

**UTT/19/0899/FUL (HENHAM)**

(Referred to Committee. Reason: Member Call-In by Cllr Lees  
Reason: Trading hours and impact on local area)

**PROPOSAL:** **Section 73 retrospective planning application for change of use of barn to gym, (alternative to that approved under UTT/16/2801/FUL), to include construction of external ramps, raised decking and training equipment on agricultural land, retention of air conditioning units, increase in opening hours, and provision of part-time beauty room and hairdressers. Change of use of part of brewery to additional gym space and part-time physiotherapy room to include small single storey link between the two buildings.**

**LOCATION:** **Parsonage Farm, Church End, Church Street, Henham**

**APPLICANT:** **Clare And Hozier Ltd**

**AGENT:** **Mrs L Carpenter**

**EXPIRY DATE:** **24.6.19 Extension of time 23.9.19**

**CASE OFFICER:** **Mark Sawyers**

---

**1. NOTATION**

- 1.1 Outside development limits, Henham Conservation area, within 6km of Stansted Airport, Adjacent listed building.

**2. DESCRIPTION OF SITE**

- 2.1 The application site outlined in red on the submitted location plan is located on the southern side of Church Street on the settlement edge of Henham. Historically the farm consisted of a large agricultural holding consisting of a grade two listed farm house, barns and ancillary outbuildings.
- 2.2 Over the last 20 years a number of the ancillary farm buildings have been converted into a number of different uses which include holiday homes and a brewery.
- 2.3 The building subject to this planning permission as outline in red on the submitted location plan is currently a disused steel frame agricultural building which is externally finished from metal sheet cladding and concrete blocks. The subject building adjoins onto a brewer which was converted approximately 7 years ago. Vehicle access into the site is via Church Street with off street parking located on the tarmac parking area in front of the buildings.

**3. PROPOSAL**

- 3.1 The application is for a Section 73 retrospective planning application for change of use of barn to gym, (alternative to that approved under

UTT/16/2801/FUL), to include construction of external ramps, raised decking and training equipment on agricultural land, retention of air conditioning units, increase in opening hours, and provision of part-time beauty room and hairdressers. Change of use of part of brewery to additional gym space and part-time physiotherapy room to include small single storey link between the two buildings.

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

#### **5. APPLICANT'S CASE**

- 5.1 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.
- 5.2 It concludes that the design of the proposal is sympathetic and in keeping with the general location of the premises and the refurbishment would enhance and improve the setting of the surrounding area.

#### **6. RELEVANT SITE HISTORY**

- 6.1 There have been a number of planning and listed building application submitted to the Council over the years however the most recent and relevant applications to the proposed application are listed below:

UTT/0384/92/FUL - Change of use from redundant agricultural barn to one residential dwelling (approved)

UTT/0385/92/LB - Conversion of barn to one residential dwelling (approved)

UTT/0291/99/FUL - Change of use of redundant farm buildings to holiday homes (approved)

UTT/1995/07/FUL - Erection of Barn/Grain store (approved)

UTT/13/2197/FUL - Change of use from redundant farm building to light industrial B1/B8 use incorporating alterations to roof and entrance doors. (approved with conditions)

UTT/13/2910/FUL - Change of use from redundant farm building to light industrial B1/B8 use incorporating alterations to roof and external walls (approved with conditions)

UTT/16/2801/FUL - Change of use of the existing agricultural building to be used as a studio/gym (approved with conditions)

## **7. POLICIES**

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

- 7.1 Policy S7 – Countryside  
Policy GEN1 – Access  
Policy GEN2 – Design  
Policy GEN4 – Good Neighbourliness  
Policy GEN8 – Vehicle Parking Standards  
Policy E5 – Re-use of Rural Buildings.  
Policy ENV1 – Design of development within Conservation Areas  
Policy ENV2 – Development effecting listed buildings

### **Supplementary Planning Documents/Guidance**

- 7.2 N/A

### **National Policies**

- 7.3 National Planning Policy Framework – (9 February 2019)

