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## **UTT/1685/06/DFO - BIRCHANGER**

Proposed development of 35 No. houses & apartments with associated garages, parking, drives, roads and footpaths

Location: Area P3 Land at Rochford Nurseries. GR/TL 512-239.  
Applicant: Persimmon Homes (Essex) Ltd  
Agent: JCN Associates Ltd  
Case Officer: Mr J Pine 01799 510460  
Expiry Date: 10/01/2007  
ODPM Classification: MAJOR

**NOTATION:** Within Development Limits / Allocated for residential development in the adopted 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 site, which forms the eastern part of the residentially allocated land, is bordered to the north by houses in Manor Road, to the west by the Croudace land and to the south and east by Foresthall Road and Church Road respectively. Newman's Plantation, a significant area of preserved woodland, extends northwards away from Foresthall Road, bordering a bridleway.

**DESCRIPTION OF PROPOSALS:** Following the granting of reserved matters approval for 315 dwellings to Taylor Woodrow, officers have been informed that Persimmon Homes will now be constructing about half of the dwellings on the Taylor Woodrow part of the site. This application for revised details for 35 of the previously approved dwellings has been submitted because some of the design and layout changes that Persimmon wishes to make would be obvious to existing residents in Manor Road, albeit they would still be relatively minor in the context of the scheme as a whole.

The main layout change is that the westernmost of the two 2-storey blocks of affordable flats facing the northern boundary would be relocated about 12m east of its previously approved position. The two blocks of flats would be separated by a bin / cycle store, and the vehicular access to the eastern block would now be from the south rather than from along the northern boundary (an advantage for existing residents). The block of 4 terraced affordable houses that would have been provided along the spinal road to the south would be omitted in favour of 1 extra affordable house facing east across the main area of open space (making a terrace of 3 rather than a semi-detached pair) and a terrace of 3 extra affordable houses facing onto the northern boundary to the west of the flats. As a consequence, there would be some repositioning of open market houses. There would be no change either to the number or type of affordable houses and flats (20) or to the overall number of dwellings (affordable or open market) in this part of the site. As before, all houses and flats facing north would be of 2 storeys with no rooms in the roof. Also as before, parking courts and all other thoroughfares would have natural surveillance.

Materials would consist of brick, render (reflecting Members' wishes last time), weatherboarding and tile. Car parking would be provided to the Council's standards, and each dwelling would have a secure covered cycle parking space. The Design and Access Statement focuses on the principles of sustainability that would be incorporated into the design, including use of timber, passive ventilation, dual flush WCs, water butts and heating thermostat controls.

**RELEVANT HISTORY:** Outline planning permission for 315 dwellings, 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) in February 2004. At the same time, outline planning permission was granted for 285 dwellings, public open space, associated access and infrastructure granted on the western part of the allocated land (Croudace Limited) in February 2004. Both permissions included an approved master plan / design brief, and were granted subject to appropriate conditions and a Section 106 Agreement.

The conditions that were imposed related to:

- Time limits for submission of reserved matters and implementation
- Implementation in accordance with masterplan
- Details of materials
- Landscaping
- Density requirements (min 30/hectare) + phasing
- Ecological survey
- Archaeological work
- Drainage requirements
- Parking and circulation areas
- Provision of street furniture
- Limits on construction noise
- Limits on hours of delivery
- Approval of contractors' vehicles routes
- Dust / mud suppression measures
- Submission of an affordable housing scheme
- Details of play areas and bus shelters

#### Taylor Woodrow land

Reserved matters approval for 315 dwellings (UTT/0204/05/DFO) approved on 4 May 2005. Separate applications for approval of reserved matters relating to landscaping (UTT/1026/04/DFO) access and bridge materials details (UTT/1194/04/DFO), ecology (UTT/1320/04/DFO), archaeology (UTT/1546/04/DFO), phasing and density (UTT/1846/04/DFO), drainage (UTT/1976/04/DFO) and construction routes and mud / dust suppression measures (UTT/2192/04/DFO) have been submitted and approved.

#### Croudace land

Reserved matters approval for 77 dwellings (UTT/0557/06/DFO) granted on 29 June 2006. Earlier reserved matters approvals for the means of access, either a roundabout (UTT/1968/04/DFO) or a "t" junction as an alternative (UTT/1971/04/DFO) have also been approved subject to an amending S106 Agreement in the case of the latter.

**APPLICANT'S CASE including Design and Access statement.** Proposals are still in line with the Masterplan requirements. Care has been taken to ensure that the relationship of spaces between buildings and open areas are of visual interest. Careful positioning of the proposed dwellings has ensured a mainly continuous built frontage along the adoptable roads and open spaces.

**CONSULTATIONS:** ECC Highways & Transportation: No objections subject to conditions. (*Conditions relating to revised plans yet to be confirmed*).

Police Architectural Liaison Officer: No objections.

BAA Safeguarding: No objections subject to conditions.

Natural England: No objections subject to the Council being satisfied that the proposals adequately consider the recommendations of the previous ecological survey and recommendations. (*Note: the applicant's ecologist has confirmed that there have been no material changes in site conditions since the ecological reserved matters were approved in 2004*).

Environment Agency: Low environmental risk. No comments.

Thames Water: No comments.

**PARISH COUNCILS' COMMENTS:** Birchanger: Cannot occur until the work at Pesterford Bridge is complete.

Stansted: Difficult to look at different applications for this site on a piecemeal basis.

**REPRESENTATIONS:** This application has been advertised and 2 representations have been received. Notification period expired 9/11/06.

The representations are concerned about the principle of the development, overlooking due to the gradient of the land, loss of wildlife and traffic.

**PLANNING CONSIDERATIONS:** The main issues are whether:

- 1) the revised layout and design of this part of the site would still be in accordance with the approved masterplan (ERSP Policies H4, T3 and T6, ULP Policies S2, GEN1 & 2 and SM4/BIR1),
- 2) the buildings and minor access road along the northern boundary of the site would have an adverse impact on the amenity enjoyed by existing residents in Stoney Common (ULP Policies GEN4 & 5), and
- 3) adequate car parking would be provided (ERSP Policy T12, ULP Policy GEN9).

1) The revised layout for this part of the site would still be in accordance with the approved masterplan. The established masterplan principles of frontage development, permeability, parking courts or rear on-plot parking to avoid a car-dominated street scene would be carried through into this revised layout.

2) Overall, it is considered that the effect of the revised proposals on the residents to the north would be neutral. To reduce overlooking, all houses and flats facing the northern boundary would still be only of 2 storeys and would continue to be set back behind the previously approved landscaped area abutting the rear boundaries to houses in Manor Road. Any proposals for the insertion of north facing dormer windows would be subject to further planning permission as they would front a highway.

3) Adequate car parking would be provided, meeting the Council's adopted standards.

**COMMENTS ON REPRESENTATIONS:** The comments relating to the principle of the development and traffic are not material, as this is an application for approval of reserved matters. Ecological mitigation measures were approved in 2004. Comments on overlooking are dealt with under Planning Considerations.

**CONCLUSIONS:** There are no objections to these revisions.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.3.3. To be implemented in accordance with original and revised plans.
2. C.7.1. Details of external ground and internal floor levels to be submitted, agreed and implemented (all houses and flats along the northern boundary).
3. In relation to the details of street lighting that is required to be submitted pursuant to Condition C.90G of the outline planning permission reference UTT/0443/98/OP, all lighting along the northern boundary shall be positioned and shielded so as to prevent glare to the residents of existing dwellings in Manor Road and Stoney Common.  
REASON: To protect the amenity of residents of dwellings to the north of the application site.

