statement and acoustic feasibility study to name just a few have also been submitted in support of the proposal.

- 4.3 The applicant considers that the proposed residential scheme would provide much needed family homes in a highly sustainable location that would not result in significant harm to the setting of the wider countryside. It is concluded that the proposal accords with policies contained within the Uttlesford District Council's Local Plan as well as the National Planning Policy Framework.

#### **5. RELEVANT SITE HISTORY**

- 5.1 DUN/0647/69 – Site for residential development (refused)

UTT/0302/09/FUL - Proposed erection of a Short Breaks Centre for up to 8 residents (approved with conditions).

- 5.2 It should be noted that the above planning permission has been implemented due the digging and filling of part of the foundations and thereby the permission is extent and still can be lawfully carried out.

#### **6. POLICIES**

- 6.1 **National Policies**

- National Planning Policy Framework

- 6.2 **Uttlesford Local Plan (2005)**

- Policy S7 – The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 – Flood Protection
- Policy GEN4 – Good Neighbourliness
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV2 – Development effecting listed buildings
- Policy ENV8 – Other Landscape Elements of Importance for Nature Conversation
- Policy H1 – Housing development
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix

### 6.3 **Supplementary Planning Policy**

- SPD Accessible Homes & Play Space
- SPD Parking Standards Design & Good Practice September 2009
- SPD Essex Design Guide

## 7. **PARISH COUNCIL COMMENTS**

### 7.1 Thaxted Parish Council objects for the following reasons:

- The site sits outside of the development limits of the village as defined in the 2005 Adopted Local Plan, contra to Policy S7 relating to development in the countryside.
- The applicants claim that a material start on site was made in that a foundation trench was dug. The position of this trench however appears to be out of line with the consented drawings and as such would imply there was never any intention to implement the scheme as proposed. Considered on that basis the land can only be regarded as open countryside with a lapsed consent for development that was granted based on an 'exception', is not viable. The proposed use is private residential and cannot therefore be regarded as 'exceptional' in the context of countryside protection policies.
- The outline shown on the historic respite centre application ref UTT/14/1033/OP confirms that approximately a third of the site covered by the current application has no previous status, even if a material start had been made on the respite centre scheme. We would therefore reject on the basis of layout and density of buildings.
- The effect on the character and appearance of the surrounding area such as Bellrope Meadow which was so heavily criticised in the LUC document commissioned by English Heritage in 2013/14 entitled 'Evaluating the Impact of Housing Development on the Historic Environment'.
- Of equal concern, though is that the units proposed are three storeys in height. This is justified on the basis that the land slopes to the west away from the existing Little Maypole housing. The design in terms of height and elevational treatment is out of context with the Thaxted character. Viewed from the critical position on the footpath to the north. Similarly, boundary treatment along the northern perimeter is described as 'post and rail with low level hedging'. The impact on the important Chelmer Valley landscape would be unacceptable and views from the footpath seriously compromised.
- Liz Lakes have produced a landscape character assessment Lake Associates

have now published their findings. The subject site falls into parcel LPLCA 16. Each parcel is assessed in terms of its capacity to accommodate development having regard to impact on the landscape. Parcel LPLCA 16 is assessed as having a 'low' capacity to accept development. 'Low' indicates the most sensitive areas of landscape and the site is therefore considered unsuited to development.

- The previous planning permission for the respite centre has lapsed and is of no consequence anyway since the use was wholly different.
- The previous consent related in any case, to only a part of the site shown on the current application.

## **8. CONSULTATIONS**

### **ECC Highways:**

8.1 No objection:-

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to imposing conditions.

### **ECC Ecology Advice:**

8.2 No objection:-

Subject to imposing planning conditions.

### **Natural England:**

8.3 Natural England has no comments to make on this application.

### **NATS Safeguarding:**

8.4 No objection:-

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

### **Airside OPS Limited**

8.5 No objection:-

The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with any safeguarding criteria. Accordingly, the Aerodrome Safeguarding Authority for Stansted Airport has no safeguarding objections to the proposal.

### **UDC Conservation officer:**

8.6 No objection:-

The proposed scheme would not cause adverse harm to any Listed Buildings, Conservation Area or Scheduled Ancient Monument. I have no objections in principle.



**UDC Landscape officer:**

8.7 Concerns raised:-

The proposed development would be visually detrimental on the qualities of the site and surrounding area. Maintaining the open rural character of this part of the River Chelmer valley is considered to be of particular importance in retaining the sensitive relationship between the village and its rural setting.

**UDC Environmental Health officer:**

8.8 No objection:-

I have no objection in principle with the application. I agree with the conclusion in the acoustic feasibility study 15026.AFS.01 dated 9th November 2016 prepared by KP Acoustics in that the development may be affected by aircraft noise from Stansted Airport. Further noise investigations are required to identify the risks to the future users of the property and where necessary measures to ensure that the property is suitable for habitable use. This can be imposed by way of appropriate conditions.

**9. REPRESENTATIONS**

9.1 The application was publicised by sending 187 letters to adjoining occupiers and the displaying of site notices. 161 letters of objection have been received at the time of writing this appraisal that raise the following concerns:

- The site is outside the Thaxted development boundary and any new development would be contrary to policy S7 of the adopted local plan.
- Market housing cannot be regarded as 'exceptional' in the context of countryside protection policies.
- This would merely be back filling into the countryside.
- The proposal would have an impact on the Chelmer Valley landscape and views from footpath and highways into the historic town would be compromised. This point in particular was highlighted in the Inspectors decision following the Public Enquiry on the Gladman application for 120 houses on the adjoining field to this proposed development.
- The design and appearance of the units are out of character with the Thaxted Character.
- The concept of 9 three storey town houses perched on a hill would dominate the area and totally out of context.
- The previous planning permission for the respite centre has lapsed.
- The permission for the respite centre was single storey, covered part of the site and not all of it and it was classified as an exception site and permission was granted on this basis.
- The town of Thaxted has already absorbed a huge amount of housing.
- The site is within a parcel of land, recently identified by the Liz Lake Study as being particularly sensitive and least suited to development.

**10. APPRAISAL**

The issues to consider in the determination of the application are:

- A The principle of development of this site for residential development (ULP Policies S7, GEN2 and NPPF)
- B Visual Impact and Impact upon the Countryside. (ULP Policy S7, ENV8 & GEN2, and NPPF)
- C Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)
- D Impact upon the setting of the heritage assets (ULP ENV1, NPPF and Listed Building and Conservation Area Act 1990)
- E Access to the site and highway issues (ULP Policies GEN1, GEN8 and NPPF)
- F Mix of Housing and Affordable Housing (ULP Policies H9, H10 and NPPF)
- G Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 ENV7, ENV8 and NPPF)
- H Drainage and Flood Risk (ULP Policies GEN3, GEN6 and NPPF)
- I Residential Amenity (ULP Policies GEN2 & GEN4 and NPPF)

**A The principle of development of this site for residential development (ULP Policies S7, GEN2 and NPPF)**

- 10.1 The application site consists of a modest area of land approximately 0.32 of a hectare in size located within the open countryside on the edge of the settlement of Thaxted. The site is outside the development limits of Thaxted as defined by the Proposals Map and is therefore located within the countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 10.2 The Council has carried out a review of the adopted policies and their compatibility with the NPPF. The Review found Policy S7 to be partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. As a consequence, whilst Policy S7 is still relevant to the consideration of this application, there remains a presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF.
- 10.3 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 10.4 The most recent housing trajectory was presented to the Planning Policy Working group on 8 June 2015 with an updated statement presented to the Group on 26 November 2015. The Council is required to identify annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The Council considered that it is a '5% authority' and this has been supported by the Local Plan Inspector and at a number of appeals.
- 10.5 The Statement explains that until the Council has determined its objectively assessed need it considers its housing requirement is between 568 to 580 dwellings

a year. The Council estimates that 3530 dwellings will be delivered over the next 5 years which provides the District with between 5.1 – 5.3 years of supply, depending on the housing target, but including a 5% buffer.

- 10.6 However since the above figures were published, it is now more likely that the Council can provide a lower figure of 5 years of supply rather than 5.1 - 5.3 as indicated which includes a 5% buffer.
- 10.7 The Council can demonstrate a deliverable 5 year supply of housing land. Notwithstanding this applications have to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council needs to continue to consider, and where appropriate, approve development which is sustainable and meets its housing objectives.
- 10.8 Although the Council can demonstrate in excess of a 5 year supply of housing land, the NPPF still requires local planning authorities to continue to consider, and where appropriate, approve development which is sustainable. Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development whilst the policies in paragraphs 18 to 219, taken as a whole, constitute what the Government's view of what sustainable development in England means in practice for the planning system.
- 10.9 Paragraph 7 of the NPPF sets out the three dimensions of sustainable development as being economic, social and environmental and a key consideration therefore is whether the proposed application satisfies these three roles. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles.
- 10.10 Economic Role: The NPPF requires that development should contribute to building a strong, responsive and competitive economy by ensuring, amongst other things, that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 10.11 The application site is located beyond the defined boundaries of the village settlement although it does currently have extent planning permission for works as detailed above within this appraisal. The proposal put forward for assessment represents a modest scale of residential development in relation to the existing settlement as a whole. Any new development of this type should function as part of the settlement of Thaxted and the area as a whole where most facilities, services and employment will be found.
- 10.12 The village of Thaxted has a reasonable amount of local amenities and services to facilitate the needs of its local residents that includes schools, public houses, shops, a church, doctors surgery, community buildings and restaurants to name just few.
- 10.13 As such it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the settlement of Thaxted.
- 10.14 The proposal itself would bring economic benefits to the settlement of Thaxted supporting local services and amenities such as the those mentioned above as a result of the future occupiers of the development. In addition the proposal would

provide some positive economic contribution during the construction process of the development.

- 10.15 Although it is noted that there are limited opportunities for employment within the village, it is regarded that the application site has reasonable connectivity to larger nearby towns by way of public transport such as Great Dunmow and Saffron Walden and those further beyond. As such the proposal would also help contribute in providing economic support to the wider surrounding area.
- 10.16 As a result, the development provides a positive economic approach that satisfies the economic dimension of sustainability in the NPPF.
- 10.17 Social Role: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
- 10.18 The proposal would include the erection of up to 9 dwellings with ancillary infrastructure. It would be capable of providing some of the day to day needs for future occupiers and the built environment would be of a high quality as required by the Framework.
- 10.19 The application site is approximately 500m from the village centre in where most of the local amenities and facilities are. In addition public footpaths along both sides of Newbiggen Street provide easy commuting to these facilities. It is considered that although the application site is on the edge of the village, it would form an inclusive development that would provide convenient access to the local services within Thaxted and to the wider surrounding area.
- 10.20 Future occupiers could rely on the village to provide most of their day to day needs such as health, social and cultural well-being as well as shopping ensuring and promoting the village as an appropriate mixed and well balanced community.
- 10.21 It is considered that the proposed development has been designed to ensure access gives priority to sustainable transport options such as walking, cycling and public transport which thereby reduces the need and reliance on private cars.
- 10.22 The proposal would make a contribution towards the delivery of the housing needed for the district and housing would be designed to be accessible as per Part M of the Building Regulations.
- 10.23 As a result, the development provides a positive approach that satisfies the social dimension of sustainability in the NPPF.
- 10.24 Environmental Role: The NPPF identifies this as contributing to protecting and enhancing our natural, built and historic environment, including, inter alia, improvements to biodiversity and minimising waste.
- 10.25 The application site is a modest size plot of open land in the countryside that backs onto existing residential development. It is recognised that the proposal would have some limited impacts as it would result in the encroachment of built form into the open countryside however given that the principle of developing the site has already been established and these works can still be carried out, it is considered that the proposed works would not cause further significant material harm compared to what may be erected. To help reduce potential harm, the applicant as part of the proposal, has incorporate measures to safeguard and mitigate were possible to

enhance the environment in and around the site. Some of these measures include enhancing biodiversity, and providing reinforced planting along the boundaries, provide sustainable drainage systems, and the dwelling units themselves would be energy efficient and low carbon new homes.

- 10.26 The scheme would help to fulfil the three principles of sustainable development. As such the proposals would comply with the positive stance towards sustainable development in this respect as set out in the NPPF and the presumption in favour of approval, unless material considerations indicate otherwise. Officers have applied significant weight to this and consider that the more recent national policy set out in the NPPF should take precedence over Policy S7 of the Local Plan.
- 10.27 In consideration of the above the development is sustainable development and the principle of the proposal is acceptable in this context.

**B. Visual Impact and Impact upon the Countryside. (ULP Policy S7, ENV8 & GEN2, and NPPF)**

- 10.28 Policy GEN2 seeks to ensure that development will be of an appropriate design and mitigates any potential harm. The Core Principles of the NPPF confirm that planning should recognise '*the intrinsic character and beauty of the countryside*' and the impact of development on the countryside is an accepted and material consideration.
- 10.29 A landscape and visual appraisal was submitted in support of the application within the Design and Access Statement. The assessment indicates that the application site is generally well contained although views are obtained from a number of properties, PROWs and roads in the immediate vicinity and from more distant areas occupying elevated topography across the Chelmer Valley itself.
- 10.30 The assessment confirms that the proposed development has been shaped, in part, by the findings of the Landscape and Visual Assessment and this has informed the proposed layout of the residential areas as well as the extent and arrangement of the countryside.
- 10.31 It is acknowledge that the proposed would erode into the open countryside however given the location of the site on the edge of settlement boundary backing onto existing residential gardens and the nature and character of the proposal, the site itself and its wider setting, it is considered that the proposal would only result in limited harm in terms of the visual impact as a whole on the character and appearance of this part of the countryside.
- 10.32 Weight has also been given in relation to the proposed mitigation measures in which the applicant suggests that in addition to other benefits, reinforced landscaping would help mitigate the impact of the development upon the wider countryside. However it is noted that even with the proposed reinforced measures, the proposal would still be largely seen from a number of public vantage points. Nevertheless, it is considered that views towards the development would be predominantly seen in context of with the settlement itself rather than resulting in significant visual and landscape impacts to the wider countryside.
- 10.33 It is acknowledged that the proposal would alter the character of the site from a brownfield site that is currently open to the elements on the settlement edge of Thaxted to a urban residential development as a result of the proposal. However, it is considered that on balance, although the proposal would extend into the open

countryside the benefits of the development particular that of supplying much needed housing within the district and utilising an existing brownfield site thereby protecting other greenfield sites and that it is within a sustainable location would outweigh the limited harm it would have upon the open countryside.

