

UTT/0390/07/FUL - LITTLE BARDFIELD.....	3
UTT/0390/07/FUL - LITTLE BARDFIELD.....	5
UTT/0924/07/CC - GREAT DUNMOW .....	11
1) UTT/0788/07/FUL & 2) UTT/0789/07/LB - SAFFRON WALDEN.....	12
UTT/0841/07/DFO - TAKELEY .....	16
UTT/0168/07/FUL - HADSTOCK .....	22
REPORT TO DEVELOPMENT CONTROL COMMITTEE – 4 APRIL 2007 .....	24
UTT/0168/07/FUL - HADSTOCK .....	24
UTT/0847/07/FUL - BARNSTON .....	27
UTT/1053/07/FUL - SAFFRON WALDEN .....	29
UTT/0999/07/FUL - HATFIELD HEATH .....	33

**PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 25 JULY 2007**

APPL NO: **UTT/0390/07/FUL**  
PARISH: **LITTLE BARDFIELD**  
DEVELOPMENT: Change of use from grounds associated with Little Bardfield Hall to be used to hold concerts twice a year & weddings/social/parish events ten times a year. Erection of marquees, stage and toilets and use of land for car parking for the events

APPLICANT: Mr A Goldsmith  
LOCATION: Little Bardfield Hall  
D.C. CTTE: 23 May 2007, 13 June 2007 & 4 July (see report from 23 May 2007 copy attached)

REMARKS: Deferred for applicant's consideration of revised conditions

**RECOMMENDATION:** **Approve conditions**  
*Case Officer:* Mr T Morton 01799 510654  
*Expiry Date:* 31/05/2007

---

## **UTT/0390/07/FUL - LITTLE BARDFIELD**

***(Referred at request of Cllr Foley)***

*(Reasons: concern from Parish Council and residents – for further comments and discussion from community)*

Change of use from grounds associated with Little Bardfield Hall to be used to hold concerts twice a year & weddings/social/parish events ten times a year. Erection of marquees, stage and toilets and use of land for car parking for the events

Location: Little Bardfield Hall. GR/TL 653-304

Applicant: Mr A Goldsmith

Agent: Lucy Carpenter

Case Officer: Mr T Morton 01799 510654

Expiry Date: 31/05/2007

Classification: OTHER

This application was deferred at the Development Control meeting of 4 July 2007 to enable the applicant/agent to fully consider a set of revised conditions that had been prepared by officers. These conditions are set out below, but Members should be aware that it has been difficult to produce a set of controls that would limit events in the manner which Members had indicated at the meeting of 13 June. As a result, the following conditions are considered to be the most that could reasonably be imposed, but these cannot ensure that the events serve the local population only. There are no controls which could limit advertising further afield, or to limit the catchment area of guests. A copy of the original report to this Committee is attached at the end of this report:

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

1. C.2.1. Time limit for commencement of development.
2. C.13.1. Limited permission – The use hereby permitted shall be discontinued on or before 4 July 2009.
3. Not more than ten events, including weddings, parish and other social events, and no more than two major concerts shall take place in any calendar year. A major concert shall be defined as a musical event attracting up to 1000 visitors.  
REASON: In the interests of minimising the nuisance to local residents and traffic generation in this remote rural location.
4. The number of guests to be accommodated at a single wedding, parish or other social event shall not exceed 200 persons.  
REASON: In the interests of minimising the nuisance to local residents and traffic generation in this remote rural location.
5. No more than 300 cars are to attend any single event held within the terms of this consent. Any cars exceeding this number shall result in the immediate cessation of the event in question.  
REASON: To limit the amount of traffic movements in the interests of the amenity of nearby occupiers and in the interests of road safety.
6. Marshals are to be provided for all events held within the terms of this consent to supervise the movements of vehicles both within the site and on the adjoining highway for the duration of the event. Details of the marshalling arrangements for the different type of events are to be submitted to and approved in writing by the local planning authority prior to the operation of the first event.  
REASON: In the interest of road safety to prevent excessive queuing back from the entrance along the public highway.

7. Advance traffic warning signs are to be placed on the highway at a distance of 400 metres and 200 metres in each direction from any entrance being used in connection with all events held within the terms of this consent, the signs to contain the words "Warning Traffic Queue Ahead" or such other text as may be agreed with the Local Planning Authority and Highway Authority. The events shall not operate unless this signage is displayed.  
REASON: In the interests of highway safety.
8. There shall be no infilling of any pond contained within the site without the prior permission of the local planning authority. The ponds within the site shall be securely fenced by post and rail fencing or such other means of enclosure as may be agreed in writing with the Local Planning Authority. Details of the proposed fencing shall be submitted to and approved in writing by the Local Planning Authority and installed before the use is commenced and shall be maintained permanently thereafter, and no event shall take place in the absence of this fencing on the site as agreed  
REASON: In the interest of public safety
9. The use hereby permitted shall not operate except between the hours of 09:00 and 23:00 on any day, including bringing to the site and setting up and breaking down and removing equipment associated with events.  
REASON: In the interest of the amenity of nearby residents.
10. No marquees, stages and associated equipment shall be erected or placed on the site more than 24 hours before the start of a scheduled event. All marquees, stages and associated equipment must be dismantled and removed from the site no later than 24 hours after the cessation of that event.  
REASON: In the interests of visual amenity within the grounds of the listed building.
11. Prior to the commencement of the development, a detailed drawing shall be submitted identifying car parking areas including the overflow car parks. These details shall include layout, circulation areas and any surfacing materials. All parking in association with the events shall take place in accordance with the approved details.  
REASON: The drawing submitted with the application does not accurately reflect available parking space on site. The omission of part of the overflow parking area is considered necessary as it would involve the clearance of trees, which would be detrimental to the character and appearance of the area.
12. Prior to the commencement of the development, details of the access arrangements to serve the events shall be submitted to and approved in writing by the local planning authority. For the duration of each event, only one temporary access/exit shall be used onto Bardfield Road and this access shall have a temporary bound material surface installed for the first six metres into the site from the highway boundary of the site. The access arrangements shall be undertaken in accordance with the approved details.  
REASON: Conflicting information has been supplied during the determination process. The precise access arrangements are required in the interests of highway safety and the amenity of adjacent residents. To avoid the displacement of loose material onto the highway.

*Background papers: see application file.*

\*\*\*\*\*

## **UTT/0390/07/FUL - LITTLE BARDFIELD**

***(Referred at request of Cllr Foley)***

*(Reasons: concern from Parish Council and residents – for further comments and discussion from community)*

Change of use from grounds associated with Little Bardfield Hall to be used to hold concerts twice a year & weddings/social/parish events ten times a year. Erection of marquees, stage and toilets and use of land for car parking for the events

Location: Little Bardfield Hall. GR/TL 653-304

Applicant: Mr A Goldsmith

Agent: Lucy Carpenter

Case Officer: Mr T Morton 01799 510654

Expiry Date: 31/05/2007

Classification: OTHER

**NOTATION:** Outside Development Limit.

**DESCRIPTION OF SITE:** The land is open 'paddocks' to the front of the parish church and Little Bardfield Hall, laid to grass and with a considerable number of mature trees scattered within it. A large lake stands in the centre of the area proposed for concerts.

**DESCRIPTION OF PROPOSAL:** The proposal is for the field adjacent to the church to be used for marquees for weddings, and for associated car parking up to 10 times per year with access from the church access road, and secondly for the larger area to the front of the Hall to be used for stages and marquees for concerts and associated car parking twice a year, with access through an existing gate directly onto the highway.

**APPLICANT'S CASE including Design & Access statement:** The statement is available in full on file. It describes the site and surroundings and the proposal. The principal supporting concept is that an Entertainments License has already been granted by the Council, so all issues must have already been considered and found acceptable. Comparison is made to the concerts at Audley End house which have operated for many years, and which have never been the subject of a planning application. The case is presented as being primarily for village events or charitable events, and the village has no village green on which such events might be held.

**RELEVANT HISTORY:** None.

**CONSULTATIONS:** Environmental Health: No adverse comments. Control of events which are the subject of the application is covered by the terms of the existing premises license. This requires a safety plan to be submitted for approval in advance of each event, which shall include the numbers attending. There is no specified limit within the license on the numbers of people who may attend an event however.

Conservation Officer: The proposal subject of this application is to seek planning permission for public functions and erection of incidental temporary structures or marquees connected with the functions. It is proposed that the suggested activities would take place 12 times a year and that the structures would be dismantled directly after a function.