4. The dwellings hereby permitted shall be constructed as far as is practical in accordance with the sustainability principles set out in Section 7 of the Design and Access Statement submitted by Persimmon and received on 11/10/06.  
REASON: In the interests of promoting sustainable forms of development.
5. No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the local planning authority. The landscaping details shall comply with Advice Note 3 "Potential Bird Hazards from Amenity Landscaping & Building Design" available at [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome). These details shall include:
  - Any earthworks
  - Grassed areas
  - The species, number and spacing of trees and shrubs
  - Details of any water featuresNo subsequent alterations to the approved landscaping scheme shall take place unless they have been previously submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.  
REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site.
6. Highway layout amendments and engineering specifications (wording to be detailed when response to revised plans has been received from Essex CC)

*Background papers: see application file.*

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## **UTT/1781/06/OP - WENDENS AMBO**

***(Referred at the discretion of the Executive Manager)***

Change of use of land from paddock to residential and erection of a detached dwelling and garage, with all matters reserved except access.

Location: Land adj. Glebe Cottages Royston Road. GR/TL 509-364.  
Applicant: R Howe & G Evans  
Agent: Mr B Christian  
Case Officer: Mr H Laird 01799 510464  
Expiry Date: 21/12/2006  
ODPM Classification: MINOR

**NOTATION:** Outside settlement limits.

**DESCRIPTION OF SITE:** The application site comprises a small field currently laid to grass. It is bounded by hedging and mature hedgerow trees to the roadside boundary, and by a pair of two-storey, semi-detached dwellings to the west at 1 and 2 Glebe Cottage. The rear (south-western site boundary) is marked by a mature hedgerow, whilst the eastern and western boundaries are marked by hedges and fencing. A detached bungalow, Crockern, lies to the north-east of the site. Beyond it lies an open, cultivated field. The trees to the road frontage on site are the subject of a Tree Preservation Order.

A dedicated vehicular access serves the site, and allows access to the field from Royston Road.

The site lies in the countryside outside the recognised development limits for Wendens Ambo.

**DESCRIPTION OF PROPOSAL (including design & access statement):** The application seeks full planning permission for the change of use of the land from agricultural to residential; and outline planning permission for the erection of a 'cottage' dwelling, and garage with all matters reserved except for the access.

Additional information has been submitted with the application in the form of a design and access statement advising that it is hoped to erect a detached, 1 ½ storey, cottage style which would blend in with other properties in the locality. The proposed external appearance would be of feather-edged board walls under a thatched roof. It would utilise low energy methods of construction and would be run using geo-thermal and solar heating techniques with low energy lighting throughout. An indicative site layout plan with street elevation has been included for illustrative purposes. A supporting statement providing justification for the proposal including the relevant planning policies also accompanies the application.

**CONSULTATIONS:** County Surveyor: To be reported.

Water Authority: To be reported.

Building Surveying: No objections.

UDC Landscape Officer: To be reported.

Environment Agency: To be reported.

**PARISH COUNCIL COMMENTS:** SUPPORTS the application. It feels the dwelling would be an appropriate use of the land and the property would be in keeping with the surroundings. The applicant has made proposals for environmentally friendly forms of drainage, heating and power, which is to the approval of the Parish Council.

**REPRESENTATIONS:** One letter has been received in SUPPORT of the application from the occupants of The Old Vicarage. They write to advise that the proposal is an appropriate development and a single dwelling would enhance the area.

**COMMENTS ON REPRESENTATIONS:** The comments supporting the application are noted. The site lies outside the development limits for Wendens Ambo, and there is an 'in principle' objection to the proposed change of use and the erection of a dwelling on the site as this would be contrary to Structure Plan and Local Plan Policy.

### **National Planning Guidance**

National Planning Guidance is provided by Central Government in the form of Planning Policy Guidance Notes and Planning Policy Statements (PPG's and PPS's).

[Planning Policy Statement 7: Sustainable Development in Rural Areas \(PPS7\)](#) is of relevance in this case. Extracts from it are rehearsed below:

### **Key Principles**

**(iv)** New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

### **Housing**

**9.** In planning for housing in their rural areas, local planning authorities should apply the policies in PPG3. They should:

**(i)** have particular regard to PPG3 guidance on the provision of housing in villages and should make sufficient land available, either within or adjoining existing villages, to meet the needs of local people; and

**(ii)** strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.

**10.** Isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in **Annex A** to this PPS.

**11.** Very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in rural areas. The value of such a building will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area.

## Replacement of buildings in the countryside

19. The Government is also supportive of the replacement of suitably located, existing buildings of permanent design and construction in the countryside for economic development purposes. The replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example, where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape. Local planning authorities should set out in their LDDs the criteria they will apply to the replacement of countryside buildings. These should take account of the considerations set out in paragraph 17 that apply to the conversion and reuse for economic purposes of existing buildings in the countryside. Authorities should also set out the circumstances where replacement would not be acceptable and clarify the permissible scale of replacement buildings.

20. The replacement of non-residential buildings with residential development in the countryside should be treated as new housing development in accordance with the policies in PPG3 and, where appropriate, paragraph 10 of this PPS.

### PLANNING CONSIDERATIONS: The main issues are

- 1) the principle of the change of use of the land from agricultural to residential (ERSP Policy CS1, CS2, H2; ULP Policy S7)
- 2) the principle of development of the site for a dwelling (ERSP Policy CS2, C5, H2; ULP Policies S7 and H3)
- 3) neighbour's amenities (ERSP Policies...n/a; ULP Policies: GEN2)
- 4) Other material planning considerations.

- 1) The site lies outside the development limits for Wendens Ambo and in the countryside. ULP Policy S7 indicates:

#### Policy S7 – The Countryside

**The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.**

The proposed change of use of land from agricultural to residential is not accepted as it is clearly contrary to Policy S7. The applicants have indicated that it was previously garden land and as such is a 'brownfield' site. However, there is no evidence on site to suggest that this is so, and should such a use have occurred in the past, any former garden use has clearly been abandoned. The site lies outside the recognised Development Limits for Wendens Ambo as defined in the Uttlesford Local Plan adopted in 2005. The proposed change of use would clearly have an impact on the particular character of this part of the countryside in which it is set, and there have been no special reasons put forward as to why the development in the form proposed needs to be there.



- 2) The site lies outside the development limits for Wendens Ambo and in the countryside. ULP Policy S7 indicates that there will be strict control on new building and that planning permission will only be given for development that needs to take place there, or is appropriate to a rural area.

Para. 6.14 advises “There is no specific policy on infilling outside development limits because any infill proposals will be considered in the context of Policy S7. This says that development will be strictly controlled. It means that isolated houses will need exceptional justification. However, if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of housing development.”

ULP Policy H3 indicates that new houses should be sited within development limits if the development would be compatible with the character of the settlement and, depending on the location of the site, the countryside setting.

Central Government Guidance in the form of advice contained in PPS7 ‘Sustainable Development in Rural Areas’; and PPG ‘Housing’ strictly limits development to sites within development limits, or on allocated ‘exception’ sites adjoining rural settlements. PPS7 specifically advises that local authorities should apply policies that:

(ii) strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.”

