

UTT/20/2450/FUL

PROPOSAL: Demolition of existing barn and proposed replacement structure to provide 1 no. dwelling, following previous approval to convert ref UTT/19/1989/FUL

LOCATION: Barn Adj Little Mortimers, Water End, Water End Road, Ashdon

APPLICANT: Mr Daniel Mitchel

AGENT: BBR Architects

EXPIRY DATE: 26.02.2021

CASE OFFICER: Rachel Beale

1. NOTATION

- 1.1 The following planning constraints apply to the application site:
- Outside development limits
 - PROW

2. DESCRIPTION OF SITE

- 2.1 The application site is located at the end of Water End Road. The site sites to the eastern corner of a large field within a grassed area and adjacent to the house and outbuildings known as Little Mortimers. The surrounding land slopes away to the north west and bordered by mature rural hedging and trees. The application site covers approximately 0.37ha.

3. PROPOSAL

- 3.1 Demolition of existing barn and proposed replacement structure to provide 1 no. dwelling, following previous approval to convert ref UTT/19/1989/FUL.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposal is not EIA development and an environmental assessment is not required to assess the environmental impacts of the development whereby the site does not fall within a "sensitive area".

5. APPLICANT'S CASE

- 5.1 The applicants have submitted the following documents in support of the proposal:
- Design, Access & Transport Assessment
 - Preliminary Ecological Appraisal
 - Biodiversity Checklist

6. RELEVANT SITE HISTORY

- 6.1 APP/C1570/W/17/3183367 – Permitted development – appeal dismissed.

- 6.2 UTT/17/1108/PAP3Q – Class Q Prior Approval for change of use from agricultural building to a residential dwelling – refused June 2017. Appeal allowed.
- 6.3 UTT/19/1989/FUL - Conversion of disused agricultural barn to 1 no. dwelling – Approved.
- 6.4 UTT/20/2617/NMA - Non material amendment to UTT/19/1989/FUL - Revised fenestration – Approved.

7. POLICIES

National Policies

National Planning Policy Framework 2019 (NPPF)

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards
ULP Policy ENV14 - Contamination

Supplementary Planning Documents/Guidance

SPD Accessible Homes and Playspace

Other Material Considerations

Parking Standards: Design and Good Practice
Local Residential Parking Standards
The Essex Design Guide

8. PARISH COUNCIL COMMENTS

- 8.1 Ashdon Parish Council objects to the above application in the strongest possible terms. As stated, this application is a follow up to the previous application initially refused by the District Council but allowed at appeal. The Parish Council, and long standing residents of the village, still maintain that this barn was never used, nor was it ever meant to be used, for agricultural purposes. It was erected as part of Swards End Riding Stables run by the late Patrick and Murial Savage where generations of local youngsters learned to ride. The current application was bound to follow the original in that it has been submitted by a developer to gain maximum traction from the planning system. The application has been submitted with little care or attention to detail and with no feeling for this very rural situation at the end of a beautiful sunken Essex lane with a history going back to Elizabethan times. This lane will be at risk from all manner of construction traffic should this application be approved. It is obvious that the applicant and his agent have very little feeling or care for the environment or the village.

Application

The application is littered with errors:

Q10. Trees. Application states NO. There are trees surrounding the site some of which form the boundary (disputed) with the neighbouring property.

Q14. Refuse. Application states that refuse bins will be stored on site. It is impossible for the refuse lorry to access the site due to the narrow lane and the bridleway which accesses Lt. Mortimers which is wholly maintained by the owners of Lt. Mortimers. Bins are currently taken approx. 800m to the end of the lane from where they are collected.

Q22. Site is not accessible for a site visit. Not true. It is accessed by a public bridleway (No.92) and so is fully accessible for a site visit on foot. A site visit on foot from the end of the lane would give Members the opportunity to see the destruction of part of the lane maintained by Highways being caused by heavy vehicles accessing Mortimers Farm. The final 400m is maintained privately by the owners of Lt. Mortimers and is wholly unsuited for heavy vehicles as it has no solid base and heavy vehicles would severely damage the surface. It should be noted that the water supply to Lt. Mortimers running from the entrance to Spriggs Farm, is under the track and is liable to be damaged.

Design.

Ref. UDC Local Plan 2005. Policy S7.

"There will be strict control on new building. 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"

Policy H6 - Conversion of Rural Buildings to Residential Use.

"Substantial building reconstructions or extensions will not be permitted. Conversions will not be permitted to residential uses on isolated sites in the open countryside located well away from existing settlements. Conditions regulating land use or development rights associated with proposals may be necessary" The design as submitted is totally out of keeping with the very rural setting. It does not reflect a conversion of the current barn but a modern edifice glazed on two sides. To paraphrase one other famous application "it is a monstrous carbuncle on the face of our much loved countryside".