- 10.34 Key to local concerns which was also raised by the Parish Council was the fact that the subject site has been identified as having a 'low capacity to accept development' within the Liz Lake landscape character assessment. It should be noted that that this assessment was conducted on behalf of the Parish Council to help in the preparation of the local neighbourhood plan. As the Neighbourhood plan is not adopted in any form, there is no policy argument to give any material weight at all to the Liz Lake Landscape Assessment.
- 10.35 It is also noted that Council's landscape officer had some concerns in relation to the developments impact upon maintaining the open rural character of this part of the River Chelmer valley as it is considered to be of particular importance in retaining the sensitive relationship between the village and its rural setting. For the reasons given above within this appraisal, officers consider that it would not lead to a detrimental impact upon the open character of the Chelmer Valley and its sensitive relationship with the village.

**C. Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)**

- 10.36 The guidance set out in Paragraph 58 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.
- 10.37 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.
- 10.38 The design and access statement provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site, the design and appearance of the residential units, landscape objectives, mitigation measures and surface water drainage strategies.
- 10.39 The guidance contained within the Essex Design Guide and the general character of the built form and siting of within the Thaxted has been considered in the overall design of the proposed development. The design of the buildings generally reflects the local vernacular of the surrounding built form.
- 10.40 The proposed dwelling units in blocks of three would be a mirror image to one another that would represent a pleasing blend of traditional features along with more contemporary elevational details. The suggested geometry and design of the fenestration would result in proportions of void to solid compatible with many historic buildings in Thaxted. Furthermore, the proposed mixture of finishing material of plain tiles, good quality brickwork and weatherboarding would be in keeping with local vernacular pallet.

- 10.41 The scale of the dwellings has been proposed with regard to the character of the surrounding locality which predominantly contains two story dwellings but combined, detached, semi-detached and terrace units. The dwellings would be well proportioned, articulated and reflect the patterns of characteristics of surrounding built form.
- 10.42 The site plans shows the existing gated access to be retained creating a single route into the site. This route then splits into two distinct directions as vehicles enter into the site offering access to either the northern or southern half of the site.
- 10.43 A large parking court is located to the front of the site and although the dwellings have some on plot parking, the majority of the residential parking is located opposite the housing. This is not ideal as large parking courts should be avoided and all parking should be on plot to the side of dwellings however officers considered that on balance, this layout is appropriate. In particular, the layout would not be at odds to the character of the area as the adjoining properties to the east have large parking courts to the rear and the proposal would be broken up with soft planting. Furthermore it would not result in remote parking for the occupiers of the dwellings. As such the design and layout of the parking court is considered to be acceptable.
- 10.44 In accordance with local policy GEN2, the Council will require developers to provide new homes, which are designed to lifetime homes standards. These standards will apply to all new housing, including flats. If permission is granted a planning condition would be imposed to ensure that all dwellings within the scheme comply with Part M of the Building Regulations, which secures the process to enable the delivery of lifetime wheelchair adaptable homes.
- 10.45 The development has also taken into account the general principles regarding 'Secure by Design' in terms of its layout. Public spaces, such as parking areas, have been design to be overlooked to provide natural security to the public realm.
- 10.46 For a three or more bedroom dwelling unit, the provision of 100sqm of amenity area has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide and outdoor sitting area and should be located to the rear rather than the side.
- 10.47 Each residential unit within the scheme has been provided with at least the minimum private garden sizes as stipulated above to meet the recreational needs of future occupiers.

**D. Impact upon the setting of the heritage assets (ULP ENV1, NPPF and Listed Building and Conservation Area Act 1990)**

- 10.48 Key to local concerns within representation letters and the Parish Council was the effect that the development would have upon the setting of the Thaxted Church and the town conservation area which was a reason for refusal for the adjoining Gladmans site which was a large residential scheme that was dismissed at appeal.
- 10.49 Although there are no nearby listed buildings and the conservation area is some distance away the effect of the development on the heritage assets have been taken into consideration. The main issue to address is whether the proposed development is in accordance with the Listed Building and Conservation Area Act 1990, the

National Planning Policy Framework and local policy ENV2.

- 10.50 Paragraph 133 of the Framework states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.
- 10.51 Furthermore, paragraph 134 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.
- 10.52 The application was consulted to Councils conservation officer who stated that the proposed scheme would not cause adverse harm to any Listed Buildings, Conservation Area or Scheduled Ancient Monument.
- 10.53 The proposal is significantly smaller in terms of its size and scale and therefore it is considered it would not result in the same detrimental impact as the residential scheme that was recently dismissed on the adjoining site upon the heritage assets contained within Thaxted.
- 10.54 Consequently, officers consider that the proposal would cause less than substantial harm to the setting of the conservation area, and listed buildings included that of the church and would provide sufficient public benefits such as providing additional housing. The development is in accordance with the Listed Building and Conservation Area Act 1990, the National Planning Policy Framework and local policy ENV2.

**E. Access to the site and highway issues (ULP Policies GEN1, GEN8 and NPPF)**

- 10.55 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.
- 10.56 The application includes details of the proposed access to the site from Little Maypole which runs off Newbiggen Street.
- 10.57 The application was accompanied by a Transport Assessment which concluded that the development would not adversely affect highway safety of the free flow of traffic on the local road network, supplies adequate cycle and vehicle parking. Consequently the proposal would not have an unacceptable transport impact on the highway network.
- 10.58 The application was consulted to Essex County Council Highways who confirmed that they had no objection to the proposal subject to conditions being imposed on any granted permission.
- 10.59 In relation to the amount of traffic generated from the development, the Highway Authority has not made an objection in terms of the potential impact on the surrounding road network. As a result, it is considered that the amount of traffic generated from the development could be accommodated and that there would be no impact upon the traffic flow on the surrounding road network particularly along



Newbiggen Street.

- 10.60 The proposal also provides a safe convenient pedestrian access into the village centre of Thaxted and to the nearby bus stop. This would help encourage movement by other means than a car from the site and be beneficial in that it would help ensure and take into account the needs of cyclists, pedestrians or people who are mobility impaired to gain access into the village of Thaxted and beyond.
- 10.61 The proposed vehicle access is deemed acceptable and that the proposed development would cause no harm to matters of highway safety. The development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.
- 10.62 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards.
- 10.63 The Adopted Council Parking Standards recommends that a minimum of one vehicle space be provided for a one-bedroom unit, two spaces for a two or three bedroom dwellings, and three spaces for a four-bedroom dwelling house along with additional visitor parking spaces. In addition each dwelling should also be provided with at least 1 secure cycle covered space.
- 10.64 The proposal makes provisions for at least 2 car parking spaces for dwellings consisting of three bedrooms and three spaces for those dwellings containing 4 bedrooms. A total of 26 off street parking spaces are provided which includes 2 visitor parking spaces which would be accommodated within on and off street parking bays. In addition secure cycling would be provided for each residential unit within the site. The number and size of the off street parking meets the requirements of the Adopted Parking Standards to ensure that adequate parking is provided.
- 10.65 All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. All refuse storage points would be located within 25m carry distance.
- 10.66 It is concluded that the proposed development would cause no harm to matters of highway safety.

**F Dwelling mix and Affordable Housing provisions (NPPF, Local Policies H9 & H10)**

- 10.67 Paragraph 50 of the Framework requires that developments deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 10.68 In accordance with National Planning Guidance, there is no statutory requirement to provide on-site affordable housing or an offsite financial contribution for a housing scheme that has 10 or less dwellings proposed. For this reason, no affordable housing is proposed as part of this scheme.
- 10.69 ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has

identified that the market housing need is generally for dwellings with three or more bedrooms.

- 10.70 This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy H2. Although a better design response would be to incorporate some smaller 2 bedroom units across the scheme, on balance given the size of the housing development in general is limited to 9 dwellings, officers consider the mix of three and four bedroom units across the development is appropriate. There is no requirement for bungalows to be provided as part of the dwelling mix.

## **G Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 and ENV7 and ENV8)**

- 10.71 Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored. Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 10.72 Paragraph 98 of Circular 06/05 states *'that presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would likely to result in harm to the species or its habitat'*. Furthermore, the NPPF states that *'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible'*.
- 10.73 The application site itself is not subject of any statutory nature conservation designation being largely an overgrown field with limited vegetation.
- 10.74 The application is supported by an Ecological Appraisal dated December 2016. This Appraisal considers the site to have low ecological value with potential for nesting birds, and low potential for reptiles only. The vegetation on site is understood to be less than one year old having been cultivated prior.
- 10.75 Essex County Council's ecology officer who had no objections concluded that although no further surveys are necessary, the Ecological Appraisal sets out a number of precautionary measures to protect species during works and thereafter these should all be adhered to.
- 10.76 It is considered therefore that the application is acceptable on ecology grounds and that subject to the imposition of appropriately worded conditions, the proposal would be consistent with the policies contained within the Uttlesford District Local Plan as Adopted (2005) and the National Planning Policy Framework.

## **H Drainage and flooding (ULP Policies GEN3 and GEN6)**

- 10.77 The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 10.78 The development site lies within Flood Zone 1 (low probability of flooding) as defined

by the Environmental Agency. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exemption testing.

10.79 The planning submission was accompanied by a surface water drainage strategy which provides strategic and technical guidance in relation to surface and foul water runoff, flood risk mitigations measures and Sustainable Urban Drainage Systems (SUDS). The report concludes that the proposed scheme incorporates suitable flood resilient/resistant measures on a site that is within a low probability of flooding. The report states that the proposed development could be constructed and operated safely in flood risk terms and is therefore an appropriate development in accordance with the NPPF.

10.80 It is considered that the proposed application would not give rise to increase flood risk on the site or elsewhere subject to appropriate mitigation measures.

**I Whether the proposal would cause harm to the amenities of adjoining property occupiers (NPPF and ULP Policies GEN2 & GEN4).**

10.81 Policy GEN2 requires that developments are designed appropriately and that they provide an environment which meets the reasonable needs of all potential uses and minimises the environmental impact on neighbouring properties by appropriate mitigating measures. The NPPF also requires that planning should seek to secure high quality design and a good standard of amenity for all existing and further occupants of land and buildings.

10.82 The relative separation distance between adjoining dwellings and the proposed area of housing as illustrated on the master plan within the site and the orientation are such that it is considered that no significant adverse harm would be caused to the amenities of adjoining property occupiers' particular in relation to loss of light, privacy and visual blight. In addition it is considered that there would not be a significant impact to adjoining occupiers in relation to general noise and disturbance. Furthermore, no significant harm would occur in relation to the amenities that will be enjoyed by the future occupiers of the development.

10.93 It is considered therefore that the development could be accommodated without significant adverse impact upon the amenity of existing and future residents in accordance with Policy GEN2 and the policies of the NPPF.

**11. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

A The principle of the development is deemed to be appropriate in that it would be of a sustainable development in accordance with the National Planning Policy Framework.

B It is acknowledged that the proposal would extend into the open countryside however given that the site is previously developed land with extent planning permission, is within a sustainable location and that it will blend into the backdrop of the village, on balance it is considered that the benefits of the development particular that of supplying much needed housing within the district would outweigh the limited harm it would have upon the open countryside.

C The size, scale and siting of the proposed development is appropriate in that the

design and appearance would reflect the character of the surrounding locality and the street scene.

- D The proposed development would not result in substantial harm upon the setting of the surrounding heritage assets.
- E It is concluded that the proposed development would cause no harm to matters of highway safety or result in unwanted traffic congestion.
- F There is no requirement to provide on-site affordable housing and it is regarded that an appropriate mix of dwelling units has been provided across the development.
- G It is concluded that the with appropriate mitigation measure by way of planning conditions, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area.
- H There are no objections from either the local flooding or water authorities and as such it is considered that the proposed development would not give rise to increase flood risk on the site or elsewhere subject to appropriate mitigation measures.
- I It is considered that the development could be accommodated without significant adverse impacts upon the amenities of existing and future residents.

#### **RECOMMENDATION – Approval subject to the conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the details shown on the submitted plans, the external finishing materials of the works hereby approved shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The works approved shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 and ENV1 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: The details of materials would need to be submitted for approval prior to the commencement of the development to ensure that the resulting appearance of the development is safeguarded and the amenity of the surrounding locality is protected.

3. The development hereby approved shall be carried out in accordance with the submitted 'Ecology Appraisal' prepared by DF Clark dated December 2016 unless otherwise agreed in writing by the local planning authority.

REASON: In the interest of protecting the natural habitat and protected species in accordance Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

4. Prior to the commencement of the development, a scheme of sound insulation measures must be submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate that suitable internal noise levels can be achieved as set out in BS 8233: 2014. The measures must be implemented prior to occupation of the dwelling hereby permitted.

REASON: The site requires appropriate noise mitigation and sound proofing to noise sensitive development in accordance with local policies ENV11 and GEN4 and the National Planning Policy Framework.

5. Prior to commencement of the development, details of hard and soft landscaping (including planting, hard surfaces and boundary treatment) must be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works must be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the character of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

JUSTIFICATION: The landscaping would help enable the development as a whole to integrate into the wider setting within this rural setting and ensure a sense of well-being for future occupiers and therefore it is essential that these details are submitted for approval in advance of the works being undertaken.

6. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005)

7. Prior to the first occupation of the development, the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided,

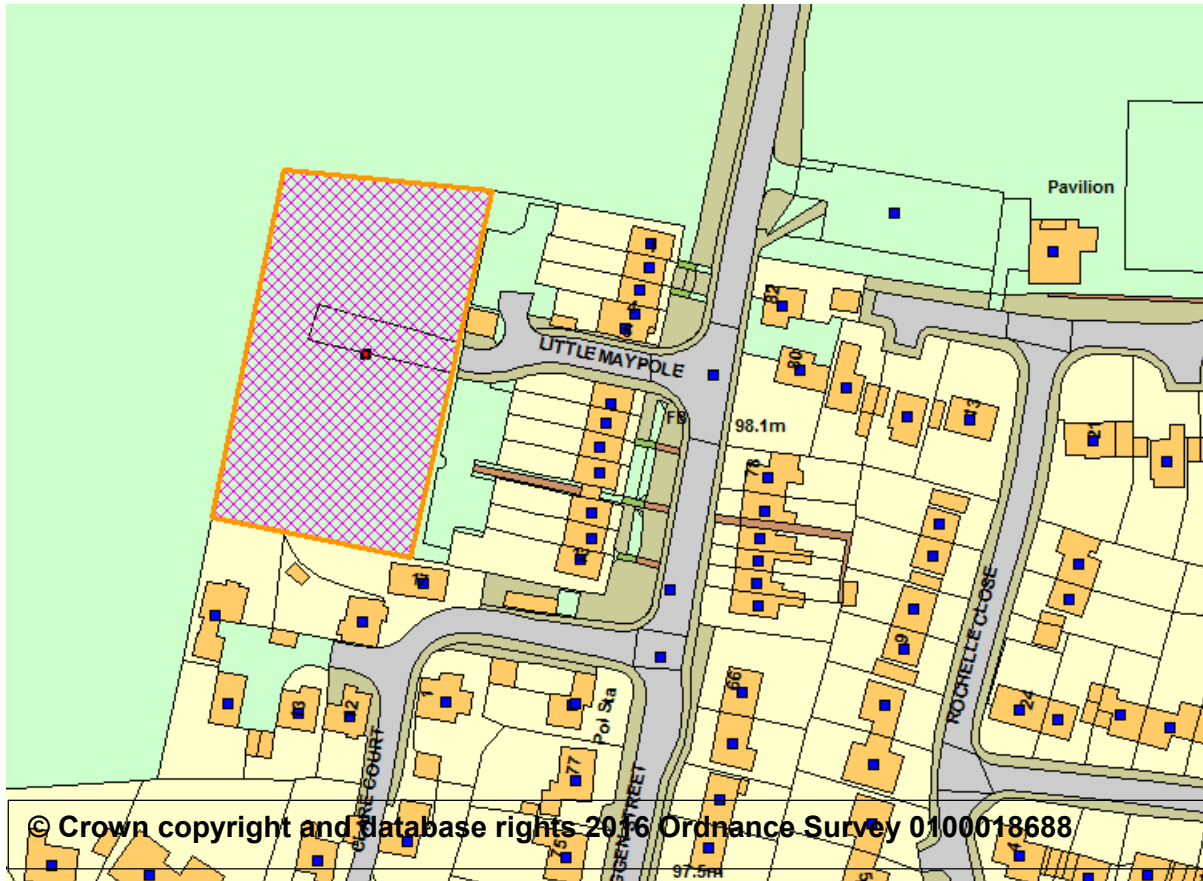
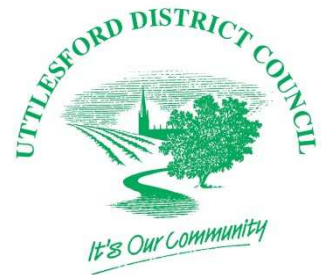
hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purposes.

REASON: In the interest of highway safety in accordance with policy GEN1 of the Uttlesford District Local Plan as Adopted (2005) and the NPPF.

8. All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

Application Number: UTT/16/3255/FUL  
Address: Land at Little Maypole, Thaxted



Organisation: Uttlesford District Council  
Department: Planning  
Date: 22 February 2017





**UTT/16/3549/FUL - BROXTED**

(MAJOR)

**PROPOSAL:** Demolition of sections of former hotel and outbuildings. Conversion of former barn and modern extension to 3 no. dwellings. Conversion of former staff dwelling to 1 no. dwelling. Restoration and conversion of Church Hall and Brewhouse to 3 no. dwellings with new cart lodge. Extension to western section of former hotel and conversion to 1 no. dwelling with new cart lodge. Alteration to rear driveway and erection of 2 no. dwellings with cart lodges. Erection of open cart lodging and storage areas and associated landscaping. Alterations to vehicular and pedestrian access.

**LOCATION:** Whitehall Hotel, Church End, Broxted

**APPLICANT:** Mr B Martin

**AGENT:** Andrew Stevenson Associates

**EXPIRY DATE:** 22 March 2017

**CASE OFFICER:** Karen Denmark

---

**1. NOTATION**

1.1 Outside Development Limits/Grade II (Barn northeast of Church Hall/wall to west of Church Hall) and Grade II\* (Church Hall and Brewhouse) Listed Buildings/adjacent Grade II\* listed buildings (Church and barn to east of Church Hall)/Tree Preservation Order/Within 57dB 16hr LEQ.

**2. DESCRIPTION OF SITE**

2.1 The site lies within the hamlet of Church End, Broxted, on the southern side of the B1051. A property known as Church Hall Farm is located to the east and St Mary's Church is located to the west, both are listed Grade II\*. There is open farmland to the north and south of the site. The site was formerly the Whitehall Hotel until its closure nearly 5 years ago (May 2012).

2.2 The application site covers an area of just over 1 hectare. The site has vehicular access from the B1051, with a further access point between the frontage barn and Church Hall Farm.

2.3 Within the site the barn listed at barn northeast of Church Hall lies on the northern boundary of the site, adjacent to the B1051. Extending southwards from this are the 1990's extensions which join the barn to the Grade II\* listed Church Hall and Brewhouse. There is vehicular access under an oversailing element of this extension. Church Hall and Brewhouse front onto the access and have extensive grounds to the south. At the western end of the building is a further modern extension (1980's) which was known as the Butler Wing. Lying adjacent to the eastern boundary of the site is a further building which was the former staff dwelling. At the southern end of the site are the former swimming pool and tennis courts. There are mature trees within the grounds. The listed wall runs along the

western boundary with St Mary's Church.

### 3. PROPOSAL

3.1 The proposal relates to the conversion of the buildings within the site to form 8 dwellings, and the erection of two detached dwellings on the southern part of the site.

3.2 The proposal seeks the removal of the following sections of built form:

- The detached building in the grounds of the barn (15sqm)
- Small section to the south of the barn (14sqm)
- The reception and other infill sections of the 1990's extensions (200sqm)
- Removal of extensions to the 1980's western extension (26sqm)
- Outbuildings in the grounds (40sqm)
- Total loss of buildings footprint 304sqm, with the loss of domestic structures, the swimming pool and the tennis court, a total of just over 800sqm

3.3 The proposal comprises of:

- The renovation of the Grade II listed barn (plot 1)
- The modernisation and division of the 20<sup>th</sup> century eastern section into two dwellings (plots 2 and 3)
- The renovation of the coach house (former staff dwelling) to form a detached dwelling (plot 4)
- The detachment and conversion of the eastern part of the building to a single storey dwelling (plot 5)
- The comprehensive conversion and renovation of the Grade II\* listed building and division into two dwellings (plots 6 and 7)
- The extension and enhancement of the western section (Butler Wing) (plot 8)
- The construction of two 1 ½ storey dwellings at the rear of the site accessed via the existing driveway, on the site of the former tennis court and the swimming pool (plots 9 and 10)
- The renovation of the area with cart lodges and parking areas, high quality soft and hard landscaping with sensitive boundary treatment

3.4 The proposal results in 10 residential units with the following accommodation and amenities:

Plot	Beds	Garden area sqm	Parking	Comment
1	4	260	3	Converted barn
2	3	150	2	Conversion from 1990's hotel
3	2	115	2	Conversion from 1990's hotel
4	2	85	3	The Coach House
5	3	128	2	Single storey mobility dwelling
6	3	225	3	Converted from house/Brewhouse
7	4	400	3	Main part of Grade II* listed dwelling
8	4	270	3	Converted from 1980's extension
9	4	1000 plus	4	New dwelling and cart lodge
10	4	1000 plus	4	New dwelling and cart lodge

## **4. APPLICANT'S CASE**

4.1 The application is accompanied by the following documents:

- Planning and Heritage Statement
- Acoustic Design Statement
- Protected Species Survey of Whitehall Hotel, Broxted
- Bat Survey
- Heritage Statement for Hotel Buildings
- Archaeological Desk Based Assessment
- Arboricultural Report
- Transport Statement
- Flood Risk data
- Sustainable Construction Pre-application checklist for dwellings
- Biodiversity Questionnaire
- Report by Wills Surveyors
- Report by Beresford of Resale Values

4.2 Summary of Planning and Heritage Statement:

It can be concluded that the following is the result of the proposal that should attract the support of the Council given the positive result of the pre-application advice:

- The proposal is not harmful to the natural environment specifically in line with the objections of Section 11 of the NPPF and Policy S7 of the Local Plan
- The proposal enhances the historic built environment in terms of character and appearance to accord with Section 12 of the NPPF and Policy ENV3 of the Local Plan
- There is no harm to the designated assets where the scheme respects their significance (referring to S66 of the Act) with sensitive conversions and new buildings
- There would be no harm to the natural environment through protecting the trees identified to be an important part of the landscape, nor harm to the biodiversity of the site, with potential for significant improvement in this area
- There would be good quality of life for future inhabitants of the 10 dwellings proposed, with above average garden areas and parking that accords with standards. The proximity of the airport as in other developments nearby, can within standards required with the development measures that mitigate against noise, to ensure levels are not exceeded
- Moreover, and most importantly the development can be described as a sustainable one, in terms of the three strands of the definitions as set out in the NPPF where the government urges support for development proposals of this nature.

## **5. RELEVANT SITE HISTORY**

5.1 UTT/16/1973/LB: Emergency repairs to roof structure and associated areas and removal of modern chimney – Approved

5.2 UTT/0674/06/FUL: Proposed ramp for disabled access to barn and proposed installation of disabled WC within main building – Approved

- UTT/0131/06/LB: Proposed ramp for disabled access to barn and proposed installation of disabled WC within main building – Approved
- 5.3 UTT/1769/04/FUL: Erection of single storey and two storey rear extensions to provide 17 No. hotel bedrooms – Refused
- 5.4 UTT/1770/04/LB: Erection of single storey and two storey rear extensions to provide 17 No. hotel bedrooms – Refused
- 5.5 UTT/1082/99/FUL: Change of use from residential to hotel accommodation and minor alterations – Approved
- 5.6 UTT/1083/99/LB: Change of use from residential to hotel accommodation and minor alterations – Approved
- 5.7 UTT/0284/98/FUL: Refurbishment of outbuilding to form staff accommodation – Approved
- 5.8 UTT/0285/98/LB: Refurbishment of outbuilding to form staff accommodation – Approved
- 5.9 UTT/0674/90/LB: Formation of fire escape to first floor bedroom in barn house. Replanning of gable rooms & alteration to layout – Approved
- 5.10 UTT/0401/90: Amendment to previous approval under ref: UTT/1923/89 in the form of installation of one No. Klargestor BioDisc Sewage – Approved
- 5.11 UTT/1923/89: Change of use from residential to hotel use with extension & alterations & extensions & alterations to Whitehall – Approved
- 5.12 UTT/1924/89: Demolition of outbuildings. Erection of a linked extension between Whitehall & the Barn House and internal alterations – Approved
- 5.13 UTT/1500/87: Outline application for erection of a dwelling to provide ancillary residential staff accommodation – Refused; Allowed on appeal
- 5.14 UTT/1500/87/A: Erection of a dwelling unit to be used for staff accommodation with car parking facilities and turning area – Approved
- 5.15 UTT/0768/87: Outline application for erection of bungalow - Refused
- 5.16 UTT/0034/87: Extension to hotel to provide additional bedrooms and lounge area – Approved
- 5.17 UTT/0035/87/LB: Extension to hotel to provide additional bedrooms and lounge area – Approved
- 5.18 UTT/1356/85: Conversion and additions to garages and old stable building to provide six additional hotel bedrooms - Withdrawn
- 5.19 UTT/0892/84/LB: Extension to provide restaurant kitchen and alteration of an existing access - Approved
- 5.20 LB/UTT/0893/84: Extension to provide restaurant kitchen and alteration of an

existing access – Approved

- 5.21 UTT/1051/83: Change of use of private dining room to restaurant (max. 40 covers) and use of 3 bedrooms as overnight accommodation – Approved
- 5.22 UTT/1087/81/LB: Internal alterations to provide 1 bedroom and 1 bathroom and additional living room and study. The Barn House - Approved

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

### **6.2 Uttlesford Local Plan (2005)**

- S7 – Countryside
  - GEN1 – Access
  - GEN2 – Design
  - GEN3 – Flood Protection
  - GEN6 – Infrastructure Provision to Support Development
  - GEN7 – Nature Conservation
  - GEN8 – Vehicle Parking Standards
  - E2 – Safeguarding Employment Land
  - ENV2 – Development affected Listed Buildings
  - ENV3 – Open Spaces and Trees
  - ENV10 – Noise Sensitive Development and Disturbance from Aircraft
  - H4 – Backland Development
  - H9 – Affordable Housing
  - H10 – Housing Mix
- 6.3 - SPD: Accessible Homes and Playspace (2005)  
- Essex County Council Parking Standards (2009)  
- Uttlesford Local Residential Parking Standards February 2013

## **7. PARISH COUNCIL COMMENTS**

- 7.1 My Council has no objection to this application but would remind the planning officer that the site does contain a number of trees which are subject to TPOs.