The Parish Council and neighbours support for the proposal is noted. However, this does not outweigh the fact that the proposal is contrary to Policy. In the consideration of any application, the first step is the Development Plan for the area and Central Government Guidance. Section 38(6) of the Planning and Compulsory Purchase Act 2004 advises Local Planning Authorities that if regard is to be had to the development plan... the determination must be made in accordance with the plan unless material considerations indicate otherwise. The proposal fails to satisfy both ULP Policies S7 and H3, and Central Government Advice contained in PPG3 and PPS7 in that there is no identified need for the dwelling in the countryside. It would be sited outside the recognised development limits for Wendens Ambo, and it would be unconnected with agriculture, horticulture, or forestry.

3. It is unlikely that neighbour amenities would be adversely affected to an unacceptable degree through the erection of a single dwelling on the site.
4. The access is likely to prove acceptable to serve a dwelling as there is sufficient room on site to enable a vehicle to enter and leave in forward gear. There are no other material considerations.

**CONCLUSION:** The proposed development is unacceptable. It would be contrary to Central Government Advice contained in PPG3 ‘Housing’ and PPS7 ‘Sustainable Development in the Countryside’; and, to ULP Policies S7, and H3 in that the principle of residential development outside the development limits for Wendens Ambo is not accepted.

**RECOMMENDATION: REFUSAL REASON:**

The application site lies outside the development limits for Wendens Ambo, and in the countryside. Policies C5 and H2(5) of the Essex and Southend-on-Sea Replacement Structure Plan (2001), and Policy S7 of the Uttlesford Local Plan indicate that there will be strict control on new building in the countryside and that planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. Policy H3 of the 2005 Uttlesford Local Plan indicates that new houses should be sited within development limits if the development would be compatible with the character of the settlement and, depending on the location of the site, the countryside setting. In this case, no special reasons regarding the proposed change of use of the land from agricultural to residential, or the need for a dwelling to be erected on this site have been put forward, therefore, both the proposed change of use of the land, and the erection of a dwelling on this site are unacceptable in the above Policy context.

*Background papers: see application file.*

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## **UTT/1510/06/FUL - GREAT HALLINGBURY**

Demolition of workshop and construction of an eight bedroom hotel annexe.  
Location: Great Hallingbury Manor Tilekiln Green. GR/TL 522-209.  
Applicant: Escape Management Ltd  
Agent: Alistair Allan  
Case Officer: *Mr M Ranner 01799 510556*  
Expiry Date: 06/11/2006  
ODPM Classification: MINOR

**NOTATION:** Outside of development limits and within Countryside Protection Zone.

**DESCRIPTION OF SITE:** The site comprises a single storey timber building located within the grounds of Great Hallingbury Manor Hotel. It is of basic construction clad in stained timber boarding below a ribbed aluminium pitched roof. The building occupies a footprint of 27.5 metres by 8.4m and has a ridge height of 4.7m. It is accessed by a gravelled track which follows the southern boundary of the site and then runs along the eastern side of the building to the main hotel car park, which occupies the north eastern side of the site. The building itself is served by a separate secure parking area located on its southern side. A number of mature trees occupy the hotel grounds immediately to the west of the building and fields and hedgerow characterise the land to the east beyond the site boundaries.

**DESCRIPTION OF PROPOSAL:** The application proposes to replace the existing outbuilding with a new building of barn like design. It will occupy the same footprint as the existing building except for the gable projections on the building's front elevation. The height of the building however will increase from 4.7 to 8.5m. This will allow a first floor to be accommodated in order to provide an additional two bedrooms and two offices above the six bedrooms as approved by the previous application UTT/0232/06/FUL. In total the current application proposes 8 hotel bedrooms and two offices. The existing access track routed to the south of the building is proposed to be resurfaced in shingle and the separate car parking area on the southern side of building is to be formally laid out to provide 11 car parking spaces.

**APPLICANT'S CASE including Design & Access statement:** The Design and Access Statement indicates that the building's proportions and design represent an improvement to the design approved under the previous application which is still extant. The building has been designed to resemble a traditional agricultural building, which will be suitable for the rural location in which it is to be set. The building has also been designed so that it can be accessible by pedestrians and chair –bound users.

**RELEVANT HISTORY:** The manor house on the site was converted to a nine bedroom hotel pursuant to planning permission UTT/0781/93/FUL. A number of permissions have been subsequently granted and an extant permission exists for a two storey extension to the main hotel building to provide 8 guest bedrooms and an owners flat (UTT/2191/04/FUL). A current application UTT/1778/06/FUL, is also still be considered on the site which seeks to remove condition c) attached to planning permission UTT/0781/93/FUL which restricts the number of occupants at the hotel to 20 persons at any one time. The reason for this condition was to restrict the number of people within the public safety zone associated with the nearby airport. Since that time the public safety zone has been redefined and now only includes land at the north part of the site.

Members may recall that planning permission was resolved to be granted at the Committee meeting held on 17 May of this year (permission being issued on the 19) to change the use

of the existing building subject to this application from a car repairs workshop to 6 No. letting bedrooms in connection with the existing hotel accommodation on the property (UTT/0232/06/FUL).

**CONSULTATIONS:** BAA Planning and Surface Access Safeguarding Team: Advise the development could conflict with the safeguarding criteria and recommend the imposition of planning conditions concerning the submission of a construction management strategy, lighting and landscaping.

Environment Agency: Object to the application until such a time, as a site investigation has been carried out in relation to soil contamination.

English Nature: Object to the proposed development on the grounds that insufficient survey information accompanies the application to demonstrate whether or not the development would have an adverse effect on legally protected species.

ECC Highways and Transportation: No objections to the proposed development.

Thames Water: No objections with regard to sewerage infrastructure.

Building Surveying: Responded to consultation but make no adverse comments.

**PARISH COUNCIL COMMENTS:** No objections positively encourage the enterprise.

**REPRESENTATIONS:** None received.

**PLANNING CONSIDERATIONS including Design & Access statement:**

The main issues are

- 1) **the appropriateness of the proposed development within the Countryside Protection Zone (ERSP Policies & ULP Policies S8, GEN2, & LC5) and**
- 2) **other material planning considerations.**

1) The application site is located outside of development limits and within the Countryside Protection Zone wherein policy S8 of the local plan applies. This states that planning permission will only be granted for development that is required to be there, or is appropriate to a rural area. There is a strict control on new development and in particular development will not be permitted if new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside or it would adversely affect the open characteristics of the zone. Policy LC5 relates more specifically to proposals for hotel and bed and breakfast accommodation. Of direct relevance to this application it states that development outside development limits will only be permitted if either it involves the re-use of a rural building or it is an extension or replacement of existing serviced accommodation.

Taking these policies into consideration, firstly officers are satisfied that in accordance with policy S8, the development is appropriate to the rural area. The building will largely occupy the footprint of the existing building it is to replace and although the height will increase from 4.7 to 8.5m, but given the location relative to the road and adjacent woodland this will have minimal impact on the visual amenities of the area. The building will be screened from the road by a belt of mature Scots Pine trees located immediately to the west, which will also provide an effective backdrop to the development when viewed from fields to the east. The chosen materials and finishes will also further reduce the buildings visual impact. As a consequence, the development will neither promote the coalescence between the airport and existing development nor would it adversely affect the open characteristics of the zone. It is also material to this case that the design represents a significant improvement upon the extant permission that exists (UTT/0232/06/FUL), which involves the reuse and reconstruction of the existing building. The barn like proportions and appearance of the proposed building are considered by officers to be more sympathetic to the rural area.