It in no way fulfils the above statements from the Local Plan.

Access

Ref. UDC Local Plan GEN1-Access

Development will only be permitted if it meets all of the following criteria:

- Access to the main road network must be capable of carrying the traffic generated by the development safely.
- The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
- The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.

There is no such road as "Water End Road" as stated on the plans. The lane gives access to Water End and past Water End cottages it is known locally as Spriggs Lane, giving access to Spriggs Farm. It is a narrow single track lane with no passing places. It has protected verges in places which host rare wild flowers (Crested Cow-Wheat and Bee Orchids). Highways have installed marker posts to this effect. The Parish Council is currently undertaking a survey to present to the Local Highways Panel to seek funding to protect other verges in the lane which are being eroded by heavy vehicles and 4WD vehicles running on them. This lane is one of a few Essex sunken lanes left and should be protected. Heavy construction vehicles would do irreparable damage. Discussion with the District Council refuse team would verify the above as they have trouble getting up the lane to Ivy Todd Junction to collect the bins from Lt. Mortimers and turning is very difficult. Please note that the refuse vehicle has damaged the Broadband junction box at the entrance to Spriggs Farm when trying to turn. This needs rectifying. Earlier in 2019 a lorry delivering to Water End cottages could not turn, went off road into a field opposite Spriggs Farm and had to be pulled out and the considerable damage to the field rectified.

The final 400m to Lt. Mortimers is along a track wholly maintained by the owners of Lt. Mortimers who have rights to take vehicles along it as previously mentioned. It is noted on the application that a basement is to be dug out. No provision has been made in the application for disposal of the spoil. This need clarifying. The application as submitted does not fulfil the obligations as laid down in the Local Plan.

Sustainability

The application is not sustainable in that the nearest, very infrequent bus service, is in the village over 2 miles away. This dwelling will require vehicles to get anywhere at all and is totally unsuitable for older residents due to its isolation and inaccessibility. The nearest school is not in Elsenham as stated. This shows that the agent has probably submitted similar applications elsewhere and has just "cut and pasted" onto this application with no effort or thought for the location or environment.

Pollution.

The glazed areas will give rise to light pollution during the day by reflecting sunlight. It will be further accentuated at night and will show up in what is a lovely "dark" area with no light pollution. Any exterior security lights would further destroy the "dark" area.

Visibility

Contrary to the application this dwelling will be seen from the public highway

- i. from the adjacent bridleway
- ii. from the road to Saffron Walden where the current barn which is clearly visible and the proposed dwelling will shine in all its glazed glory particularly at night.

In conclusion.

Ashdon Parish Council considers that this application does not meet the required standards for the conversion of an "agricultural" barn situated in a very beautiful remote location at the end of an old Essex sunken lane (Policy ENV8 Green Lanes and special verges). It has been submitted with little thought or care for the

environment, sustainability and location next to a recently restored 17C. thatched cottage. No thought or care has been given to the access.

The Parish Council fully supports the owners of Lt. Mortimers and other residents in their objections and asks that a site visit be arranged by the Committee to view the site first hand if and when CoVID restrictions allow.

8.2 Officer comments on Parish Council Comments:

All points raised by the Parish Council have already been addressed through the previous approvals of applications UTT/17/1108/PAP3Q, UTT/19/1989/FUL and UTT/20/2617/NMA, in addition to within the below Officer appraisal.

9. CONSULTATIONS

ECC Highways

9.1 From a highway and transportation perspective the Highway Authority has no objections to make on this proposal.

ECC Ecology

9.2 No objection subject to securing biodiversity mitigation and enhancement measures.

UDC Environmental Health

9.3 I note the age and construction of the existing building and recommend a condition be attached in respect of the potential presence of asbestos.

10. REPRESENTATIONS

10.1 4 representations received. Summary of representations received as follows:

- Too much glazing
- Concerns regarding local wildlife
- Design out of character
- Unsuitable access
- Impact on street scene
- Outside development limits
- Unsustainable development
- Construction traffic impact
- Impact on 'special verges'
- Impact on the bridleway and its users
- Concerns with submitted information

COMMENTS BY OFFICER:

10.2 All comments are addressed within the Officer appraisal.

11. APPRAISAL

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

A Principle of development, design, character, appearance, Biodiversity, Contamination (S7, GEN2, GEN7, ENV14, NPPF, PPG)

B Highways safety and parking provision (GEN1, GEN8, NPPF)

C Impact on amenity (GEN2, NPPF)

A Principle of development, design, character, appearance, Biodiversity, Contamination (S7, GEN2, GEN7, ENV14, NPPF, PPG)

11.1 The principle of the existing barn becoming a residential building has been established by the permissions of UTT/17/1108/PAP3Q and UTT/19/1989/FUL. There was a subsequent NMA application (UTT/20/2617/NMA) that has been approved to change the fenestration of the approved converted dwelling.

