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## UTT/1882/05/FUL - SAFFRON WALDEN

Variation of conditions C90D and C90E of planning permission UTT/1382/02/FUL to provide off-site highway works and surfacing of estate road prior to occupation rather than commencement.

Location: Land off Thaxted Road, formally Southgate House Thaxted Road.  
GR/TL 548-373.  
Applicant: Mr P Gamby  
Agent: Richard Turner Associates  
Case Officer: Ms H Lock 01799 510486  
Expiry Date: 22/02/2006  
ODPM classification: MAJOR

**NOTATION:** Policy SW5 – Thaxted Road Employment Site. Class B Road.

**DESCRIPTION OF SITE:** This is an elevated site which sits above the service road parallel to the B184 Thaxted Road, north of the Civic Amenity site. Construction works are currently under way on a complex of live-work units in replacement of commercial buildings. Work has commenced on the two frontage blocks.

**DESCRIPTION OF PROPOSAL:** This is an application to vary two conditions of the original planning permission UTT/1382/01/FUL (granted July 2003) for the live-work development:

Condition C90D states: *No development shall take place until the ghosted island junction and other off-site highway works shown on drawing R1245/02 have been completed.*

*Reason: in the interest of highway safety.*

Condition C90E states: *The carriageway of the proposed estate road and the footpath shown on drawing 211/01/10B shall be laid out and constructed up to and including at least base course level prior to the erection of any of the buildings hereby permitted and shall thereafter be retained in good repair until the final surface is laid. The final surface of the carriageway of the proposed estate road and the footpath shall be laid within one year of the completion of the development hereby permitted.*

*Reason: In the interest of highway safety.*

Prior to the commencement of the development, the applicant was in discussion with Essex County Council highways department to agree a change in the timing of the above highway works, and by letter dated 18 February 2005, that authority issued its agreement that:

1. the service road would remain open for public use until the Kilncourt/Southgate development was substantially complete, when it would become necessary to close the service road between the byway and the development site to facilitate construction of the permanent highway works.
2. At that time, the new access would be constructed or alternatively the southern junction of the B184 with the service road would be improved.
3. During construction, the northern access from the service road in the Kiln Court/Southgate site would be closed to all vehicles with construction traffic entering the site via the northern junction with the B184, using the service road and entering the development site in the vicinity of the existing access into Kiln Court.
4. Construction could take place **prior** to the provision of the permanent highway works, provided such works are undertaken before the units are occupied.

However, the applicant did not seek any variation to the conditions attached to the planning permission and commenced work in breach of these conditions. This application seeks to regularise these matters.

**APPLICANT'S CASE:** Since the granting of planning approval technical discussions have taken place with Essex County Council highways authority leading to the submission of drawings and specifications for approval to abandon the existing crossover from the highway to Southgate House and the other buildings that existed on the site and then to form a new crossover and improve forward visibility for vehicles entering and leaving the development and those using Thaxted Road. Other improvements are included in the proposals including the provision of cycle ways and pedestrian access.

The discussions included a request to change planning condition C90D as the site traffic that was likely to enter and leave the site during construction would not be greater than the number of vehicles that previously entered and left the site of Southgate House and the other buildings that existed before demolition. There would be no greater highway hazard during that period. This was agreed and is set out in Deed of Variation currently awaiting formal signature, stating that the buildings will not be occupied until the developer has constructed the access works, in lieu of their being provided before commencement.

With regard to Condition C.90E, a temporary relaxation is sought until the weather improves when it would be more practical to carry out works on the new estate road to at least base course level. Practical steps have already been taken to lay compacted sub base material to provide a hardstanding area within the site to facilitate off-loading and handling of materials. The area of work has been fenced off separately from the remainder of the site to prevent through traffic. All visitors to the site and site personnel leave and enter via a separate entrance from the existing byway and their vehicles are parked in a designated car park within this area. Lorries are jetwashed as they leave the site to keep the highway clean and minimise any inconvenience to other road users.

**RELEVANT HISTORY:** Erection of 8 blocks for Class B1 business live-work purposes, and creation of new vehicular access – approved July 2003. Amended application to create 76 units withdrawn January 2004. Erection of 97 live/work units and new access refused October 2004 and appeal lodged. Concurrent application to increase live-work units to 90 and erect B1 units not yet determined.

**CONSULTATIONS:** UDC Building Surveying: no adverse comments  
TOPS: No formal response but see “description of proposal”.

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

**REPRESENTATIONS:** No representation has been received.

**PLANNING CONSIDERATIONS: The main issue is whether the variation of the conditions would be acceptable in terms of highway safety (ERSP Policy T3 & ULP Policy GEN1)**

At the time the original planning application was considered the highway authority considered the works should take place prior to commencement, and conditions were attached accordingly. However, there has been further discussion about the level of traffic generated during the construction phase compared with the traffic formerly generated by the commercial use of the site, and the highway authority is satisfied that the dangers to highway safety would not be increased by the later provision of the works. In the absence of any objection from the highway authority, there is no other material planning reason why the conditions should not be modified.

## **RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
6. C.6.8. Excluding Permitted Development extensions or alterations to industrial premises.
7. No business shall be carried out within the units hereby permitted and their associated curtilages other than by an occupant of the same unit.  
REASON: To ensure the buildings remain as live - work units and to retain employment uses on the site.
8. No units or combination of units in common ownership formed within the buildings hereby permitted shall be used or occupied other than:(1) for a purpose or purposes falling within Class B1 of the Town & Country Planning (Use Classes) Order 1987 or;(2) as a mixed use within Classes B1 and C3 of the Town & Country Planning (use Classes) Order 1987 for the person or persons carrying on or previously having carried on such use or/and any widow or widower or dependents of such person or persons or as a residence for the officers or employees of a company or association carrying on such use and/or widow or dependents of such officer or employees.  
REASON: To ensure the buildings remain as live - work units and to retain employment uses on the site.
9. C.9.3. No change from industrial to storage.
10. Within one month of the date of this permission, a scheme for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the local planning authority. Subsequently, the scheme shall be implemented as approved prior to the first occupation of any of the units hereby permitted.  
REASON: To prevent pollution.
11. None of the units hereby permitted shall be occupied until a ghosted island junction and other off-site highway works have been completed, in accordance with details first submitted to and approved in writing by the local planning authority.  
REASON: In the interests of highway safety.
12. The carriageway of the proposed estate road and the footpath shown on drawing 211/01/10B shall be laid out and constructed up to and including at least base course level prior to the occupation of any of the buildings hereby permitted and shall thereafter be retained in good repair until the final surface is laid. The final surface of the carriageway of the proposed estate road and footpath shall be laid within one year of the completion of the development hereby permitted.  
REASON: In the interests of highway safety.
13. The car parking, motor cycle and bicycle storage spaces shown on drawings 211/01/10B and 24 attached to planning permission UTT/1382/01/FUL shall be hardened, laid out and made available for use prior to the first occupation of the building to which they relate. Subsequently, all these spaces shall be retained for parking purposes.  
REASON: In the interests of highway safety.
14. Within one month of the date of this permission, details of the measures to be taken to provide disabled access and facilities for people with disabilities, including parking for each of the units shall be submitted to and agreed in writing with the local planning authority. The agreed measures shall be fully implemented prior to the units first being brought into use.  
REASON: In the interests of highway safety and access.
15. Prior to any of the units being first occupied, details of the on-site lighting including security lighting shall be submitted to and agreed in writing with the local planning

authority. The lighting shall be implemented solely in accordance with the agreed details.

REASON: In the interests of usual amenity and safety.

16. Within one month of the date of this permission, the ground conditions on the remaining undeveloped part of the application site shall be subject to a detailed investigation to establish their suitability for the proposed end use. A historical investigation, sampling and analysis of current soils. site assessment and action plan to remedy any contamination must be agreed by the local planning authority in writing and carried out prior to the commencement of any other works in relation to the development on the site. The local planning authority is to be consulted at all key stages in this investigation process.

REASON: To prevent pollution.