The proposal satisfies Policy LC5 as although it lies outside of development limits, the development represents an extension of existing serviced accommodation in accordance with part b) of the policy. In line with Government advice the Local plan is supportive of the development of tourism in order to increase the economic benefits to the district. In this case, the annexe will provide a modest increase to the facilities currently present on site, and is intended to aid in utilising the full potential of the site and help to secure its future as a commercially viable business and in turn hopefully meet a local need as well as a tourism one. An extant planning permission does exist on the site for an extension to the main hotel building to provide 8 guest bedrooms, although officers are satisfied that the site is able to accommodate this additional accommodation with that proposed without causing any undue harm to the visual amenities of the site or the locality in general.

2) The new building is set well away from existing residential properties and separated by existing trees. As a consequence officers do not consider that the proposal will cause any undue harm to residential amenity.

With regard to access and highway safety, the site currently benefits from three accesses. The applicants do not intend to use the southern access track and it is intended that the area between the existing car park and the new development is hard surfaced to allow for access. No alterations are proposed to the existing accesses and it is material to the consideration of this application that the Highway Authority raises no objections to the proposal as it complies with the relevant transportation policies within the Essex County Council Structure Plan. Similarly Officers are satisfied that the proposal is not prejudicial to the provisions of Policy GEN1 of the Local Plan.

English Nature has raised objections to the proposal as the application was not accompanied by survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. In response to this the applicants have submitted an ecological survey. The findings of this are that the building, due to its modern means of construction, presents very limited opportunities for bat roosts, and no evidence of a bat roost was found. This survey has been forwarded to English Nature for further comments. If a response is received before the meeting, this will be reported to members.

The Environment Agency raises objections until such a time that a contamination report is carried out. A detailed Desk study report has been submitted in response which identifies no potential hazards both on and off site that may impact upon the site. This has been forwarded to the Environment Agency for comment. Any responses will be reported to the committee.

**CONCLUSIONS:** In light of the above considerations officers recommend that the application is approved subject to the following conditions.

**RECOMMENDATION: APPROVAL WITH 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.5.1. Samples of materials to be submitted agreed and implemented.
4. C.5.9. Painted wood.
5. The use of the building hereby permitted shall remain ancillary and subservient to the main hotel accommodation located within Great Hallingbury Manor and shall not become a separate or dominant use at any time, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In order to avoid the overdevelopment of the site.
6. C.8.23. Ground contamination.

7. The building hereby permitted shall not be occupied until details have been submitted and approved by the local planning authority concerning the sound insulation measures which shall be incorporated into the building.  
REASON: The site lies within an area seriously affected by noise from aircraft using Stansted Airport.
8. C.8.27. Drainage Details to be submitted agreed and implemented.
9. C.8.29. Details of sustainable construction required.
10. C.8.31. Demolition recycling of materials.
11. C.11.7. Prior implementation of residential parking.
12. Prior to the commencement of the development hereby granted, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. These stores and collection points shall be provided prior to the first occupation of the units to which they relate and retained in the approved form thereafter.  
REASON: In the interests of amenity and sustainability.
13. C.20.3. If Protected Species discovered get licence from Natural England.
14. C.25.3. Ban on airport related parking – 3.
15. Development shall not commence until a construction management strategy has been submitted to and approved in writing by the local planning authority, which shall be implemented during the construction period. The strategy shall include details of cranes and other tall construction equipment (including details of obstacle lighting), measures to control dust and smoke and details of temporary lighting.  
REASON: To ensure that the construction works do not endanger aircraft movements and the safe operation of the aerodrome.
16. No external lighting shall be provided without the prior written permission of the local planning authority.  
REASON: In the interests of aircraft safety.

*Background papers: see application file.*

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**UTT/1681/06/FUL - SAFFRON WALDEN**  
***(Application by Council Employee)***

Erection of detached dwelling. Erection of replacement garage to serve 23 The Wayback.  
Location: Land adj. 23 The Wayback. GR/TL 544-388.  
Applicant: Mr & Mrs Millership  
Agent: Mr I Abrams  
Case Officer: Mr H Laird 01799 510464  
Expiry Date: 18/12/2006  
ODPM Classification: MINOR

**NOTATION:** Uttlesford Local Plan: Within Development Limits of Saffron Walden.

**DESCRIPTION OF SITE:** The site is located at the end of a residential close known as The Wayback and currently forms part of the residential garden of No. 23, which is a detached dwelling occupying a plot of 0.0864 hectares. The application site has an area of 0.0445 hectares and is currently laid mostly to lawn but contains numerous fruit trees with establishing hedging around the site boundaries. The site is surrounded on all sides by existing residential development on Neville Road, Howard Road and The Wayback. The land rises by approximately 1.5m from the side of the existing house up to the lawned area of the application site but then levels out on the area of the proposed development.

**DESCRIPTION OF PROPOSAL:** The applicant is seeking consent to erect a two-bedroom detached 1½-storey dwelling with integral garage. The building would be roughly L-shaped with a maximum width of 13.9m, a maximum depth of 15.5m, height to eaves of 2.9m and a height to ridge of 6.8m (no chimney). The dwelling would have two parking spaces (including one in the garage) and on site turning. The useable garden area would be in excess of approximately 160sq.m. To gain access to the site from The Wayback, the original garage serving No.23 is proposed to be demolished. This access will serve both the existing dwelling and the proposed new one. The applicant wishes to erect a new single garage to serve No.23 along the side of existing dwelling. The existing dwelling would retain a garden area in excess of 150sq.m, which is well above the minimum standard and comparable with the general garden sizes on the rest of The Wayback.

**APPLICANT'S CASE (Design & Access Statement):** The applicant has submitted a supporting Design & Access Statement with the application which advises that the new dwelling is a re-submission of a previously approved scheme. The finished floor level has been lowered by 300mm (1 foot) below that of the previously approved bungalow to enable the overall height to remain the same as the previously approved bungalow. The number of bedrooms is the same – two.

The building is L-shaped with the addition of a single-storey glazed breakfast area and integral garage. There are two bedrooms in the attic space. Neither bedroom window is designed to cause any overlooking. That serving bedroom two will look down 'The Wayback'. The window serving bedroom one is 28m from 12-14 Howard Road, well in excess of the 25m recommended in the Essex Design Guide. The remaining two windows serving the en-suite bathrooms will be fitted with obscure glass to prevent overlooking. The five roof lights will have sill heights of 1.65m above finished floor level to avoid overlooking.

The dwelling will have a sufficient garden for its size, which will be landscaped. Materials proposed are Clay Plain tiles to the roof; and, walls of render atop a brick plinth. Modern energy, and water efficient fixtures and fittings are proposed to be used.

Two car parking spaces in addition to the integral garage are to be provided, with on-site turning. The dwelling will be accessible to all potential users. A Design and Access Statement and Lifetime Homes Standards Report accompany the application.

**RELEVANT HISTORY:** Outline application for one detached dwelling and garage and alteration to existing access approved 1992. Details following outline approval for erection of detached bungalow and detached garage approved 1995.

Renewal of planning permission UTT/0789/95/DFO. Erection of dwelling, land adjoining 23 The Wayback, Saffron Walden, approved 2000.

Renewal of planning permission UTT/0789/05/DFO Erection of single storey dwelling on the above site, approved on 1 July, 2005.