## **8. CONSULTATIONS**

### **London Stansted Airport**

- 8.1 The proposed development has been examined from an aerodrome safeguarding aspect and we subsequently have no objections subject to a condition controlling landscaping.

### **Historic England**

- 8.2 Historic England consider that the proposed works have been adequately justified in accordance with the guidance in the National Planning Policy Framework and we are satisfied that the alterations and new build would not cause additional harm to the significance of this grade II\* listed building or its setting or the setting of the adjacent grade II\* listed St Mary's Church. We would have no objections should

your authority be minded to approve the application for planning permission.

### **Environment Agency**

8.3 No objections.

### **ECC Ecology**

8.4 No objections, subject to conditions.

### **ECC Flood & Water Management**

8.5 No objections, subject to conditions.

### **ECC Highways**

8.6 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

### **Specialist Advice**

8.7 The original Church Hall has been altered and much extended to facilitate the hotel use. As the hotel use has now failed, the proposal subject of this application is to convert most of the existing structures to independent residential units and to form two new-built dwellings. The proposal has been extensively negotiated which included pre-application consultations with Historic England.

I consider that this final scheme overcomes officer's early concerns and is likely to form a prestigious development resulting in the restoration of the important heritage asset, as well as secure its future in an economically sound ownership. As the setting of the Hall has already been much altered by the 'hotel linked' development I feel that the formation of two additional houses in the back of the site would not unduly exacerbate this scenario. It could be said that the proposed removal of some of the modern ranges would visually isolate the listed buildings from its modern neighbours re-inventing their important sense of primacy on this site. In conclusion and on balance I suggest approval subject to conditions.

### **Landscape Officer**

8.8 The proposed tree removals are considered to be acceptable as part of the development proposals. The trees to be removed are not high category trees and some of them have significant defects. The individual trees to be felled are 2 sycamore (T8 & T26), 1 ash (T7); and two groups of trees one consisting of Chamaecyparis, holly, and yew; and the other consisting of yew, hawthorn, sycamore, and holly (G4).

## **9. REPRESENTATIONS**

9.1 This application has been advertised and no letters of representation have been received. Notification period expired 26 January 2017.

## **10. APPRAISAL**

The issues to consider in the determination of the application are:

- A The principle of the development (ULP Policies S7, E2; NPPF)
- B Impact on listed buildings (ULP Policy ENV2; NPPF; s66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990)
- C Design, including impacts from aircraft noise, impact on the rural area, listed buildings, protected trees and biodiversity (ULP Policies S7, H4, GEN2, GEN7, ENV2, ENV3, ENV10; NPPF)
- D Residential amenity (ULP Policy GEN2; NPPF)
- E Housing mix and affordable housing (ULP Policies H9, H10, GEN6; NPPF)
- F Access and parking (ULP Policies GEN1, GEN8)
- G Flood risk (ULP Policy GEN3; NPPF)

**A The principle of the development (ULP Policies S7, E2; NPPF)**

- 10.1 The application site is located outside the development limits and falls within open countryside where Policy S7 operates a policy of restraint. Planning permission will only be granted for development that needs to take place there, or is appropriate to a rural area. It will only be permitted if its appearance protects or enhances the character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to take place there. The proposal would be contrary to Policy S7, particularly insofar as it relates to the proposed new dwellings, as it relates to an inappropriate form of development that does not need to take place in the countryside, fails to protect or enhance the character of the countryside in which it is set. It is therefore necessary to consider whether there are any special reasons why the development needs to take place in that location.
- 10.2 The preamble to Policy S7 sets out examples of development that may be permitted in principle, including affordable housing and other facilities to meet local community needs. Policy S7 also permits infilling and paragraph 6.14 of the Local Plan states that there is no specific policy on infilling outside development limits. Infilling will be permitted if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements where they would be in character with the surroundings and have limited impact on the countryside in the context of existing development.
- 10.3 In this instance, it is not considered that the site constitutes infilling. The site consists of the land and buildings which were formerly used as the Whitehall Hotel. This is a part of a small cluster of buildings located in an isolated area which consists of St Mary's Church, Church Hall and Brewhouse (former Whitehall Hotel) and Church Hall Farm. To the south is a bungalow which was formerly the staff accommodation associated with Whitehall Hotel but is now a separate residential unit in its own right having had a Certificate of Lawfulness granted for this use.
- 10.4 A review of the policies in the adopted Local Plan has been carried out to check their compatibility with the NPPF. Policy S7 is only partially consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development. However, the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas.
- 10.5 National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if

the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.

- 10.6 The Council can demonstrate a deliverable 5 year supply of housing land. Notwithstanding this, applications have to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council needs to continue to consider, and where appropriate, approve development which is sustainable and meets its housing objectives.
- 10.7 Economic role: The proposal would offer a limited economic role with the potential for some short term employment opportunities during the construction period. In addition there would be limited support for the existing facilities within nearby villages, such as shops and public houses, potentially during the construction period and more likely following occupation of the properties.
- 10.8 Social role: The development proposal would deliver a social role in that it would constitute the provision of 10 additional dwellings in the rural area supporting the facilities of Broxton and nearby villages. Despite the rural location the site is on the number 6 bus route which provides approximately hourly services to Stansted Airport and Saffron Walden. The route continues from Stansted Airport as route 5 between the airport and Bishop's Stortford. As such, the site is relatively accessible for a rural area. On this basis it is considered that the proposals can contribute to the social role.
- 10.9 Environmental role: This role relates to the protection and enhancement of the natural, built and historic environment. In this instance, there are various considerations which would need to be taken into account, which are discussed in greater detail below. Firstly, the proposals would impact on the character of the rural area. Secondly, it would enable the listed buildings to be converted to a use which would ensure their long-term viability. The positive benefits of the proposal would deliver the environmental role. On this basis, overall it is considered that the proposals represent sustainable development.
- 10.10 The site is a former employment site, the last use of the buildings being as a hotel and conference centre. Policy E2 seeks to safeguard existing employment uses and only permits development where the employment use has been abandoned or the present use harms the character or amenities of the surrounding area. In this instance it is considered that the use has been abandoned. The hotel closed down in May 2012 and, despite extensive marketing, no potential purchaser has been found to operate the site on a commercial basis. Therefore, it is considered that the proposed development would not be contrary to Policy E2.
- 10.11 This flexible approach towards employment land is reflected in paragraph 22 of the NPPF which requires applications for alternative uses of land or buildings to be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

**B Impact on listed buildings (ULP Policy ENV2; NPPF; s66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990**

- 10.12 Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires when considering whether to grant planning permission which affects a listed building or its setting, that special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This



application affects the Grade II\* Church Hall and Brewhouse and the Grade II barn within the site. In addition, it would impact on the setting of the adjacent Grade II\* Church of St Mary's.

- 10.13 Policy ENV2 reflects the requirements of the Act. In addition, paragraphs 132-134 of the NPPF relate to the consideration of proposals affecting designated heritage assets. It states that, the more important the asset, the greater the weight should be given to its conservation. Substantial harm to ... grade II\* listed buildings ... should be wholly exceptional. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.14 The site was formerly a hotel and conference facility which ceased trading in May 2012. It has been extensively marketed since that time but no alternative operators have come forward to take up the site. The listed buildings are now falling into disrepair with extensive works required to the roof of the Grade II\* Church Hall and Brewhouse (see listed building consent granted under reference UTT/16/1973/LB). As such an alternative viable use is required to secure the long-term future of the listed structures.
- 10.15 Church Hall and Brewhouse have been extensively extended when in use as a hotel resulting in the buildings being linked to the barn at the front of the site. This has resulted in a sprawling extensive complex and the scale and form of extensions may not have been considered appropriate if considered in light of current legislation and guidance. This application proposes to remove certain elements of the modern extensions to enable the principal listed buildings within the site to regain their prominence. It is proposed that the 1980's extension would be separated from the Grade II\* listed building and become a detached dwelling (plot 8). Elements of the 1990's extensions would be removed whilst two elements would be retained to create a detached single level dwelling and a pair of semi-detached dwellings (plots 2 and 3). The listed barn would become a link-detached dwelling (plot 1) and the Grade II\* listed building would become a pair of semi-detached dwellings (plots 6 and 7). The existing detached building formerly used as staff accommodation will become a detached dwelling (plot 4).
- 10.16 In principle the removal of elements of the modern extensions is welcomed as this would reinstate the prominence of the Grade II\* listed structure. The retention, alteration and extension of the 1980's extension to form a separate dwelling would be acceptable in terms of their impact on the setting, character and fabric of the listed building.
- 10.17 The proposed separation of the historic building from the modern extensions would allow the original walled garden to be retained to serve plots 6, 7 and 8, with the remainder of the grounds forming communal gardens to serve the complex of dwellings. The alterations to the principal listed building have been considered by the Council's Conservation Officer and the Historic England Inspector, who both consider that the proposals would not cause harm to the significance of the Grade II\* listed building.
- 10.18 The removal of elements of the 1990's extension would result in the removal of unsympathetic elements including the section oversailing the driveway. This would remove a substantial element of bulk from the frontage and reinforce the prominence of the principal listed building. Whilst plot 5 would be part of the retained 1990's extension this would be set back and as such this would be

beneficial to the setting of the heritage asset. The works required to deliver this section of the proposals would not cause harm to the significance of the Grade II\* listed building.

- 10.19 Plots 2 and 3, and part of plot 1, would be the remainder of the 1990's extensions which would be retained. The existing unsympathetic windows would be replaced with more traditional style casement windows. These external alterations would be beneficial to the setting of the adjacent listed buildings and would not cause harm to their significance.
- 10.20 In addition to the proposed alterations to the hotel buildings it is proposed to construct two dwellings to the rear of the site. This would be on land formerly used as tennis courts and a swimming pool. These dwellings would lie to the south of the Grade II\* listed building, and to the south east of St Mary's Church, also Grade II\* listed. There are views into and out of the site to and from the churchyard.
- 10.21 In terms of their impact on the setting and significance of the listed buildings it is considered that the proposals would not result in harm to the settings of these. As such it is considered that the proposals would comply with Section 66(1) of the Act as well as Policy ENV2 and paragraphs 132-134 of the NPPF.

**C Design, including impacts from aircraft noise, impact on the rural area, listed buildings, protected trees and biodiversity (ULP Policies S7, H4, GEN2, GEN7, ENV2, ENV3, ENV10; NPPF)**

- 10.22 As discussed above, the site lies within a rural area. The principle of the re-use of the existing buildings is considered acceptable in terms of Policy S7 and E2. The re-use of buildings in rural areas is supported in the NPPF and it is considered that the reduction of built form with the removal of sections of the modern extensions would be beneficial to the character of the rural area.
- 10.23 However, it is also proposed to construct two substantial detached dwellings on the southern section of the site. Plot 9 would have a frontage of 17m and a span of 10.7m at its widest point. This is proposed to be a 1 ½ storey dwelling with a single storey utility element to the eastern elevation. The highest ridge height is proposed to be 7.2m. Plot 10 would have a frontage of 18.5m and a span of 14m and its widest point. This dwelling is proposed to have the character of a barn conversion with a wing on the western section of the building. This would have a maximum ridge height of 6.9m with the wing having a ridge height of 6m.
- 10.24 Whilst the proposed dwellings would be extensive in scale, they would be smaller than the proposed units 1, 6 and 7 which would be the historic elements of the site. In addition, they would have a smaller footprint than the adjacent bungalow to the east of this section of the site.
- 10.25 Policy S7 permits some infilling in accordance with paragraph 6.13 of the Local Plan. Paragraph 6.13 states that some approaches to the village are too loose in character for development to be appropriate. Paragraph 6.14 states that sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development.
- 10.26 Paragraph 55 of the NPPF specifically addressed the provision of housing in rural

areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes in the countryside unless there are special circumstances. One such special circumstance is where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

- 10.27 Policy H4 permits development in backland locations where there is significant under-use of the land and development would make more effective use of it. The applicant argues that the land is considered to be brownfield land as it has previously been used as tennis courts and a swimming pool for the former hotel. As such, it is argued that its redevelopment would make more efficient use of the land.
- 10.28 The other criteria relate to the proposals not resulting in material overlooking, overshadowing or overbearing impacts on neighbouring properties. The location of the proposed dwellings would ensure that these adverse impacts would not arise as a result of the proposals. Furthermore, access to the proposed development would not cause disturbance to nearby properties given the enclosed nature of the site. As such, it is considered the proposals comply with Policy H4.
- 10.29 As discussed above, the reuse of the existing buildings would secure the long-term viability of the listed buildings. The retention and reuse of elements of the modern extensions would also be considered appropriate. This element of the proposals would therefore introduce 8 new dwellings in this rural location in accordance with policy and the NPPF. This would fundamentally alter the characteristics and the nature of the site. As such, the introduction of two additional new build dwellings would be considered significantly less isolated than if they were applied for in isolation. They would add to the cluster of dwellings in this location and as they would not extend beyond the built form established by the neighbouring property, could be considered appropriate development in the rural area given that they are well related to the existing built form in this location.
- 10.30 The proposed works to the listed buildings to secure their long-term viability is estimated to cost in the region of £905,948. The construction of the two new detached dwellings would assist in financing the works required to secure their future. The applicant has submitted a financial case to support the application and it is officer's view that the proposed works are considered acceptable in this instance and the benefits from the proposals outweigh the harm to the character of the rural area. As such, the proposals can be considered to be in accordance with the sustainability aspects of the NPPF.
- 10.31 The impact on the setting of the listed buildings has been discussed briefly above. The proposed demolition, conversion and extensions are considered to be in accordance with Policy ENV2 and the NPPF. However, the proposed new dwellings (plots 9 and 10) would have an impact on the setting of Church Hall and Brewhouse, as well as the adjacent St Mary's Church, both Grade II\* listed structures.
- 10.32 The siting of the proposed dwellings would enable the retention of the formal grounds to Church Hall and Brewhouse. This would ensure the setting of the listed building would not be significantly be impacted by the proposals. There would be some inter-visibility between the church yard and the site. However, given the relationship between the listed church and the site of the proposed new dwellings, it is not considered that the proposals would result in significant harm to

the setting of the heritage assets. Therefore, the proposals are in accordance with Policy ENV2.

