

UTT/0076/06/FUL – BIRCHANGER/STANSTED	2
UTT/0015/06/FUL - SAFFRON WALDEN	7
UTT/1122/05/FUL - BIRCHANGER.....	10
UTT/2075/05/FUL - SEWARDS END.....	13
UTT/0178/06/FUL - GREAT DUNMOW	16
UTT/0198/06/FUL - SEWARDS END.....	17
UTT/0055/06/FUL - LANGLEY	19

UTT/0076/06/FUL – BIRCHANGER/STANSTED

Variation of conditions C.1.3. (Time limit for submission of reserved matters) and C.1.4. (Time limit for commencement of development) of approved planning permission UTT/1123/01/OP

Location: Land at Rochford Nurseries Foresthall Road. GR/TL 509-238.
Applicant: Croudace Homes Ltd.
Agent: Croudace Homes Ltd.
Case Officer: Mr J Pine 01799 510460
Expiry Date: 21/03/2006
ODPM Classification: OTHER

NOTATION: Within Development Limits / Allocated for residential development in the ULP (720 dwellings – Policy SM4/BIR1).

DESCRIPTION OF SITE: Rochford Nurseries lies on a plateau immediately south of Stansted Mountfitchet. It has been underused for many years, and comprises significant areas of mainly derelict glasshouses. This application relates to the western part of the residentially allocated land, which is bordered to the north by houses in Brook View and Stoney Common, to the west by open private land between the Nurseries and the railway, to the south by Foresthall Road and to the east by the Taylor Woodrow (Pelham Homes) land. The application site consists of the western section of the Foresthall Road frontage. Members have visited the site within the last 18 months.

DESCRIPTION OF PROPOSAL: This is an application to vary the time limits for the submission of the reserved matters and for the commencement of the development imposed by Conditions C.1.3 and C.1.4 respectively. The current time limits are:

C.1.3 (Submission of reserved matters)

26/2/07 (i.e. 3 years after the grant of outline permission)

C.1.4 (Commencement of development)

whichever is the later from:

26/2/09 (i.e. 5 years after the date of the grant of outline permission, or

2 years after the date of approval of the last of the reserved matters to be approved (as yet an undetermined date).

The applicant is applying so that reserved matters applications may be made during a further 3 years over and above that currently given by the permission.

Note: Under Section 73 of the 1990 Planning Act as recently amended, applications to vary time limits cannot now be made, but for planning permissions that were granted before 24/8/05 there is still a one year grace period in which to submit such applications (expiring 23/8/06). However, under the amended Act the option to commence the development within 5 years has been removed.

APPLICANT'S CASE: The site was effectively locked until Taylor Woodrow finally purchased their part of the site and commenced works at Pesterford Bridge just before December 2005. Under the terms of the S106 Agreement, development cannot be commenced until the bridgeworks are complete, which is programmed for December 2006. In view of this, we have naturally been circumspect in progressing the design until recently. This application is made to safeguard our position.

RELEVANT HISTORY: Outline planning permission for 285 dwellings, public open space, associated access and infrastructure granted on the western part of the allocated land (Croudace Limited) in February 2004. At the same time, outline planning permission for 315

dwelling, new vehicular access, public open space, play area and school was granted on the eastern part of the allocated land (Pelham Homes, now Taylor Woodrow). Both permissions included an approved master plan / design brief, and were granted subject to appropriate conditions and a Section 106 Agreement.

CONSULTATIONS: ECC Highways & Transportation: Not received.

PARISH COUNCILS' COMMENTS: Stansted: To be reported.
Birchanger: To be reported.

REPRESENTATIONS: None. Notification period expired 15/2/06.

PLANNING CONSIDERATIONS: The main issue is whether there have been any material changes in circumstances since the previous outline planning permission was granted which make this request unacceptable (ERSP Policies CS4, BE5, H1, 2, 3 & 4 and T3 and ULP Policies GEN1,2,6 and SM4/BIR1).

Officers are currently in negotiation with the applicant over the submission of reserved matters following the granting of outline planning permission for 285 dwellings on this site on 27 February 2004. As a result, it is likely that all the reserved matters will have been submitted and commencement undertaken within the existing deadlines under conditions C.1.3 and C.1.4. Members will be aware that works have started on the required pre-commencement alterations at Pesterford Bridge, which should be complete by the end of this year.

However, there have been delays in drawing up the site layout and access details because of protracted negotiations over, in particular, the route of the bridleway. In view of these delays this application to extend the time limits has been submitted to safeguard the applicant's position, as there is now only a year left in which to submit all the reserved matters, which could still be tight.

Officers advise that condition C.1.3 is reimposed with the same wording, which would give the applicant 3 years from the date of the new decision notice to submit all the reserved matters. Effectively, this would extend the submission period from February 2007 to round about March 2009, depending upon when the decision notice is issued.