In general, erection of marquees, stages, portaloos and such like in the foreground of listed buildings would unlikely positively contribute to their setting. However, there is a historical precedent for various annual gathering around rural churches or country houses. It could be said that such gatherings bring communities together and foster a sense of neighbourliness.

It could also be stipulated that today such events would improve the economical well being of a large country house, which would result in their appropriate upkeep.

In view of the temporary nature of the proposed development I feel that the setting of the listed Church and the Hall would not unduly suffer. I suggest approval of this application subject to all relevant planning conditions.

Highway Authority: Comments awaited.

**PARISH COUNCIL COMMENTS:** Consultation period expired 11 April 2007

The PC makes two comments, both dated 05 April 2007.

The first states there is no objection.

The second state there is no objection except in the impact to near neighbours of noise especially after the events are supposed to have finished.

The PC has clarified this with the following comment: The Parish Council has no objection but Cllrs will monitor noise and times that events finish. They will consult with Alan Goldsmith, proprietor of Lt Bardfield Hall.

**REPRESENTATIONS:** This application has been advertised and six representations making objections have been received. Two letters of support have also been received. Period expired 10 April 2007.

The points in support are that it is refreshing to have some entertainment in the area as there is so little to do here generally. It is close to where the writer lives and so only a short journey home. The Parish priest refers to support that he has received from Mr Goldsmith including financial support from car parking fees at his concerts, and making marquees available on his field in aid of the church restoration fund.

The points raised in objection are;

Events of this nature are not conducive to the tranquil and peaceful village life of Little Bardfield

The village has no infrastructure to deal with these types of event

The events will be in close proximity to residential property.

Public and local resident safety is a concern due to vehicle access to the site at weekends when events will be held, as well as heavy goods vehicles and contractors delivering and collecting plant equipment and materials. The coffin lane giving access to the church is entirely unsuitable for any increased level of traffic whatsoever.

Noise pollution associated with events of this nature in an environmentally sensitive area. In 2006 a number of events were held in the grounds and music continued until well after midnight in breach of the current license, with little apparent management during the events to prevent such a breach.

Potential for rowdy behaviour as a result of alcohol being available.

Possibility of a tragic accident as a number of unlit lakes are located with the grounds.

Should approval be given a limit on size and number (two) events per year with attendees limited to 200 people and music not allowed after 10:30 p.m. with condition on noise levels and parking arrangements and professional marshalling.

On balance support is given to two events over one weekend to directly benefit Little Bardfield, but no support for profit making events over potentially 12 consecutive weekends.

The license granted limits events to 11:00 p.m. this application seeks consent to 11:30 p.m., last summers events went on until after midnight, with noise and speeches clearly audible in nearby houses. The license is restricted to 499 people, this application mentions 1000 people.

The afternoon before each event is taken up with the sounds of construction and testing which does not allow the peaceful enjoyment of our home.

The area is within the curtilage of a Listed Building. We believe the Council has the power to refuse commercial events in the curtilage if a Listed area.

The noise last year could be heard at Oxen End.

On Saturday August 19<sup>th</sup> 2006 a concert here generated a very high level of sound audible at our house 390 yards away. Complaints were made to Environmental Health and the Planning Enforcement Officer.

The proposal will be of no benefit to Little Bardfield and will seriously degrade the quality of life in the village by noise pollution and greatly increased traffic.

The District Council opposes expansion of Stansted Airport on environmental grounds and a similar approach should be adopted for this proposal.

This is a commercial venture inappropriately located.

The events held last year bear little resemblance to the case made out in the supporting statement and Design and Access statement which is sufficiently woolly to allow last summers events to be fully re-enacted.

The application effectively provides for every Saturday night throughout the entire summer. If so we could not continue to live here.

The supporting statement is substantially flawed and disingenuous.

Last summer's event took three days to assemble and two to remove – one week, so with 12 consecutive events the likelihood of them moving is remote. The statement that one day would be sufficient for erection and dismantling enters blatant fallacy.

The failure to provide an exact layout breaches the legal requirement for a Health & Safety Plan. How would emergency access be provided? With no risk assessment the proposal cannot be properly assessed.

Comparison with Audley End is misplaced, and is a clear attempt to use precedent rather than deal with the actuality of this application. At Kenwood House (London) where similar concerts have been held for many years without planning permission this summer's events have been forbidden due to unreasonable noise.

This proposal is not reasonable in our quiet rural village.

Does permission exist for access from the western exit? It is on a dangerous bend. Last summers events were publicised by roadside signs in at least three places between the village and Bishops Stortford.

**COMMENTS ON REPRESENTATIONS:** The comments are noted. The principal issues are discussed in the following 'considerations' section.

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

The main issues are

- 1) **Principle of the use/ development in the countryside (ERSP Policy S7, CS1, CS2, RE2, & ULP Policy C5);**
- 2) **Listed Building issues (ERSP Policy HC3 & ULP Policy ENV2);**
- 3) **Sustainability (PPS1, & PPS7; ERSP Policy CS1);**
- 4) **Amenity (ERSP Policy RE2 & ULP Policies GEN2, GEN4);**
- 5) **Highways and Traffic issues (ERSP Policy T3 & ULP Policy GEN1) and**
- 6) **Biodiversity and Other material planning considerations.**

1) As a preamble, it is important to note that although a Premises License has been considered by the Council as Licensing Authority and approved, this has no direct relationship to the role of the Council as Local Planning Authority. In particular the Licensing Act 2006 only enables the following considerations;

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance (i.e. a statutory noise nuisance in an Environmental Health Acts sense)
- The protection of children from harm

The concerns of the Planning Acts are much wider in nature, and when the Licensing application was made, the Development Directorate was consulted for comments to be made, and none were submitted as the concerns of the Local Planning Authority cannot be addressed through the very limited powers of the Licensing Act. It should also be noted that the Highway Authority was not consulted on the Licensing application.

The site lies in the open countryside beyond Development Limits, where planning policy seeks to protect the countryside from inappropriate development, in the interest of conserving countryside character, protecting the countryside for its own sake, for its landscapes, natural resources and areas of ecological, historic, archaeological, agricultural, and recreational value, by the restriction of new uses to those appropriate to a rural area.

The small hamlet of Little Bardfield does not have a defined Development Limit, and is a tranquil and remote settlement with no significant noise generators located within or near it. The lack of a Development Limit means that the only development that would normally be accepted here is that required to support agriculture, forestry or other rural uses that have to take place in the countryside. The applicant's premises are a private residential dwelling, albeit with very large grounds.

It is considered that the holding of entertainment events for people not resident in the immediate vicinity is not an appropriate form of use of land here in this rural area, and would be harmful to the appearance of the landscape, and the tranquility of the countryside.

A parallel may also be drawn with the concerns of Essex & Southend on Sea Replacement Structure Plan Policy RE2 for conversion of extant rural buildings to commercial uses, which are that such new uses should not damage the amenity of the countryside or introduce additional activity likely to adversely change the character of the local area or place unacceptable pressures on the surrounding rural road network. This proposal would not accord with those concerns.

The actual impact of such entertainment events here is not entirely a matter for conjecture, as such events have already taken place without planning consent in 2006, and resulted in considerable complaint to the local authority in terms of noise disturbance and negative impact upon amenity resulting in planning enforcement investigation, (resulting in the submission of this application) as well as the Licensing application. The use is demonstrably harmful and unacceptable to the aims of planning policy.

2) The comments of the Conservation Officer are set out above. The comments concerning the effect upon the setting of the Listed Building are noted, and it is accepted that this would not be the basis for a reason for refusal.

Although a comparison is made with 'traditional' village social events the comparison is not considered to be a good model, as these proposed events are not primarily aimed at the village community, but at a much wider public, as evidenced by the spread of publicity for last years events as far afield as Bishops Stortford. It is clear from the comments of objectors that the events actually cause disruption to the local community rather than support it.

This is a private residential dwelling not open to the public, and the introduction of public events on the scale envisaged would not normally be considered appropriate in a private residential house. Comparison made by the applicant to Audley End house and the events held there ignores the fact that Audley End is managed by English Heritage and open to the public on a regular basis. In effect it already offers a form of public entertainment in its normal operation. The Government Agency charged with its running, English Heritage, are instructed to make the property available to as wide a section of the public as possible, and



see the provision of concerts as a way of displaying the property to a section of the public who might otherwise not visit it. This justification for public events can not be claimed for a private dwelling house.