- 10.33 Policy ENV3 seeks to protect visually important spaces, groups of trees and fine individual tree specimens. Within the site are a number of individually and two groups of protected trees. The groups and one individual tree are located at the front of the site and the remainder are in close proximity to the proposed new detached dwellings on the southern part of the site.
- 10.34 An Arboricultural Report has been submitted with the application which assesses the quality of the trees within the site. Low quality trees have been identified to be removed (T3, T4, T7, T8, G3 and G4) and one tree needs to be removed on health and safety grounds (T26). The trees have been inspected by the Council's Landscape Officer who has no objection to their removal.
- 10.35 The Arboricultural Report also proposes tree protection measures in order to ensure no adverse harm arises with regards to the trees to be retained, particularly as these add to the character and setting of the site. The proposed tree protection measures are considered satisfactory and a condition can be imposed requiring the works to be carried out in accordance with the measures if planning permission is granted. The proposals therefore comply with Policy ENV3.
- 10.36 Policy GEN7 seeks to protect features of nature conservation, protected species and habitats. The site provides a mix of habitats, including the existing buildings, trees and shrubs and lawns. A Protected Species Survey has been carried out which has not identified the presence of any protected species within the site. However, there is evidence of Pipistrelle and Brown Long-eared bats roosting in the adjacent Church. There is a strong possibility that these will use the site for foraging. This behaviour is expected to continue following the completion of the development and as such the proposals would not have a detrimental impact on the local bat population. The proposals have been considered by the ECC Ecologist who raises no objections to the proposals. As such, it is considered that the proposals comply with Policy GEN7 and paragraph 118 of the NPPF.
- 10.37 The site lies within the 57dB 16hr LEQ for noise associated with aircraft at Stansted Airport. Policy ENV10 states that housing will not be permitted if the occupants would experience significant noise disturbance and requires noise surveys to be submitted with such applications.
- 10.38 An Acoustic Design Statement has been submitted with the application. A short-term noise survey was undertaken involving a mix of internal and external noise measurements. Daytime ambient noise levels experienced on site are predicted to be approximately 55-60dB LAeq and night time ambient noise levels are approximately 45-55dB LAeq.
- 10.39 With regards to the proposed new build structures, the structures when built in accordance with Building Regulations would provide significant attenuation to achieve the required internal noise levels. Recommendations for windows, including trickle vents, and roofs and internal ceilings are also made. The submission of the full details could be the subject of a condition if planning permission is granted.

**D Residential amenity (ULP Policy GEN2; NPPF)**

- 10.41 Policy GEN2 seeks to provide an environment which meets the reasonable needs of all potential users. Development proposals should not result in an adverse impact on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 10.42 The Essex Design Guide sets out the recommended minimum garden sizes for residential dwellings. Given the complexities of the site and the need to retain various historic features in connection with the principal listed buildings the relationship of amenity space to the properties may not match the ideal in that some amenity areas would be to the front of the properties. Amenity space provision would be as follows:

Plot 1	307sqm to front, 73sqm to rear
Plot 2	109sqm to front, 46sqm to rear
Plot 3	150sqm
Plot 4	96sqm to front, 87sqm to side
Plot 5	132sqm to rear
Plot 6	270sqm to rear
Plot 7	396sqm to rear
Plot 8	300sqm to rear
Plot 9	Over 850sqm, including the existing landscaped boundary
Plot 10	Over 1300sqm, including the existing landscaped boundary
Plots 1-10	Access to approximately 1950sqm of communal garden

- 10.43 As can be seen in the table above, sufficient amenity space can be provided for each of the properties, together with access to an extensive area of communal private parkland garden which is essential to the setting of the principal listed buildings. However, traditional private amenity space would be difficult to achieve on this site due to the need to retain various elements of the parkland setting. Boundary fences would be willow screens in order to secure a degree of private residential amenity to each plot. Metal estate railings would be provided to demark the private space from the parkland garden area to the rear of plots 7 and 8. These features would be present throughout the site, including the new build properties to the rear to ensure the better integration of the proposed new development into the existing setting. On balance, it is considered that the provision of amenity space is appropriate for the proposed development.
- 10.44 In terms of overlooking, the conversion of the existing building does pose some challenges. Plot 5 is proposed to have a secondary kitchen window overlooking the rear amenity space to plot 6. In addition, plot 6 has a door and bi-fold doors within 4 and 8 metres of the boundary with plot 7 respectively. Under normal circumstances such relationships would not be considered appropriate. However, on balance it is considered that the proposals are acceptable and would not result in significant loss of residential amenity and would comply with Policy GEN2.

## **E Housing mix and affordable housing (ULP Policies H9, H10, GEN6; NPPF)**

- 10.45 Policy H9 sets out a requirement for 40% affordable housing on sites of more than 0.5 hectares or 15 dwellings. In this instance the site measures approximately 1 hectare and therefore a requirement for 40% affordable housing would be required in line with the adopted policy. Furthermore, Policy H10 sets out a requirement for a significant proportion of small market properties on developments of 3 or more dwellings or sites greater than 0.1ha.

- 10.46 As set out in the table in paragraph 3.4 above, the proposed development would be a mix of 2, 3 and 4 bedroom properties, with a 50% split between smaller and larger properties. Given the constraints of the site due to the heritage assets it is considered that the proposed mix would comply with Policy H10.
- 10.47 With regards to affordable housing requirements, Paragraph 31 of the Planning Practice Guidance (23b-031-20160519) states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000 square metres. Whilst this proposal is for 10 units, the combined gross floorspace exceeds 1000 square metres and therefore 40% affordable housing would be required in accordance with Policy H9.
- 10.48 Notwithstanding this, paragraph 22 of the Planning Practice Guidance (23b-022-20160519) states that a 'credit' should be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. The existing floorspace of a vacant building should be credited against the floorspace of the new development.
- 10.49 In this instance the development relates to the reuse of existing buildings, including the demolition of certain elements and therefore a vacant building credit must be applied. The existing footprint of the buildings, including those to be demolished is approximately 2200sqm and the proposed development footprint is approximately 2730sqm. This means that the proposed development would result in an additional 530sqm of footprint and therefore falls below the 1000sqm threshold for affordable housing contributions. As such, the proposals would comply with Policy H9.

## **F Access and parking (ULP Policies GEN1, GEN8)**

- 10.50 The proposed development would utilise the existing access from the B1051. A Transport Statement has been submitted with the application which demonstrates that there would be a reduction in vehicular traffic on the local road network in comparison with the permitted use of the site. This would have a beneficial impact on the local highway network.
- 10.51 The proposals have been assessed by ECC Highways who confirm that they have no objections to the proposals subject to conditions and informatives. As such, the proposals comply with Policy GEN1.
- 10.52 In terms of parking provision, each property would have sufficient parking to meet the adopted parking standards, as shown in the table in paragraph 3.4 above. Whilst no designated visitor parking is shown on the plans, the layout of the site means that informal visitor parking can take place within the site. As such, the proposals comply with Policy GEN8.

## **G Flood risk (ULP Policy GEN3; NPPF)**

- 10.53 The application site measures approximately 1ha in size and is located within Flood Zone 1 where there is no risk of flooding from rivers, sea etc. Surface water flooding can occur within highly dense urban areas or where there are large areas of impermeable surfacing. The proposals have been considered by ECC as the Lead Local Flood Authority who raise no objections to the proposals subject to

conditions. The proposal therefore complies with Policy GEN3.

## **H Other material considerations**

10.54 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' indicate that the proposed dwelling should meet the Lifetime Homes standards on accessibility. However, the PPG explains that enhanced accessibility should be sought only by reference to the optional requirements in the Building Regulations. Taking into account the objectives of the SPD, it is considered that it would be appropriate to use a planning condition to secure compliance with Requirement M4(2) of the Building Regulations for the two new build dwellings (plots 9 and 10).

## **11. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A The site is located outside the development limits and does not constitute an infill development. However, the proposals would represent sustainable development with benefits in all three strands of sustainability.
- B The proposals would result in the restoration of the Grade II\* Church Hall and Brewhouse and adjacent Grade II listed barn. The conversion of the buildings to residential use would ensure their long-term viability. Furthermore, the separation of the listed structures from the modern extensions would reinforce the prominence of the principal listed building. The proposed new dwellings would not adversely affect the setting of the listed buildings.
- C The proposals relate to the reuse of existing buildings within the rural area and would comply with policy. In addition, the development of the backland dwellings would not adversely affect the character of the rural area or the setting of the listed buildings. Impacts on residential amenity due to noise from aircraft can be mitigated by appropriate design solutions, the final details of which can be secured by condition. The proposals would not result in significant harm to ecology and biodiversity or the trees within the site.
- D The housing mix is considered to be appropriate. When taking the vacant building credit into account no affordable housing provision is required.
- E The proposal would utilise the existing access and would result in less vehicular movements than the authorised use of the site. Sufficient parking is provided within the site.
- F The site is located within Flood Zone 1 where there is no risk of flooding from rivers or sea. The proposals comply with the requirements of the LLFA.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS AND S106 LEGAL OBLIGATION**

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 20 March 2017 the freeholder owner enters into a binding agreement to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following:
  - (i) Maintenance of SuDS
  - (ii) Pay the Council's reasonable legal costs
  - (iii) Pay the monitoring fee

- (II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below
- (III) If the freehold owner shall fail to enter into such an obligation the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reason:
  - (i) No maintenance of SuDS

#### Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the erection of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development and to protect the character and setting of the listed buildings, in accordance with Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

Justification: This pre-commencement condition is required to ensure the appropriate materials can be sourced for the development without delay.

3. Prior to the commencement of the development hereby permitted, details of the scheme of design and sound insulation to achieve the internal noise levels recommended in British Standard 8233:2014, and for individual noise events to not normally exceed 45 dBLA max, shall be submitted to and approved in writing by the local planning authority. The details shall include the internal configuration of rooms, and the specification and reduction calculations for the external building fabric, glazing, mechanical ventilation, and acoustic barriers. If the internal noise limits can only be achieved with closed windows then alternative means of both whole dwelling and purge ventilation should be provided to allow residents to occupy the properties at all times with windows closed, having regard to thermal comfort. The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter.

REASON: In order to provide suitable living environment for the occupiers of the dwellings, in accordance with Uttlesford Local Plan Policies GEN2 and ENV10 (adopted 2005) and the NPPF.

Justification: Failure to provide this information prior to the commencement of development may result in the construction of dwellings which would fail to provide appropriate living conditions for future occupiers of the dwelling, resulting in harm to residential amenity due to adverse noise disturbance from external sources.

4. No works shall take place until a detailed 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 should include but not be limited to:

- Demonstration that the runoff rates do not exceed the current rates & that betterment is provided as far as possible without affecting the viability of the site
- Demonstration that storage/infiltration can be provided to cater for the 1 in 100 plus climate change event
- Water quality treatment provided in line with the CIRIA SuDS Manual C753.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005), and the NPPF.

Justification: Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

5. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The NPPF paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development, and in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

Justification: Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

6. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the local planning authority. Should any part be maintainable by a Maintenance Company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005) and the NPPF.

Justification: Failure to provide the above required information before

commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

7. Development shall not commence until a fully detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Aerodrome Safeguarding Authority for Stansted Airport. The landscaping scheme should include details of species mix, numbers and locations of planting. The landscaping scheme shall incorporate the following:
  - External boundary treatment to be estate railings or post and rail fencing with indigenous hedging
  - Party fence lines relating to plots 1, 6, 7 and 8 shall be estate railings and hedging

The landscaping scheme is to 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, and in order to protect the character and setting of the listed buildings, in accordance with Uttlesford Local Plan Policies GEN2 and ENV2.

Justification: Details of the landscaping are required to be agreed at an early stage in order to ensure landscape works would not be detrimental to the safe operation of Stansted Airport.

8. Prior to the occupation of the dwellings hereby permitted refuse enclosures shall be provided in accordance with details which have been submitted to and approved in writing by the local planning authority.

REASON: In the interests of the appearance of the development and to protect the character and setting of the listed buildings, in accordance with Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

9. All the repair works to the listed buildings shall be carried out prior to the first residential occupation of plots 9 and 10.

REASON: Planning permission is granted for the new dwellings on plots 9 and 10 to assist in facilitating the repair works to the listed buildings.

10. Prior to the first residential occupation of the dwellings hereby permitted, the access parking and turning area shall be implemented as shown on drawing no 5079/10 Rev C and maintained in perpetuity thereafter.

REASON: To ensure appropriate parking and turning off the highway is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

10. The dwellings on plots 9 and 10 hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy

GEN2 of the Uttlesford Local Plan (adopted 2005) and the Planning Practice Guidance.

11. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting throughout the site is designed in such a way to minimise any potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Uttlesford Local Plan Policy GEN7.

12. The development hereby permitted shall be carried out in accordance with the following design principles:

- All new roofs to be hand made plain clay tiles or natural slate
- All weatherboarding to be feather edge pointed timber
- All new brickwork to be formed in hand made soft clay bricks and laid in Flemish bond
- All external joinery to be painted timber with slender ovolo moulded glazing bars as indicated.