### **Other Material Considerations**

- 7.4 Uttlesford Emerging Local Plan –  
The following policies are relevant regarding this proposal, however until the plan adopted little weight can be given to them -  
SP10 - Protection of the Countryside  
TA1 – Accessible Development  
D1 – High Quality Design  
SP12 - Sustainable Development principles  
EN16 - Pollutants  
EN17 - Air Quality  
EN18 - Contaminated Lane  
EN19 - Noise Sensitive Developments  
EN20 Light Pollution  
TA4 – Vehicle Parking Standards  
C2 – Re-Use of Rural Buildings  
EN2 – Design of Development within Conservation Area  
EN4 – Development affecting Listed Buildings

## **8. PARISH COUNCIL COMMENTS**

- 8.1 Henham Parish Council would like to raise objection to certain areas of this application.

- 8.2 Trading hours:

Henham PC does not wish to curtail commercial viability, however request that UDC restrict the use of outside space until 10am on Sundays and Bank Holidays. Other local amenities such as the Elsenham clay pigeon shoot are restricted to not commence activity until 10am.

- 8.3 Outside space:

Current retrospective application is for construction of external ramps, raised decking and training equipment on agricultural land.

The area already constructed is sizable.

The outside space contravenes this permission. The area is clearly visible, and activities undertaken on it can readily be heard from other properties within the Henham conservation area.

To protect other properties and residents Henham PC requests that this permission be upheld and that suitable screening of the outside area and noise calming measures are undertaken to stop the local impact.

## 9. CONSULTATIONS

### Environmental Health

- 9.1 There are no environmental health objections to the additional gym space, physiotherapy room, hairdresser and beauty salon, nor the retention of the raised decking and external ramps.

The other elements have the potential to have noise impacts on neighbouring properties and are considered below.

#### Noise Impact

A BS:4142 assessment is appropriate for the evaluation of plant noise such as the air-conditioning units and the report's conclusion that the air-conditioning units are inaudible at neighbouring properties is accepted.

There is therefore no objection to retention of the air-conditioning units.

The report states that noise associated with the gym operation was inaudible at the receptor 35m to the north. Traffic movements would certainly be audible at this location, so I assume this is referring only to activities within and behind the gym building.

BS 4142 is not intended for the assessment of recreational noise or music, but the measurements reported show that the noise produced by the gym would be below the background noise level at a distance of 35m from the south façade. From these figures I calculate that it would not exceed the background noise at a distance of approximately 25m from the gym building. It would therefore appear that the gym is adequately insulated against noise to avoid adverse impacts on neighbouring properties.

The extended opening hours applied for include 6-9am Monday-Saturday and 8am-2pm on Sundays and Bank Holidays. This will increase vehicle movements by patrons and staff at these times. Parsonage Farmhouse is adjacent to the access road and car park, and could suffer from additional noise of patrons arriving at 6 a.m. on weekdays. However no HGV movements are anticipated, and most homes are exposed to noise from passing cars. The front garden is unlikely to be in use at 6 am and it would seem disproportionate to restrict the opening hours if vehicle-related noise can be managed. I recommend a condition requiring the gym to ask staff and patrons arriving in the early morning to park in the centre of the courtyard rather than near the boundary, and to enter the building quietly.

Outdoor activities will not benefit from the noise insulation installed to the barn. The noise survey identified an occasion when music played outside during a boot-camp gave rise to unacceptable noise levels. A condition is recommended to prohibit the playing of amplified music outdoors. Subject to this condition being applied, there would be no objection to the retention of

the external training equipment.

### **RECOMMENDED CONDITIONS**

The proprietor of the gym shall instruct staff and patrons arriving in the early morning to park in the centre of the courtyard and to enter the building quietly, and issue reminders as necessary.

No amplified music shall be played outside the gym building.

## **9.2 ECC HIGHWAYS**

From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

## **9.3 CONSERVATION**

I have no objection to the proposed works subject to the reversibility of the partition wall in the brewery (i.e. causing no damage to historic fabric) and the use of appropriate external materials for the link.