11.2 This application is requesting permission to demolish the existing barn and replace it with a new building of the same scale, form, design and appearance as the previously approved conversion applications (UTT/19/1989/FUL and UTT/20/2617/NMA).

11.4 Through the previously approved applications, the proposed dwelling shown in the proposed plans as part of this application has already been approved. These plans propose the same scheme in terms of layout, access, scale, form, design and appearance, and therefore for the purpose of this application the only outstanding issue is whether there are any material planning reasons why the demolition of the barn cannot take place.

11.5 The building is not listed or subject to any protections from a conservation or heritage perspective. The site is not within a conservation area nor is it within the setting of a listed building.

11.6 The Environmental Health Officer has been consulted and has confirmed that they find the proposal acceptable subject to condition in regard to asbestos.

11.7 The ECC Ecology Officer has been consulted and confirmed that subject to condition they find the proposals acceptable.

11.8 On this basis it is considered that the demolition of the existing barn is acceptable. Whilst acknowledging the representations of the Ashdon Parish Council, and those of the neighbouring residents, it is suggested that due to the extant planning history of the site, the proposal cannot reasonably be resisted.

11.9 Therefore, in conclusion, due to the previous approvals in regard to the proposed dwelling, the proposed development complies with the adopted Uttlesford Local Plan 2005 - Policies S7, GEN2, GEN7, ENV14 and the National Planning Policy Framework 2019.

B Highways safety and parking provision (GEN1, GEN8, NPPF)

11.10 The proposed development does not alter the access arrangements from the previously approved scheme (ref. UTT/19/1989/FUL). Nevertheless, Essex County Council Highways have been consulted and have confirmed they have no objections and deem the access to be safe and acceptable. Concerns have been

raised by members of the public that the proposed development would cause detrimental harm to the public bridleway. The site does not affect the bridleway and whilst there may be an increase in traffic during the construction phase, this is not a reason in itself to resist the proposal. There is sufficient space within the application site for construction vehicles to park clear of the public bridleway.

- 11.11 The Council's parking standards indicate that the proposed dwelling should be provided with three off-street parking spaces. These parking standards will be provided for within this proposals. It is therefore concluded that the proposal accords with the above policies and guidance insofar as they relate to highways safety and parking.

C Impact on amenity (GEN2, NPPF)

- 11.12 As with the previously approved proposal, there is sufficient distance between the proposed dwelling and the neighbouring property at Little Mortimers to avoid any amenity harm caused as a result of unacceptable loss of light, overbearing impact or loss of privacy. It is therefore concluded that the proposed scheme accords with the above policies.

12. CONCLUSION

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

- A The principle of residential development has been established via the previous approvals.
- B The scale, form, design, character and appearance of the proposed dwelling remains as previously approved and remains to cause not harm upon character and appearance of the surrounding area.
- C The demolition of the barn would not cause any harm to the site or surrounding settlement.
- D The proposed access and parking arrangements are considered acceptable.

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. Prior to any works above slab level, details of the external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005), and the National Planning Policy Framework.

3. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Skilled Ecology, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policy GEN7 of the Adopted Local Plan (2005).

4. Prior to slab level a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.
The content of the Biodiversity Enhancement Strategy shall include the following:
a) Purpose and conservation objectives for the proposed enhancement measures;
b) detailed designs to achieve stated objectives;
c) locations of proposed enhancement measures by appropriate maps and plans;
d) persons responsible for implementing the enhancement measures;
e) details of initial aftercare and long-term maintenance (where relevant).
The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).in accordance with Policy GEN7 of the Adopted Local Plan (2005).

5. Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policy GEN7 of the Adopted Local Plan (2005).

6. If the development hereby approved does not commence within 18 months from the date of the survey results in the Preliminary Ecological Appraisal (Skilled Ecology, September 2019), the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:
i. establish if there have been any changes in the presence and/or abundance of protected species and

ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policy GEN7 of the Adopted Local Plan (2005)

7. Under the Control of Asbestos Regulations, a refurbishment and demolition survey is required before the demolition of any buildings which may contain asbestos, and any asbestos found must be safely removed by a trained contractor before work commences. All asbestos removed in relation to this development shall be done in full consultation with the Health & Safety Executive using a licenced contractor. . Contractor details and asbestos disposal records (waste transfer notes) should be submitted to the council upon completion to prevent the asbestos from being buried on site during construction.

Reason: To ensure the protection of future occupiers of the site from contamination, in accordance with Policy ENV14 of the Uttlesford Local Plan (2005).



Organisation: Uttlesford District Council

Department: Planning

Date: 17 February 2021