REASON: In the interests of the appearance of the development and to protect the character and setting of the listed buildings, in accordance with Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

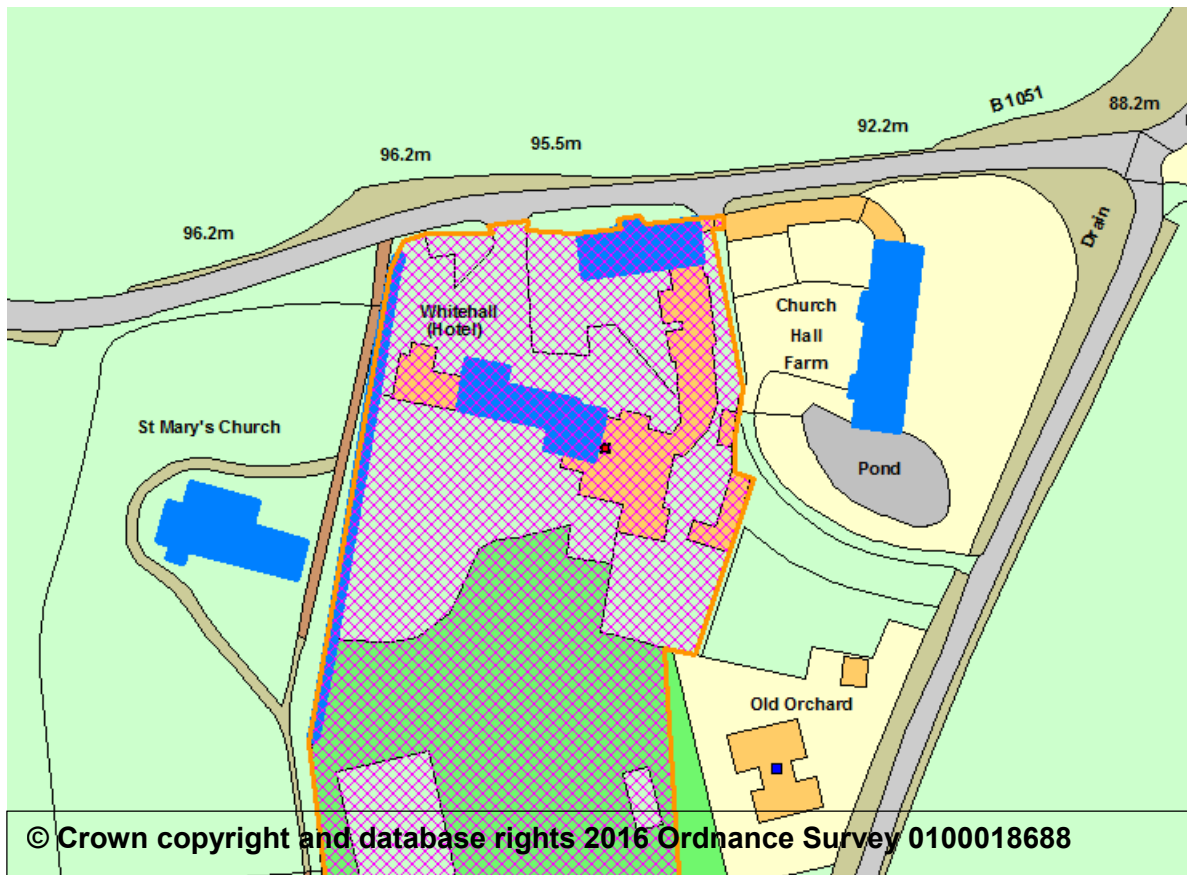
13. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1 (adopted 2005).

14. There shall be no discharge of surface water onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1 (adopted 2005).

Application Number: UTT/16/3549/FUL  
Address: Whitehall Hotel, Church End Broxted



Organisation: Uttlesford District Council  
Department: Planning  
Date: 22 February 2017

**UTT/16/3550/LB - BROXTED**

(Other)

**PROPOSAL:** Demolition of sections of former hotel and outbuildings. Conversion of former barn and modern extension to 4 no. dwellings. Conversion of former staff dwelling to 1 no. dwelling. Restoration and conversion of Church Hall and Brewhouse to 2 no. dwellings. Extension to western section of former hotel and conversion to 1 no. dwelling

**LOCATION:** Whitehall Hotel, Church End, Broxted

**APPLICANT:** Mr B Martin

**AGENT:** Andrew Stevenson Associates

**EXPIRY DATE:** 22 March 2017

**CASE OFFICER:** Karen Denmark

---

**1. NOTATION**

1.1 Outside Development Limits/Grade II (Barn northeast of Church Hall/wall to west of Church Hall) and Grade II\* (Church Hall and Brew House) Listed Buildings/adjacent Grade II\* listed buildings (Church and barn to east of Church Hall)/Tree Preservation Order/Within 57dB 16hr LEQ.

**2. DESCRIPTION OF SITE**

2.1 The site lies within the hamlet of Church End, Broxted, on the southern side of the B1051. A property known as Church Hall Farm is located to the east and St Mary's Church is located to the west, both are listed Grade II\*. There is open farmland to the north and south of the site. The site was formerly the Whitehall Hotel until its closure nearly 5 years ago (May 2012).

2.2 The application site covers an area of just over 1 hectare. The site has vehicular access from the B1051, with a further access point between the frontage barn and Church Hall Farm.

2.3 Within the site the barn listed at barn northeast of Church Hall lies on the northern boundary of the site, adjacent to the B1051. Extending southwards from this are the 1990's extensions which join the barn to the Grade II\* listed Church Hall and Brewhouse. There is vehicular access under an oversailing element of this extension. Church Hall and Brewhouse front onto the access and have extensive grounds to the south. At the western end of the building is a further modern extension (1980's) which was known as the Butler Wing. Lying adjacent to the eastern boundary of the site is a further building which was the former staff dwelling. At the southern end of the site are the former swimming pool and tennis courts. There are mature trees within the grounds. The listed wall runs along the western boundary with St Mary's Church.

**3. PROPOSAL**

- 3.1 The proposal relates to the demolition of various parts of the modern extensions to the former hotel, and the conversion of the buildings within the site to form 8 dwellings.
- 3.2 The proposal seeks the removal of the following sections of built form:
- The detached building in the grounds of the barn (15sqm)
  - Small section to the south of the barn (14sqm)
  - The reception and other infill sections of the 1990's extensions (200sqm)
  - Removal of extensions to the 1980's western extension (26sqm)
  - Outbuildings in the grounds (40sqm)
  - Total loss of buildings footprint 304sqm, with the loss of domestic structures, the swimming pool and the tennis court, a total of just over 800sqm
- 3.3 The proposal comprises of:
- The renovation of the Grade II listed barn (plot 1)
  - The modernisation and division of the 20<sup>th</sup> century eastern section into two dwellings (plots 2 and 3)
  - The renovation of the coach house (former staff dwelling) to form a detached dwelling (plot 4)
  - The detachment and conversion of the eastern part of the building to a single storey dwelling (plot 5)
  - The comprehensive conversion and renovation of the Grade II\* listed building and division into two dwellings (plots 6 and 7)
  - The extension and enhancement of the western section (Butler Wing) (plot 8)

#### **4. APPLICANT'S CASE**

- 4.1 The application is accompanied by the following documents:

- Planning and Heritage Statement
- Acoustic Design Statement
- Protected Species Survey of Whitehall Hotel, Broxted
- Bat Survey
- Heritage Statement for Hotel Buildings
- Archaeological Desk Based Assessment
- Arboricultural Report
- Transport Statement
- Flood Risk data
- Sustainable Construction Pre-application checklist for dwellings
- Biodiversity Questionnaire
- Report by Wills Surveyors
- Report by Beresford of Resale Values

- 4.2 Summary of Planning and Heritage Statement:

It can be concluded that the following is the result of the proposal that should attract the support of the Council given the positive result of the pre-application advice:

- The proposal is not harmful to the natural environment specifically in line with the objections of Section 11 of the NPPF and Policy S7 of the Local Plan
- The proposal enhances the historic built environment in terms of character and appearance to accord with Section 12 of the NPPF and Policy ENV3 of the Local Plan
- There is no harm to the designated assets where the scheme respects their significance (referring to S66 of the Act) with sensitive conversions and new buildings
- There would be no harm to the natural environment through protecting the trees identified to be an important part of the landscape, nor harm to the biodiversity of the site, with potential for significant improvement in this area
- There would be good quality of life for future inhabitants of the 10 dwellings proposed, with above average garden areas and parking that accords with standards. The proximity of the airport as in other developments nearby, can within standards required with the development measures that mitigate against noise, to ensure levels are not exceeded
- Moreover, and most importantly the development can be described as a sustainable one, in terms of the three strands of the definitions as set out in the NPPF where the government urges support for development proposals of this nature.

## **5. RELEVANT SITE HISTORY**

- 5.1 UTT/16/1973/LB: Emergency repairs to roof structure and associated areas and removal of modern chimney – Approved
- 5.2 UTT/0674/06/FUL: Proposed ramp for disabled access to barn and proposed installation of disabled WC within main building – Approved
- UTT/0131/06/LB: Proposed ramp for disabled access to barn and proposed installation of disabled WC within main building – Approved
- 5.3 UTT/1769/04/FUL: Erection of single storey and two storey rear extensions to provide 17 No. hotel bedrooms – Refused
- 5.4 UTT/1770/04/LB: Erection of single storey and two storey rear extensions to provide 17 No. hotel bedrooms – Refused
- 5.5 UTT/1082/99/FUL: Change of use from residential to hotel accommodation and minor alterations – Approved
- 5.6 UTT/1083/99/LB: Change of use from residential to hotel accommodation and minor alterations – Approved
- 5.7 UTT/0284/98/FUL: Refurbishment of outbuilding to form staff accommodation – Approved
- 5.8 UTT/0285/98/LB: Refurbishment of outbuilding to form staff accommodation – Approved

- 5.9 UTT/0674/90/LB: Formation of fire escape to first floor bedroom in barn house. Replanning of gable rooms & alteration to layout – Approved
- 5.10 UTT/0401/90: Amendment to previous approval under ref: UTT/1923/89 in the form of installation of one No. Klagester BioDisc Sewage – Approved
- 5.11 UTT/1923/89: Change of use from residential to hotel use with extension & alterations & extensions & alterations to Whitehall – Approved
- 5.12 UTT/1924/89: Demolition of outbuildings. Erection of a linked extension between Whitehall & the Barn House and internal alterations – Approved
- 5.13 UTT/1500/87: Outline application for erection of a dwelling to provide ancillary residential staff accommodation – Refused; Allowed on appeal
- 5.14 UTT/1500/87/A: Erection of a dwelling unit to be used for staff accommodation with car parking facilities and turning area – Approved
- 5.15 UTT/0768/87: Outline application for erection of bungalow - Refused
- 5.16 UTT/0034/87: Extension to hotel to provide additional bedrooms and lounge area – Approved
- 5.17 UTT/0035/87/LB: Extension to hotel to provide additional bedrooms and lounge area – Approved
- 5.18 UTT/1356/85: Conversion and additions to garages and old stable building to provide six additional hotel bedrooms - Withdrawn
- 5.19 UTT/0892/84/LB: Extension to provide restaurant kitchen and alteration of an existing access - Approved
- 5.20 LB/UTT/0893/84: Extension to provide restaurant kitchen and alteration of an existing access – Approved
- 5.21 UTT/1051/83: Change of use of private dining room to restaurant (max. 40 covers) and use of 3 bedrooms as overnight accommodation – Approved
- 5.22 UTT/1087/81/LB: Internal alterations to provide 1 bedroom and 1 bathroom and additional living room and study. The Barn House - Approved

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

### **6.2 Uttlesford Local Plan (2005)**

- ENV2 – Development affected Listed Buildings

## **7. PARISH COUNCIL COMMENTS**

- 7.1 My Council has no objection to this application but would remind the planning officer that the site does contain a number of trees which are subject to TPOs.



## **8. CONSULTATIONS**

### **Historic England**

- 8.1 Historic England consider that the proposed works have been adequately justified in accordance with the guidance in the National Planning Policy Framework and we are satisfied that the alterations and new build would not cause additional harm to the significance of this grade II\* listed building or its setting or the setting of the adjacent grade II\* listed St Mary's Church. We would have no objections should your authority be minded to approve the application for planning permission.

### **ECC Ecology**

- 8.2 No objections, subject to conditions.

### **Specialist Advice**

- 8.3 The original Church Hall has been altered and much extended to facilitate the hotel use. As the hotel use has now failed, the proposal subject of this application is to convert most of the existing structures to independent residential units and to form two new-built dwellings. The proposal has been extensively negotiated which included pre-application consultations with Historic England.

I consider that this final scheme overcomes officer's early concerns and is likely to form a prestigious development resulting in the restoration of the important heritage asset, as well as secure its future in an economically sound ownership. It could be said that the proposed removal of some of the modern ranges would visually isolate the listed buildings from its modern neighbours re-inventing their important sense of primacy on this site. In conclusion and on balance I suggest approval subject to conditions.

## **9. REPRESENTATIONS**

- 9.1 This application has been advertised and no letters of representation have been received. Notification period expired 26 January 2017.

## **10. APPRAISAL**

The issues to consider in the determination of the application are:

- A Impact on the listed buildings (ULP Policy ENV2; NPPF)
- B Impact on protected species (ULP Policy GEN7; NPPF)

### **A Impact on the listed buildings (ULP Policy ENV2; NPPF)**

- 10.1 S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Also relevant to the decision are the National Planning Policy Framework and Policy ENV2 of the Local Plan.