In respect of condition C.1.4, officers are keen that the Council should not sanction any significant delay in implementation through extending the deadline for commencement. The main reason for this is the concern over housing completion rates, which Members will recall was recently expressed in respect of the application for outline planning permission for Oakwood Park – Phase 6. Accordingly, officers recommend that condition C.1.4 be reimposed with the new wording required under the amended 1990 Act, but only allowing a 1 year period for commencement following final reserved matters approval rather than the 2 year period specified in the Act. (NB. The Act permits Local Planning Authorities to grant a lesser or greater period as appropriate).

There have been no material changes in circumstances since 2004 that make this request unacceptable under planning policy. No changes are proposed to any of the other conditions.

This application has been brought to DC Committee because authority is needed to amend the existing S106 Agreement so that it can be linked to the reference number of this planning permission, should it be granted, and the date of grant. Legal advice is that this can be done by a short deed of variation. No changes are proposed to any of the other clauses of the agreement.

CONCLUSIONS: There are no objections to the proposed variation of conditions C.1.3 and C.1.4.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND AMENDMENT TO EXISTING SECTION 106 AGREEMENT

1. C.1.1. Submission of reserved matters.
2. C.1.3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990.
3. C.1.4. The development hereby permitted shall be begun not later than the expiration of one year from the final approval of the last reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990.
4. The development hereby permitted shall be carried out in accordance with the Master Plan approved by the local planning authority on 17 December 2001 as amended by Master Plan Option A drawing Revision H, unless otherwise agreed in writing with the local planning authority.
REASON: To ensure that the development will satisfactorily relate to the existing built up area of Stansted, proposed open spaces, movement corridors and the surrounding landscape.
5. No development shall take place until written approval of details of materials to be used in the construction of the external surfaces of the buildings hereby permitted has been obtained from the local planning authority. The development shall be implemented in accordance with the approved details. Subsequently, the external surfaces shall not be changed without the prior written consent of the local planning authority.
REASON: To preserve the character at the area.
6. C.4.1. Scheme of landscaping to be submitted and agreed.
7. C.4.2. Implementation of landscaping.
8. C.4.6. Retention and protection of trees and shrubs for the duration of development.
9. Prior to the first application for approval of reserved matters a schedule or schedules with detailed plan(s) of the boundaries of each area which is to be developed shall be submitted to the local planning authority for approval in writing showing the following:
 - a) the phasing of the development hereby permitted,
 - b) the residential density attributable to each area of housing consistent with the approved Master Plan.The development shall subsequently be carried out in accordance with the approved schedule(s) unless otherwise agreed in writing with the local planning authority. A minimum net density of 30 dph shall be achieved.
REASON: To ensure that the development will be satisfactorily assimilated into the area.
10. No development shall take place until an ecological survey of the site has been carried out and approved in writing by the local planning authority. The survey shall adequately assess the impact of the development on the resident flora and fauna and enable an appropriate programme of mitigation works to be identified. This programme of works shall subsequently be agreed in writing with the local planning authority and implemented in accordance with the agreed details, including any phasing. Any variation to the agreed programme of works shall be agreed in writing with the local planning authority before that variation is carried out.

- REASON: To reduce the impact of the development on the local ecology.
11. C.16.2. Full archaeological excavation and evaluation.
12. No development shall take place until a programme of works for the provision of surface and foul water drainage has been submitted to and approved in writing by the local planning authority. Subsequently, the works shall be implemented as approved, including any phasing in relation to the occupation of buildings.
REASON: To avoid pollution.
13. No development shall take place until details of the car parking layouts, vehicle and pedestrian accesses, cycleways and circulation areas relevant to each phase of the development have been submitted to and approved in writing by the local planning authority. The details shall subsequently be implemented as approved unless otherwise agreed in writing by the local planning authority.
REASON: To provide attractive alternative choices to the private car for local trips and in the interests of highway and pedestrian safety.
14. No development of any phase of development shall take place until details of street furniture, play equipment, refuse and storage units, signs, lighting and bus shelters within that phase (including the siting, design and appearance thereof and a programme for the provision thereof) have been approved in writing by the local planning authority. The development shall subsequently be implemented in accordance with the approved details unless otherwise agreed in writing with the local planning authority.
REASON: In the interests of the amenities and appearance of the site.
15. Construction noise associated with the development of the site shall not exceed the following levels at the location specified, measured as a 15 minute LAeq, except between 7.30 am and 5.30 pm on Mondays to Fridays (Bank and Public Holidays excluded) and 7.30 am and 12.30 pm on Saturdays:-
- At any point 10 metres into the site north of its boundary with Forest Hall Road - 50 dBA
- At any point 10 metres into the site from any other boundary - 45 dBA
Between 7.30 am and 5.30 pm on Mondays to Fridays (Bank and Public Holiday excluded) and 7.30 am and 12.30 pm on Saturdays the above levels shall not be exceeded by more than 10 dBA.
REASON: To protect nearby residents from construction noise.
16. Except in emergencies, no deliveries of materials shall be made to the site during the period of construction of the development:-
a) before 7.30 am and after 5.30 pm on Mondays to Fridays
b) before 7.30 am and after 12.30 pm on Saturdays
c) on any Sunday or Bank or Public Holiday.
REASON: To protect nearby residents from disturbance by delivery vehicles.
17. The routes to be used by contractors' vehicles moving to and from the site shall be approved in writing by the local planning authority prior to the commencement of development. The developer shall use all reasonable endeavours to ensure that contractors' vehicles use only such routes.
REASON: In the interest of road safety and to protect the amenities of the neighbourhood.
18. No development shall be carried out until the developer has submitted to the local planning authority details of a system to limit so far as practicable the amount of mud, dust or other materials carried onto the adjacent highways by vehicles and plant leaving the site. The approved system shall be implemented and maintained during the period of the development.
REASON: In the interest of road safety and to protect the amenities of the neighbourhood.
19. The development shall not be commenced until an Affordable Housing Scheme has been submitted to and approved in writing by the local planning authority. For the purposes of this condition, an Affordable Housing Scheme is one which:

a) ensures the provision of 25% of the permitted housing units as affordable housing intended to be occupied by persons in need as defined in the Affordable Housing Scheme.

b) secures the involvement of a Registered Social Landlord (as defined in the Housing Act 1996).

c) provides affordable housing units of such types, sizes and mix as are appropriate to meet local needs to a Registered Social Landlord on such financial and other terms as will ensure that such units will be capable of being let at affordable rents.

d) identifies a specified alternative arrangement (such as shared ownership or low cost market housing) in the event that funding for the affordable housing has not been secured within two years of the commencement of the development.

The Affordable Housing Scheme shall be carried out in accordance with its terms as approved. The affordable housing shall not be used for any purpose other than the provision of housing accommodation which meets the objectives of the Registered Social Landlord, provided that if, within two years of the commencement of the development, funding for the affordable housing has not been secured, the affordable housing may be used for the specified alternative set out in the approved Affordable Housing Scheme.

REASON: To ensure the provision of affordable dwellings in accordance with the policy of the Council.

20. No development shall take place until details of the location of the play areas and bus shelters within the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the play areas and bus shelters are provided in a co-ordinated manner.

Background papers: see application file.

UTT/0015/06/FUL - SAFFRON WALDEN

Removal of condition C90D (the skateboard park shall not be used outside the opening hours of the Lord Butler Centre)

Location: Lord Butler Leisure Centre Peaslands Road. GR/TL 547-374.
Applicant: Saffron Walden Town Council
Agent: Saffron Walden Town Council
Case Officer: Mr S Kuschel 01799 510629
Expiry Date: 07/03/2006
ODPM Classification: OTHER

NOTATION: Outside Development Limits.

DESCRIPTION OF SITE: The site is located on the Saffron Walden Leisure Centre site on open land surrounding the buildings. The application site is on the south east corner next to Thaxted Road and adjacent agricultural fields. The site is bounded on two sides by existing maturing landscaping including hedging and trees. There are some existing sections of concrete on the site as well as existing swings to the west of the application site.

DESCRIPTION OF PROPOSAL: The application proposes the removal of condition No.C90D (the skateboard park shall not be used outside the opening hours of the Lord Butler Centre).

APPLICANT'S CASE: Supporting letter. The Town Council considers the condition to be unworkable. The only way it can be practically implemented would be to erect a two metre high fence around the Skateboard Park and to provide locked gates. This would then involve staff members having to be available seven days a week, 365 days a year to open and shut the gates.

Members also consider the condition to be unduly onerous as the leisure centre closes at 6pm on Saturdays and in the summer months it would prevent skateboarders from using the Skateboard Park on Saturday evenings.

The Town Council notes that the condition is imposed in the interests of amenity. However, the nearest houses are approximately 100m away.

RELEVANT HISTORY: Planning permission granted for construction of skateboard park.

CONSULTATIONS: Leisure Manager: Would support the removal of this clause as it would otherwise require a high fence to be erected and the area to be locked. This would be impractical for a number of reasons. Children will not be keen to leave on time and would be difficult to eject. Would support the erection of a 2-3 metre high fence with a gate that is not locked.

Essex Police: No objections to the removal of the condition.

Environmental Services: Concerns over the removal of condition which could lead to use of the facility without supervision/control at potentially the quietest times of night. This may lead to nuisance at residential properties in the vicinity a noise will carry a considerable distance when background levels are low.

TOWN COUNCIL COMMENTS: Application submitted on behalf of the Town Council.

REPRESENTATIONS: Three letters received. Notification period expired 31-01-06.

Objections relate to such matters as follows:-

Issues surrounding its operation, access to it, and its opening hours.

Keeping the skateboard park opening times regulated to those of the leisure centre would curtail late night anti-social disturbances and noise levels.

Associated vandalism late into the evenings.

Is there a way to stop youths congregating there in the early hours of the morning, as was the case with the previous park.

Number of issues such as:-

Nearness of site to Turpin's Indoor Bowling Club. Have experienced broken windows, damage to buildings including graffiti, and cars being vandalised.

Car parking. Older people who play bowls will have to park away from the club, which will cause major problem. Car parking is an issue as we do have problems at the moment at certain times of the day and evening.