17. With the exception of the variations of conditions as applied for, this permission is subject to all conditions and legal agreements attached to planning permission UTT/1382/01/FUL which shall remain in force.

REASON: To clarify the scope of this permission.

*Background papers: see application file.*

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## **UTT/1446/05/FUL - GREAT HALLINGBURY**

Change of use from garden/paddock to car park for the public house. Construction of new vehicular access.

Location: Hop Poles, Bedlars Green. GR/TL 523-202.  
Applicant: Mr & Mrs P Cullen  
Agent: BBS Chartered Building Surveyor  
Case Officer: Mr M Ranner 01799 510556  
13 week expiry date: 12/01/2006  
ODPM classification: MAJOR

**NOTATION:** Within Development limits (partly outside of development limits and within Countryside Protection Zone).

**DESCRIPTION OF SITE:** The site is located within the hamlet of Bedlars Green and comprises a Grade II listed public house with associated outbuildings. The area to the rear and side of the public house comprises an informal grassed area that currently acts as the pub garden. It borders the public highway on its southern and western boundaries and is enclosed in part by natural hedging.

**DESCRIPTION OF PROPOSAL:** This application seeks full planning permission for the change of use of part of the garden/paddock area to the rear of the public house to a car park to be used in association with the pub. A vehicular access is proposed adjacent to the eastern side of the public house on the sites southern boundary, which will access the 20 spaces provided by the car park. Currently parking is laid out directly opposite the site on a separate parcel of land, which is situated immediately to the south of the application site. This application is submitted in tandem with an outline proposal for a single dwelling to be sited on the existing car park.

**APPLICANT'S CASE:** The application is accompanied by a letter from a Landscape Ecologist who has carried out an assessment of habitats for Great Crested Newts at the application sites. A brief summary of the findings of this assessment are replicated below:

"The proposed development connected with Hop Poles at Bedlars Green is not considered to provide any potential for detrimental impact on Great Crested Newts. This is due to the unsuitability of areas of proposed landtake for supporting Great Crested Newts and the retention of any areas of peripheral vegetation/habitat of any small potential for newts. The only exception to this is the proposed loss of a very short section of low managed hedge to allow access to the proposed car park. The chances of newts using this section of hedge is considered to be minimal due to the unfavourable nature of the hedge as newt habitat (the managed nature of the underlying grass, the lack of connecting habitat and the adjoining close boarded fence) and the low potential of either of the ponds to support Great Crested Newts in their current state."

**RELEVANT HISTORY:** The site has an extensive planning history. Of most relevance to the consideration of this application however is the previous application pertaining to the site, which is detailed as follows:

UTT/0553/05/FUL Change of use from garden/paddock to car park for the public house. Construction of new vehicular access. Refused 1 June 2005. The application was refused for the following reason:

"The proposed vehicular access to the car park will be prejudicial to highway safety, and a potential danger to road users by virtue of its siting and design, which will only allow poor visibility for drivers exiting and entering the site, contrary to Local Plan Policy GEN1."

**CONSULTATIONS:** English Nature: Comments are summarised below:

“English Nature understands that the proposed development site is near to a pond which supports a population of Great Crested Newts, but that the proposals are very unlikely to affect them. We are therefore satisfied with the proposals with respect to Great Crested Newts, provided that the recommendations of Susan Deakin’s letter dated 15 September 2005 are adhered to in full.”

The Campaign to Protect Rural Essex: “Change of use of the garden to the rear of the public house to car parking would in our opinion be contrary to Local Plan Policies GEN2 and ENV3. It would have a harmful visual impact on the rural setting to the rear of the Hop Poles. This is almost entirely undeveloped and abuts both the Countryside Protection Zone and National Trust Land.

Contrary to Local Plan Policy GEN1, the new access will also compromise highway safety, and we question whether the car park access and layout are safe both for larger delivery vehicles and customers to manoeuvre within it. Only 20 spaces appear to be marked on the plan accompanying the application. This is a big reduction on the number of spaces available in the existing car park and is therefore likely to result in hazardous on-street parking and may ultimately undermine the viability of the rural facility of the public house, contrary to Local Plan Policy S3.

Without prejudice to the above objection, if the Council is minded to grant permission, we consider it vitally important that a condition be attached to prevent the use of the car park for Stansted Airport customer parking”

Essex County Council Highways & Transportation: No objections subject to the following conditions:

1. There should be no obstruction above 600mm, above the level of the carriageway of the adjoining county road, within the sight splays shown coloured green on the attached copy extract of the applicants plan.
2. Where the surface finish of a private access is intended to remain in unbound materials, the first 6m as measured from the highway boundary, should be treated with an approved bound material to prevent any loose material from entering the highway.”

**PARISH COUNCIL COMMENTS:** Object to the application. The main points of objection can be summarised as follows: -

- 20 spaces is considered insufficient for Hop Poles to remain viable.
- Lack of parking will encourage on street parking.
- The site already suffers from serious flooding and the development will exacerbate this problem.
- Protected plants are suspected of being present on the site of the proposed car park. An environmental study should therefore be undertaken.
- The position of the entrance is still regarded as being unsafe with site lines allowing only limited visibility for drivers. We question whether the new location is still within development limits.
- The arguments and recommendations for refusal pertaining to previous applications are still largely applicable to the current proposals.

**REPRESENTATIONS:** Three letters of objection have been received from local residents. Their main points of concern can be summarised as follows: -

- It would detract from the rural ambience of the village and the rural character of the site, which lies adjacent to the Countryside Protection Zone.
- The lack of parking provision will result in overspill parking and increased traffic movements, which is likely to cause disturbance to local residents.
- The lack of parking provision will not be sufficient to ensure that the public house remains viable.
- Insufficient space for larger vehicles e.g. delivery vehicles.

- Unsuitable development of an ancient meadow will result in the loss of many wild plants.
- The development will exacerbate the existing drainage/flooding problems in the village.
- It will have a harmful impact on the setting of the listed building.
- The access is sited within the Countryside Protection Zone and the removal of hedge and introduction of hard surfacing will be harmful to the CPZ.
- The siting and narrowness of the access will be detrimental to highway safety.
- The development will be harmful to the Great Crested Newts present in the area.
- The loss of the beer garden will be harmful to the amenities of the public house.

**COMMENTS ON REPRESENTATIONS:** The issues raised above that are material to the consideration of this application will be addressed in the following section.

**PLANNING CONSIDERATIONS: The main issues are**

- 1) impact of the development on the rural character of the area and the setting of the listed Public House (ULP Policies S3, S8, GEN2 & ENV2);**
- 2) highway safety (ULP Policies GEN1 & GEN8) and**
- 3) any other matters of material importance.**

1) The site lies largely within the development limits of the village although the access and the area immediately to the east of the car park fall within the Countryside Protection Zone (CPZ). The car park will not in the view of officers appear incongruous in the context of its surroundings or cause harm to the setting of the listed public house. Car parks of this nature are generally associated with public houses within rural areas and are usually located in close proximity to the main pub building and often to the rear of the building as proposed in this case. It is considered that it will not form a prominent feature within the rural setting of the village and in line with specialist design advice the sensitive use of soft and hard landscaping should ensure that the setting of the listed building is safeguarded. The loss of a small section of hedgerow is regrettable, however this alone is considered insufficient to warrant the refusal of the application as it will have minimal effects on the visual amenities of the locality. The entrance to the site is just located within the CPZ, however as no buildings are proposed the development will neither promote coalescence between the airport and existing development nor adversely affect the open characteristics of the Zone.

2) The previous application (UTT/0553/05/FUL) was refused on the basis of an inadequate access, which would be detrimental to highway safety. This application represents a revision to the earlier refused application as the access has been repositioned further to the east of the public house. This has allowed for better visibility to be achieved and consequently the Highways Authority are now satisfied that the access is acceptable in highway safety terms and has raised no objections to this revised scheme. A number of conditions have been recommended by the Highway Authority and in accordance with this advice; these have been suggested at the end of this report.