- 10.2 The proposals seek to demolish extensive areas of modern extensions which were constructed to link the listed buildings on the site. These extensions were considered necessary and appropriate when the site was used as a hotel. As set out in the report for UTT/16/3549/FUL the hotel use has now been redundant for approximately 5 years and no potential operators have been identified. The principal listed building is falling into disrepair and a new use ensuring the long term viability of the building is required, hence this proposal to create 8 residential units from the existing buildings.
- 10.3 The proposed demolition works would include the removal of a ground floor element of the 1990's extension. This would create a visual separation from proposed plot 1 and plot 2. Significant elements of the 1990's extension would also be demolished to separate proposed plots 2, 3 and 5 from the principal listed buildings, Whitehall and Brew House. The principal listed buildings are proposed to be sub-divided to create plots 6 and 7. An element of the 1980's extension would be demolished to separate this element from the principal buildings. It is then proposed that the remaining section be extended to create plot 8.
- 10.4 In addition to the proposed demolition works various internal and external alterations would need to be undertaken in order to provide the residential accommodation. This includes the insertion of new partitions, making good external elevations following demolition works, insertion of new glazing, windows and doors.
- 10.5 The proposed demolition of elements of the modern extensions, in particular the 1990's extension with the oversailing section over the driveway, would enable the principal listed buildings within the site to regain their prominence. The proposed works have been assessed by both Historic England and the Council's Conservation Officer. Both consultees have concluded that the proposed works would not cause additional harm to the significance of the Grade II\* listed building.
- 10.6 In terms of their impact on the setting and significance of the listed buildings it is considered that the proposals would not result in harm to the settings of these. As such it is considered that the proposals would comply with Section 16(2) of the Act as well as Policy ENV2 and paragraphs 132-134 of the NPPF.

## **B Impact on protected species (ULP Policy GEN7; NPPF)**

- 10.7 S40(1) of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity when exercising its functions. Furthermore, R9(3) of the Conservation of Habitats and Species Regulations 2010 requires Local Planning Authorities to have regard to the requirements of the Habitats Directive and Birds Directive when exercising its functions.
- 10.8 The site provides a mix of habitats, including the existing buildings, trees and shrubs and lawns. A Protected Species Survey has been carried out which has not identified the presence of any protected species within the site. However, there is evidence of Pipistrelle and Brown Long-eared bats roosting in the adjacent Church. There is a strong possibility that these will use the site for foraging. This behaviour is expected to continue following the completion of the development and as such the proposals would not have a detrimental impact on the local bat population. The proposals have been considered by

the ECC Ecologist who raises no objections to the proposals. As such, it is considered that the proposals comply with Policy GEN7 and paragraph 118 of the NPPF.

## **11. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A In terms of their impact on the setting and significance of the listed buildings it is considered that the proposals would not result in harm to the settings of these. As such it is considered that the proposals would comply with Section 16(2) of the Act as well as Policy ENV2 and paragraphs 132-134 of the NPPF.
- B The proposals would not result in significant harm to ecology and biodiversity within the site and comply with Policy GEN7 and paragraph 118 of the NPPF.

## **RECOMMENDATION – APPROVE LISTED BUILDING CONSENT WITH CONDITIONS**

### **Conditions**

1. The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.  
  
REASON: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. All the repairs to the listed buildings shall be carried out strictly in accordance with the approved schedule of repairs.  
  
REASON: In order to protect the character and fabric of the listed building, in accordance with Uttlesford Local Plan Policy ENV2 and paragraphs 132-134 of the NPPF and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. No elements of the historic fabric, including the roof to the Grade II\* main range, shall be cut or removed without the prior inspection and written consent of the local planning authority. Subsequently, the works shall be carried out as agreed.  
  
REASON: In order to protect the character and fabric of the listed building, in accordance with Uttlesford Local Plan Policy ENV2 and paragraphs 132-134 of the NPPF and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. All existing sound historic fabric shall be retained and re-used.  
  
REASON: In order to protect the character and fabric of the listed building, in accordance with Uttlesford Local Plan Policy ENV2 and paragraphs 132-134 of the NPPF and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. All surviving historic windows shall be repaired as necessary.

REASON: In order to protect the character and fabric of the listed building, in accordance with Uttlesford Local Plan Policy ENV2 and paragraphs 132-134 of the NPPF and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. All new plaster to the listed buildings shall be lime based and mounted on timber lath.

REASON: In order to protect the character and fabric of the listed building, in accordance with Uttlesford Local Plan Policy ENV2 and paragraphs 132-134 of the NPPF and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. All new roofs shall be clad with hand made plain clay tiles or natural slate in accordance with samples that have been submitted to and approved in writing by the local planning authority prior to works commencing on site.

REASON: In order to protect the character and fabric of the listed building, in accordance with Uttlesford Local Plan Policy ENV2 and paragraphs 132-134 of the NPPF and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Justification: This pre-commencement condition is required to ensure the appropriate materials can be sourced for the development without delay.

8. All weatherboarding shall be feather edged pointed timber.

REASON: In order to protect the character and fabric of the listed building, in accordance with Uttlesford Local Plan Policy ENV2 and paragraphs 132-134 of the NPPF and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

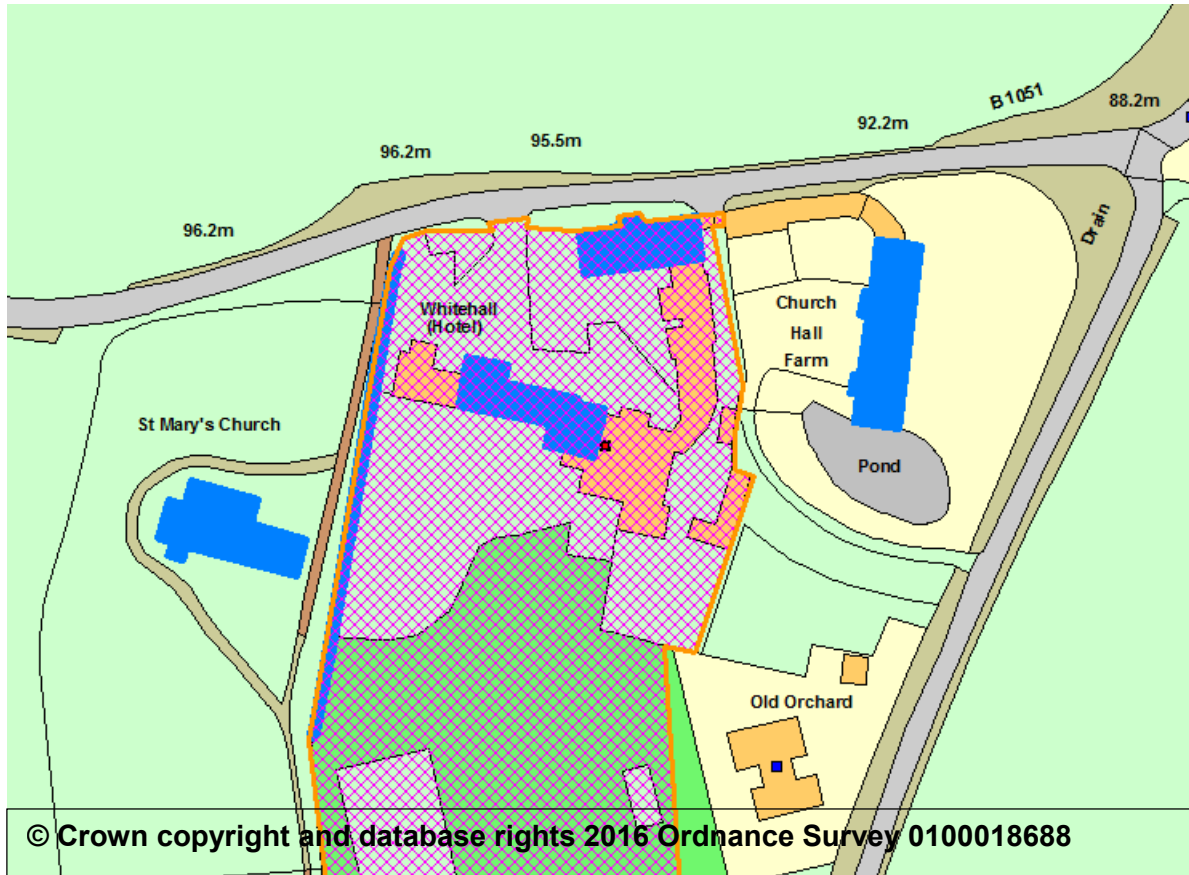
9. All external joinery shall be painted timber with slender ovolo moulded glazing bars as indicated.

REASON: In order to protect the character and fabric of the listed building, in accordance with Uttlesford Local Plan Policy ENV2 and paragraphs 132-134 of the NPPF and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. All new brickwork shall be formed in hand made soft clay bricks, samples of which shall be submitted to and approved in writing by the local planning authority prior to works commencing on site. The works shall be carried out in accordance with the approved materials and the brickwork shall be laid in Flemish Bond.

REASON: In order to protect the character and fabric of the listed building, in accordance with Uttlesford Local Plan Policy ENV2 and paragraphs 132-134 of the NPPF and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Application Number: UTT/16/3550/LB  
Address: Whitehall Hotel, Church End, Broxton



Organisation:	Uttlesford District Council
Department:	Planning
Date:	22 February 2017



## **UTT/16/3062/HHF (HIGH EASTER)**

(Referred to committee by Cllr Barker if recommended for refusal – Reasons: A swimming pool cover at this height will not be visually intrusive in the countryside, there is no effect on neighbours, the installation will enable the pool to rely solely on solar panel heating and the use of oil will be eliminated saving carbon emissions).

**PROPOSAL:** Proposed retractable swimming pool enclosure over existing pool.

**LOCATION:** Pentlow End, Slough Road, High Easter.

**APPLICANT:** Mr B Littler.

**AGENT:** Telescopic Pool Enclosures.

**EXPIRY DATE:** 16 January 2017

**CASE OFFICER:** Mr C Theobald

---

### **1. NOTATION**

- 1.1 Outside Development Limits / affecting setting of Grade II\* Listed Building.

### **2. DESCRIPTION OF SITE**

- 2.1 Pentlow End comprises a grade II\* listed timber-framed and plastered 2½ storey dwelling of C14 origins with later 1½ storey side addition with single storey rear projecting range set within spacious and well maintained grounds within the open countryside to the north of High Easter village. The front of the site is set mainly to lawns and access drive/hardstanding areas, whilst a small number of outbuildings exist to the rear of the dwelling, including an Edwardian style greenhouse. A domestic swimming pool measuring approximately 14.4m x 6.7m with timber changing room/plant room sited to one end exists to the side/rear of the dwelling constructed at right angles onto the site's south-west flank boundary. The pool is enclosed along its south-eastern side and onto its end nearest the flank boundary by a mature and maintained 3m high conifer hedge. Open fields exist to the south-west of the site with woodland beyond.

### **3. PROPOSAL**

- 3.1 This householder application relates to the erection of a retractable swimming pool enclosure over the existing swimming pool. The retractable cover would have a variable width of between 7.1m and 8m and overall depth of 14.7m when fully extended to cover the pool and would have a height at its lowest end of 0.81m and height at its highest end (i.e. when fully extended) of 1.4m. The retractable cover would be made from clear solid polycarbonate material supported by a dark green aluminium rib frame.

### **4. APPLICANT'S CASE (summarised from submitted supporting statement)**

- 4.1
- We have read the appeal decision for previously refused planning application UTT/15/0729/HHF which was for a much larger retractable pool cover than now proposed that would have taken up more space than the pool and would have been much higher. In this instance, we feel that the low

swimming pool enclosure now proposed should be accepted in view of its smaller size.

- There is an aluminium greenhouse nearby which is the same colour as the proposed pool cover frame, which would just cover the footprint of the existing swimming pool.
- The pool cover would not have any impact on the countryside as it would be shielded by a mature hedge and trees on its side and end nearest the side boundary of the site.
- The retractable cover would meet the current needs of the applicant, would minimise water and energy consumption as the pool temperature would heat by between 3-6 degrees daily through heat retention when daylight is current and will reduce water evaporation as well in addition to reducing the carbon footprint and chemical usage.

## 5. RELEVANT SITE HISTORY

5.1 Proposed erection of telescopic swimming pool enclosure over existing swimming pool (retractable pool cover) having a variable width of between 7.8m and 9.24m, overall depth of 18.9m when fully extended, a height at its lowest end of 1.9m, height at its highest end (i.e., when fully extended) of 2.62m and made from clear solid polycarbonate material supported by an aluminium rib frame refused by the Council in 2015 (UTT/15/0729/HHF) for the following reason:

“The proposed enclosed swimming pool by reason of its size, massing, design, siting and scale would result in development that would not be sympathetic to its surroundings and would adversely affect the setting of the listed building contrary to Policies S7, GEN2 and ENV2 of the Uttlesford Local Plan adopted 2005 which seek to ensure development respects its surroundings, the countryside and setting of listed buildings. There would be no public benefits arising from the scheme that would outweigh the harm to the setting of the listed building as set out in paragraph 134 of the NPPF”.

