

DEVELOPMENT CONTROL SUB COMMITTEE held on 26 FEBRUARY 2001

Agenda Item No: 7

Title: Outline application for the erection of about 600 dwellings, construction of an access to highway and provision of public open space, play area and site for school
UTT/0443/98/OP Stansted and Birchanger

Author: Roger Harborough (01799) 510457

Summary

- 1 This report updates Members on progress with the preparation of planning obligations linked to the application, as amended, for about 600 dwellings on this site. It is intended to enable the Committee to identify any matters it perceives at this stage that need to be pursued before determining the application.

Background

- 2 Members resolved in January 1999 that, subject to completion of agreements under Section 106 of the Town and Country Planning Act 1990, or complying with the terms thereof, the Corporate Director – Development, in consultation with the chairman of the Sub Committee, be authorised to approve this application subject to conditions. Members further resolved that the terms of the agreements be reported to the Sub Committee prior to completion.
- 3 On 11 December 2000 the applicant amended the application by letter revising the number of dwellings proposed from 400 to about 600. It stated that this was to reflect the PPG3 requirement that best use should be made of land and that developments of less than 30 dwellings per hectare net should be avoided.

The Applicant's Proposed Planning Obligation between Pelham Homes Ltd, Croudace Ltd and the Council

- 4 The heads of agreement covered the phasing of the occupation of dwellings on the site, affordable housing provision, community payment in relation to leisure recreational and/or community facilities, public open space and play areas as set out in the report to the Sub Committee on 25 January 1999, of which the relevant extract is appended.
- 5 The affordable housing and community facility provision have been reviewed as a consequence of the proposed increase in the number of dwellings. In summary the proposal is to:

- Increase the number of dwellings to be provided by a housing association from 90 to 125. 90 dwellings represented 22.5% of the 400 total. 125 dwellings represent about 21% of the amended total of 600. The 125 would be provided on 2.02 ha of land. (This would be feasible with a scheme comprising 31X3 bed houses, 9X2 bed houses, 59X2 bed flats and 26X1 bed flats. The dwelling mix reflects the household composition of those in need on the current waiting list for this part of the district. The planning obligation would specify the mix, however, as this would be determined by the Registered Social Landlord and the Council at the appropriate time). The proposed agreement for the 400 dwelling scheme provided for the affordable housing land to be two non contiguous parcels. The current proposal from the applicant is that the affordable housing land would be a single parcel. Officers' view is that two parcels would better meet the objective of achieving a mixed and balanced community.
- Provide a 0.2 hectare serviced site free of charge to enable location of a NHS primary health care facility on the development.
- Provide a site for a general purpose shop on site, which would be phased towards the substantial completion of the development when its use could be assured.
- The contribution of £500,000 towards the leisure centre project is still on offer, subject to confirmation that this remains appropriate.

Agreement between Pelham Homes Ltd, Croudace Ltd, Essex County Council and the Council

- 6 This agreement covers the Developer's Highway Covenants, Remedial Works and Recovery of Costs, Issue of Works Licence and Certificates and Application of the Transport Contribution, the Developer's Public Transport Covenants, and the School Site, again as described in the report to the Sub Committee on 25 January 1999 with the following amendments.
- 7 The School Site provision has been reviewed in the light of the proposed increase in the number of dwellings.
 - The County Council has confirmed its agreement to the obligation reflecting three alternative options for addressing the primary schooling implications arising from the development. At a subsequent stage the education authority would identify which option to implement after it had carried out further consultation with the local schools, parents and the local community. All the options would involve the developer providing a serviced site for a new primary school on the development site. This flexibility within the agreement has been sought by the County Council in its negotiations with the applicant's agents.
- 8 Pesterford Bridge is to be substantially reconstructed by the developer. This would be covered by a separate agreement, "the Bridgeworks Agreement".

The Council would not be involved in this agreement., but the Highway Covenants include the obligation that no part of the development would commence until the bridge works had been properly completed in accordance with the Bridgeworks Agreement. The one exception proposed to this is that construction of the link road across the site from Forest Hall Road to Church Road could start once the bridge works had commenced, provided there was a formal agreement between the developer and the County Council under the Highways Acts concerning this link road.