With regard to parking, although concerns have been expressed locally, the 20 spaces proposed accord to the maximum standards as set by policy GEN8 relating to public houses of this size. The Council would not be justified therefore in this case to require that parking spaces be increased in light of residents concerns relating to overspill parking and the viability of the public house.

3) Turning to ecological concerns, the site does not benefit from any designation that would indicate that the site is of ecological importance and English Nature is satisfied with the assessment that has been carried out by the qualified ecologist on behalf of the applicant



concerning Great Crested Newts. A suitable condition concerning protected species is recommended at the end of this report. On this basis the impact of the development on the ecology of the site is considered acceptable.

Similarly, although concerns have been expressed locally, with regard to flooding, there is no reason as to why surface water measures could be employed to help mitigate any affects of surface water run off from the development.

Finally the car park will result in the loss of part of the pubs beer garden however a considerable amenity area will remain to the rear of the public house for these purposes.

**CONCLUSIONS:** The visual impact of the development is considered to be acceptable and the highway safety concerns have now been overcome by the revisions made to the access in this revised scheme. Consequently, the proposed development is considered acceptable in light of development plan policies and so officers recommend that this application be approved subject to the suggested conditions.

**RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.4.1. Scheme of landscaping to be submitted and agreed.
3. C.4.2. Implementation of landscaping.
4. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the local planning authority prior to the commencement of development, and no external lighting shall be provided without such written consent. Reason: In the interests of the visual amenities of the area.
5. C.10.26. Standard Highway Requirements.
6. There shall be no obstruction above 600mm, above the level of the carriageway of the adjoining county road, within the sight splays shown coloured green on drawing ref: 01165/07 b hereby permitted. Reason: In the interests of highway safety.
7. Notwithstanding any provisions of the Town and Country Planning (General Permitted Development) Order 1995 the areas shown for parking shall be retained for such use. Reason: To ensure that adequate parking provision is retained at all times.
8. C.20.3. If Protected Species discovered get Licence from DEFRA.
9. C.25.3. Ban on Airport Related Parking.
10. Prior to the commencement of works, details of surface water control shall be submitted to and approved in writing by the local planning authority. Reason: To ensure that drainage is adequate on site to prevent possible flooding in the locality.

*Background papers: see application file.*

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## UTT/1448/05/OP - GREAT HALLINGBURY

Outline application for erection of a dwelling with all matters reserved except means of access.

Location: Land adj. Golden Jubilee Cottage, Bedlars Green. GR/TL 523-202.  
Applicant: Mr & Mrs P Cullen  
Agent: BBS Chartered Building Surveyors  
Case Officer: Mr M Ranner 01799 510556  
Expiry Date: 15/12/2005  
ODPM classification: MINOR

**NOTATION:** Within Development Limits.

**DESCRIPTION OF SITE:** The site is located within the hamlet of Bedlars Green and comprises a parcel of land that currently acts as a car park for Hop Holes Public House, which is located immediately to the north of the site on the opposite side of the highway. It comprises an unmarked partly gravelled area, which is screened by hedging along part of its western boundary. Grass and trees occupy part of the site adjacent to the eastern boundary and a strip of a National Trust Green abuts the sites northeastern corner. Residential properties are located to the west, east and south of the site, the most prominent of these comprising a large modern house sited adjacent to the sites southern boundary.

**DESCRIPTION OF PROPOSAL:** This application seeks outline planning permission for a single dwelling on the site with all matters reserved except for access. Submitted drawings depict the access on the northern boundary of the site and also show an indicative siting and footprint of a single dwelling. This application is submitted in tandem with a full planning application for the construction of an access and car park directly to the north of the site behind the public house.

**APPLICANT'S CASE:** The application is accompanied by a letter from a Landscape Ecologist who has carried out an assessment of habitats for Great Crested Newts at the application sites. A brief summary of the findings of this assessment are replicated below: "The proposed development connected with the Hop Poles at Bedlars Green is not considered to provide any potential for detrimental impact on Great Crested Newts. This is due to the unsuitability of the areas of proposed landtake for supporting Great Crested Newts and the retention of any areas of peripheral vegetation/habitat of any small potential for newts. The only exception to this is the proposed loss of a very short section of low managed hedge to allow access to the proposed car park. The chances of newts using this section of hedge is considered to be minimal due to the unfavourable nature of the hedge as newt habitat (the managed nature of the underlying grass, the lack of connecting habitat and the adjoining close boarded fence) and the low potential of either of the ponds to support Great Crested Newts in their current state."

**RELEVANT HISTORY:** The site has an extensive planning history. Of most relevance to the consideration of this application however is the previous application pertaining to the site, which is detailed as follows:

UTT/0578/05/OP Outline application for a dwelling with all matters reserved except means of access. This was refused on 01 June 2005 under delegated powers for the following reasons:

"The proposed development will result in the loss of all existing parking 'Hop Poles' Public House, which will lead to on street parking and give rise to additional traffic hazards, by virtue of parked vehicles on the highway impeding the free flow of traffic and causing danger

and obstruction to other road users, contrary to policies GEN8 of the Local Plan and T3 and T12 of the Structure Plan.”

“The proposed development will result in the loss of all existing parking for ‘Hop Poles’ Public House, which will likely lead to significant numbers of vehicles parking along the rural lanes in the vicinity of the public house, to the detriment of the rural character and appearance of the village contrary to policy S3 of the Local Plan.”

“The resultant loss of parking for ‘Hop Poles’ Public House will reduce the attractiveness of the facility for visitors who travel from outside of the immediate locality, which is likely to significantly harm the long term viability of the public house and jeopardise its retention as an important local facility contrary to the aims and objectives of Planning Policy Statement 7: Sustainable Development in Rural Areas.”

**CONSULTATIONS:** English Nature: Believes that the proposals are not likely to affect a Site of Special Scientific Interest.

Thames Water: No objections with regard to sewerage infrastructure.

Environment Agency: Forwarded standard letter to the applicant concerning small developments and private treatment plants.

National Trust: Commented as adjacent landowner and lodge a formal objection to the application on the following grounds: -

- The proposed dwelling would impact on the setting of the Hop Poles Public House, a Grade II listed building, and on the open character of the village green.
- The Trust is of the opinion that the proposal is not compatible with the open character of the village around the village green and as such is contrary to Policy H3 in the current Local Plan.
- The impact on the character of the village green is contrary to policy ENV3 in the Local Plan, and the effect on the setting of the listed building is contrary to policy ENV2.

The Campaign to Protect Rural Essex: Make the following comments:

“Although within development limits the erection of a dwelling on this site would be contrary to Local Plan Policies H3, GEN2 and ENV3. The character of the immediate surroundings is generally open with the village green and National Trust land and 2 listed buildings (The Forge and Hop Poles) in very close proximity. Any development on this site would undermine the environmental and visual qualities of these key features. Additional residential development in Bedlars Green is not sustainable as the hamlet does not have the range of amenities necessary to avoid excessive use of the private car.”

Essex Wildlife Trust: Make the following comments:

“Essex Wildlife Trust has a record of Great Crested Newts in the pond to the east of the proposal site. The pond centre is located at TL 5246 2031, which is within 50m of the proposed development site. As such it is theoretically possible that there may be GCNs present on the site (as they can disperse up to 500 m from a breeding pond). To go ahead and develop this site, if consented, without establishing the status of GCNs on site could be considered “reckless” under the Wildlife & Countryside Act 1981 (as amended). On a precautionary basis, we advise that the applicants employ a suitably qualified ecologist (GCN licence holder) to carry out an initial presence/absence survey next spring.”

**PARISH COUNCIL COMMENTS:** Object. The main points of objection can be summarised as follows: -

- The Parish Council is of the view that the latest development is reverting back to an earlier proposal for two houses, which has been refused.
- It would adversely affect the open setting of the village and the setting of Hop Poles, which is a grade II listed building.
- The plans include an area of National Trust land, which is misleading as it affects the proportions of the plot.

- The existing car park is used for the tuning circle for various large vehicles delivering to Hop Poles and other large vehicles.
- The development will exacerbate the existing flooding that occurs within the village.