Construction of site. Have lived before during construction work when changes were made to the Lord Butler leisure centre. Large vehicles will need access from the main car park.

COMMENTS ON REPRESENTATIONS: Noted. The issues are dealt with in the following section.

PLANNING CONSIDERATIONS: The main issues are whether

1) the longer hours of use are likely to lead to an unreasonable level of noise nuisance. (ULP Policy GEN4);

1) Policy GEN4 states that development and uses will not be permitted where noise generated would cause material disturbance or nuisance to occupiers of surrounding properties. In dealing with the original application the site was considered to be a logical place to locate such a facility. The view was that by the very nature of the activities the noise will be heard from residential properties in Tukes Way. The park would not be floodlit and this should prevent its use late into the evening.

The use was also approved subject to requiring details of sound attenuation, to prevent noise spillage onto existing residential properties.

The condition to which this application refers requires that the park is not used outside the opening hours of the Lord Butler Centre. The applicant considers that this is a problem on Saturday evenings when the Leisure Centre closes at 6pm. However, if the leisure Centre were to extend its hours then the skateboard park could as well without further reference to the Council.

The applicant has listed examples of 13 other skate parks that do not have any restrictions on the hours of use. Several of which are within 100 metres of housing. The skate park at Stansted does not have any restriction on hours, however there are no houses nearby, no evidence of noise and disturbance has been submitted with regard to the 13 other skate parks.

The condition was imposed to protect the amenity of residents, and it is considered reasonable that it should remain. It links the site to the operating hours of the leisure centre which are currently:

Mon-Fri	6.00am – 10.00pm
Saturday	7.00am – 6.00pm
Sunday	8.30am – 10.00pm

It is considered that disturbance outside these hours would be unreasonable, and attention is drawn to the comments of Environmental Services.

CONCLUSION: Removal of this condition is sought because it is operationally convenient for the applicant. However it is not considered that this should be allowed to outweigh amenity considerations.

RECOMMENDATION: REFUSAL REASON

Operation of the skateboard park outside the opening hours of the Leisure Centre would give rise to noise and disturbance at a time of day when the ambient noise levels are low to the detriment of the amenity of occupiers of nearby dwellings, contrary to policy GEN4 of the ULP.

Background papers: see application file.

UTT/1122/05/FUL - BIRCHANGER

Existing de-icing salt storage barn to be demolished and new dome type de-icing salt storage barn to be constructed

Location: Birchanger Depot Birchanger Motorway Compound Northbound M11
Junction 8 Start Hill Dunmow Road. GR/TL 514-216

Applicant: Highways Agency

Agent: Carillion- Urs

Case Officer: Mr M Ranner 01799 510556

Expiry Date: 08/12/2005

ODPM Classification: MINOR

NOTATION: Outside Development Limits & within Metropolitan Green Belt.

DESCRIPTION OF SITE: The site occupies approximately 0.80 hectare of land immediately adjacent to the north western side of the Start Hill roundabout at junction 8 of the M11. It comprises a motorway maintenance depot consisting of two main buildings and associated parking and external storage areas. The building sited towards the rear (northern) boundary of the site provides offices and a maintenance workshop for vehicles, whereas the building sited towards the front (southern) boundary, adjacent to the sites vehicular access, provides a storage area for de-icing salt.

DESCRIPTION OF PROPOSAL: The application seeks full permission to demolish the existing salt storage building and replace it with a new building for the same purpose, which is proposed to be sited more centrally within the application site and of a dome type design. It will be of a height of 13 metres to the top of the structure, have a diameter of 22 metres and occupy a footprint of 397m², which represents a reduction in floor space of approximately 240m² when compared with the existing building.

APPLICANT'S CASE: A detailed Flood Risk Assessment accompanies the application.

RELEVANT HISTORY: UTT/1059/81 proposed erection of salt barn Conditional Approval 02-NOV-81.

CONSULTATIONS: Thames Water: Advises that with regard to sewerage infrastructure they do not have any objection to the proposed development.

Environmental Services: Have no concerns with regard to the proposal.

The Environment Agency: Raises no objections to the proposal provided a condition concerning surface water drainage has been imposed on any planning permission.

BAA: Comment that the proposal does not conflict with safeguarding criteria and so therefore raise no objections. They do offer advice however with regard to cranes, which may be required during the construction of the development.

PARISH COUNCIL COMMENTS: No comments received (due 13-11-2005).

REPRESENTATIONS: None. (Notification period expires 04-11-2005).

PLANNING CONSIDERATIONS: The main issues are

- 1) the appropriateness of the proposed development within the Metropolitan Green Belt and its affect on the character/appearance of the area. (ERSP Policy C2, & ULP Policies GEN2);
- 2) the effect of the development on flood risk (ULP Policy GEN3) and

3) other material planning considerations.