Conclusion

- 9 Consultations of the amended proposal for about 600 dwellings are not yet concluded. However, it is intended to report fully on the planning application as amended as soon as possible. The applicant is pressing for a determination of its application. In the interests of avoiding any unnecessary delay, it would be helpful if the Committee would identify any matters it perceives at this stage that need to be pursued, before considering the application in due course.

RECOMMENDED that:

the Committee identify any matters it perceives at this stage that need to be pursued.

Background Papers:

Letters from Barton Willmore Planning dated 12 February 2001

Agenda Item No: 8
Title: Appeal Decisions
Author: Jeremy Pine (01799) 510460

The following appeal decisions have been received since the last meeting.

- 1 APPEAL BY MR AND MRS L CROSS
26 GARNETTS, TAKELEY
APPLICATION NO. UTT/0411/00/FUL**

Appeal against refusal of planning permission for a double storey side extension and front dormers to existing rooms

Appeal decision: DISMISSED

Date of decision: 26 JANUARY 2001

Original decision made by:

OFFICERS

Date of original decision:

23 MARCH 2000

Summary of decision:

The Inspector considered the additions would detract unacceptably from the well-ordered and satisfactory appearance of the cul-de-sac, conflicting with Policy DC1.

Comments on decision:

Current dismissal rate on this type of appeal (i.e. householder) since 1984/5: 66% (35 cases).

**2 APPEAL BY MR AND MRS N MOODY
SITE AT 112 DEBDEN ROAD, SAFFRON WALDEN
APPLICATION NO. UTT/0501/00/FUL**

Appeal against refusal of planning permission for the erection of a dwelling with access off Birdbush Avenue

Appeal decision:

DISMISSED

Date of decision:

25 JANUARY 2001

Original decision made by:

DC SUB-COMMITTEE

Officers' recommendation to DC Sub:

REFUSAL

Date of original decision:

2 JUNE 2000

Summary of decision:

The Inspector considered that the new dwelling would have a cramped, alien appearance in the street scene out of character with surrounding properties which are set back from the highway boundary. He also found that the removal of the Rowan tree would have a material adverse impact on the street scene.

He did not consider that the new dwelling would cause loss of sunlight or daylight to the rear elevation and garden of 112 Debden Road, but felt its close proximity to the existing dwelling would be oppressive by reason of height and mass.

He felt that the provision of a parking space in front of the garage would have a detrimental effect on the street scene, but as the dwelling was modest and there appeared to be the potential for on-street visitor parking any shortfall did not justify refusing planning permission.

Members visited this site.

Comments on decision:

Current dismissal rate on this type of appeal (i.e. overdevelopment and loss of amenity) since 1984/5: 66% (141 cases).

**3 APPEAL BY PERSIMMON HOMES
SITE AT LONDON ROAD, GREAT CHESTERFORD
APPLICATION NO. UTT/0529/00/FUL**

Appeal against refusal of planning permission for 30 two-bedroom flats and associated parking/garaging/landscaping

<u>Appeal decision:</u>	DISMISSED
<u>Date of decision:</u>	25 JANUARY 2001
<u>Original decision made by:</u>	DC SUB-COMMITTEE
<u>Officers' recommendation to DC Sub:</u>	REFUSAL
<u>Date of original decision:</u>	4 AUGUST 2000

Summary of decision:

The Inspector considered that the existing factory building was appropriate for the needs of modern business and found no evidence of lack of market demand for the employment site. He also found no evidence that the site was uneconomic to develop for employment purposes. He saw no reason to override Structure Plan Policy B1W4, especially as PPG3 seeks to concentrate new housing in towns and cities rather than villages.

He was satisfied that adequate parking would be provided and that no highway hazards would result.

He felt that the new block would be tall and bulky and would comprise an insensitive intrusion into the setting of the listed railway building, and that overlooking of the houses to the south in Ash Green would occur. He also felt that the building would appear as an incongruous feature out of scale with domestic properties surrounding it.

Members visited this site.

Comments on decision:

Current dismissal rate on this type of appeal (i.e. loss of employment) since 1984/5: 100% (2 cases).