**REPRESENTATIONS:** Five letters of objection have been received from four local households. Their main points of concern can be summarised as follows: -

- It would detract from the open character of the village and the setting of the nearby listed building.
- The loss of the car park will affect the future viability of the public house.
- The proposal will exacerbate existing flooding problems.
- Loss of parking area will result in insufficient space being available for delivery vehicles etc.
- The site includes land owned by the National Trust.
- A current boundary dispute should be resolved between the applicant and a local resident prior to determining the application.
- The car park has not been formally laid out as required by planning condition.
- Insufficient garden area for the proposed dwelling not in character with the larger gardens of other properties within the village.
- It should be noted that an appeal has recently been lodged by the applicant against the refusal of Uttlesford Licensing Authority to grant 24 hour drinking and entertainment license at the public house.
- Overbearing impact on Woodside Lodge.
- Represents over development of the site.

**COMMENTS ON REPRESENTATIONS:** The issues raised above that are material to the consideration of this application will be addressed in the following section.

**PLANNING CONSIDERATIONS: The main issues are**

- 1) **the impact of the proposed development on the character of the village and setting of the listed public house (ULP Policies S3, ENV2, ENV3 & H3);**
- 2) **highway safety (ULP Policies GEN1 & GEN8) &**
- 3) **any other material considerations.**

1) The site is situated within development limits wherein the principle of residential development is acceptable. Apart from the access this outline application seeks to establish the principle of siting a single dwelling on the site. The parcel of land is large enough in the view of officers to accommodate a single dwelling without it appearing cramped or congested within the plot and sufficient space exists to ensure that a sensitively designed dwelling should not appear overbearing to Hop Poles or be harmful to its setting in any other way. The car park itself does form an open 'undeveloped' space within the village; however it is not considered that in its own right it is of significant amenity value in terms of the contribution it makes to the appearance/character of the village. The National Trust Green which is located immediately to the north and east of the site comprises a small strip of land adjacent to the road. This will be retained and again providing any dwelling is sensitively designed and sited within the site and the types of boundary treatment are carefully controlled the setting of the green can be safeguarded with views of the green from the west and east unhindered. As a starting point it is also important to consider that the existing use of the 'open space' as a car park can in itself (when the car park is full with vehicles) have an undesirable affect on the setting of the adjacent green. In summary there is in the view of officers insufficient grounds for the Council to resist the development of this site based on open space, character/appearance issues.

In terms of the appropriateness of the location of the site in sustainable terms, the designation of the site and Bedlars Green within the local plan as a settlement with a defined development limit indicates the Councils recognition of the suitability of the village for the small infilling with new houses, taking into account the sustainability of the location.

2) The proposed development of the site will result in the loss of all existing parking to Hop Poles. An application (UTT/1446/05/FUL) has however also been submitted for consideration by the applicant, which seeks full permission to locate a new 20 space car park to the rear of the public house in order to compensate for the loss of existing parking facilities resulting from this proposal. This application is also recommended for approval (see accompanying report on agenda), which if approved should ensure that sufficient parking will be provided for the public house. With regard to the access, as the site is already accessed by a large number of vehicles at the point of the proposed access, I am satisfied that this application will not be detrimental to highway safety. This application is identical to the previously refused scheme (UTT/0578/04/OP) however as the revised car park application (UTT/1446/05/FUL) is now considered acceptable by officers this will overcome the previously quoted reasons for refusal which concerned the loss of the site as a parking facility to the public house.

3) With regard to protected species a detailed assessment of the site for Great Crested Newts has been carried out by a qualified specialist in accordance with Essex Wildlife Trusts advice, which has found that the chances of the site accommodating newts are minimal. A suitably worded condition is however recommended concerning protected species.

The Environment Agency has raised no objections to the application and has not indicated that the development is likely to give rise to flooding. Officers are satisfied that the development can be accommodated within the site without causing harm to neighbouring residential amenity. All of the concerns expressed by third parties have been noted and considered however there are no other reasons in the view of officers whereby this application fails.

**CONCLUSIONS:** For the aforementioned reasons, officers consider that the principle of developing the site with a single dwelling is acceptable in light of relevant development plan policies and so the recommendation is one of approval subject to conditions.

**RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS.**

1. C.1.1. Submission of reserved matters: 1.
2. C.1.2. Submission of reserved matters: 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. C.6.3. Excluding Permitted Development extensions and erection of freestanding buildings without further permission.
8. C.6.5. Excluding fences and walls without further permission.
9. C.11.3. Standard Vehicle Parking Facilities.
10. C.20.3. If Protected Species discovered get Licence from DEFRA.
11. No works shall commence on site until the car park and access approved under permission UTT/1446/05/FUL has been fully completed to the satisfaction of the local planning authority and is made available for visitors to the Hop Poles Public House. Reason: To ensure that the public house has sufficient parking, in the interests of highway safety and the rural character of the area.

*Background papers: see application file.*

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## UTT/1805/05/FUL – WIMBISH

Change of use from agricultural land to public open space. Alteration to vehicular access  
Location: Land adj Gunters Thaxted Road. GR/TL 551-364  
Applicant: Saffron Walden Town Council  
Agent: Mr M White  
Case Officer: Ms H Lock 01799 510486  
Expiry Date: 05/01/2006  
ODPM classification: MAJOR

**NOTATION:** Outside Development Limits.

**DESCRIPTION OF SITE:** This 9.4 hectare (23.2 acre) site is currently in use as arable agricultural land, and forms part of a wider farm that has recently been sold in lots. There is no vehicular access to the site at present. There is intermittent tree and hedge planting to boundaries, although the frontage to Thaxted Road is open. The land rises to the south and the west.

**DESCRIPTION OF PROPOSAL:** It is proposed to change the use of the land to public open space. Vehicular access is proposed in the northeast of the site, and an access road would lead to a parking area in the centre. The site is effectively two large fields linked by a smaller section, and it is the latter that would form the car park, thereby serving both of the fields. The bell mouth and first ten metres into the site would be finished in tarmac, and the remainder in rolled hoggin.

**APPLICANT'S CASE:** Saffron Walden suffers from a dearth of playing fields. The National Playing Fields Association (NPFA) recommend a minimum of 2.4 hectares (6 acres) per 1,000 population, meaning the town should have a minimum space of 36.4 hectares (90 acres) – it has 15.75 hectares (39 acres), including areas such as The Common which is no longer suitable for organised sport.

For over 25 years the Town council has been trying to acquire playing field land. Playing field space has reduced as space available to local sports clubs at Bell College, Friends School and the County High School has been redeveloped.

Despite its location beyond the Town Development Limits, the Town Council believe the proposed site is sustainable. At present youth football teams use pitches and training facilities as far afield as Newport, Quendon, Wimbish and Linton. The only public playing fields in the town are at Herberts Farm, and its 3 hectares has to accommodate 24 youth teams. The proposal would accord with Local Plan policies LC3 and LC4.

It is essential that the site is kept open and as rural in appearance as possible and will be happy to discuss any proposals for hedging and fencing. There is no intention to provide any floodlighting at the site. Any proposals to erect a pavilion would be subject of another application.

**CONSULTATIONS:** TOPS: Any comments received to be reported.

Serco: Pipelines in vicinity could be affected by any development.

UDC Policy: No objection in principle. Although there may be sustainability issues the lack of available and suitable land nearer the town means that people will have drive to an appropriate location.

UDC Leisure: To be reported (due 1 December 2005).

**PARISH COUNCIL COMMENTS:** The application is made by Saffron Walden Town Council. No comments have been received from Wimbish Parish Council (due 10 December).

**REPRESENTATIONS:** This application has been advertised and 2 representations have been received. Period expired 5 January 2005

1. No objections as long as it is only used for daytime sports, dog walking, etc, that the space is kept litter free and the car park is secured at night. Would have very strong objections to the erection of any lighting or use of site for travelling fairs, concerts or any other activity that would be noisy and disruptive to the peace of the current area.