**CONSULTATIONS:** Anglian Water: To be reported.

Environment Agency: Standard Advisory comments regarding residential development.

Fisher German: Wishes to make no comments as the Governments Pipeline and Storage system is not located within the vicinity of the site.

UDC Building Surveying: No adverse comments.

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

**REPRESENTATIONS:** Eleven neighbours were notified of the proposed development. Neighbour consultation period expired 14 November 2006. One letter of representation from the occupants of 12 Howard Road to the north-east of the site has been received.

Objections to the proposal are raised on the grounds that there will be a loss of views over the town from the house, and to a certain degree a loss of privacy arising from the development.

**PLANNING CONSIDERATIONS:** The main issues are whether: -

- 1) **residential use on this site is considered acceptable (PPG3, ERSP POLICY BE1, H3, Uttlesford Local Plan Policy S1, H1, H3);**
- 2) **the impact of the development on adjoining neighbours would be acceptable (ERSP Policies H3, Uttlesford Local Plan Policy GEN2);**
- 3) **the proposed development respects the scale and characteristics of surrounding properties (ERSP Policy H3, Uttlesford Local Plan Policy H3, GEN2) and**
- 4) **the access and parking arrangements are acceptable in terms of highway safety implications (ERSP Policies T3, T6, T7, T12, Uttlesford Local Plan Policy GEN1, GEN2 and GEN8).**

1) The site lies within the development limits of Saffron Walden and therefore the principle of residential development is considered acceptable subject to meeting all other relevant policy criteria.

2) The proposal involves the erection of a 1½ storey dwelling. The dwelling is designed and oriented in such a way as to minimise any opportunity for overlooking of adjacent dwellings. The proposed new dwelling and the existing property would be 7m apart and, although the buildings are slightly angled towards each other, there should be no detrimental impacts on the existing property, provided that adequate boundary screening is constructed and maintained.

In terms of aspect, the site is a minimum of 1m from the northern boundary of the site. It is the opinion of officers that the proposal is unlikely to materially overshadow adjoining neighbours, especially given the pre-existence of boundary fencing.



Overall, officers are content that any detrimental impacts on neighbouring residential properties can be controlled by condition, particularly preventing the further insertion of roof lights or other roof alterations etc. The comments received from the neighbour at 12 Howard Road are noted. In planning terms there is no right to a view, and given the distance of approximately 20m between the two dwellings and the fact that the only window at first floor level facing this neighbour would be the bathroom window to the north-west elevation, it is unlikely that there would be a significant loss of privacy to this or any other neighbour.

3) The general character of this part of Saffron Walden is quite varied. The Wayback is a 20<sup>th</sup> Century estate type development surrounded by other residential properties, some of which are older, particularly the houses on Neville Road and Howard Road (circa 1950s). The application site, being a large open space is significantly different in character to adjoining properties. That said, the use of the current garden area for residential purposes would represent a much more efficient use of urban land and would be of a scale and density comparable to surrounding properties (22 dwellings per hectare). Officers are of the opinion that the overall scale of development is acceptable in this instance subject to relevant conditions.

4) In terms of access and parking issues, the only means of access to the site would be via a revised entrance in front of No.23 The Wayback. This revision would involve the demolition of the existing garage to create a shared access. The applicant has proposed a new single garage to the side of the existing property, which is set back approximately 5 metres from the front wall of the house to enable parking in front. The new dwelling would be served via a 2.7m wide access, which slopes upwards to the level area of the dwelling. The details of the slope are indicated in section AA. The new dwelling would contain a single garage attached to the southern side elevation, and space to the side with a turning facility to enable vehicles to leave the site in a forward gear.

The intensification of the access will marginally increase the noise of traffic in front of No.23 and running along the side of No.25 The Wayback. Whilst this may not be desirable in terms of amenity, such an increase in traffic movements would not be materially harmful to warrant a refusal on its own, and the principle of this arrangement has been accepted by the previous grant of planning permission.

Officers are therefore of the opinion that, although the shared access involves vehicles travelling up a slope to reach the new dwelling, the general access and parking arrangements are satisfactory in this instance.

**CONCLUSIONS:** This application has been referred to members because it has been submitted by an employee of the Council and would ordinarily have been determined under delegated authority. The application, whilst differing from the previously approved single storey dwelling, is considered acceptable in that it provides an interesting design solution to the problems of providing first floor accommodation, whilst resulting in a better design and form of dwelling than that previously approved. There would be no additional material harm to any neighbours amenities over and above that connected with the previously approved single storey dwelling, and there are no material changes in policy to warrant a different decision.

#### **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.5.1. Samples of materials to be submitted agreed and implemented.
6. C.6.4. Excluding extensions without further permission.
7. C.6.7. Excluding conversion of garages.
8. C.12.3. Prior provision of boundary enclosure 2.
9. No development shall take place until details of a 1 metre high retaining wall to be erected in the position shown hatched in red on the approved drawing number 43006.01, received by the local planning authority by the local planning authority on 23 October, 2006 have been submitted to and approved in writing by the local planning authority. Construction of the dwelling shall not commence until the approved retaining wall has been constructed in accordance with the approved details. Thereafter the retaining wall shall be retained.  
REASON: To safeguard the amenities of the adjoining residential property.
10. The dwelling hereby permitted shall be not be occupied until all car parking and manoeuvring areas serving the new and existing dwellings as shown on drawing number 43006.01, received by the local planning authority on 23 October, 2006 have been constructed and made available for use. Thereafter they shall remain available for use as car parking and manoeuvring areas in perpetuity and no car parking or manoeuvring shall take place elsewhere on site.  
REASON: In the interests of residential amenity and highway safety.
11. C.8.29. Details of sustainable construction for new residential or commercial development.
12. C.8.30. Provision of bin storage.
13. C.19.1. No further windows, rooflights or other form of opening in roofslopes.
14. Obscure glazing to bathroom windows.
15. C.28.1. Implementation of accessibility scheme.

*Background papers: see application file.*

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## **UTT/1810/06/FUL - BROXTED**

*(Referred by Cllr Morson)*

Proposed erection of two number triple garages  
Location: Wood Farm Pledgdon Green. GR/TL 565-265.  
Applicant: Mr N Eastaway  
Agent: BRD Tech Ltd  
Case Officer: Mrs A Howells 01799 510468  
Expiry Date: 27/12/2006  
ODPM Classification: OTHER

**NOTATION:** Outside Development Limits.

**DESCRIPTION OF SITE:** The site lies in the countryside to the north of the airport, approximately in the centre of the district. The application site comprises land that is heavily overgrown and immediately to the north of a detached and isolated former farmhouse and its curtilage. That dwelling has a number of outbuildings including a listed barn which presently is not any use, stables, workshop and games room.

**DESCRIPTION OF PROPOSAL:** The proposal is for the erection of two triple garages in the north of the site adjacent to a tennis court. The proposed garages would measure 14.85metres wide by 7.65metres in depth and 4.35metres to the pitch. Internally the garages would have 3 generous bays measuring 7.65m x 4.6m. They would be set at 90degree angle and about 2 ½m to each other and accessed via an existing access from the west of the application site.

**APPLICANT'S CASE:** Applicants have an extensive collection of vintage and classic cars that need to be stored in a controlled environment. The proposal is to erect free standing garage buildings. The buildings will be clad in feather edged boarding with a site roof. There are existing outbuildings on the site and those that are suitable will also be used to store other cars in the collection. The other buildings will be used as ancillary uses such as garden stores and a workshop. Applicants current property has been compulsory purchased and would like to continue to live in the area.