3) The promotion of sustainable forms and patterns of development is now a major concern for planning policy as set out in PPS1, PPS7 and Essex & Southend on Sea Replacement Structure Plan Policy CS1. A key test of the sustainable location of development is how it is accessed, with principal reliance upon the private vehicle for access being considered a key failure and an indicator of unsustainable development.

This is a remote rural location with no public transport service, especially so at weekends when the events are planned to be held. In the absence of any viable public transport option it is clear that there would be almost total reliance upon access by the private vehicle, placing an additional load upon local network, causing disturbance to properties in the area, and imposing a carbon dioxide emission load on the wider environment. The proposed use can only be regarded as an unsustainably located proposal.

4) The objections submitted by nearby occupiers include a list of complaints about comparable concert events held at this site last year, from which it is apparent that the events have a very negative impact upon amenity over a long period while the stages and equipment are brought to site, set up and tested, then followed by the disturbance of the event itself, followed by the disturbance of dismantling the equipment and removing it from site. This disturbance could take place every weekend during the 12 week summer period if this proposed development were to be approved, and this is not considered to be a reasonable or acceptable use for a small residential hamlet in remote and otherwise peaceful countryside.

5) As with issue (3) above Policy T3 requires new development to make appropriate provision for access for both people and goods by all forms of transport, including to what extent the development will minimise the length, duration and number of journeys and how far the development will encourage a greater proportion of journeys by modes other than the car. In this remote rural location with no public transport alternative there is clearly no prospect at all of any other mode of transport than the private vehicle, and thus the impact can only be seen as wholly unsustainable, with no offsetting or redeeming public transport provision.

ERSP Policy T3 also calls for movement to be properly accommodated on the surrounding transport network and maintaining road safety and surrounding environmental conditions for the local community. The proposed access gate to the concert parking area is only the width of a single vehicle, posing conflict with traffic trying to enter and exit at the same time, and this would result in queuing back in the highway which would pose a traffic hazard. The sightlines from the existing access point are obstructed by both vertical and horizontal curves in the carriageway and the restricted visibility poses a traffic hazard. Traffic levels on this lane are normally low with vehicle movements being sparse and not continuous in nature. This leads drivers to the expectation that the road will normally be clear, free of much other traffic and free of obstruction. The peak flow of traffic arriving at or leaving from an entertainment event will be an unanticipated event, likely to lead to obstruction of the road interfering with its principal function of freely carrying traffic, and likely to exacerbate safety problems. There is no separate footway in this highway, so any additional traffic will conflict with pedestrian safety. These problems could not be overcome by marshalling.

6) There are no known Protected Species populations at the property, though as large rural buildings of traditional construction, there is a reasonable likelihood of the presence of bats in the house itself and its outbuildings, and in the church. Research on the disturbance caused to bats by light and noise is inconclusive and the impact of concert events is difficult

to predict. On balance there is unlikely to be any proven harm to Protected Species entailed with the proposal.

No other issues are considered to arise.

**CONCLUSIONS:** The proposal is considered to be unsustainable, detrimental to local amenity, and detrimental to the maintenance of safe conditions on the highway.

**RECOMMENDATION: REFUSAL REASONS**

1. The proposal is considered to be detrimental to the aims of planning policies C5, CS1, CS2 and RE2 of the Essex & Southend on Sea Replacement Structure Plan and Policy S7 of the Uttlesford Local Plan, where planning policy seeks to protect the countryside from inappropriate development, in the interest of conserving, among other aims, countryside character, protecting the countryside for its own sake, for its landscapes, areas of historic and archaeological value, by the restriction of new uses to those appropriate to a rural area. It is considered that the proposed uses would damage the amenity of the countryside and introduce additional activity likely to adversely change the character of the local area and place unacceptable pressures on the surrounding rural road network.
2. The proposal is contrary to the aims of Policy GEN2 and GEN4 of the Uttlesford Local Plan to protect the amenity of adjoining occupiers and is considered that it will seriously degrade the quality of life in the village by noise pollution and greatly increased traffic levels.
3. The proposed vehicular accesses to the site are considered inadequate to provide safe conditions on the adjacent highway due to the volume of vehicle movements on and off of the site, the restricted width of the access points and likelihood of traffic queuing back on the highway contrary to the aims of Essex & Southend on Sea Replacement Structure Plan Policy T3 and Uttlesford Local Plan Policy GEN1.
4. No traffic impact assessment has been provided to demonstrate that the local highway network is capable of accommodating the additional uses and vehicular activity at the site and that the proposed accesses would be acceptable in terms of the highway safety contrary to Essex & Southend on Sea Replacement Structure Plan Policies T3 and T12 Uttlesford Local Plan Policy GEN1.
5. There is no provision for visiting the site by any means other than the use of private vehicles, and the site is poorly served by public transport or cycleway. The proposal would significantly increase traffic to the site without providing alternative and more sustainable means of transport and the proposal would be contrary to Essex & Southend on Sea Replacement Structure Plan Policy CS1 and the general principles of sustainability contained in national and local policy.

*Background papers: see application file.*

\*\*\*\*\*

**UTT/0924/07/CC - GREAT DUNMOW**

Construction of Great Dunmow Resource Management Centre comprising: a Recycling Centre for Household Waste including the siting of storage containers and recycling facilities, Refuse Collection Vehicle Parking Area with associated mess room facilities for Uttlesford District Council, Waste Transfer/Bulking Station for mixed and source separated municipal and trade waste, associated works

Location: Land r/o Ambulance Station Chelmsford Road. GR/TL 636-205.

Applicant: Essex County Council & Uttlesford

Agent: Egniol Consulting Ltd

*Case Officer: Mr M Ovenden 01799 510476*

Expiry Date: 21/06/2007

Classification: OTHER

**REPORT TO FOLLOW**

## **1) UTT/0788/07/FUL & 2) UTT/0789/07/LB - SAFFRON WALDEN**

- 1) Alternative scheme to that approved under UTT/1268/06/FUL for single retail use on ground and first floor, one residential unit to second floor. Minor alterations to dimensions and fenestration.
- 2) Alternative scheme to that given consent under UTT/1272/06/LB for single retail use on ground and first floor, one residential unit to second floor. Minor alterations to dimensions and fenestration.

Location: 4 Market Street. GR/TL 538-384.

Applicant: Mr John Knight

Agent: Mr Michael Hibbs

Case Officer: Mr T Morton 01799 510654

Expiry Date: 11/07/2007

Classification: MINOR

**NOTATION:** Inside Development Limit / Inside Conservation Area.

**DESCRIPTION OF SITE:** The site is the former car park area of the White Horse public house, with frontages onto Hill Street and Market Row. It stands beside the three-storey White Horse Public House, the three-storey estate agents premises in Hill Street and between two-storey frontages on Market Row. The opposite side of Hill Street is occupied by the three-storey Waitrose building, and the opposite side of Market Row by three-storey terraced buildings.

**DESCRIPTION OF PROPOSAL:** A new building of three storeys onto Hill Street, and two storeys onto Market Row, with a single retail unit on ground and first floor, and a two-bedroom residential flat within a mansard roof on second storey level. This represents a re-design of the building approved under references UTT/1268/06/FUL – UTT/1272/06/LB.

**APPLICANT'S CASE including Design & Access statement:** The statement is available in full on file. It describes the site and surroundings and the proposal.

**RELEVANT HISTORY:** The former White Horse pub itself has consent for the upper floors to be converted to provide 6 flats, and the ground floor and basement has become a coffee bar. The former car park of the pub was the subject of the previous applications UTT/1268/06/FUL – UTT/1272/06/LB for a very similar proposal that would have had the same overall building but subdivided into two shop units and a flat.

**CONSULTATIONS:** Conservation Officer: I consider the revised proposal (drawing received on 13 June 2007) for the previously approved scheme acceptable. I suggest that all previous relevant conditions should apply.

**TOWN COUNCIL COMMENTS:** Advises that its committee was pleased to see the fenestration to Hill Street elevation has been improved but still feel that the fenestration to the Market Row elevation is out of character with the surrounding buildings.

**REPRESENTATIONS:** These applications have been advertised and no representations have been received. Period expired 22 May 2007.

**COMMENTS ON REPRESENTATIONS:** None.

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

The main issues are

- 1) Principle of development (ERSP Policy CS1.& ULP Policy SW1.);**
- 2) Design, conservation area and listed building issues (ERSP Policies HC2, HC3 & ULP Policies GEN2, ENV1, ENV2);**
- 3) Flood risk (ULP Policy GEN3);**
- 4) Residential flat (ULP Policy H3)**
- 5. Other material planning considerations.**

1) The site lies within the Development Limits of Saffron Walden and in principle there is no objection to the proposed development Policy SW1 seeks to protect existing ground floor Class A shop uses from change to residential use, and therefore the provision of new ground floor shop units here is satisfactory. The Structure Plan seeks to concentrate new economic development and redevelopment within the existing urban areas maximising the use of spare capacity in terms of land buildings and infrastructure.