2. Land is outside development limits immediately adjacent to our house. Will have serious detrimental effect on our amenity, and destroy uninterrupted view from garden to Saffron Walden Church. Proposal will cause disruption from construction traffic, extra traffic levels and noise associated with sporting activities. Must involve additional lighting around fields and in entry roads and car park, causing light pollution to current "dark sky". Speed limit is not commensurate with access to such a site. Would not be a general public benefit as only accessible by car, as some distance from town and there are no footpaths or recognised bus route. Expedience is not sufficient reason. Concern at any licensed facilities on site. Appears to be a speculative application. Whilst it is laudable that the Council should seek to provide appropriate playing facilities the proposed location and access is inappropriate and would result in severe and permanent loss of amenity and landscape.

**COMMENTS ON REPRESENTATIONS:** Issues of highway safety are addressed below. Loss of view is not a material planning consideration. The issue of any community buildings is not for consideration at this stage, and would be dealt with on their merits if any application is submitted. The use of the site can be limited by condition. The hours of use would be restricted by the lack of floodlighting and would not need further control.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) whether this is an appropriate re-use of land outside development limits, & is in a sustainable location (ERSP Policies CS2 , C5, LRT4 & NR8, & ULP Policies S7, ENV5, LC3, & LC4);
- 2) highway safety (ERSP Policies T3 & T12 & ULP Policies GEN1 & GEN8) and
- 3) other material considerations (including Policy LC6).

1) This site is outside Development Limits, 1km from the junction with Peaslands Road. The site is currently open and rural in appearance, and it is considered that subject to sensitive landscaping and surface finishes, the proposed use would retain this openness.

Policy LC4 (Provision of outdoor sport and recreational facilities beyond settlement boundaries) would be supportive of the proposal. Policy LC2 (Rural Community Facilities) would support such proposals where the need for the facility can be demonstrated (*there is a clear shortfall in provision to serve the town*), the need cannot be met on a site within the boundaries (*Land in Saffron Walden is very limited, and where it is available it is generally needed to meet the development needs of the town*), the site is well related to the settlement (*this site is 1km from the development limit, but with the development of the employment allocation on the opposite side of the road, it is considered that this is sufficiently close to be regarded as well related to the town*).

Given the distances that residents currently have to travel to gain access to facilities of this nature, it is considered that this site is, on balance, in a more sustainable location, and has sufficient benefits to warrant the grant of planning permission. It is accepted that there is a

lack of public footpaths/cycleways to the site, and that the primary means of travel to the site will be by private car. A condition for secure cycle storage is recommended.

The proposed access road and highway works would have a visual impact on the appearance of the countryside, but it is not considered that this effect would be so harmful to warrant refusal, given other developments in the vicinity.

2) No response has been received from the highway authority. Visibility is unrestricted to the south as the site is very open, although works would be required to reduce the banking. To the north the planting is set sufficiently far back not to obscure visibility. There are other access points along this stretch of road, and it is not considered that the level of traffic to be generated would be so high that highway safety would be compromised by a further access point.

There is no parking standard appropriate to this type of use, but the area indicated would accommodate over 100 vehicles. This would be more than adequate to accommodate a use of this nature (further details would be required by condition).

3) This would make a significant contribution towards providing open space to serve the local population, and although the town would still not have access to the level of provision recommended by the NPFA, the shortfall would be greatly reduced. The impact of any future sports facilities would have to be considered at that time, and on their own merits.

Although an area of land to the west of Little Walden Road has been allocated in the District Plan to provide a community centre and playing fields as part of a mixed development scheme, the prospect of this being achievable in the near future cannot be guaranteed, and would in any event not provide all the land needed to meet the requirements of the NPFA.

**CONCLUSIONS:** The proposal, although outside development limits, would accord with Council policy and would make a positive contribution towards the provision of public open space to serve the town.

### **RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.6.2. Excluding fences and walls without further permission.
6. Notwithstanding the provisions of Schedule 2, Part 12 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no buildings, works or equipment shall be sited on any part of the site without the prior written permission of the local planning authority.  
REASON: To ensure the site retains its open character and appearance, and to avoid the introduction of urban features that would detract from the setting.
7. There shall be no floodlighting or other means of lighting erected within the site, including the car parking area and access road, or on its perimeter without the prior consent in writing of the local planning authority.  
REASON: In the interest of preserving the rural character and appearance of the site, and to avoid nuisance to residents in the vicinity.
8. The public open space hereby permitted shall not be used until provision has been made for the parking of vehicles visiting the site in accordance with a scheme to be submitted to and approved by the local planning authority in writing. This area shall not thereafter be used for any purpose other than the parking of vehicles



REASON: In the interests of highway safety and the amenity of residents in the vicinity of the site.

9. The land subject of this permission shall be used solely as informal public open space and playing fields, and shall not be used to host public entertainment events.

REASON: In the interests of highway safety and the amenity of residents in the vicinity of the site.

10. No development shall take place or the land used as playing fields/public open space, until the vehicular access to the site and works to create appropriate sight splays have been constructed, in accordance with details first submitted to and approved in writing by the local planning authority. The sight splays shall thereafter be retained free of obstruction.

REASON: In the interests of highway safety.

11. Prior to the commencement of the development or the first use of the land as playing fields/public open space, details of secure cycle storage for at least five cycles shall be submitted to and approved in writing by the local planning authority. Such provision shall be provided prior to the first use of the land as playing fields/public open space.

REASON: To encourage travel to the site by means other than car, in the interest of sustainability.

*Background papers: see application file.*

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## **UTT/1889/05/REN – LINDSELL**

Proposed renewal of temporary planning permission for change of use of part of barn to agricultural workers dwelling to permanent use

Location: Templars Farm. GR/TL 640-281  
Applicant: D R Stokes  
Agent: Ms K Wood  
Case Officer: *Mr Y Falana - 01799 510464*  
Expiry Date: 12/01/2006  
ODPM classification: OTHER

**NOTATION:** Outside Development Limits / Settlement Boundaries (ULP Policy S3).

**DESCRIPTION OF SITE:** The application site known as 'Templars Farm' comprises an agricultural field of approximately 1.2 hectare (3 acres) with two hen houses accommodating some 1250 free range hens, an open fronted storage barn and the converted barn subject of this application.

The subject converted barn is a 2-storey wooden clad building. The first floor is entirely residential with accommodation arranged to include a bedroom, lounge and combined bathroom and WC. The ground floor has two rooms, hall, plus a toilet. One of the rooms is used for egg grading and storage, whilst the other is a kitchen used both in connection with the applicant's egg business and in connection with the residential use.

The site is located towards the northern end of Lindsell. Lindsell is a rural village in the countryside. The village has a linear pattern of settlement with detached houses occupying large plots. There is a group of tightly knit properties some 200 metres to the south.

The site is screened by hedges and native scrubs planting.

**DESCRIPTION OF PROPOSAL:** The applicant seeks planning permission for permanent renewal of the temporary planning permission granted on appeal under ref. APP/C1570/A/02/1104500 in July 2003. The appeal allowed, was made against a refusal to grant planning permission on application ref. UTT/1022/02/FUL for a change of use of part of the barn to agricultural worker's dwelling (retrospective).

The proposal relates to part of barn, the exception being the ground floor room currently used as the egg grading and storage room.

Effectively, this proposal seeks modification to the Condition 'D' conveying the duration of the temporary permission being three years from date of decision 08-07-2003 as stated in the Inspector's Appeal Decision Ref. APP/C1570/A/02/11104500.

**APPLICANT'S CASE:** See the agent's letter received 17 November 2005 attached at end of report, supporting case detailed on the 8-page re-submission made in respect of the 2003 appeal may be inspected at Council Offices London Road Saffron Walden, Essex and on our website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk).

**RELEVANT HISTORY:** The barn has a planning history involving planning permission on appeal for its conversion to residential use in 1986 (ref. UTT/0182/86) and most recently, in 2002 (ref. UTT/1022/02/FUL).