1) Policy C2 of the Structure Plan stipulates that within the Metropolitan Green Belt there is a general presumption against inappropriate development. The proposed ice storage building does not readily fit into categories usually considered appropriate such as forestry or agriculture, but in line with Central Government advice, the policy goes on to state that development which fulfils the objectives of the Green Belt will be considered appropriate. These objectives are that development should preserve the openness of the Green Belt and should not conflict with the main purposes of including land within it. In this respect officers consider that the building will have little impact on the openness of the locality and as such can be judged to preserve it. The existing building covers a larger footprint and although the highest part of the building is lower at approximately 10 metres it has considerably more bulk and massing than the dome building which would replace it. The existing building is also sited in a more visible location towards the front of the site adjacent to the access. The proposed replacement building would be sited much further back into the site in a more central location. The building would be less visible in this location as it would be sited further from the site entrance and closer to the raised banking and screening afforded by trees on the site's eastern boundary. The use of sympathetic external materials and finishes shall ensure that the visual impact of the building is reduced still further. In this respect officers consider that the proposed development would not only preserve the openness of the Green Belt but enhance it.

With regard to the character of the area, although the building is of a rather unusual design, due to its limited visual impact and the context of its immediate surroundings comprising a maintenance depot and adjacent motorway and infrastructure, officers are satisfied that the proposed development would cause no undue harm to the appearance/character of the locality and surrounding area.

2) A detailed Flood Risk Assessment accompanies the application which identifies that the development will not increase the flood risk on the site or other neighbouring sites and so accords with PPG25. The Environment Agency has raised no objections to the application and their recommended condition is included within the conditions set out at the end of this report.

3) No alterations are proposed to the vehicular access to the site and the development will not result in additional traffic movements. There is unlikely therefore to be any implications with regard to highway safety.

There are no residential properties in the immediate vicinity that are likely to be affected by the development, which will not result in activities increasing at the site or different activities taking place that are likely to result in disturbance.

CONCLUSIONS: In light of the above considerations officers are of the view that the proposed development complies with all relevant Development Plan Policies and National Government Guidance and so therefore make the following recommendation.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. Samples of materials to be submitted agreed and implemented.
REASON: In the interests of the appearance of the development.
3. Prior to the commencement of the development, a scheme for the provision and implementation of surface water drainage shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be constructed and completed before occupancy of any part of the proposed development.

- REASON: To protect rivers and groundwater's from pollution.
4. The existing salt barn on the application site shall be demolished and all the materials arising from such demolition shall be completely removed from the site within 1 month of the completion of the replacement building hereby permitted.

REASON: In the interests of the character and openness of the Metropolitan Green Belt.

Background papers: see application file.

UTT/2075/05/FUL - SEWARDS END

Demolition of detached house. Erection of 2 one-and-a half storey dwellings and a pair of semi-detached dwellings with associated garaging. Construction of a new vehicular and pedestrian access

Location: 7 Radwinter Road. GR/TL 571-384.
Applicant: Mr R Kiszka
Agent: Mr I Abrams
Case Officer: Mr S Kuschel 01799 510629
Expiry Date: 15/02/2006
ODPM Classification: MINOR

NOTATION: Within development limits.

DESCRIPTION OF SITE: The site comprises the house and garden on the north side of 7 Radwinter Road, close to the junction with Redgates Lane. The house is set back from the road behind a graveled driveway and the frontage is enclosed by high conifers.

To the east of the application site is a development of 4 houses served via a private drive. This was granted permission on appeal in 2001, and comprises a mixture of two-storey and one and a half storey dwellings.

The site is located within the village of Swards End, two miles east of Saffron Walden. The village comprises modern housing in general, with the houses set well back from the road. The village has limited services, although there is a regular bus service to Saffron Walden.

DESCRIPTION OF PROPOSAL: Demolition of detached house. Erection of 2 one-and-a half storey dwellings and a pair of semi-detached dwellings with associated garaging. Construction of a new vehicular access.

APPLICANT'S CASE: Supporting statement submitted.

RELEVANT HISTORY: None

CONSULTATIONS: ECC Highways: Awaiting comments.

Landscape Architect: Consider that there are no trees on the site which are of public amenity value. The Leyland Cypress hedge which runs along the site boundary ought to be retained to provide a high level of screening.

PARISH COUNCIL COMMENTS: The Council has serious concerns regarding the access point to the development. The visibility splay appears to cross the corner of the property at 3 Radwinter Road over which the applicant has no control and it is a serious concern that the planned splay will not be achievable.

The proximity of the access point to a potentially dangerous bend and the entrance to Redgate Lane also concern the Council.

Parking at the proposed site is considered inadequate.

REPRESENTATIONS: Notification period expired 11-01-06. Seven letters of objection have been received.

Objections relate to such matters as follows:-

The proposed development of four houses is a gross overdevelopment of the plot of land.

Plot no. 4 is too close to the boundary.

The proposed access road is too close to the boundary.

The dormer window to the master bedroom of plot 4 overlooks house and garden causing loss of amenity.

Object to the very dangerous access to the proposed development being close to the Village Hall and the junction of Redgate Lane.

The high density of the houses is not in keeping with the rest of the village.