2) The design is an amendment of the approved scheme, which contained two separate shop units facing Hill Street and Market Row respectively, whereas the current intention is for the whole ground and first floors to be one retail unit. Opportunity has also been taken to re-think the elevations to the street frontages, with a more unified design approach to the windows on each side giving a stronger character to the building. The timber boarded section to the street now has a slight projection at ground floor level to reflect the actual property boundary at this spot. The windows to the brick faced section onto Hill Street have subtle changes to their proportions and framing; overall an improvement. The proposed building is of similar scale to the adjacent buildings on the Market Row frontage, and an existing 'hay loft' is adapted to house the air conditioning plant for the new development, and to provide a parking space for the flat. On the Hill Street frontage the building is of two storey plus mansard roof, which is a reference to the mansard roof form of the White Horse. This design is considered to be appropriate to the setting of those Listed Buildings.

Surrounding buildings are from a wide range of historical periods and exhibit a wide variation in design; there is no specific period or style which should be 'matched into'. The applicant has submitted a design statement that sets out the reasoning behind the submitted proposals. The scale of the building is not over-dominant and relates well to the surrounding buildings.

The building thus has a positive or neutral impact upon the character and appearance of the Conservation Area.

3) The site is within a designated flood plain, and a Flood Risk Assessment has been submitted, and appraised by the Environment Agency, which has recommended conditions. The Council's own Engineer believes the flood plain designation to be very theoretical, in that the modelling is for the 1 in 100 year event, but the flood of 2001 was actually a more severe event than that, and did not flood Hill Street. The consultants report suggests the 1 in 100 year flood level is actually 52.4 m and not the 53 m specified by the Environment Agency. Raising the building to the level of 53m AOD specified by the Environment Agency would have an adverse effect upon the appearance of the building, the street scene, and access for people with disabilities. On balance the proposed level of 52.7 is considered acceptable.

4) The proposed flat is the equivalent to proposals for conversion of upper floors in existing buildings in the town centre to flats. Such conversions offer a way to introduce activity to the town centre after shop trading hours, and have proven to be successful. The flat has a roof terrace to provide outdoor amenity space, and a single car parking space is

provided for the flat, though it can be noted that many flat conversion cases of existing buildings in the town centre have been accepted with no off street car parking provision. The proposed flat is considered to be satisfactory.

No other issues are considered to arise.

**CONCLUSIONS:** The amended proposal is considered satisfactory, but will require to be approved subject to a further legal agreement to match that accompanying the earlier approval.

**RECOMMENDATIONS:**

**1) UTT/0788/07/FUL - APPROVAL WITH CONDITIONS AND AMENDMENT TO LEGAL AGREEMENT**

1. C.2.1. Time limit for commencement of development.
2. C.5.2. Details of materials to be submitted agreed and implemented.
3. C.3.1. To be implemented in accordance with approved plans.
4. The access shall be laid to a gradient not exceeding 4% for the first 6 metres from the highway boundary and not exceeding 8% thereafter.  
REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner in accordance with policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.
5. Prior to occupation of the development details shall be approved in writing by the local planning authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.  
REASON: To prevent hazards caused by flowing water or ice on the highway.
6. The vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.8 metres.  
REASON: In accordance with the Car Parking Standard.
7. Prior to occupation of the building a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600 mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.  
REASON: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy T8 of Essex and Southend-on-Sea Replacement Structure Plan.
8. Prior to the occupation of the development the details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided before occupation and retained at all times.  
REASON: To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with policy T6 of the Essex and Southend-on-Sea Replacement Structure Plan.
9. The parking space shown on the approved plans on the Market Row frontage of the site shall be used by the occupiers of the flat only for the parking of a car and the entrance shall be provided with security gates, the design and appearance of which shall be submitted to and approved in writing by the local planning authority before occupation of the flat and shall be provided as approved before occupation of the flat and shall be retained as approved thereafter.  
REASON: In the interest of security and the appearance of the development.

10. The roof terrace shown on the approved plans shall be used solely for the amenity use of the flat and not for the provision of plant or equipment serving other parts of the building. No plant or other materials shall be placed upon other flat roofed areas without the prior approval in writing of the local planning authority.  
REASON: In the interest of the amenity of the occupiers of the flat.
11. Any ventilation and extraction equipment required to serve the building shall be located inside the building to the furthest extent possible; the design and appearance of which shall be submitted to and approved in writing by the local planning authority before installation of such equipment and shall be provided as approved before commencement of the use that it serves and shall be retained as approved thereafter and maintained in accordance with the manufacturers instructions.  
REASON In the interest of the amenity of the occupiers of the building and occupiers of surrounding properties and in the interest of the appearance of the Conservation Area
12. Prior to the commencement of the development hereby approved, details of the location and design of a covered refuse bin and recycling materials storage area(s) and collection point(s) shall be submitted to and approved by the local planning authority. This should include a collection point no further than 25 metres from the public highway. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.  
REASON: In the interest of amenity and providing for the recycling of waste materials.
13. Details of the design and appearance of the security gates to the entrance of the service yard on the Hill Street frontage as shown on the plans, shall be submitted to and approved in writing by the Local planning authority before construction of any part of the building and shall be provided as approved before occupation of any part of the building and shall be retained as approved thereafter.  
REASON: In the interest of security and the appearance of the development.

**2) UTT/0789/07/LB: LISTED BUILDING CONSENT WITH CONDITIONS**

1. C.2.2. Time limit for commencement of development - listed buildings & conservation areas.
2. C.3.1. To be implemented in accordance with approved plans
- 3 C.5.2. Details of materials to be submitted agreed and implemented.

**LEGAL AGREEMENT TO REQUIRE:**

That the applicant is to conclude a legal agreement under s 106 of the Planning Acts or equivalent statute under the Highways Acts with the Essex County Council as highway Authority before commencement of development the payment of a financial contribution in the sum of £20,000 (twenty thousand pounds) index linked to fund highway improvements in the vicinity of the site ring fenced to the Hill Street area including proposals as identified as part of the Saffron Walden Town Centre Improvement Scheme.

*Background papers: see application file.*

\*\*\*\*\*

## UTT/0841/07/DFO - TAKELEY

Details following outline planning permission (UTT/0816/00/OP) for erection of 49 No. dwellings including associated parking/garages

Location: Phase 10 Priors Green Dunmow Road. GR/TL 572-212.

Applicant: Barrett Homes

Agent: Bidwells

Case Officer: Mr H Laird 01799 510464

Expiry Date: 10/08/2007

Classification: MAJOR

**NOTATION:** Within Takeley / Little Canfield Local Policy 3 Priors Green limits and the Master Plan area for Priors Green.

**DESCRIPTION OF SITES:** The application site comprises a parcel of former agricultural land (1.901 hectares in total) located within the south/central part of the Priors Green development area, on the eastern side of the spine road, to the west of 'Ir Fach' and 'Broadmead' and to the north of the 'Island Site' adjacent 'Nursery Cottages' which fronts onto the former A120 Dunmow Road. This parcel of land is proposed to be developed for housing. The relief of the site is relatively flat with hedgerows and scattered trees forming some of the sites boundaries, including a drainage ditch that runs part of the length of the eastern boundary.

**DESCRIPTION OF PROPOSALS:** The application before Members seeks the approval of all matters reserved pursuant to outline planning permission for the Priors Green site (UTT/0816/00/OP) for 49 dwellings with associated parking/garages.

The proposed layout of the development has been largely dictated by the road network established by the approved Master Plan for the development. Properties will face onto the main spine road, with further dwellings clustered around smaller cul-de-sacs leading off of the main spine road. The development has a net density of 26 dwellings per hectare, although the density varies across the site with a lower density of 20 units per hectare on the northern section of the site. The dwellings comprise a variety of designs, which are largely traditional in appearance, comprising simple cottage style dwellings, larger dwellings with gable projections, dormer windows etc and three storey town house style dwellings located centrally within the site. Materials are proposed to comprise of a variety of bricks including multi red, plain red and yellows in addition to elements of weather boarding and render, with plain tiles to include browns and reds and artificial slates. The development comprises a mix of approximately 59% of 4 bedroom dwellings and 41% of 5 bedroom dwellings. No two or three bedroom dwellings are proposed.