**RELEVANT HISTORY:** Previous applications for two triple garages 2006 – withdrawn by applicant; Certificate of lawfulness for land for residential use and incorporating a tennis court – refused August 2006 (evidence failed to demonstrate on the balance of probability that this land was lawful cartilage).

**CONSULTATIONS:** English Heritage: To be reported (due 2 December 2006).  
Council for British Archaeology: To be reported (due 2 December 2006).  
The Georgian Group: To be reported (due 2 December 2006).  
Society for the Protection of Ancient Buildings: To be reported (due 2 December 2006).  
Victorian Society: To be reported (due 2 December 2006).

**PARISH COUNCIL COMMENTS:** To be reported (due 2 December 2006).

**REPRESENTATIONS:** This application has been advertised and 2 representations have been received. Period expires 20<sup>th</sup> December 2006.

1. No objection to application
2. Object on the following grounds; loss of countryside; hedges and trees have already been cut down and a new access has been created. The representation letter then

goes on to list conditions which would be acceptable if the Council is minded to approve the application.

**COMMENTS ON REPRESENTATIONS:** Please see planning considerations.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposal meets the requirements of Essex and Southend-on-Sea Replacement Structure Plan Policies CS2, C5, HC3 and BE1; Uttlesford Local Plan Policies S7, ENV2, GEN2, H8 and GEN4 and National Policy PPS7.

1) With regard to countryside protection, in determining this application the main consideration is ULP Policy S7 and PPS7 which contains a clear presumption against development within the countryside, except for development that needs to take place there, or is appropriate to a rural area.

Although extensions to dwellings, and/or outbuildings, are often considered acceptable in the countryside they are more strictly controlled than within settlements. Furthermore, regard must be had to the defined curtilage of the existing dwelling. In this case, it is concluded that by way of the visual condition of the land, its physical separation from the main farmhouse, and the clear garden area to the original farmhouse, the land the subject of the present application is beyond the curtilage of the existing dwelling. A recent application to establish the use of this land as curtilage was refused as the evidence submitted an absence of the normal information of dates periods of time and persons involved together with the unkempt condition of the land was insufficient to gain certificate. However, this application is not to ascertain the use of the land but the proposal for permission to erect two triple garages on land that the applicant has not been able to demonstrate forms part of the curtilage of the farmhouse.

The applicants, as part of their supporting statement, have explained that their previous house has been compulsory purchased and they are in need of a new property within the area which is capable of supporting their interests and requirements. In these circumstances, it is considered that although an unusual situation, the proposal represents inappropriate and visually intrusive development that is harmful to the low key open and rural character of the countryside. The harm would be compounded by the associated intensification in the use of an existing access and the introduction of an excessive amount of hard standing. This harm is not mitigated by the applicants personal desires or needs. In these circumstances Planning Inspectors frequently point out that the impact of the proposal will remain long after the personal circumstances have ceased.

Even if the applicant could prove this site within the lawful curtilage of the dwelling. The proposed garages would still require permission as the dwelling is listed and due to the position relative to the road and height of the proposed building. They would be in excess of what would be reasonably necessary for the parking of cars in connection with a normal residential use. There would be six garage spaces each are being a generous 7.5m by 4.6m. There maybe scope to use other buildings within the curtilage of the dwelling as garages. Therefore, in these circumstances, even if the application site was within the curtilage of the dwelling, these buildings would none the less of an excessive scale and would be harmful to the character and appearance of the countryside.

2) In terms of detailed design, in the right location there is nothing intrinsically wrong with the design proposed. However, by way of the excessive size and scale, it would also be seriously harmful to the setting of the listed barn as it would be overly dominant, and undermine the spacious setting for this building, and in particular adversely affect its subordinate relationship with the main dwelling.

3) No neighbours would be affected, and possible future commercial use could be conditioned out or would become a matter for enforcement should that arise.

**CONCLUSIONS:** In summary the application should be refused because it is harmful to the character of the countryside and it would be harmful to the setting of the listed barn.

**RECOMMENDATION: REFUSAL REASON**

The proposed garage buildings, by way of their position, height and footprint would result in the introduction of substantial and excessive amount of additional built form at this site, which would be harmful to the open and rural countryside. As such, the development would be contrary to policies CS2 and C5 of the Essex and Southend-on-Sea Structure Plan; Policy S7 of the Uttlesford Local Plan and PPS7. The proposed garage buildings, by way of their position, height and footprint would result in the creation of a dominant element of built form, harmful to the spacious setting of the Grade II Listed Barn. As such, the development would be contrary to policy HC3 of the Essex and Southend-on-Sea Structure Plan and Policy ENV2 of the Uttlesford Local Plan.

*Background papers: see application file.*

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## **UTT/1608/06/FUL - WENDENS AMBO**

Erection of two-storey rear extension, front porch and front dormer window. Conversion of detached garage to residential annexe.

Location: 23 Station Road. GR/TL 516-364

Applicant: Mr & Mrs McLaren

Agent: Kenneth Mark Practice Ltd

Case Officer: *Madeleine Jones 01799 510606*

Expiry Date: 22/11/2006

ODPM Classification: OTHER

**NOTATION:** ULP: Within Development Limits. Ground Water Zone. Adjacent to Conservation Area.

**DESCRIPTION OF SITE:** The property is a semi detached rendered house in a group of five pairs of semi-detached houses. There is a row of Listed terraced properties adjacent to the semi's. The house has a separate, detached garage, set back from the house at the side of the dwelling. It is situated on the Station Road in Wendens Ambo. The house has a long flat-grassed rear garden, which is separated from neighbours by timber fencing. There are farmers' fields to the rear of the garden. There is a small flat roof addition to the rear of the property. The frontage of the property is symmetrical to the other pair of the semi. It has one dormer window to the front at first floor level and a horizontal row of three windows at ground floor level. The front door has a flat canopy. There is off road parking (on the shingle drive) for at least three cars.

**DESCRIPTION OF PROPOSAL:** The proposal is for

1. The erection of a two-storey rear extension. This is a revision of a previously approved extension, which would replace the existing rear flat roofed single storey extension. The size of the extension remains the same. The dimensions of the extension would be 5m deep, 5.1m wide and it would have a ridge height of the existing dwelling. The extension would have a gabled end to the rear. The revision consists of changes to the position of windows and doors. Patio doors will replace a conservatory, which was approved to the rear of the existing rear elevation. French windows in the side elevation of the proposed extension are moved slightly closer to the existing house. There would be two new windows in the east side elevation.

2. A front porch and dormer window to the front. The dimensions of the porch would be 3.5m wide, 1m deep and 2m high. It would have two posts supporting a canopy and it would have a gable end to the front, which would have oak beams and be rendered. The roof would have plain tiles. The porch would be glazed and rendered. The dormer window would be the same dimensions and design as the existing front dormer

3. Conversion of the detached garage to residential annexe. The conversion would only require the addition of a new window to the rear of the garage and interior alterations. The front garage door would remain, with the wall bricked up behind.

**APPLICANT'S CASE:** The garage conversion is to be used to accommodate an au-pair.

**RELEVANT HISTORY:** Two-storey rear extension, porch, conservatory and detached garage. Approved 2002. Vehicular access approved 1997.

**CONSULTATIONS:** Anglian Water Services: To be reported (due 18 October 2006).

Environment Agency: To be reported (due 18 October 2006).