COMMENTS ON REPRESENTATIONS: Noted. These issues are discussed in the following section.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) **the proposed development complies with Policy H3 which sets the criteria for infill sites within development limits. (ULP Policy H3);**
- 2) **the design of the scheme complies with the requirements of policy GEN2 and the backland element of the site meets the criteria as set out under Policy H4**
- 3) **the development provides a significant proportion of market housing comprising small properties (Policy H10) and**
- 4) **the development will provide a suitable access to the main road network.**

1) Policy H3 requires that states that new houses will be permitted on land within settlements if the development would be compatible with the character of the settlement. The criteria for such development includes the requirement that the land comprises previously developed land, has reasonable accessibility to jobs, shops and services by modes other than the car, that the existing infrastructure has the capacity to absorb further development.

The application site comprises a house within a large garden, located within the small settlement of Swards End, with reasonable access to jobs and shops. The principle of development in this location is therefore acceptable.

2) Policy GEN2 states that development must be compatible with the scale, form and layout of surrounding buildings; that important environmental features must be safeguarded, and there must not be any material affect on the reasonable occupation of surrounding residential property. The application proposes two one and half storey dwellings at the rear of the site and two storey dwellings fronting onto Radwinter Road. This follows that pattern of surrounding development which comprises one and a half storey houses immediately to the east and two storey housing along the frontage to Radwinter Road and Redgates Lane.

The scheme retains several existing trees on the site, which include a mature conifer hedge along the eastern boundary.

Policy H4 states that a parcel of land that does not have a road frontage will be permitted if all the following criteria are met:

- a) There is significant under use of land and development would make more effective use of it;

- b) There would be no material overlooking or overshadowing of nearby properties ;
- c) Development would not have and overbearing effect on neighbouring properties;
- d) Access would not cause disturbance to nearby properties.

The application site extends to 0.15 hectares, and its development would make more effective use of the land. The orientation of the two houses to the rear of the site is such that there would be no material overlooking of adjoining houses. There would be a bedroom window facing the rear of no.6 Redgates Lane, but it would be at a distance of over 20 metres from the back of the house.

The houses for the most part would be situated away from the boundaries. Part of the dwelling on plot 4 will be close to the rear boundary of no6 Redgates Lane but has a ridge height of only 6m at this point.

3) Policy H10 requires that such developments provide a significant proportion of market housing comprising small properties. In this case the scheme provides 2no. 3 bed houses and 2no.2 bed houses, and therefore meets the requirements of the policy.

4) The application provides 5.5 metre access for the first 6 metres, narrowing down to 4.1 metres. The application follows discussions with ECC Highways as the most suitable form of access.

CONCLUSIONS: The application proposes an acceptable form of development and planning permission should be granted.

RECOMMENDATION: APPROVAL WITH CONDITIONS

- 1. C.2.1. Time limit for commencement of development.
- 2. C.3.3. To be implemented in accordance with original and revised plans.
- 3. C.4.1. Scheme of landscaping to be submitted and agreed.
- 4. C.4.2. Implementation of landscaping.
- 5. C.4.6. Retention and protection of trees and shrubs for the duration of development.
- 6. C.12.1. Boundary screening requirements.
- 7. C.5.1. Samples of materials to be submitted and agreed.
- 8. 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 development within Classes A to E of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order (i.e. any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the local planning authority.
REASON: Any applications for further extensions will be considered in relation to this in the interest of protecting the residential amenity of adjoining neighbours.
- 9. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
- 10. No construction works shall take place before 8am Mondays to Fridays and 9am on a Saturday. No construction works shall take place after 6pm Mondays to Fridays or after 1pm on Saturdays nor at any time on a Sunday or Public Holiday.
REASON: In the interest of residential amenity.

Background papers: see application file.

UTT/0178/06/FUL - GREAT DUNMOW
(Application by member of staff)

Erection of first floor rear extension with dormer windows
Location: Whichford 11 Oakroyd Avenue. GR/TL 631-216
Applicant: Mr & Mrs R Cheal
Agent: Mr D Tuttlebury
Case Officer: Mrs A Howells 01799 510471
Expiry Date: 29/03/2006
ODPM Classification: OTHER

NOTATION: Within Development Limits S1.

DESCRIPTION OF SITE: The site is located south-west of Great Dunmow High Street in Oakroyd Avenue. The property is a one and a half storey detached dwelling. There is parking to the front of the dwelling which is set back slightly from the road.

DESCRIPTION OF PROPOSAL: Alter the roof to the rear of the property by way of dormer windows with pitched roof. There is an existing flat roof dormer on the rear south-west 1.1m wide by 1.2m to the flat roof which would be extended to 2.8m but with a mono pitched roof; proposed dormer to the rear cross wing elevation. To the front of the property there is also a pitched roof dormer.

APPLICANT'S CASE: An agent's letter was received with application.

RELEVANT HISTORY: Permission for bungalow conditionally approved 1953; construction of enlarged dormer on front elevation and erection of lean-to roof over existing dormer on front/side – conditionally approved 1998.