The residential conversion of this barn was allowed on appeal in 1986 in its previous location, then moved to an adjacent site where it was granted permission for a new dwelling in 1989 and is now known as 'The Lodge'. On completion of the dwelling house, the barn was moved and subsequently re-erected in its present location, as Permitted Development.

In 1997, the previous owner's application ref. UTT/0819/96/FUL was refused permission on grounds that the proposal failed the agricultural functional test in connection with the need by the horticultural enterprise. The Council's decision was upheld on appeal as the proposal would have introduced a domestic character into the countryside.

In 2003, the barn was granted retrospective permission on appeal for a temporary period that would be appropriate to enable the unit to become established over three years, in accordance with Annexe I of PPG7, now replaced by the Planning Policy Statement (PPS) 7.

Prior to July 2003, the barn was occupied without permission for some two years by an agricultural worker in connection with the applicant's egg business and this breach of planning regulations gave rise to enforcement action for unauthorised residential use of the barn. The Council's reasons for refusal of permission then was based on the proposal failing the functional test with concerns about the effect of domestication of the site on the character and appearance of the surrounding rural area.

**CONSULTATIONS:** None.

**TOWN/PARISH COUNCIL COMMENTS:** Lindsell Parish Council notified 17-10-2005. Notification period expired 17-12-2005 – Response to be notified.

**REPRESENTATIONS:** Three neighbours letters sent 17-11-2005. Notification period expired 08-12-2005. No response received.

**COMMENTS ON REPRESENTATIONS:** None.

**PLANNING CONSIDERATIONS:** The main issue is whether the Council's reasons for refusal have now been overcome since the residential conversion of this barn was allowed on appeal in July 2003 to the present time.

**(ODPM PPS 7, ERSP Policies C5 and RE2, ULP Policies H12 and GEN4).**

**Whether suitable alternative residential accommodation is available within close proximity of the application site.**

Planning Policy Statement 7 (PPS7): *Sustainable Development in Rural Areas* replaces planning policy guidance notes (PPG 7): *The Countryside – Environmental Quality and Economic and Social Development*. In the meantime the Annexe of PPG7 remains in force. Paragraph 114 in Annexe I of PPG7 advises on the five criteria, which should be satisfied if temporary accommodation is to be provided to meet an essential need to support a new farming activity. These criteria: are evidence of a firm intention and ability to develop the enterprise, functional need, evidence of planning on a sound financial basis, whether another dwelling is available and other normal planning requirements.

Policies C5 and RE2 of The Essex & Southend-on-Sea Replacement Plan provide advice on the nature of development and adaptation of rural buildings considered appropriate within the rural areas. The policies require that development should be well related to existing patterns of development and of a scale, siting and design sympathetic to the rural landscape character.

The Uttlesford Local Plan Policy H12 deals with Agricultural Workers' Dwellings. It advises that new dwellings or the conversion of existing buildings for such a purpose may be approved if it can be demonstrated that there is an essential need for someone to live permanently on site to provide essential care to animals at short notice; and in addition, the scale of the proposed dwelling relates to the needs of the agricultural enterprise. Policy GEN 4 in the adopted local plan seeks to ensure that there would not be any detriment to neighbour's amenities.

There are three tests to guide the decision: functional, scale and financial.

The functional test is necessary to establish whether it is essential for the proper functioning of the poultry enterprise for a worker to be readily available at most times to provide essential care to animals or processes or property at short notice.

The applicant's egg business has been established for some 20 years, although it has been at various locations including Clavering and Barkway. The hen houses which he uses are totally devoid of automation and thus much more labour-intensive than many other forms of egg production.

The site at Lindsell commenced egg production in early 2002 and has become a fully operational Free Range Egg unit. Since 2002, the applicant has applied for and been granted permission for a second hen house for some 1,000 hens. Between 1200 and 1500 birds have been on the site roaming freely and occupying the approved hen houses.

Currently there are some 1250 Bovan Goldline hens on the site. These are a hybrid bird noted for high yields and a longer laying cycle. Strict management is necessary to ensure high yields and would require a worker readily available throughout day and night to look after the hens. The hens are let out at dawn, when the first of the four feeds of the day is given and water levels are checked. A small number of eggs are collected at this time. Further egg collections are made and feeds given during the day before the hens are put to bed at dusk.

The converted barn has been continually occupied by the worker and their partner since that time. The worker has received remuneration at the current wage agreed with the National Farmers Union for farm workers. A condition tying occupancy of the dwelling to an agricultural worker would be imposed to reflect the current planning policy for this area of countryside where new dwelling units are not normally permitted unless there is an agricultural need.

In terms of the scale, a condition restricting permitted development rights would ensure restricting the size of dwelling to one which can be justified by the size of the enterprise and thus, limiting the impact on character and appearance of the area.

Closely allied with this requirement of control in the relative size of dwelling, is the necessity to avoid any severance of land from the existing Templars Farm unit, which might erode the need for the agricultural worker's dwelling. This concern can be addressed by introducing a condition in any related permission requiring that the area of land forming the Templars Farm unit, shall remain as one planning unit and the dwelling being part of that same unit.

The financial test is required to prove that the farming enterprise is economically viable. The agent's financial case has been considered and it is agreed that the estimated annual profit of over £21k would meet this test. The market forces for the egg production business have been largely determined by the organic status of eggs production and it is anticipated that this will continually raise egg prices.

Templars Farm is well screened from public view by the hedges surrounding the site. The hedge separating the site from the plot containing Templars is now well established. The barn is sufficiently far from the boundary for it to have no unacceptable impact on occupiers of Templars. Apart from the limited view from Templars, the barn is only visible from outside along the access drive.

In terms of availability of a suitable alternative residential accommodation within sight and sound of the Templars Farm unit, the only other property within its close proximity is Templars. Templars was owned by the applicant's until sold. If Templars had not been sold, it would have provided residential accommodation from which the operation at Templars Farm could have been run. According to the applicant, the site at Clavering is within sight and sound of Templars on the opposite side of the road and the arrangement in place is for workers living at Templars Farm to provide the necessary 'out of hours' cover.

**CONCLUSIONS:** The applicant's circumstances in respect of the barn at Templars Farm since establishing in 2002 and in particular over the period spanning July 2003 the appeal was allowed to the present time, demonstrate clear evidence of a firm intention to develop the enterprise, functional need and soundness of the financial basis of the enterprise. The proposed permanent residential occupation of this barn, would not introduce a domestic character to this predominantly rural area by virtue of the paraphernalia associated with use as a dwelling result in the domestication of the site.

The grant of planning permission is recommended, subject to the three conditions listed below, for permanent change of use of the barn to residential, with the exception of the ground floor room, marked on the submitted plans as the egg storage and grading room.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.18.1. Restriction On Occupation: Agricultural Occupancy.
2. C.6.2. Control Over Permitted Development Rights: Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
3. The area of land forming the Templars Farm unit at the date of appeal decision ref. APP/C1570/A/02/1104500 shall remain as one planning unit and the dwelling hereby permitted shall remain part of that same planning unit.  
REASON: To prevent domestication of the site and harm effects on the character and appearance of the surrounding rural area.

*Background papers: see application file.*

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## **UTT/1946/05/REN - SAFFRON WALDEN**

Renewal of planning permission UTT/1721/04/REN dated 26-11-2004 (1229/03/FUL) for temporary installation of 15m high telecommunications mast, 3 No. dishes, equipment cabin, ancillary equipment and compound

Location: Shirehill Works. GR/TL 548-381.  
Applicant: Airwave Oz Ltd  
Agent: Stappard Howes  
Case Officer: Mr S Kuschel 01799 510629  
Expiry Date: 20/01/2006  
ODPM classification: MINOR

**NOTATION:** Within Development Limits of Saffron Walden and within an area safeguarded for employment purposes.

**DESCRIPTION OF SITE:** The application site is located on land within Shire Hill Industrial Estate associated with Pedley Furniture. The site is partially fenced-off from Shire Hill with 1.8 metre high metal fencing with some landscaping in front. There are numerous vehicles parked and stored in connection with the Furniture business on the site. There is an existing mobile telecommunications mast adjacent to the site in question and lighting columns are also visible in the skyline.