The applicants have submitted revised drawings. The proposed changes are:

Plot 4/5 - Was Fielding now Radleigh

Plot 6/7 - Was Knightsbridge now Fielding

Plot 14 - Was Marlow now Fielding

Plots 22/23 - One plot omitted in lieu of revisions to Plot 25

Plot 25 - Was Malvern now new s/d house type Woodcote (plots 23/24)



Plot 26 - Was Radleigh now new s/d house type Woodcote (plots 26/27) with reduction in size of garaging adjacent from 3 to 2.

Plot 28 - Was Knightsbridge now new s/d house type Woodcote (plots 29/30) garaging in rear courtyard increased from double and treble to treble and quadruple to meet revised parking requirements arising from changes.

Plot 32 - Was Malvern now Knightsbridge

Plot 46 - Now Plot 47 was Knightsbridge now Malvern

Plot 47 - Now Plot 48 was Malvern now knightsbridge

Plot 48 - Now Plot 49 was Malvern now Thornton with amended parking arrangement (one plot omitted at this end of the site).

The changes result from the engineer's review of the precise position and alignment of the new access road and the turning head within the site. The applicants have also reviewed the location of some of the proposed house types that are intended. Fundamentally the density remains unchanged, the layout and mix is very similar and the position of the dwellings in relation to the southern and eastern boundaries is largely unaltered. There is only one new house type being introduced at the internal turning head within the development. This is the Woodcote 4 bedroom, semi-detached design.

**APPLICANT'S CASE including Design & Access statement:** The submission is accompanied by a Design and Access Statement the conclusion of which is replicated as follows:

The proposed scheme that has been designed by Barratt Homes has taken into account the local character of the area and design advice contained within the Essex Design guide, and also complies with the Council's SPD on Accessible Homes. A development is proposed that has been arrived at through understanding the constraints of the site, access requirements, and opportunities that exist. The resulting development is therefore one that blends in with local vernacular, without appearing out of place, and achieves a high quality designed finish in terms of external appearance, layout, and a sense of place. It provides for a sustainable pattern of development and construction of the site, and where possible, takes advantage of passive solar gain. The impact on neighbours amenity and privacy has been a key consideration in the design of the development, ensuring that they are not unacceptably affected by the proposals. A permeable layout and clearly defined routes through the site meet the accessibility requirements for the site. The scheme therefore promotes alternative forms of transport other than by car through its permeability and sustainable location near to local services."

**RELEVANT HISTORY:** On 23<sup>rd</sup> June 2005, outline planning permission (all matters reserved) was granted for the development of a new residential neighbourhood, including residential development, a primary school site, local centre facilities, open space, roads, footpath/cycle ways, balancing ponds, landscaped areas and other ancillary or related facilities and infrastructure (UTT/0816/00/OP). This permission is subject to conditions, a Section 278 agreement and a Section 106 legal agreement to secure the provision of public open space, play areas, a community hall, community facilities, structural landscaping and sports and community facilities. Committee has also approved a Master Plan dated 10<sup>th</sup> August 2000 for the Priors Green site. Members may recall the recent approval of reserved matters for the Phase 5 spine road and open space (UTT/0555/06/DFO), which will serve the dwellings now for consideration and is shown on the submitted layout drawings.

**CONSULTATIONS:** The following consultation responses have been received in respect of the applications. Any further comments received will be reported to Members.

The Environment Agency: - has raised no objections to the application.

Thames Water: – comments that it has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. It advises that the developer should consult them to determine the ability of the local sewers to dispose of foul and surface water. In the event of any approval, it recommends the imposition of the following condition: “Development shall not commence until details of on site drainage works have been submitted to, and approved by, the local planning authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed”.

Three Valleys Water: – (Water Supply) No comments received.

Essex Police: No objections to the proposed layout. Requests that the site be subject to Secured by Design Certification in order to reduce opportunities for crime and anti-social behaviour. There is a ditch to the east of the development to the rear of Plots 1, 28, 29-36 and 40. These are not active frontages and there appears to be no reason why these properties should have a rear gate. These gates would allow easy access to these properties and present an opportunity for burglary as well as being dangerous. There is no need to increase pedestrian movements over or alongside the ditch.

Essex County Council Highways and Transportation: – Comments that the proposals in respect of the layout initially submitted are not acceptable and should be addressed. Any comments with regard to the amended plans are awaited and will be reported to the meeting.

Building Surveying: – Has no comments to make.

**PARISH COUNCIL COMMENTS:** Takeley Parish Council: - raises no objection stating that: - ‘It wholeheartedly supports the proposed colour scheme of external finishes to walls and roofs as it is sympathetic to the rural location.

Planting, particularly trees, along the boulevard should be semi-mature (15 – 20 ft tall) to assist the new buildings and architecture to blend in with, and enhance the rural locality.

**REPRESENTATIONS:** No representations have been received in respect of this application.

**COMMENTS ON REPRESENTATIONS:** N/A.

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

- 1) **Whether the above proposals are acceptable in the context of meeting the Reserved Matters requirements following Outline Approval for Residential Development. ERSP Policies BE1, BE2, H1, H4, HC5, T1, T6, and T12 & ULP Policies S2, GEN1, GEN2, and GEN8;**
- 2) **Whether the proposed housing mix is acceptable. ERSP Policy H4 & ULP Policy H10 and Local Policy P3 – Priors Green and**
- 3) **Any other material planning considerations.**

1) The land subject to this applications, benefits from outline planning permission for residential development pursuant to application UTT/0816/00/OP. This permission followed the Committees approval of the Priors Green Master Plan in 2000, which provides a basis for considering subsequent planning applications and Section 106 Agreements. The proposed layout of the development in respect of the general areas of housing, size and location of open space and inclusion of structural landscaping closely follows the approved details of the Master Plan and is therefore considered by officers to be consistent with the

anticipated planning of the site. The amended plans have addressed detail changes with regard to the siting of individual units - particularly Plots 48 and 49 on which dwellings are proposed sited close to the southern site boundary which is marked by a ditch. These house types have been revised so that their main aspect faces the gardens which serve them. Other detail changes have resulted in the substitution of house types to plots 4 – 7 that better reflect the curve in the spine road and forward visibility going round the bend in a southerly direction.

2) The applicants have argued that housing mix and the provision of a number of smaller units of 2 and 3 bedrooms is not a matter for consideration at the Reserved Matters stage. They consider that only matters such as siting, design and external appearance; the means of access; and landscaping which are required by Condition C.1.1 of the UTT/0816/00/OP Outline approval are required to be met. Officers' position is that details of siting and design of the dwellings includes the size of dwellings and therefore the mix is rightly a matter for consideration at this stage. As a concession, they are prepared for the 6 'Woodcote' semi-detached 4 bed units to be designed as 3 bed units, although no design details have been forwarded at the report drafting stage.

The applicants have previously been advised of the Council's position, and have known of the requirements of Policy H10 at the pre-application discussion stage.

Section 38(6) of the 2004 Planning Act advises that the Development Plan takes primacy in Development Control Matters. Development Control decisions must accord with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District (the Uttlesford Local plan) was adopted in January 2005. The applicants have previously been advised of this fact.

Policy H10 of the Local Plan is of relevance, it indicates:

### **Policy H10 – Housing Mix**

**All developments on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties.**

Para 6.30 of the supporting text indicates:

6.30. It will be important to achieve mixed and balanced communities in two respects: within a larger site, and the village as a whole in the case of smaller settlements. All developments on a site of 3 or more homes must include an element of small 2 and 3 bed homes, which must represent a significant proportion of the total, for those households who are able to meet their needs in the market and would like to live in a new home.

This is a separate issue to that of Affordable housing which is provided for on other phases.

It is considered that Barratts argument that smaller units are adequately catered for elsewhere on the site and that there should therefore be no requirement on Barratts to provide the same is unacceptable. A mix of dwellings have been requested in negotiations with other developers.

There are also concerns regarding the design for the Woodcote units as submitted, and whether these can be specifically designed as three bed units. If approved, in their current form, all the developer would need to do is construct them as four bed units by inserting the necessary partitions and then apply for a revised design, if at all, as the external appearance

is unlikely to have significantly changed. As there have been no alternative proposals submitted in this particular regard which could be commented on in this Committee Report, there remains an objection to the submitted Housing mix.