TOWN COUNCIL COMMENTS: To be reported (due 4 March 2006).

REPRESENTATIONS: None. Notification period expired 23 February 2006.

PLANNING CONSIDERATIONS: This application relates to the construction of a dormer window to the rear cross wing and an extension to an existing rear facing dormer to create a two storey element to the original dwelling. ULP Policy H8 (Home Extensions) requires proposal amongst other things to reflect the scale and design of the original dwelling. The proposed extensions would give the property the appearance of a two storey dwelling where its roof starts at ground floor level with all first floor accommodation being contained within the roof space. The works are to the rear of the house where they would not be open to public view; there is a mixture of types of dwelling in the locality where the resultant dwelling would not be out of place and it would also tidy up the ungainly appearance of the rear of the dwelling.

CONCLUSIONS: The proposal is considered to be acceptable.

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.

Background papers: see application file.

UTT/0198/06/FUL - SEWARDS END

Proposed installation of 2 No. Dipole Antenna @ 49.6-50.8, 1 No.1.2m dish @ 4.2m, 2 No. air conditioning louvres & 2 No. air conditioning fans for Digital One Ltd
Location: Swards End Transmitter Station Redgates Lane. GR/TL 572-392
Applicant: Arqiva Ltd
Agent: Mr Niall Tuton
Case Officer: *Madeleine Jones 01799 510606*
Expiry Date: 31/03/2006
ODPM Classification: MINOR

NOTATION: ULP: Outside Development Limits.

DESCRIPTION OF SITE: The application site is adjacent to an unclassified road, off Redgates Lane in Swards End. The nearest residential property is situated 420m away. There is a public footpath running along the track adjacent to the mast. There is an existing lattice square tower mast approximately 48m high and adjacent low level buildings.

DESCRIPTION OF PROPOSAL: The application is for the installation of additional digital radio antenna on existing telecommunications tower and for air condition louvres and fans to the exterior of the existing equipment cabin for Digital One Ltd:

1. Two Dipole Antenna at 49.6- 50.8m and one 1.2m dish at 4.2m on an existing telecommunications tower.
2. Two air conditioning louvres and two air conditioning fans to the exterior of an existing equipment cabin

The proposal would provide coverage of the existing national digital radio network provided by Digital One Ltd for Swards End and the surrounding area.

APPLICANT'S CASE: Digital radio will offer fundamental improvements over analogue radio. The problem with analogue radio is that it suffers from additional noise and interference to the signal from a variety of sources, such as power lines, car ignitions. With the digital system, any interfering noise signal tends to be ignored. Digital radio is the opportunity to produce multimedia radio programmes. To maximise coverage and quality of signal, whilst minimising the interference from surrounding obstructions, such as trees the antenna need to be positioned 1.5m above the top of the existing tower. The potential environmental impact of the development will be far outweighed by the benefits of the proposal in terms of modern digital radio services for Swards End and the surrounding area.

CONSULTATIONS: Fisher German Chartered Surveyors: The Government Pipelines and storage system is not located within the vicinity of the proposal.

Ramblers Association: To be reported (due 22 February 2006).

ECC Highways Transportation: To be reported (due 22 February 2006).

Arqiva, Public Rights Of Way: To be reported (due 22 February 2006).

PARISH COUNCIL COMMENTS: To be reported (due 8 March 2006).

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 9 March 2006. Any representations received will be reported.

PLANNING CONSIDERATIONS: The main issue is visual impact, safety and effect on amenity (ULP Policies T4).

Planning Policy Guidance 8 states that the environment shall be protected from visual intrusion and in order to limit visual intrusion, the Government attaches considerable importance to keeping the numbers of radio and telecommunications masts and of the sites for such installations, to the minimum with the efficient operation of the network. The sharing of masts and sites is strongly encouraged, although the cumulative impact upon the environment of additional antennas sharing a mast needs to be considered. A certificate of declaration of conformity with ICNIRP public exposure guidelines has been submitted with the application stating that the proposal is designed so that its operation, combined with the operation of the existing equipment on site, in any areas to which the public are allowed by law to access, will not result in RF power densities exceeding the requirements of the Radio Frequency (RF) public exposure guidelines of the International Commission on Non-ionising Radiation Protection (ICNIRP) as expressed in the EU Council Recommendation. The site is a well established transmitter station (although no record of planning permission has been identified). The equipment has been designed and located so as to reduce its impact as far as possible.

CONCLUSIONS: The proposal is considered to be suitable and planning permission should be granted. Mast sharing in this instance is preferable to a completely new site and the resultant visual impact is not considered to be harmful.

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.

Background papers: see application file.

UTT/0055/06/FUL - LANGLEY
(Referred by Cllr Chambers)

Proposed single storey garage to side.
Location: Greenways. GR/446-347
Applicant: Pelham Structures Ltd.
Agent: Pelham Structures Limited
Case Officer: *Mr T Morton 01799 510654*
Expiry Date: 13/03/2006
ODPM Classification: OTHER

NOTATION: Outside Settlement Boundary.