**DESCRIPTION OF PROPOSAL:** Renewal of planning permission UTT/1721/04/REN dated 26-11-2004 (1229/03/FUL) for temporary installation of 15 m high telecommunications mast, 3no. dishes, equipment cabin, ancillary equipment and compound.

**APPLICANT'S CASE:** The temporary mast will be required for a further 12 months as unfortunately the proposed permanent site, being adjacent T-mobile site share, is still suffering from delays in the acquisition and planning process. T-mobile obtained planning permission for both Airwave and Orange to share the mast. Since then Vodafone have applied to share the mast, which requires a further planning consent. Airwave therefore anticipates that T-mobile will receive planning consent, and the single mast can then be constructed to accommodate all of the operators within the next 12 months.

**RELEVANT HISTORY:** On 22 September 2003, Members agreed to the temporary approval of this mast for one year. This time limit expired on 30 September 2004, and planning permission was again renewed.

**CONSULTATIONS:** UDC Environmental Health: No Comments.

**TOWN COUNCIL COMMENTS:** Comments due by 28-12-05.

**PLANNING CONSIDERATIONS:** The main issue is whether the proposed temporary mobile telecommunications base station is an acceptable form of development at the proposed location (ULP Policy T4).

Proposed Modifications to the Deposited Plan (Policy T4) states that Telecommunications equipment will be permitted if the following criteria are met:

- a) *"There are no practical alternatives such as mast sharing;*
- b) *There is a technical requirement for the equipment that outweighs its visual impact;*
- c) *The equipment is designed and located so as to reduce its impact as far as possible; an*

- d) *The proposal complies with the safety requirements of the International Commission on Non-ionising Radiation Protection (ICNIRP)."*

The key considerations therefore are whether there are any practicable alternatives such as mast sharing and whether the technical requirement for the equipment outweighs its visual impact.

The development provides radio coverage for the Police Force in and around Saffron Walden. The coverage maps supplied with the original application show the situation without the proposed mast, with the proposed mast and the mast in isolation. The yellow areas show the greatest strength of coverage. The developers are currently involved with achieving a site sharing agreement at the Council Offices in Saffron Walden regarding the use of a mast already approved on this site but, in the meantime, a further temporary solution is required to provide coverage in this area until the permanent system is in place. It is envisaged that the development will only be required for a period of no more than a further twelve months and will be removed afterwards.

The development meets the safety guidelines stipulated by ICNIRP (International Committee for Non-Ionising Radiation Pollution) and therefore would prove difficult to refuse on health grounds alone, especially as there are very few residents within the immediate locality.

From a visual perspective, the mast is satisfactory with the context of its surroundings. Landscaping schemes would seem inappropriate for a temporary structure and the general visual quality of the area could not justify an alternative to the design. Other masts have been approved in close proximity to employment areas within the district and indeed there is a mast within twenty metres of this one, which has a greater visual prominence.

**CONCLUSIONS:** On balance, it is considered that, in view of the constraints regarding the provision of communications facilities in Saffron Walden to cater for the Police Force within the immediate timescale as well as the technical need for such facilities, such requirements should outweigh the potential visual impact of the proposed development. The temporary nature of the proposal could be confirmed with planning conditions to prevent long-term use of this site for other mainstream users. This site may not be appropriate for long-term use and should be limited to a maximum of one year. On balance therefore, the renewal of this scheme should be acceptable.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. The development and uses hereby permitted shall cease operation on or before 31 December 2006 and any apparatus or structure provided in accordance with the permission shall be removed from the land within 28 days of the expiry of this permission or cessation of the use (whichever is the sooner) and the land shall be restored to its original condition before the development took place, unless agreed otherwise in writing with the local planning authority.  
REASON: The application is approved on a temporary basis only in view of technical and operational requirements for the equipment and its intended use.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions shall be constructed to this mast without the prior written permission of the local planning authority.  
REASON: To protect the character and appearance of the area.
3. The mast hereby approved shall only be used by the Emergency Services.  
REASON: The site is not suitable for a mast for commercial mobile telecommunications use.

*Background papers: see application file.*

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## **UTT/1971/05/FUL - STANSTED**

Eight two-bedroom terrace dwellings and a pair of semi-detached dwellings. Carriageway widening, provision of footpath and vehicle turning area.

Location: Land west of 8 Water Lane. GR/TL 512-247.

Applicant: Newell Properties Development

Agent: Smart Planning Ltd.

Case Officer: Mr T Morton 01799 510654

Expiry Date: 25/01/2006

13 week date: 04/03/2006

ODPM classification: MAJOR

**NOTATION:** Inside Development Limit,

**DESCRIPTION OF SITE:** This is the former site of the town gasholder, but is not now used for any active purpose, and has become colonised by self-sown tress and scrub. It sits beside the Stansted Brook on land that rises up to Water Lane, and has access from Water Lane. This lane is narrow, but serves a number of existing residential properties and lock up garages, and a commercial building. The lane is surfaced up to the beginning of the site, but is then unsurfaced.

Across the river, the ground rises to a row of houses in Sunnyside that back onto the river.

**DESCRIPTION OF PROPOSAL:** The application proposes a row of 8 two-bedroom houses and a pair of two-bedroom houses, with the widening of the lane, and provision of a new turning head.

**APPLICANT'S CASE:** The application is accompanied by a flood risk assessment and soil site investigation. These are discussed further in the appraisal section of this report. A planning statement has also been submitted which describes the site and surroundings, and refers to a TPO made by Essex County Council (TPO/9/53/25, which affects a large Birch tree on adjacent land outside the boundaries of this site. This tree would not be affected by the development. Within the site two Willow and two Sycamore trees close to the river can be retained, but not of good form and would be set within gardens where they would not have a high public amenity value.

The prevailing form of development of the locality is described as terraced and semidetached set fairly close to the road, and the width of Water Lane is noted as not entirely conducive to convenient and amenable traffic movements. The development has thus been designed to dedicate land to widen the carriageway and enable two vehicles to pass along the entire frontage, also allowing vehicles to turn into the new terraced properties. The town house terrace form is placed fairly close to the lane in a characterful manner, and lends itself to cycle storage. The site is quite able to accommodate this form of development given that it lies lower than Woodfield Close to the north, and falls away from 1-8 Water Lane. The aspect southwards is over the railway line. The houses would step down with the grading of Water Lane. A new turning area is provided to enable service vehicle and visitors to turn around easily. The mix of housing proposed is consistent with Policy H10 Housing Mix and the preference for small dwellings stated there.

**CONSULTATIONS:** Thames Water: Waste Comments -

Thames Water must recommend that the applicant consults with the Thames Water Development Control Department on telephone number 01923 898072 who will determine the ability of the local sewers to dispose of foul and surface water. If investigations find that



insufficient capacity is available, Thames Water will provide the additional capacity as soon as is practicable. To ensure Thames Water has sufficient lead-in time to provide such additional services we would like the following condition to be imposed –

"Development shall not commence until details of on site drainage works have been submitted to, and approved by, the local planning authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed"

or in the case of off-site drainage works a Section 106 Agreement be recommended for the development. Thames Water would then recommend the following clause be included –

"Not to commence the development or any part thereof unless and until a) details of off site foul and surface water drainage have been approved in writing by the Planning Authority in consultation with the Sewerage Undertaker and b) arrangements have been made to satisfaction of the Planning Authority, in consultation with the Sewerage Undertaker for the provision of adequate foul and surface water drainage for the whole of the development. Such drainage should be secured where appropriate by means of a public sewer requisition pursuant to sections 98 to 101 of the Water Industry Act 1991."

Reason - To ensure that the foul and / or surface water discharge from the site shall not be prejudicial to the existing sewerage system.