Barratts have recently taken over David Wilson Homes and have previously been advised that the David Wilson Homes applications UTT/0519/07/DFO & UTT/0632/07DFO which totaled 58 Units on Phases 7 & 8 had the following overall mix:

"The development comprises a mix of approximately 2% (3%) of 2 bedroom dwellings, 36% (39%) of 3 bedroom dwellings, 48% (46%) of 4 bedroom dwellings and 14% (12%) of 5 bedroom dwellings." (Previously approved figures for a 57 dwelling scheme are in brackets Ref: UTT/1814/06/DFO)."

At the 13th June, 2007, Committee Meeting, Members expressed concern at the reduction in the number of 2 and 3 Bed units, and advised that they would not wish to see this figure go any lower.

The applicants have been advised that the above percentage figures represent a guideline as to what is likely to prove acceptable to this Council viz ULP Policy H10 - housing mix. A revised scheme for the 49 dwellings shown on the phasing plan if to an appropriate mix would enable the provision of public open space to bring about the "localised distinctiveness" specified in the Masterplan.

### **3) Other material planning considerations.**

Other material considerations namely:

Highways Safety considerations: These are noted. Any comments received with regard to the revised layout will be reported at the meeting.

Drainage issues and Secured by Design Certification: The comments of the Police architectural Liaison Officer are noted, particularly in relation to the gates that provide access to the ditch to the east of the development to the rear of Plots 1, 28, 29-36 and 40. These gates are provided so that access for the maintenance of the ditch can be achieved as agreed with the Council's Drainage Engineer. The same applies to the dwellings at plots 41 – 49.

There is unlikely to be any adverse impact with regard to Wildlife/habitat considerations.

There is no known evidence that the site is of archaeological importance, trial digs having proven inconclusive in this regard.

With regard to air noise, a degree of noise will be apparent from over flying aircraft associated with nearby Stansted Airport; however this is not considered to be to a degree that could not be overcome by the use of such measures as sound insulation and double glazing to the properties

**CONCLUSIONS:** Whilst the proposed development is considered to satisfy the requirements of the Master Plan, and in terms of siting and layout the outline permission for the site (UTT/0816/00/OP), it fails to meet the requirements of Local Plan Policy H10 and subsequently Local Policy 3 (a) pertaining to Priors Green. The application is, therefore, recommended for refusal for the following reason:

**RECOMMENDATION: REFUSAL REASONS**

The development of the site via 49 four and five bedroomed dwellings is unacceptable as it fails to take account of the requirement in Policy H10 of the Uttlesford Local Plan 2005 which requires all developments on sites of 0.1 hectares and above or of 3 or more dwellings to include a significant proportion of market housing comprising small properties. Paragraph 6.30 of the Local Plan's supporting text expands on this indicating that all such developments must include an element of small 2 and 3 bed homes, which must represent a significant proportion of the total, for those households who are able to meet their needs in the market and would like to live in a new home as it is important to achieve mixed and balanced communities. Failure to adhere to this Policy in the context of the Priors Green development as a whole would result in an unbalanced mix of development and would set an unwelcome precedent that would undermine the Council's position in respect of undeveloped sites in this location. This in turn would be contrary to the provisions of Local Policy 3 (a) - Priors Green contained in the same Local Plan.

*Background papers: see application file.*

\*\*\*\*\*

## UTT/0168/07/FUL - HADSTOCK

Erection of 1 no. detached dwelling with garage

Location: Land at Orchard Pightle Bilberry End. GR/TL 560-449

Applicant: Trustees of F Pickford Grandchildren Settlement

Agent: P J Rayner & Co Ltd

Case Officer: Mr T Morton 01799 510654

Expiry Date: 29/03/2007

Classification: MINOR

**NOTATION:** Inside Development Limit.

**DESCRIPTION OF SITE:** The land is a corner of open landscaping at the entrance to this small estate.

**DESCRIPTION OF PROPOSAL:** This application was reported to Committee on 4 April 2007 and is now brought back for amendments to be made to the conditions and the wording of the Legal Agreement. The original report is appended together with additional conditions agreed at the meeting.

**APPLICANT'S CASE including Design & Access statement:** Since the committee resolution further information has been collected on the distribution of Bee Orchids on the site, which affects the details of the resolution to approve.

**RELEVANT HISTORY:** UTT/0436/93/FUL Erection of bungalow and garage Approved 31/08/1993. This was subsequently renewed at intervals to keep the consent alive - the most recent renewal was UTT/0489/03/FUL Approved 03/06/2003.

### **PLANNING CONSIDERATIONS**

#### **1) Suggested amendment to condition and omission of legal agreement.**

1) At the time of dealing with the application, the presence of Bee Orchids on the site was drawn to the Councils attention by a local resident. This led to the recommendation of inclusion of wording in a condition and the legal agreement to achieve protection of the plants. The original approval for this development dates from 1993 and had a legal agreement attached to it from that date to keep the area of garden not being built upon as grass and mown a minimum of six times per season and reasonably free of weeds.

Committee also resolved to impose a condition C90A;

Prior to the commencement of development and during the next growing season (May to June 2007) a survey of the site shall be undertaken by a suitably qualified person to confirm the precise location of orchids, and the results of this survey shall be submitted to the local planning authority as soon as practicable thereafter. The timing of commencement of development shall be agreed in writing with the Local Planning Authority to avoid the growing season of orchids, and durable protective fencing shall be provided during the period of construction around the areas not affected by development and areas where orchids have been confirmed by survey, with no use of such areas by contractors during the course of development for any purpose whatsoever.

**REASON:** To protect the special biodiversity interest of the site.

This wording is now redundant, as since the resolution to grant consent at the 4 April meeting, Council Officers have surveyed the site and located the Bee Orchids, which are all within the area that will have to be disturbed to build the approved house, and the Orchids would not survive that process. The owner has however proposed relocation of the plants to other land in their ownership at Great Easton where they already have Bee Orchids growing. This needs no consent and although the relocation of such plants is a speculative venture with no guarantee of success it is worth trying.

There are no Bee Orchids in the area that was to be retained as open grass, and the form of words in the Section 106 Agreement as agreed at Committee is no longer appropriate.

These would have been:

To keep the land shown edged green on the plan down to grass and mown a minimum of six times per growing season but with suitable management to maintain populations of Bee Orchid understood to be growing on the site, and reasonably free of weeds.

The applicant also wants the ability to plant a hedge in the retained area of garden to form a front boundary to the land.

Given that planning permission would be required for development closer to the road than the new dwelling in any event, the legal agreement is no longer necessary.

**RECOMMENDATION:** It is therefore recommended that the wording of conditions and the Legal Agreement be amended as below;

**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.5.2. Details of materials to be submitted agreed and implemented.
4. The turning area and car parking spaces and garage shown on the plan herby approved shall b properly hardened and laid out and made available for use before the dwelling to which they relate is first occupied. Subsequently these parking spaces and garage shall be maintained solely for the parking of domestic vehicles in connection with the normal residential use of the property and the garage shall not be converted into any form of residential accommodation.  
REASON: To ensure that adequate parking provision is made within the property in the interests of highways safety.
5. C.4.1. Scheme of landscaping to be submitted and agreed
6. C.4.2. Implementation of landscaping
7. C.8.29 Details of sustainable construction for new residential or commercial development.
8. C.28.2. Accessibility – further submission.
9. C.8.30. Provision of bin storage

*Background papers: see application file.*

\*\*\*\*\*

## **REPORT TO DEVELOPMENT CONTROL COMMITTEE – 4 APRIL 2007**

### **UTT/0168/07/FUL - HADSTOCK**

Erection of 1 no. detached dwelling with garage  
Location: Land at Orchard Pightle Bilberry End. GR/TL 560-449  
Applicant: Trustees of F Pickford Grandchildren Settlement  
Agent: P J Rayner & Co Ltd  
Case Officer: Mr T Morton 01799 510654  
Expiry Date: 29/03/2007  
Classification: MINOR

**NOTATION:** Inside Development Limit.

**DESCRIPTION OF SITE:** The land is a corner of open landscaping at the entrance to this small estate.

**DESCRIPTION OF PROPOSAL:** The proposal is a detached 2/3 bedroom dwelling and garage. It would have a footprint of 9.9m x 8.3m, plus a single-storey link to the attached single-storey garage. It would have a ridge of 7.5m plus chimneys. The first-floor accommodation would be served by two roof-lights at the front, one rear dormer window, and gable end windows.

**APPLICANT'S CASE including Design & Access statement:** The statement is available in full on file. It describes the site and surroundings and the proposal. The proposal is very similar to the version approved in the past and involves a cut across the natural slope of the land to provide a level platform for the house to sit on, which assists with its accessibility. The design and materials are similar to those of nearby dwellings.