Should permission be granted, I recommend the following conditions (or similar to that effect) to be included:

- a) works shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such;
- b) works shall not be commenced until details of the proposed internal partition to be installed in the brewery, including a method statements for works to be carried out, has been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

## **10. REPRESENTATIONS**

- 10.1 10 Neighbours consulted – expired 23.05.19 – One representation in support received, one representation in objection received.

## **11. APPRAISAL**

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

- A Whether the proposal is acceptable in principle (NPPF and Local Policies S7 & E5)
- B Whether the layout, design and appearance of the proposal is acceptable (NPPF and Local Policy GEN2)
- C Whether the proposal would result in harm to the setting of the adjoining listed building and the conservation area (Local Policies GEN2, ENV1 & ENV2 & NPPF)

- D Access to the site and highway issues (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)
  - E Whether the proposal would cause harm to the amenities of adjoining property occupiers (NPPF and ULP Policies GEN2 & GEN4).
  - F If there are any ecology issues would arise from the development (ULP Policy GEN7).
- A Whether the proposal is acceptable in principle (NPPF and Local Policies S7 & E5)**
- 11.1 In planning policy terms, the site lies outside of any established development limits as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the countryside and subject to all national and local policies.
  - 11.2 Policy S7 of the Local Plan advises that there will be strict control on buildings in the countryside, with planning permission only being given for development that needs to be there.
  - 11.3 The review of the Local Plan policies considered that Policy S7 of the adopted Local Plan is 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. Therefore, Policy S7 is still relevant to the consideration of this application.
  - 11.4 In addition paragraph 170 of the Framework identifies that the intrinsic character and beauty of the countryside should be recognised.
  - 11.5 Given that the proposal is for the conversion of the existing building, the majority of the built form on the site has already been established. The alterations necessary to convert the building are deemed to be minor given the circumstances of the site and surrounding area. The link extension does not adversely affect the openness of the countryside.
  - 11.6 In view of the above, it is considered that the proposal would not cause significant harm to the intrinsic value and beauty of the countryside, this being one of the core principles set out in policy S7 and at paragraph 170 of the National Planning Policy Framework.
  - 11.7 Policy E5 is inconsistent with the National Planning Policy Framework as it includes no preferences for any particular new use of a converted building and it does not have to be structurally sound or require the historic, traditional or vernacular of the converted building to enhance the character and appearance of the rural area. In accordance with paragraph 213 of the NPPF, only limited weight can be given to policy E5. However in saying this, it should be noted that the existing barn is structurally sound capable of conversion without the need for major works and its design would be one of traditional features to enhance the surrounding rural area.
  - 11.8 Furthermore, the proposed change of use is of one that is of a sustainable

development and within a sustainable location. When considered in the round, against the three-stranded definition in the Framework, the proposal would comply with the economic, social and environmental dimensions to sustainable development.

- 11.9 The principle of the development is considered to be appropriate in accordance with local policies and the NPPF.

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

- 11.10 The guidance set out in Paragraph 127 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.
- 11.11 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.
- 11.12 The overall size and scale of the existing building would not change as a result of the proposed change of use. The proposed new openings and the change of external finishing materials are such that the building would still appear as a traditional building that would be found within a rural area. The character and appearance of the building would still be one of which is sympathetic and in proportion with the surrounding buildings within this historical farm complex.
- 11.13 The design and appearance of the proposed building as a result of the change of use is considered to be appropriate and in accordance with NPPF and policy GEN2 of the Adopted Local Plan.

**C Whether the proposal would result in harm to the setting of the adjoining listed building and the conservation area (Local Policies GEN2, ENV1 & ENV2 & NPPF)**

- 11.14 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 the relevant policies contained within Uttlesford District Council's Adopted Local Plan.
- 11.15 The Planning (Listed Buildings and Conservation Area) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly section 66(1), of preserving a listed building or its setting or any features of special architectural or historic interest which it proposes and secondly Section 72(1) planning applications affecting conservation areas.
- 11.16 Paragraph 195 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.