Surface Water Drainage –

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, watercourses or surface water sewer. It must not be allowed to drain to the foul sewer as this is the major contributor to sewer flooding. Thames Water recognises the environmental and economic benefits of surface water source control and encourages its appropriate application where it is to the overall benefit of our customers. Hence, in the disposal of surface water, Thames Water will recommend that the Applicant a) Looks to ensure that new connections to the public sewerage system do not pose an unacceptable threat of surcharge, flooding or pollution b) check the proposals are in line with advice from the DETR which encourages, wherever practicable, disposal on site without recourse to the public sewerage system - for example in the form of soakaways or infiltration areas on free draining soils c) looks to ensure the separation of foul and surface water sewerage on all new developments.

Where disposal of surface water is other than to a public sewer, then the applicant should ensure that approval for the discharge has been obtained from the appropriate authorities.

Environment Agency: Objection 1: The flood risk information submitted in support of the application is not acceptable to the Environment Agency for the following reasons:

The submitted Flood Risk Assessment states that a floodplain compensation scheme is required to mitigate flooding for the 100yr flood event with an allowance for climate change. However, no details have been submitted to demonstrate how this is to be achieved.

This site is located in Flood Zone 3, which is the high-risk zone and is defined for mapping purposes by the Agency's Flood Zones.

Flood Zone 3 refers to land where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year) or 1 in 200 years or less from tidal/coastal sources (i.e. a 0.5% or greater chance in any given year).

Resolution 1: The applicant should update the Flood Risk Assessment to include floodplain compensation proposals.

Objection 2: The proposals include development in close proximity to the Stansted Brook. This will prejudice flood defence interests and adversely affect the character of the watercourse, and restrict necessary access to the watercourse for the Environment Agency to carry out its functions.

Resolution 2: After discussing the site with the Flood Defence Inspector for the area, I have been informed that a 5m buffer between the watercourse and the property boundaries is required for maintenance purposes. Please note that this may not be the same as Fisheries and Biodiversity requirements.

(Note to Local Planning Authority : Under the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any works in, over, under or within 8m of a main river, or 16m landward of a main tidal river flood defence structure, irrespective of any planning permission granted. It is likely that such consent will be withheld in this case).

**PARISH COUNCIL COMMENTS:** To be reported (due 6 January 2006).

**REPRESENTATIONS:** This application has been advertised and 8 representations have been received. Period expired 28 December 2005.

The letters raise a number of issues in common, the narrow nature of the lane and its use as a footpath, particularly by children, the risk of the site flooding, or of development causing the flooding of other adjacent land, the contamination risk from the site, disputes about the actual site boundary, and overlooking of properties in Sunnyside affects their outlook. Loss of existing vegetation, disturbance from construction, effect on house values.

**COMMENTS ON REPRESENTATIONS:** The concerns are noted. The lane already serves many properties, even though part of it is surfaced, and it is therefore difficult to say that it is not adequate. The section to the front of the site would be considerably improved, which offers a general benefit. The houses in Sunnyside are the other side of the Brook, and their back gardens face this site. The relationship would be back garden to back garden with a spacing fairly typical of opposing rows of houses in towns, this would not be a justifiable reason for refusal. The Council has no records of legal site boundaries, the applicant has declared ownership of the site.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) principle of development (ULP Policy S1);
- 2) design detail (ULP Policy GEN2);
- 3) highways and parking (ULP Policy GEN8);
- 4) effect upon wildlife (ULP Policy GEN7)
- 5) flood risk (ULP Policy GEN3)
- 6) contamination
- 7) drainage provision.

**Other material planning considerations.**

- 1) The site is within the Development Limit of Stansted where Policy S1 accepts development if compatible with the character of the settlement. Stansted has a very tight urban character with narrow lanes and properties placed close to the carriageway, to give a very strong character and form to the town. The proposal is thus considered to be consistent with the character of Stansted. The proposed density, of 10 houses on a site of 0.401 hectares is 25 dwellings per hectare, not a particularly high figure.

- 2) The terrace has a regular repeated rhythm which will give it a strong unity of design, but with interest added by stepping the terrace down to follow the slope of the land, and setting the houses back in pairs to break the overall mass. The terrace form relates well to the existing terrace at 1-8 Water Lane, and to the overall character of Stansted. The semidetached pair is of a differing design, and is placed where they will form a focal point along the curve of the lane. This will all help to create interesting streetscape.
- 3) The limitations of the lane are noted, however it appears to work well enough to serve the needs of the occupiers of the premises presently here. The development will improve the section of the lane that it fronts, by providing a widened and surfaced carriageway, with a turning head that will be a general benefit. Parking provision is on the basis of two spaces per dwelling, which meets the guideline standard for this size of house.
- 4) The site is currently overgrown and free from human disturbance.
- 5) The comment of the Environment Agency are noted. The Flood Risk Assessment models the river flows and site levels and concludes that the new buildings will be constructed with a minimum floor level of 300mm above the 1 in 100 year event flood level. The proposal may partially impinge upon the active fluvial plane and this compensation on an area-for area basis is shown. A safe route for escape to adjacent areas unaffected by flood events is available. The Environment Agency requirement could be conditioned for a more detailed survey prior to commencement. The buffer strip requirement could not be the subject of a planning condition. Loss of that area as an amenity space for residents would be an issue in planning terms. Existing gardens in the area come right to the waters edge and it not understood why the situation should be different for new ones.
- 6) The contaminated soils survey concludes that the site has contamination underground of metals and tars from the former gasworks use. The report recommends location of underground pipes and tanks and all pumpable liquids, with any pipes left sealed. The site may not be best suited to domestic housing and allotments and may be best suited for light industrial use. It would appear that considerable work would be required to remove or treat the contaminated ground. The applicant suggests a condition to require a second phase of investigation.
- 7) The comments submitted by Thames Water indicate that the current sewer provision is not considered to be adequate, and works would be required. It is not clear whether these would be on-site and therefore could be secured by condition, or off-site in which case a Section106 Agreement is preferable. A Grampian style condition could be used as an alternative mechanism.

**CONCLUSIONS:** In design and layout terms the proposal fits in with the grain of Stansted, and achieves a satisfactory size of amenity areas, and parking provision. The widening of the lane addresses concerns about access and turning, an improved the lane for all users. The Flood risk appears to have been addressed. The ground contamination issue is less well studied, and there is evidently a problem to be solved, but the applicant requested consent with the contamination to be covered by a condition required more detailed study and a remediation plan to be agreed. Unless the Environment Agency objects to this approach, this is considered acceptable.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.5.2. Details of materials to be submitted agreed and implemented.
3. C.3.1. To be implemented in accordance with approved plans.

4. .C.6.2.Excluding all rights of permitted development within the curtilage of a dwelling house without further permission
5. Before commencement of development, a full survey shall be carried out of the site to establish the nature, distribution and quantity of contaminated material in the soil, and the risk that they pose to the terrestrial and water environment. The study shall include a remediation strategy to make the site fit for the approved use. The study and remediation strategy shall be approved in writing by the Local Planning Authority before commencement of development and shall be implemented in all respects as agreed.  
REASON: To address soil contamination safely, and to prevent pollution.
6. The houses to be constructed shall have a ground floor level a minimum of 300mm above the modeled flood levels contained in section 5 of the Floods Risk Assessment submitted with the application.  
REASON: To minimise the flood risk to the new dwellings hereby approved.
7. The garages and parking spaces approved in the development shall be retained for the purposes of the parking of vehicles only and shall not be used or converted for any other purpose.  
REASON: To ensure the retention of the off street parking provision included in the design to avoid obstruction of the highway.
8. The applicant shall submit an updated Flood Risk Assessment prior to commencement of development to include floodplain compensation proposals. The submission shall be approved in writing by the Local Planning Authority before commencement and shall be implemented as approved.  
REASON: to protect the site and surroundings from flood events.
9. No development shall commence until details of energy-efficient construction materials and processes, including measures for long-term energy and water efficient use of the building, have been submitted to and approved in writing by the local planning authority. These measures should promote the use of renewable resources and involve sustainable drainage, heating and power systems. The building shall be constructed in accordance with the agreed materials, processes and systems, and shall thereafter be maintained in the approved form.  
REASON: In the interests of sustainability.

*Background papers: see application file.*

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