Legal Advice: Advise a Section 106 Agreement should be sought.

**PARISH COUNCIL COMMENTS:** No objections to the rear extension, the porch or dormer window but do have concerns with regard to the conversion of the garage into a residential annexe for the reason of setting a precedent in the area for other such conversions creating more dwellings in the area. Therefore, with regard to this part of the application the Parish Council would wish to object.

**REPRESENTATIONS:** None. Notification period expired 18 October 2006.

**PLANNING CONSIDERATIONS: The main issues are design, scale and impact on neighbours' amenity. (ULP Policies H8, S1, GEN2);**

In relation to the proposed extensions, the designs are satisfactory and in proportion to the original house. There is already a window in the side elevation at first floor level and therefore, there would be no additional overlooking or overshadowing caused and as such no material impact to neighbours amenity.

The proposal is not for the garage to be used as a dwelling in its own right and would not involve the creation of a new planning unit through independent occupation. The conversion of the garage does not require planning permission as the use for an annexe by an au-pair is considered to be " incidental to the enjoyment of the dwelling house" and the use by an au-pair is considered to be classed as ancillary to the main dwelling and therefore exempt from planning permission under the General Permitted Development Order 1995, Schedule 2 Part 1 Class E.

In view of the proximity to the Audley End station this site could be an ideal situation for a one-bedroomed dwelling. Although the site is within Development Limits, this is not a position that an application for an additional dwelling would be supported, due to the relationship with adjacent buildings, and impact on the access/traffic arrangements for the property. There is concern that should the au-pair be no longer required, the garden of the house could be easily divided so that the converted garage could be used as a separate dwelling. On the advice of the Council's Solicitor, a Section 106 Agreement is recommended to ensure that the garage and the house shall remain in the same ownership and that the converted garage at a later date can not be used as an additional dwelling.

**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.5.3. Matching materials.
4. C14.4. Use ancillary to main dwelling.
5. C19.1. Avoidance of overlooking – no additional first floor windows in the side elevations of the rear extension.
6. C.19.1. No further windows, roof lights or other form of opening in the converted garage.

*Background papers: see application file.*

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## **UTT/1849/06/FUL - MARGARET RODING**

1.5m extension to an existing radio mast and the installation of 2 No. dishes  
Location: NGW Transmitting Station Marks Hall Farm. GR/TL 598-110.  
Applicant: Airwave 02 Limited  
Agent: National Grid Wireless  
Case Officer: Miss K Benjafield 01799 510494  
Expiry Date: 04/01/2007  
ODPM Classification: OTHER

**NOTATION:** Within Metropolitan Green Belt.

**DESCRIPTION OF SITE:** The mast is located approximately 970m to the southwest of the junction of the A1060 and Ongar Road. The site was formerly part of Marks Hall Farm and is now used for solely for telecommunications equipment. The site is surrounded by Marks Hall Farm including a building located to the southwest of the site which is a converted former piggery. On the site is a 22.5m high lattice telecommunications mast and associated cabinets at ground level.

**DESCRIPTION OF PROPOSAL:** This application relates to a 1.5m extension to the height of the existing mast and the installation of 2 dishes on to the top of the extended mast. The extra equipment is required to support the Airwave secure digital radio network dedicated for use by the emergency services. The Airwave network works with sites forming part of a chain of 'point to point' links requiring direct line of sight between the sites.

**APPLICANT'S CASE including Design & Access statement:** See summary and conclusions of the applicant's statement attached at end of report. A Design and Access statement is not required for this application.

**RELEVANT HISTORY:** Erection of 22.5m high telecommunications tower, six antennae, four microwave dishes, equipment cabin and ancillary works conditionally approved 1995. Additional equipment added to the mast and at ground level within the compound in 2001 and 2002 following telecommunication determinations.

**CONSULTATIONS:** None.

**PARISH COUNCIL COMMENTS:** To be reported (due 9 December 2006).

**REPRESENTATIONS:** This application has been advertised and no representations have been received. Period expired 12 December.

**PLANNING CONSIDERATIONS including Design & Access statement:**

**The main issues are whether the proposal complies with the criteria specified in ULP Policy T4 (ERSP Policy BE8) or would have a detrimental impact on the Metropolitan Green Belt (PPG2, ERSP Policy C2).**

ULP Policy T4 specifies three criteria that proposals are required to comply with for planning permission to be granted. These are that:

- a) there are no practicable 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 and the proposal complies with the safety requirements of the International Commission on Non-ionising Radiation Protection (ICNIRP)

This application proposes a mast sharing situation and would prevent the need for an additional mast either adjacent to the existing one or on an alternative site elsewhere. Information provided by the applicant has stated that there is a technical need for additional equipment on the existing mast to provide a 'point to point' link within the overall airwave network. In order to accommodate the additional equipment on the existing mast, it would be necessary to extend the mast by 1.5m which, in addition to providing sufficient space on the mast, would also allow sufficient distance between the existing and proposed equipment to prevent radio interference.

The existing mast is not highly visible and most of the equipment is screened by mature vegetation in the vicinity of the site, some of which was required by condition on the original 1995 permission for the mast. The proposed extension to the mast would increase its visual impact however it is not considered that this would be significantly more harmful to the open character of the MGB than the impact of the existing mast and equipment. Furthermore, the introduction of a minimal increase in height and additional equipment would have a lesser impact on the character of the surrounding area than the erection of a second mast which may be required to meet the technical need for the airwave network if this proposal is considered to be unacceptable. The proposed extension and additional equipment is therefore not considered to have a detrimental impact on the open and rural character of the MGB.

The applicant has submitted a Declaration of Conformity with ICNIRP Public Exposure Guidelines. Guidance issued within PPG8 states that once an applicant has provided this declaration, then "it should not be necessary for a local planning authority to consider further the health aspects and concerns about them".

**CONCLUSIONS:** The applicant is proposing to share an existing mast and has provided a technical justification for the proposal. The increase in height to the mast of 1.5m and the proposed additional equipment would have a greater visual impact than the existing height of the mast and existing equipment however this would not be so great that it would be detrimental to the open character of the MGB. Therefore, the proposal is considered to comply with the relevant policies.

**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. The telecommunications apparatus shall be removed from the land, building or other structure, as soon as reasonably practicable after it is no longer required for telecommunication purposes. Such land, building or structure shall then be restored to its condition before the development took place.  
REASON: In order to prevent the proliferation of redundant equipment in the countryside.
- 4. Prior to the commencement of development, fully detailed and scaled plans (to a recognised and stated scale) of the mast and the proposed additional equipment shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be implemented in accordance with the approved plans.  
REASON: The drawings shown on the submitted plans at a scale of 1:100 do not accord with the measurements annotated on the plans.

*Background papers: see application file.*

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## **UTT/1824/06/FUL - SAFFRON WALDEN**

*(Application from member of staff)*

Replacement conservatory and raised deck area  
Location: 7 Brooke Avenue. GR/TL 540-388.  
Applicant: Mr & Mrs Robinson  
Agent: Mr J Ryan  
Case Officer: Mr T Morton 01799 510654  
Expiry Date: 29/12/2006  
ODPM Classification: OTHER

**NOTATION:** Inside Development Limit.

**DESCRIPTION OF SITE:** This is a two storey semi detached house on the west side of the road. The house is sited in a street of properties of similar overall design. Two single-storey rear extensions have previously been added to the house. The attached house has no rear extensions.