DESCRIPTION OF SITE: The site lies to the south-west side of the road and immediately beside a Grade II Listed house at 'The Cottage' and adjoins a more modern house at 'Ashwater'. A new cottage style house has recently been completed on the site.

DESCRIPTION OF PROPOSAL: Erection of a single garage, sited in the space between the new house and 'Ashwater'.

Members should be aware that this application is identical to UTT/1868/05/FUL, which was refused on 4 January 2006.

RELEVANT HISTORY: UTT/1157/91 and UTT/1158/91/LB Replacement dwelling and demolition of derelict bungalow Approved 23.01.1992.
UTT/1282/95/FUL & UTT/1283/95/LB Renewal of consent for replacement dwelling Approved 03.01.1996.
UTT/1657/04/FUL Detached two storey replacement dwelling. Approved 08 December 2004.
UTT/1868/05/FUL Proposed single storey garage to side. Refused 04 January 2006.

APPLICANT'S CASE: The approval for the new dwelling was subject to a condition restricting the erection of outbuildings, but all prospective purchasers of the house have expressed a requirement for a garage. This application seeks consent for a single garage. The applicant advises that they will be requesting Cllr. Chambers to call the case for decision at Committee.

CONSULTATIONS: Design advice: No design objections subject to the finishing materials matching the existing house.

PARISH COUNCIL COMMENTS: Following a meeting of the Langley Parish Council the evening of 13th February 2006, I am writing to advise you that Langley Parish Council have no objections to this planning application. Notification period expired 15 February 2006.

REPRESENTATIONS: This application has been advertised and one representation has been received. Advertisement expired 17 February 2006.

The adjacent occupier refers to the loss of the tree which offers screening to their property, and asks for a condition requiring the retention of the hedge and allowing it to grow up adequately to provide screening in replacement for the tree.

PLANNING CONSIDERATIONS: The main issues are;

- 1) development outside of settlement boundary (ERSP Policy C5, ULP Policy S7);

- 2) **setting of the Listed Building (ULP Policy ENV2);**
- 3) **design and neighbours amenity (ULP Policy GEN2) and**
- 4) **loss of tree (ULP Policy ENV3).**

1) The site is outside of settlement boundaries where development is not normally allowed, however the replacement of the bungalow that originally stood on this spot was accepted in a series of consents culminating in the 2004 decision, which has been fully implemented; the house is complete but still unoccupied.

2) The plot is immediately adjacent to a grade II Listed Building 'The Cottage' but the new house relates well to it in scale and siting. The proposed garage would be at the north end of the new house, but only 3.2 metres away from the Listed Building. It would be set well back in the site making it less visually prominent from the road. The site is very small and the new house is set much further forward towards the road than is typical along Langley Upper Green.

The siting and design of the new house was negotiated during the life of the application UTT/1657/04/FUL to achieve a design that was small and compact and fitted into the landscape of the site, respecting existing trees. For that reason officers consciously rejected the idea of a separate garage, and a condition was imposed on the approval preventing the erection of outbuildings under Permitted Development rights, because of the small nature of the site.

3) The proposed new garage would be 2.7m wide by 5.0m long for a single vehicle, sitting at the side of the new house in a space 4.8m wide and within 3.3 metres of 'The Cottage'. It would be very close to the boundary fence with 'Ashwater' adjoining to the north side, from where the roof of the garage would be visible above the top of the tall panel fence that forms the boundary. 'Ashwater' has its garage adjoining the fence, so there would be no direct impact upon that house itself.

4) One Maple tree on the site would have to be removed to enable the proposed garage to be constructed, and it would be right up against the boundary hedge, trapping it between the boundary fence and garage wall, where it would be unlikely to thrive, and if it dies that would reveal the roof to view from 'Ashwater'. The approved design with no outbuildings explicitly allowed for the boundary hedge with the next house 'Ashwater' to be retained, and thereby to minimise any impact upon the amenity of that house.

CONCLUSION: The approval for the new house contained a condition preventing the use of Permitted Development powers to add further buildings to the site. It is considered that circumstances have not changed, and the need to keep space around the building remains, in order to maintain the low density character of the area, to retain vegetation around the house, and to reduce the impact upon the neighbouring houses. Circumstances have not changed since the very recent decision to refuse the most recent application for an identical proposal. Refusal is recommended.

RECOMMENDATION: REFUSAL REASONS

1. It is considered that the development would have an unacceptable impact upon the character of the area, which is of houses set in spacious plots, by virtue of the restricted nature of the site and the cramped form of development that the proposed garage outbuilding would have. It is considered that the removal of an existing tree and probable loss of the boundary hedge implicit in the proposals, and the lack of space remaining for planting around the building would be harmful to the amenity of the area in general. For the above reasons the proposal is considered contrary to ULP Policies S7 and GEN2.

2. It is considered that the proposal would have a negative impact upon the amenity of adjoining residential properties by virtue of the siting of the garage in close proximity to the boundaries of the site and close to neighbouring houses, contrary to policies GEN2 and H8.

Background papers: see application file.