5.2 The application proposal was subsequently refused at appeal when the appointed planning inspector remarked in respect of the visual impact that the proposed development would have on the countryside that;

*“The appeal site is situated in a countryside location. Whilst the proposed structure would be screened from the road by existing mature vegetation, it would be visible to some extent from neighbouring open land. Whether or not the proposed structure would be widely visible, the Framework recognises the intrinsic character and beauty of the countryside. From my observations, due to the design, scale and materials proposed, I consider that the swimming pool structure would introduce unacceptable built form into this countryside setting, which would not respect the scale or design of the surrounding buildings and would be to the detriment of the intrinsic open character and beauty of this part of the countryside. For these reasons, I consider the proposal would have an adverse effect on the character and appearance of the surrounding countryside”.*

5.3 With regard to impact on the adjacent grade II\* listed building, the Inspector stated that;

*“Whilst screened by existing mature hedging to some extent, it would nevertheless be part of the setting of the listed building. Existing outbuildings are of traditional design, which are in keeping with the setting of the dwelling. From my observations, due to the combination of contemporary materials and contemporary design of such*



*a large structure, I consider that the proposed swimming pool enclosure would unacceptably detract from the setting of the listed building, but this would be less than substantial harm as set out in the Framework. Whilst the proposed enclosure would enable greater use all year round of the swimming pool, this is not the only design solution and it would provide little wider public benefit. I have attributed considerable importance and weight to the duty and the presumptive desirability of preserving the setting of the listed building, which I do not consider, for the reasons stated above, is outweighed by any benefits of the proposal. Having regard to the Framework's advice on heritage assets, I find, for the above reasons, that the harm is not outweighed by any public benefit".*

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

### **6.2 Uttlesford Local Plan (2005)**

- ULP Policy S7 – The Countryside  
- ULP Policy GEN2 - Design  
- ULP Policy ENV2 – Development affecting Listed Buildings

## **7. PARISH COUNCIL COMMENTS**

7.1 No observations.

## **8. CONSULTATIONS**

### **Historic England**

8.1 Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation: The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

### **ECC Ecology**

8.2 No objections.

### **UDC Conservation Officer**

8.3 Pentlow End is a grade II\* listed timber framed and plastered structure of C14 origins with later alterations and outbuildings. The property is located in a generous garden and within open countryside.

8.4 The proposal subject of this application aims at the erection of a telescopic swimming pool enclosure and follows a previously refused and dismissed on appeal scheme for a similar, but larger structure. Having considered the present proposal, I feel that the now suggested albeit somewhat reduced enclosure proportions does not overcome my previous concerns. Consequently, I have no option but to repeat my previous rationale leading to the recommendation for refusal.

- 8.5 The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly, at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The specific setting of Pentlow End is its garden located in a wider countryside. In addition, the National Planning Policy Framework (NPPF) advises that when considering the impact of a proposed development on the significance of a designate heritage asset, great weight should be given to the asset's conservation.
- 8.6 The proposed swimming pool enclosure although reduced in size would still be some 14.7m long by 8m wide and 1.4m high. It would be formed in metal of modern functional design. As before, it would be screened by existing hedging, but nevertheless would form part of the curtilage of the grade II\* listed building. I feel that due to its contemporary design and materials that any such structure would detract from the setting of the heritage asset to an unacceptable degree. In terms of the NPPF, I am unable to identify any public benefit of the proposed development which would outweigh the clear harm to the setting of the listed building.
- 8.7 In addition, although the new structure would be screened from the road by the vegetation, it would be visible from some vantage points within open countryside, especially in winter time. Again, due to the design, scale and materials, the new structure would represent unacceptable built form into this countryside setting seriously jarring with the traditional character, design and materials of heritage assets in the vicinity. The proposal would have an adverse effect on the bucolic character and appearance of the surrounding open countryside. Consequently, I suggest refusal of this application.

## 9. REPRESENTATIONS

- 9.1 None received. Neighbour representation period expires 16 December 2016. Advertisement expires 22 December 2016. Site notice expires 26 December 2016.

## 10. APPRAISAL

The issues to consider in the determination of the application are:

- A Whether the proposed development would have a significantly harmful impact on the particular character of the part of the countryside within which it is set (NPPF and ULP Policies S7 and GEN2);
- B Whether the proposed development would have a significantly harmful impact on the character and setting of the adjacent grade II\* listed building (NPPF and ULP Policy ENV2).
- A Whether the proposed development would have a significantly harmful impact on the particular character of the part of the countryside within which it is set (NPPF and ULP Policies S7 and GEN2).**
- 10.1 The site is situated within the countryside within a relatively isolated location which positively contributes to the open rural character of the area. ULP Policy S7 of the adopted local plan states that the countryside will be protected for its own sake and that planning permission will only be given for development which needs to take place there or is appropriate to a rural area. It further states that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the

development in the form proposed needs to be there. ULP Policy GEN2 promotes good design. However, in this regard, the design merits of this proposal are more particularly influenced by the rural constraint policy of ULP Policy S7 and also ULP Policy ENV2 relating to heritage asset protection.

10.2 The previously refused retractable swimming pool cover installation at this rural location (UTT/15/0729/HHF) was justified for refusal under ULP Policy S7 given its larger size than the modified retractable pool cover the subject of the current revised application which had a greater variable width of between 0.7m and 1.24m, a greater overall depth of 4.9m when fully extended to cover the pool and a greater height at its lowest end of 1.09m and greater height at its highest end (i.e. when fully extended) of 1.22m (same clear solid polycarbonate material supported by an aluminium rib frame) compared to the installation now submitted. The delegated officer report for that refused application stated in this regard that *“The scale and form of the enclosure would be vast in scale and would be visually prominent from inside and outside of the site. Although the enclosure would be of relatively limited height, it nonetheless is a substantial and sprawling element of built form that would significantly erode the open character of the site and which would be particularly significant given the exposed locality of the site and its position within attractive open countryside. The modern structure would visually dominate the openness of the site and by reason of scale, design and location the proposal would not preserve the openness of the rural area contrary to ULP Policies S7 and GEN2”*.

10.3 The revised retractable pool cover installation the subject of the current application by reason of its reduction in overall size and different design specification as described in paragraph 3.1 above compared to the aforementioned refused scheme would still have some visual impact on the site’s attractive rural location when viewed from the south-west (the installation would not be able to be viewed from the front of the site given the presence of the 3m conifer hedge line which exists along the south-eastern side of the pool). However, it is considered that this visual harm would not be so significant compared with the size and design specifications of the refused installation under UTT/15/0729/HHF as to warrant a refusal of planning permission on countryside protection grounds whereby the existence of the mature hedge line along its south-eastern side and also at its end nearest the south-west flank boundary with fields beyond would screen the domestic installation to an acceptable extent. Furthermore, there are no public footpaths or other PROW within the immediate vicinity of the site to the south-west where the installation could be viewed from the public domain.

10.4 In the circumstances, it is considered that the revised retractable pool cover the subject of the current application would not by reason of its reduced proportions be contrary to the countryside protection aims of ULP Policy S7 or the environmental strand of the NPPF and as an installation sufficiently overcomes the Inspector’s concerns expressed at appeal for application UTT/15/0729/HHF in this respect.

**B Whether the proposed development would have a significantly harmful impact on the character and setting of the adjacent grade II\* listed building (NPPF and ULP Policy ENV2).**

10.5 Pentlow End is a Grade II\* listed building which stands within spacious grounds within a rural setting which has relatively few outbuildings and chattels to disturb its primacy within this setting. Notwithstanding the reduction in the size of the proportions of the retractable pool cover as discussed above, due consideration has to be additionally had as to whether the proposed installation would significantly harm the character and setting of this heritage asset.

- 10.6 Whilst Historic England was not consulted on previously refused application UTT/15/0729/HHF, it has been consulted on the current revised application, although has declined to comment on this occasion stating that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's conservation advice.
- 10.7 The Council's Conservation Officer in her consultation response to the current application has reiterated her comments from her consultation advice given in consideration of refused application UTT/15/0729/HHF whereby heritage concerns are still expressed regarding the size, design and modern appearance of the retractable swimming pool cover at this location whilst recognising the reduced size proportions of the cover from the previously refused scheme. In this respect, it is stated that the contemporary design and materials used for the pool cover would detract from the setting of the listed building to an unacceptable degree whereby the existence of the existing hedge screen would not reduce this harmful impact to less than a significant degree (the existing swimming pool does not have any screening at its end nearest the listed building). It is further remarked that the swimming pool area of the garden to Pentlow End forms part of the curtilage of the listed building where this has been disputed by the applicant's planning agent in the application submission. There is no evidence to suggest that this is not the case where the Planning Inspector for UTT/15/0729/HHF remarked in this respect that *"I consider the setting of Pentlow End to be the immediate former gardens in a wider countryside setting...Whilst screened by existing mature hedging to some extent, [the cover] would nevertheless be part of the setting of the listed building"*
- 10.8 The applicant has sought through the current application to respond to the previous heritage concerns expressed by the Council and subsequently the Planning Inspector at appeal for UTT/15/0729/HHF by reducing the size of the proposed cover installation, although in so doing has chosen again to opt for a modern design solution to heat the swimming pool rather than pursuing a more traditional option such as the erection of a pool house designed in local vernacular style which would be more complimentary to the character and setting of the adjacent grade II\* listed building as noted by the Planning Inspector with reference to existing outbuildings at Pentlow End. However, the applicant has elected not to do this.
- 10.9 Members are therefore asked from this assessment as to whether the revised retractable pool cover installation as now proposed sufficiently overcomes these previously expressed concerns (where it should be noted that this revised application has been the subject of a call-in request from Cllr Barker should the application be recommended for refusal by your Officers) or whether in all of the circumstances the repeated modern design approach for the installation still fails to meet the legislative tests and government advice under which the Council is duty bound to consider such applications as referred to in paragraph 8.5 above and also local plan policy relating to listed buildings. It is the considered view of your Officers that the revised proposal does not meet these tests and government advice and that it would be contrary to ULP Policy ENV2 where no public benefit has been identified for the development which would outweigh the clear harm which would be caused to the setting of the listed building.

## **11. CONCLUSION**

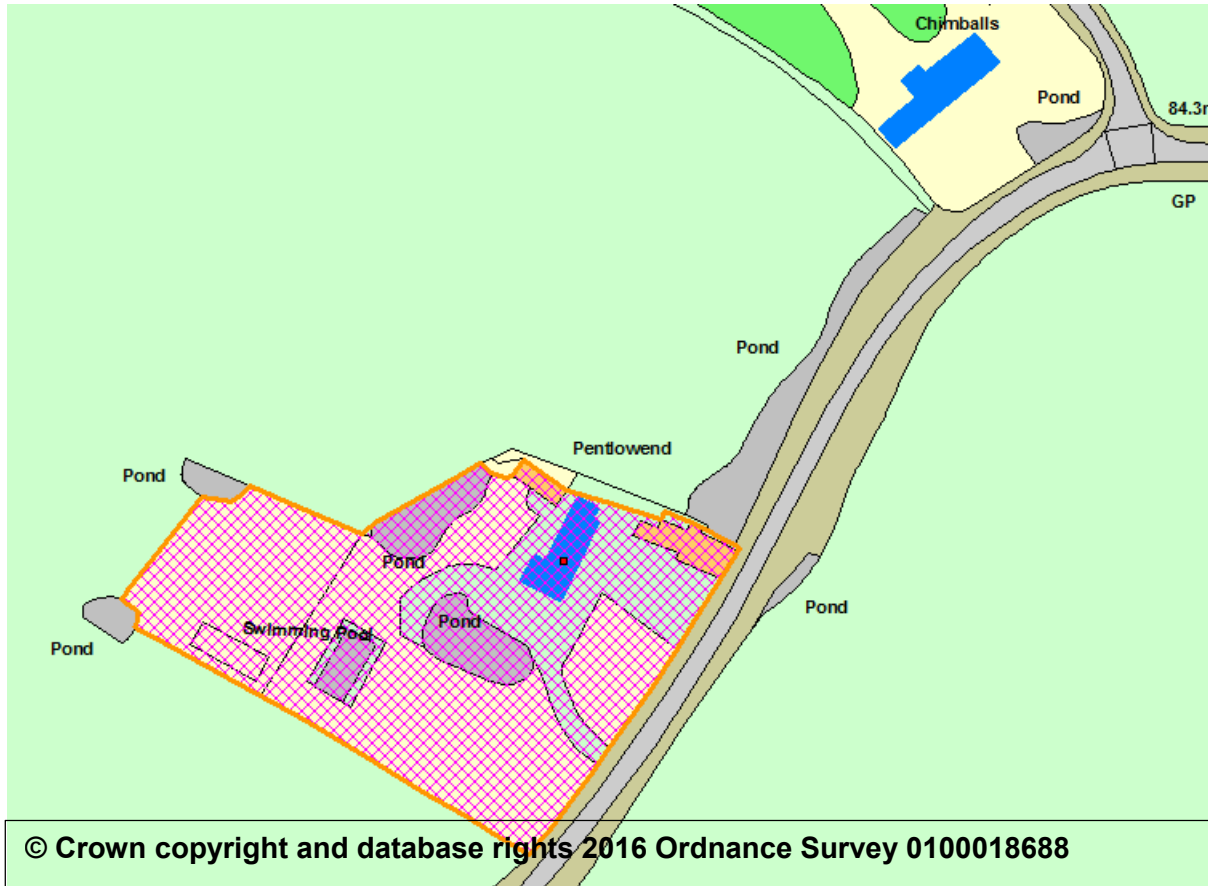
The following is a summary of the main reasons for the recommendation:

- A The proposed retractable pool cover over the existing swimming pool at this rural location would not by reason of its reduced size proportions and presence of existing screening have a harmful impact on the particular character of the countryside within which it would be set and would not be contrary to ULP Policies S7 and GEN2 of the adopted local plan or the provisions of the NPPF.
- B The proposed retractable pool cover by reason of its size, design and use of modern materials would have a significantly harmful impact on the setting of this grade II\* listed building and would be contrary to ULP Policy ENV2 and advice contained within the NPPF relating to heritage assets.

#### **RECOMMENDATION – REFUSAL**

1. The proposed retractable pool cover to the existing swimming pool at this location would by reason of its size, design and use of modern materials have a significantly harmful impact on the setting of this grade II\* listed building and would be contrary to ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005) and also paragraphs 131-134 of the NPPF relating to the protection of heritage assets.

Application Number: UTT/16/3062/HHF  
Address: Pentlow End, Slough Road, High Easter



Organisation: Uttlesford District Council  
Department: Planning  
Date: 22 February 2017