**DESCRIPTION OF PROPOSAL:** Erection of a single-storey rear conservatory extension and an area of raised decking. The conservatory would have a footprint of 5.05m deep and 3.345m wide and a maximum height of 4m.

**RELEVANT HISTORY:** SWB/0169/73 Garage and Conservatory Approved 06/12/1973  
UTT/0275/03/FUL Front Porch Approved 28/04/2003.

**TOWN COUNCIL COMMENTS:** Consultation period expired 6 December 2006.  
The PC have made no comment at the time of drafting this report. Any observations will be included in the Supplementary Report.

**REPRESENTATIONS:** None. Notification period expired 27 November 2006. Revised consultation period (clarification of description of development) expires 8 December, and any responses will be reported.

**PLANNING CONSIDERATIONS: The main issues are**

- 1) **design (ULP Policies GEN2, H8 & [SPD](#) Home extensions);**
- 2) **amenity (ULP Policy GEN2 & [SPD](#) Home extensions) and**
- 3) **other material planning considerations.**

1) The proposed extension has been designed to replace the existing 'conservatory' approved in 1973 and now in poor condition. The form of the proposed conservatory relates in a satisfactory manner to the design of the house.

2) The extension meets the 45 degree daylighting line to the habitable room windows of the attached house and will have no adverse implications for daylighting to the neighbouring property.

The conservatory and decking would be raised above the ground level of the rear gardens, but this would offers the same view of the neighbouring garden as already available from the windows of this house. The two gardens are separated only by a low perforated concrete block wall and are already fully visible from each other. The proposals are not considered to have an adverse impact upon amenity.

3) No other issues are considered to arise.

**CONCLUSIONS:** The proposal is considered to be satisfactory, and accords with ULP Policy H8.

**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 plan.
3. C.5.2. Details of materials to be submitted agreed and implemented.

*Background papers: see application file.*

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## **UTT/1819/06/DC - HATFIELD HEATH**

Vehicular cross over and parking area

Location: Land adjacent to 1 Broomfields. GR/TL 520-151.  
Applicant: Uttlesford District Council  
Agent: Uttlesford District Council  
Case Officer: Miss G Perkins 01799 510467  
Expiry Date: 28/12/2006  
ODPM Classification: OTHER

**NOTATION:** Inside Development Limits.

**DESCRIPTION OF SITE:** The site is located on the western side of Broomfields in Hatfield Heath, opposite the doctor's surgery. The land abuts the front and rear garden of a dwelling at 1 Broomfields and currently has no legal access. The land is grassed and appears to be used as an informal car park and cars gain access via a drive that services the rear Broomfield cottages, located to the south of the site.

There is a hedge along the northern boundary of the site and an open timber trellis fence along the western boundary of the site.

**DESCRIPTION OF PROPOSAL:** It is proposed to construct an 8.189m wide crossover to serve the site and place a hard surface over the site to construct a formal car parking area. The surface will be finished in Dense Bitumen Macadam surrounded by concrete kerbs. The existing hedge and trellis fence are proposed to be retained. The five parking bays are will be defined by block pavior.

It is noted that the crossover will effectively extend the existing single vehicle crossover that serves the rear of Broomfield cottages so that the total width of the crossover will be 12.2m.

**APPLICANT'S CASE including Design & Access statement:** The applicant has explained in their design and access statement that they have taken ULP Policy LC3 and ULP Policy GEN2.

The applicant has advised that at this stage residents have not been consulted however this would be done later if planning permission was granted for the car park.

The applicant has also advised that approval would be required from Essex County Council to construct a vehicle crossover, separate from this application.

**RELEVANT HISTORY:** There are no previous applications on the land. Planning officers have discussed this current application with the applicant and advised that they will be required to demonstrate a need for the car park. Officers sent a letter on 15 November 2006 suggesting that the applicant conduct community consultation to establish if there is a need prior to making a planning application.

**CONSULTATIONS:** None.

**PARISH COUNCIL COMMENTS:** Hatfield Heath Parish Council: No comments provided at the time of drafting report however period for comments expired on 2 December 2006.

**REPRESENTATIONS:** This application has been advertised and two representations have been received. Period expired 23 November 2006.

The points raised in the representation letters can be summarised as follows:

- Please clarify who will be entitled to use the car park, is it solely for residents use
- How will the car park be managed e.g. signage

- There is an issue with airport parking in the village, how will it be ensured that this will not become an airport car park
- Will the access via the existing drive to the garage be ensured.
- Pleased with this application as there is a parking problem in the village, however we feel that a different layout could allow six spaces and maximise the piece of land.

**COMMENTS ON REPRESENTATIONS:** The matters that are material to the consideration of this application will be discussed in the planning considerations of this application. Some of the comments appear to indicate that some level of prior resident consultation may have been useful prior to lodging the application.

**PLANNING CONSIDERATIONS including Design & Access statement:**

The main issues are:

- 1) whether the car parking is an appropriate community facility (ERSP Policy T12 & ULP Policy T3 and part 7 of the ULP) and**
- 2) if the proposed design and access arrangements are acceptable (ULP Policies GEN2 and GEN1).**

1) It is proposed to provide 5 off street car parking spaces on Council land. ERSP Policy T12 states that vehicle and cycle parking should be made available in accordance with a Local Transport plan and must take account of several factors including the degree of accessibility and road congestions. For a small scale car park such as this some factors are less relevant however Council still needs to consider the demand for car parking and who will benefit from the car park.

At this stage the applicant has indicated that community consultation is proposed to be undertaken in the future after the application has been determined. Planning officers are of the view that this is the wrong way round and the needs together with an appropriate layout to be established up front.

The proposed car park could potentially be defined as a community facility, assuming that a need could be demonstrated. Part 7 of the ULP has several objectives that encourage community facilities within villages, even where development would not normally be permitted. If this was an application for the construction of a private car park in front of a residential dwelling it is likely to be refused on design and amenity grounds, however if there is a community benefit this may lead the Council to look more favourably on such a proposal. Given that no need has been stated or clarify that this will in fact benefit the community officers are unable to justify the proposal given the potential design and amenity issues.

2) The design of the car park is unsatisfactorily plain and the introduction of a hard standing area with no additional landscaping is not considered to maintain or contribute to the character of the area. General design principles recommend that car parking areas should have minimal prominence and should be well screened. The car parking area will be highly visible and the wide crossover will make it more prominent. Currently the land is grassed and is more in keeping with the character of the surrounding area.

There is a 12.2m wide access proposed, which will be located opposite the access into the surgery. While comments have not been received at this stage from Highways, it is not considered that the introduction of such a wide crossover may lead to traffic conflict which would be contrary to the ULP Policy GEN1 objectives.

**CONCLUSIONS:** Council officers consider that while there may be a need for a car park in the village, such a need has not yet been demonstrated. It is considered that the design will not contribute positively to the area, and there is insufficient justification to allow such a poor proposal on the basis of overriding community benefits. Furthermore there is a potential for the use to become airport related car parking, as the users of the car park have not been identified.

Given this need has not been demonstrated it is recommended that the application be refused.

**RECOMMENDATION: REFUSAL REASON**

1. Insufficient information has been submitted with the application in order to establish the need for such a facility and for which members of the community the car parking area would serve.
2. Given there is no established need of the car park there is no overriding justification to allow a quite visually prominent car park on this site within the village, thereby rendering the proposal contrary to ULP Policy GEN2.

*Background papers: see application file.*

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