#### **RELEVANT HISTORY:**

UTT/0436/93/FUL Erection of bungalow and garage Approved 31/08/1993.  
This was subsequently renewed at intervals to keep the consent alive - the most recent renewal was UTT/0489/03/FUL Approved 03/06/2003.

**CONSULTATIONS:** None.

**PARISH COUNCIL COMMENTS:** Consultation period expired 3 March 2007. No representations received.

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS:** We consider that the repositioning of this building, compared with the previously approved plan, makes it an over-dominant feature that adversely impacts on the character of the grouping of buildings that make up Orchard Pightle.

We believe that the grassland adjacent to Bilberry End that was subject of the section 106 agreement, and on which bee orchids grow, is a valuable feature of Orchard Pightle, that should continue to be protected as an open amenity area.

**REPRESENTATIONS:** Notification period expired 22 February 2007.

Three neighbours have made representations. Two raise concerns about the type of fence to be used to form the boundary, and its precise position. They also raise concern at the removal of existing trees on the site. One would prefer the site to be left undeveloped as an open area. One is concerned that the upper floor windows will enable a view into their



garden. The third believes the site should remain undeveloped and comments that Bee Orchids grow here in the grass.

**COMMENTS ON REPRESENTATIONS:** Boundary fences up to 2 metres in height do not require planning permission and are not generally subject to control. It is reasonable for the legal boundary of the site to be marked by a fence, and a 1.8 m high fence as indicated on the plans is usual in such cases to provide privacy between gardens. There is one upper storey window to a bathroom, which would be obscure glazed and would not overlook the adjacent garden. It should be noted however that there is no right of privacy in a rear garden, except in so far as it is usual to have an element of unoverlooked space closest to the house. The site is located within the Development Limit where development of underused land is an acceptable concept in principle, and there is no justification for keeping this site as open landscaping.

**PLANNING CONSIDERATIONS including Design & Access statement: The main issues are**

- 1) principle of development (ERSP Policy CS1, & ULP Policy S3);
- 2) design and amenity (ULP Policy GEN2);
- 3) parking (ULP Policy GEN8 & adopted standards) and
- 4) other material planning considerations.

1) This site is Inside the Development Limit of Hadstock and in principle development is acceptable, subject to compliance with other policies and standards. Earlier consents have approved specific development proposals here, subject to a Legal Agreement to secure the protection from development and proper maintenance of the open end of the garden close to the junction of this estate with the through road.

2) The current design bears some resemblance to the overall form of the earlier approved design, but has some internal changes and also makes use of the roof volume to provide rooms on a first floor level. This involves a dormer on the rear elevation and two rooflights on the front elevation. What was a three bedroom bungalow in the earlier version has become a three bedroom one-and-a-half storey house. The siting and relationship to adjacent properties remains the same as before, and this retains a part of the land as open garden at the entrance to the estate. The rear dormer will not create material overlooking of adjacent properties.

3) Parking provision is one garage space and a drive sufficient for one car. This meets the required standard of provision.

4) No other issues are considered to arise.

**CONCLUSIONS:** The proposal is satisfactory, and accords with the Council's policies.

**RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO A LEGAL AGREEMENT**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.2. Details of materials to be submitted agreed and implemented.
4. The turning area and car parking spaces and garage shown on the plan hereby approved shall be properly hardened and laid out and made available for use before the dwelling to which they relate is first occupied. Subsequently these parking spaces and garage shall be maintained solely for the parking of domestic vehicles in connection with

the normal residential use of the property and the garage shall not be converted into any form of residential accommodation.

REASON: To ensure that adequate parking provision is made within the property in the interests of highways safety.

5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. C.8.29. Details of sustainable construction for new residential or commercial development.
8. C.28.2. Accessibility – further submission.

**LEGAL AGREEMENT TO BE CONCLUDED TO REQUIRE:**

- a) not at any time hereafter to carry out or cause suffer or permit any development of the land shown edged green on the plan and (in particular) not to erect or construct or cause suffer or permit to be erected or constructed any building or other structure
- b) not at any time hereafter to sell lease or otherwise dispose of the land shown edged green on the plan separately from the land shown edged red on the plan .
- c) to keep the land shown edged green on the plan down to grass and mown a minimum of six times per growing season but with suitable management to maintain populations of Bee Orchid understood to be growing on the site, and reasonably free of weeds.

*Background papers: see application file.*

\*\*\*\*\*

## **UTT/0847/07/FUL - BARNSTON**

Removal of agricultural occupancy condition and transfer by legal agreement to Martels Barn.

Location: Sparlings Farm Chelmsford Road. GR/TL 643-202.

Applicant: Mr J Wormald

Agent: Richard Tattersall

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 09/07/2007

Classification: OTHER

**NOTATION:** Outside development limit (both properties).

**DESCRIPTION OF SITE & PROPOSAL:** This application relates to a dwelling built in the mid 1970s. It is a large established dwelling set in mature gardens with a drive leading off the A130 near the Bushel and Sack Public House. It is subject to an agricultural occupancy condition. It is proposed to remove it from the original dwelling and transfer it to a barn (Martels barn) situated in the same parish, located off the High Easter Road.

**APPLICANT'S CASE:** The barn at Martels is a more suitable property than Sparlings, by virtue of location, to serve the farm and the transfer of the occupancy condition onto it will therefore ensure that an agricultural dwelling is retained on the holding. As such there will be no reduction in the stock of agricultural dwellings in the district.

As the dwellings are also comparable in size and value this proposal will not breach the guidelines of PPS7 Annex A regarding agricultural dwellings.

**RELEVANT HISTORY:** Sparlings Farm: Reconstruction of dwelling 1975 subject to conditions including:

“The occupation of the dwelling hereby permitted shall be limited to a person or persons employed, or last employed, full-time locally in agriculture, as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry, and any dependants of such a person residing with him or her (including a widow or widower of such a person).”

Martels Barn: Permission for residential barn conversion 2006 (Currently unimplemented).

**CONSULTATIONS:** None

**PARISH COUNCIL COMMENTS:** To be reported (due 14 June 2007).

**REPRESENTATIONS:** None. Notification period expired 5 June 2007.

**COMMENTS ON REPRESENTATIONS:** NA

**PLANNING CONSIDERATIONS:** The main issues are

- 1) **ULP Policy H13 – Removal of agricultural occupancy conditions.**
- 2) **Other material planning considerations.**

1) Policy H13 sets out the requirements for removing agricultural occupancy conditions and these require an applicant to demonstrate that the dwelling is surplus to requirements and has been widely offered for sale as an agricultural workers dwelling. No such

information has been submitted. However the applicant does not propose simply to remove the tie but to transfer it and therefore other considerations apply.

2) The applicant wishes to have the occupancy condition removed from the existing dwelling and transferred to the barn which has an extant permission for residential conversion. This conversion was approved last year and is currently not subject to a tie restricting its occupation. Adjacent to the barn are some agricultural buildings used as part of the holding. The existing dwelling has a floorspace of about 240sq.m and the proposed barn conversion would have a floorspace of approximately 255sq.m. A local estate agent has stated that both the existing dwelling and the completed conversion would have a similar value on the open market without the tie. Consequently there is sufficient similarity between the two dwellings to make it acceptable to transfer the tie. The properties are just under a mile apart by road and both are within the spread of the land that forms part of the holding (approximately 300 acres), although the property to which it is proposed to transfer the tie is slightly more centrally located within the holding.

In this case the barn is currently unconverted. The S106 agreement will permit the removal of the occupancy condition once the barn is ready for residential occupancy, when it will become subject to the tie.

**CONCLUSIONS:** For the reasons given above it is recommended for approval.

**RECOMMENDATION: UNCONDITIONAL APPROVAL WITH SECTION 106 AGREEMENT**

Heads of S106 agreement: Transfer of agricultural occupancy condition to dwelling to be created by conversion at Martels Barn, Barnston once the barn has been converted and ready for residential occupation.

*Background papers: see application file.*

\*\*\*\*\*

## **UTT/1053/07/FUL - SAFFRON WALDEN**

*(Applicant is Council employee)*

Proposed dwelling and carport. Replacement garage to 23 The Wayback.

Location: Land adjoining 23 the Wayback . GR/TL 544-388.