- 11.17 Furthermore, paragraph 196 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.
- 11.18 The proposal for the change of use included the insertion of new window and door openings and alterations to the buildings external finishing. The change of use to a gym/studio and the proposed alterations to the building were considered to be acceptable as they would preserve and enhance the conservation area. In addition the proposals were considered to not result in detrimental harm to the historical significance and setting of the nearby listed building. A link extension is proposed to be constructed with the adjacent curtilage listed building. This is considered to be of appropriate materials and is of an appropriate scale and design. This does not result in harm to the setting or character of the adjacent listed building.
- 11.19 Consequently, officers consider that the proposal would cause less than substantial harm to the heritage assets and as such the development is in accordance with the Listed Building and Conservation Area Act 1990, the National Planning Policy Framework.

**D Access to the site and highway issues (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)**

- 11.20 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.
- 11.21 The existing vehicle access into the site will be utilised for both staff and clients which is a shared access to the remaining parts of the site. It is noted that other heavy goods vehicles and farm machinery would also utilise this access to enter and exit the site however it is considered that the traffic movements and number of additional vehicles as a result of the new use are such that no significant harm would occur in terms of highway safety. Furthermore, the access into the site has adequate sight splay lines and the hard standing area is such that there is sufficient room for vehicles to pass one another.
- 11.22 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.
- 11.23 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'.
- 11.24 The Adopted Council Parking Standards recommends that a minimum of one vehicle space be provided per 20sqm of floor area of the proposed D2 use. The Floor area of the proposed use amounts to 241sqm which equates to a total of 12 off street vehicle spaces required as per the parking standards.

11.25 The proposal makes provisions for 15 off street vehicle space on the hard standing area towards the front of the existing building. This is in accordance with the above standards and as such the proposal would not result in an overspill of vehicles on surrounding highways.

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

11.26 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.

11.27 Policy GEN4 requires development to not adversely affect neighbouring properties due to noise, vibration, or other pollutants. Concerns have been raised in respect of the use of amplified music for outdoor boot camps. The Council's Environmental Health Officer has recommended a condition restricting the use of amplified music and it is considered that this is appropriate to ensure loss of residential amenity does not arise as a result of the proposals.

11.28 The relative separation distance between the existing building in which the proposal is to take place and that of adjoining dwellings to the north are such that it is considered that no significant adverse harm would be cause to the amenities of adjoining property occupiers in terms of visual blight, and a loss of privacy.

11.29 In relation to general noise and disturbance, it is considered that the comings and goings of clients and staff to and from the site would not result in significant harm to adjoining occupiers. However if permission is granted it is considered necessary to impose a condition that the building is appropriately insulated to restrict amplified music emitting outside of the building to protect the amenities of adjoining occupiers.

11.30 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.

**F If there are any ecology issues would arise from the development (ULP Policy GEN7).**

11.31 No ecology issues were identified in the original application relating to the conversion of part of brewery building to additional gym space and with the addition of a single storey link extension between existing gym building and brewery. An upto date Bat Survey has been provided in which there are no evidence of any bats and therefore no ecology objections are raised under ULP Policy GEN7.

## **12. CONCLUSION**

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

**A** The proposal is considered in principle to be appropriate that is located within a sustainable location that would re-vitalise a current disused

redundant building.

- B** The design of the proposal is acceptable in that it would appear sympathetic to the character and appearance of the surrounding locality.
- C** The proposal would result in less than substantial harm to the heritage assets of that being the Henham Conservation Area and the adjoining listed farm house and curtilage listed building.
- D** The proposal would not result in detrimental harm upon highway safety and adequate parking provisions have been provided to accommodate the use.
- E** The proposal would not result in excessive harm to the amenities enjoyed by adjoining property occupiers.
- F** There was no evidence of any Bats when the site was surveyed, therefore the development will not cause any detrimental harm to ecology.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **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. The development hereby permitted shall not be used outside the hours of 6am to 9pm Monday to Fridays, 8am to 2pm on Saturdays and 8am to 2pm on Sunday and Bank Holidays unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of protecting the amenities of adjoining property occupiers in relation to policies GEN2 and GEN4 of the Uttlesford District Local Plan as Adopted (2005) and the Nation Planning Policy Framework.

3. No amplified music shall be played outside the gym building.

REASON: In the interests of protecting the amenities of adjoining property occupiers in relation to policies GEN2 and GEN4 of the Uttlesford District Local Plan as Adopted (2005) and the Nation Planning Policy Framework.

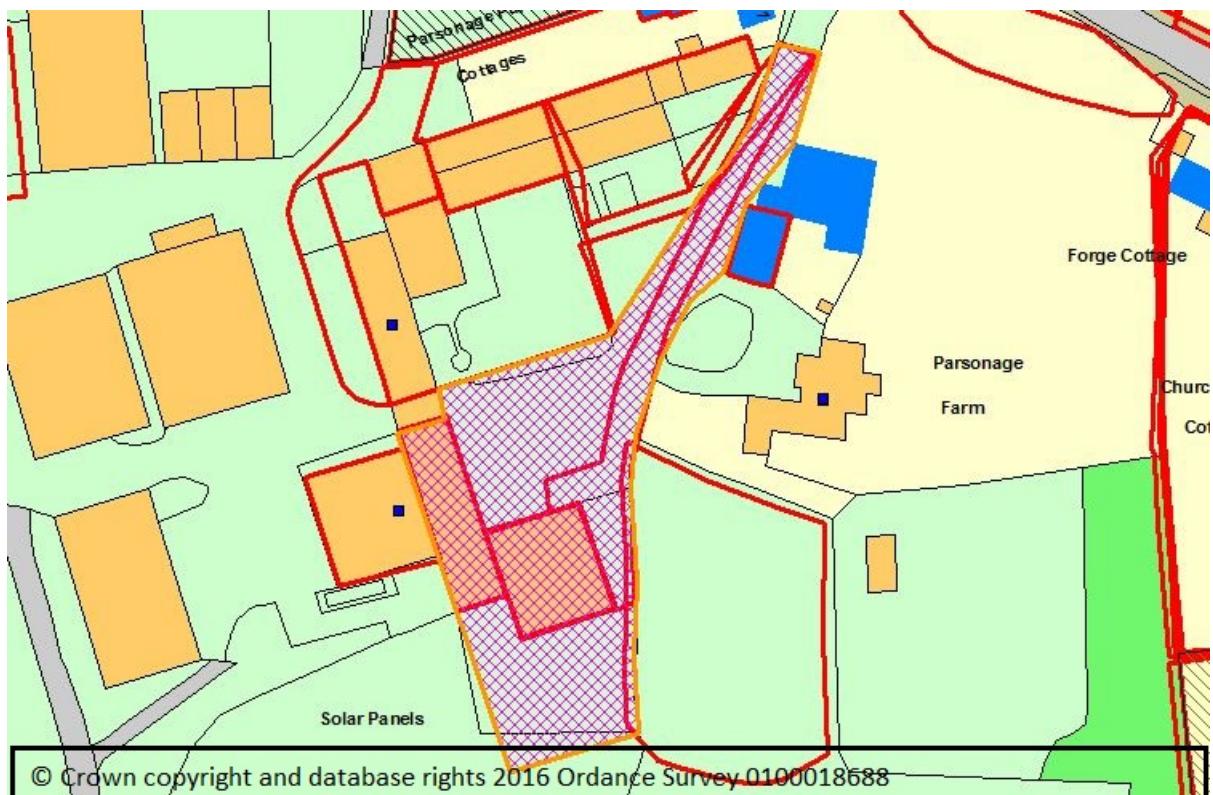
4. Works shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

REASON: In the interests of preserving the historic character and appearance of the Conservation Area and Listed Building and its setting in accordance with ULP polices ENV1 & ENV2

5. Works shall not be commenced until details of the proposed internal partition

to be installed in the brewery, including a method statements for works to be carried out, has been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In the interests of preserving the historic character and appearance of the Conservation Area and Listed Building and its setting in accordance with ULP polices ENV1 & ENV2



Organisation: Uttlesford District Council

Department: Planning

Date: 05 September 2019