Applicant: Mr & Mrs Millership

Agent: Mr I Abrams

Case Officer: Mrs S Heath 01799 510389

Expiry Date: 07/08/2007

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 1.5 metres 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:** This is a revised application to that approved under UTT/1681/06/FUL which was for 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 15.8 metres, a maximum depth of 15.5 metres, height to eaves of 2.9 metres and a height to ridge of 6.8 metres (no chimney). The dwelling would have two parking spaces (including one in the carport) and on site turning. The useable garden area would be in excess of approximately 160 square metres. 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 150 square metres, which is well above the minimum standard and comparable with the general garden sizes on the rest of The Wayback. This new application differs in that the garage for the new dwelling has been replaced by a slightly relocated carport which has allowed the proposed dwelling to increase in length by 2 metres. There are also proposed minor changes in fenestration and internal layout which include an enlarged kitchen with an additional external door and an additional window in the sitting room. First floor accommodation has decreased in length by 1m. In addition to these changes, the proposed replacement garage for 23 The Wayback has already been built.

**APPLICANT'S CASE:** 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 car-port 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.

Full application UTT/1681/06/FUL Erection of detached dwelling. Erection of replacement garage to serve 23 The Wayback, approved 15 December 2006.

**CONSULTATIONS:** Anglian Water: To be reported (due 3 July 2007).

Environment Agency: To be reported (due 3 July 2007).

Fisher German: No comment. Government Pipeline and Storage system not located within the vicinity of the site.

UDC Building Surveying: No adverse comments on Fire Service Access and appears to comply with Lifetime Homes Standard

County Surveyor: To be reported (due 28 June 2007).

Serco: To be reported (due 28 June 2007).

ECC Highways: Under terms of current de minimus agreement this application is one where highway aspects are left for determination by UDC.

**TOWN COUNCIL COMMENTS:** To be reported (due 12 July 2007).

**REPRESENTATIONS:** Eleven neighbours were notified of the proposed development. Neighbour consultation period expired 3 July 2007. None received.

**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);**
- 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, and the principle of a dwelling here has already been established. 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 8 metres apart (excluding garages) 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 1 metre 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. In planning terms there is no right to a view and it is unlikely that there would be a significant loss of privacy to any neighbour. The proposed amendments would have no material impact on the street scene and amenity.

3) The general character of this part of Saffron Walden is quite varied. The Wayback is a C.20 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. The approved scheme involved the demolition of the existing garage to gain access to the proposed dwelling, and a replacement garage to the host house (now built). An attached garage was approved for the new house. This proposal seeks to replace the approved garage to the new house with an attached carport, located closer to the boundary with the host house. It would also have space for a turning facility to enable vehicles to leave the site in a forward gear. These arrangements would have the same impact as the approved scheme.

**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 principle for development at this site has already been established by the granting of planning permission under UTT/1681/06/FUL. 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.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.

7. C.6.7. Excluding conversion of garages.
8. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented – extension.
9. C.12.3. Prior provision of boundary enclosure 2,
10. No development shall take place until details of a 1 metre high retaining wall to be erected in the position shown on the approved drawing number 43006.04, received by the local planning authority on 12 June, 2007 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 in perpetuity.  
REASON: To safeguard the amenities of the adjoining residential property.
11. The dwelling hereby permitted shall not be occupied until all car parking and manoeuvring areas serving the new and existing dwellings as shown on drawing number 43006.04, received by the local planning authority on 12 June, 2007 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.
12. C.8.29. Details of sustainable construction for new residential or commercial development
13. C.8.30. Provision of bin storage.
14. C.19.1 Avoidance of overlooking. No further windows, rooflights or other form of opening in roofslopes. Obscure glazing to bathroom windows.
15. C.28.1. Implementation of accessibility scheme.

*Background papers: see application file.*

\*\*\*\*\*



## **UTT/0999/07/FUL - HATFIELD HEATH**

Addition of 3 vodafone dishes - 1 No. 1.2m dish at 19.45m and 2 No. dishes (0.6m and 0.3m) at 18.4m on existing 25m telecommunications mast.

Location: Camp Farm Mill Lane. GR/TL 517-156.

Applicant: Orange PCS Ltd

Agent: Harlequin Ltd

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 03/08/2007

Classification: OTHER

**NOTATION:** Within the Metropolitan Green Belt.

**DESCRIPTION OF SITE:** The site is located in the southwestern corner of Camp Poultry Farm on the western outskirts of the Hatfield Heath. It is accessed from Mill Lane off the A1060 Stortford Road and lies to the rear of the residential gardens of properties on Stortford Road which are approximately 120m from the site.

**DESCRIPTION OF PROPOSAL:** It is proposed to add additional equipment to an existing 25m monopole. The equipment on the mast would consist of three antenna at a height of 19.45m and two dishes at a height of 18.40m. This application includes supporting information which was absent in the otherwise similar application refused in May 2007.

**APPLICANT'S CASE including Design & Access statement:** The proposal is limited to the installation 3 No. dishes on the column, measuring 1.2m, 0.6m and 0.3m respectively. The dishes will be mounted at 19.45m to midpoint for the larger dish and 18.4m for the two smaller dishes. Vodafone require the addition of 3 No. dishes to their existing site in order to link the site with the surrounding Vodafone base stations in the local area. This will enable Vodafone to provide a seamless area of network coverage to Hatfield Heath. The site is afforded a degree of natural screening by a line of trees immediately to the west of the compound, and is currently used as a farm in the Green Belt. Neither the height of the column nor the compound will be extended to implement the sharer's upgrade. The proposal is limited to the addition of 3 dishes mounted to the existing column. As there is no height increase, the area's appearance will not be affected. In compliance with PPG8 and Uttlesford Local Plan, Vodafone already share this site and no other options have been explored because the additional dishes required to link the network with the surrounding sites. In order to be able to link this site with other existing Vodafone sites in the area there is no other option available other than locating the new equipment on the existing structure.

**RELEVANT HISTORY:** Erection of 25m telecommunication mast, equipment cabinet and 1.8m fence conditionally approved September 2002. Erection of 25m monopole telecommunication mast with six antenna and four microwave dishes, equipment cabinet, 1.8m high security fencing with barbed wire above conditionally approved April 2003. Addition of six antenna and two dishes at 16.2m existing mast together with one cabinet and meter cabinet within the security compound – conditionally approved 2004; Addition of 1 no. 1.2m dish, 1 no. 0.6m dish and 1 no. 0.3m dish to an existing 25m telecommunications mast – refused May 2007

**CONSULTATIONS:** English Nature: To be reported (due 27 June 2007).

Essex Wildlife Trust: To be reported (due 2 July 2007).

**PARISH COUNCIL COMMENTS:** To be reported (due 11 July 2007).

**REPRESENTATIONS:** This application has been advertised and one representation has been received. Period expired 19 July 2007.  
An eyesore. ii. Does not fit in with the rural surroundings. iii. Lack of landscaping which would shield the mast.

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

**PLANNING CONSIDERATIONS:** The main issues are whether the additional equipment on the mast is essential for technical reasons and appropriate measures have been taken to mitigate adverse effects on rural amenity in accordance with ULP Policy T4, ERSP Policy BE8 and PPG8.

Government guidance issued within PPG8: Telecommunications, encourages mast or site sharing where possible in order to minimise the environmental impact of telecommunication equipment. The applicant has shown that there is a need for the equipment in this area and has explained that the proposal is able to minimise the impact on the Metropolitan Green Belt and the rural amenity by sharing an existing mast. The applicants have included information which explains that the new dishes are required in order to link the site with the surrounding Vodafone base stations in the local area. This will enable Vodafone to provide a seamless area of network coverage to Hatfield Heath. By sharing the site and using the existing mast will avoid the need for a new mast.

One of the proposed dishes, to be set at 19.45m high on the mast will protrude away from the mast with a much larger diameter than existing. This has also been explained that the size of this particular dish is to capture all of the data. The large dish is necessary because a smaller dish would not handle the necessary data transfer load. The data load would be particularly great at this Vodafone base station because it will act as a hub for the surrounding base stations and would connect and configure these base stations to the wider network.

The previous planning permission UTT/1862/02/FUL dated 23 April 2002 removed the permitted development rights with the reason: In order to protect the open character of the surrounding Green Belt countryside. An extra six antenna and two 0.6m dishes along with one metre cabinet received permission during March 2004.

Planning permission granted for the mast in April 2003 required landscaping to be undertaken in order to minimise the impact of the mast and in addition there is mature vegetation along the southern and western boundaries which screen the existing mast from the residential properties to the south.

**CONCLUSIONS:** The applicants have included justification as to why the development as proposed needs to take place there and the application is recommended for approval.

**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 telecommunications 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.

*Background papers: see application file.*

\*\*\*\*\*