**4 APPEAL BY MR T R SARGEANT AND MR D R SARGEANT
SITE AT LAND AND BUILDING ADJACENT TO DOWN HOUSE, DOWN
HALL, HATFIELD HEATH
APPLICATION NO. UTT/1565/99/FUL**

Appeal against refusal of planning permission for change of use to dwelling, restorations and the erection of a garage

<u>Appeal decision:</u>	DISMISSED
<u>Date of decision:</u>	25 JANUARY 2001
<u>Original decision made by:</u>	DC SUB-COMMITTEE
<u>Officers' recommendation to DC Sub:</u>	APPROVAL
<u>Date of original decision:</u>	14 APRIL 2000

Summary of decision:

The Inspector considered that residential use of the building would be appropriate under Policy C6, but he found the conversion details unsatisfactory. The proposed conservatory would appear as a relatively large and obtrusive addition to the simple structure, and other detailing would undermine its unassuming character. He felt that the double garage would intrude into the setting of the listed building, eroding the character of the Green Belt.

Members visited this site.

Comments on decision:

Current dismissal rate on this type of appeal (i.e. MGB) since 1984/5: 88% (30 cases).

**5 APPEAL BY MR AND MRS D ROBERTS
RECTORY FARM, WALDEN ROAD, LITTLE CHESTERFORD
APPLICATION NO. UTT/0100/00/FUL**

Appeal against refusal of planning permission for the conversion of the existing farm buildings into 3 no. dwellings and garages.

<u>Appeal decision:</u>	DISMISSED
<u>Date of decision:</u>	23 JANUARY 2001
<u>Original decision made by:</u>	DC SUB-COMMITTEE
<u>Officers' recommendation to DC Sub:</u>	REFUSAL

Date of original decision:

14 APRIL 2000

Summary of decision:

The Inspector considered that substantial reconstruction works were required, contrary to Policy C6. He also felt that the domestic style alterations proposed, including gardens and associated paraphernalia would further detract from the rural nature of the site.

He did not accept the applicant's assertion that the proposal would provide additional residential accommodation within the M11 corridor.

Comments on decision:

Current dismissal rate on this type of appeal (i.e. conversion of farm buildings to residential) since 1984/5: 72% (43 cases).

**6 APPEAL BY MR AND MRS HEALY
LAND AT "THE KING'S HEAD", ELMDON, SAFFRON WALDEN
APPLICATION NO. UTT/0445/00/FUL**

Appeal against refusal of permission for change of use of The Kings Head Public House to a single family dwelling house

Appeal decision:

DISMISSED

Date of decision:

6 FEBRUARY 2001

Original decision made by:

DC SUB-COMMITTEE

Officers' recommendation to DC Sub:

REFUSAL

Date of original decision:

8 JUNE 2000

Summary of decision:

Whilst the Inspector concluded that the change of use itself did not affect the fabric of the listed building or the visual appearance of the conservation area, he was convinced that the character of the conservation area was also defined by the activities carried on within it, which manifest themselves in different ways. The absence of the public house would change the character of the village to some extent making the village a more exclusively residential enclave dependent on services elsewhere. He felt that the loss of the public house would leave a significant gap in the social life of the village and the facilities available to its inhabitants. Other premises in the village were not adequate substitutes. He concluded that there were good grounds for believing that the

pub would have an economic future if effectively marketed and taken on by a committed and capable tenant or owner under the right conditions.

Comments on decision:

Current dismissal rate on this type of appeal (i.e. loss of social facilities) since 1984/5: 67% (3 cases).

**7 APPEAL BY SIMON AND JANE KINGSTON
SUDBURY LEY, STAMBOURNE ROAD, LITTLE SAMPFORD
APPLICATION NO. UTT/0075/00/FUL AND UTT/0076/00/LB**

Appeal against refusal of planning permission and listed building consent to convert a barn to a dwelling and construction of new lean-to extension to existing dwelling

<u>Appeal decisions:</u>	DISMISSED
<u>Date of decisions:</u>	30 JANUARY 2001
<u>Original decisions made by:</u>	DC SUB-COMMITTEE
<u>Officers' recommendations to DC Sub:</u>	REFUSAL
<u>Date of original decisions:</u>	27 MARCH 2000

Summary of decision:

The Inspector considered that the separation of the barn from the house would result in two curtilages likely to take on their own domestic character, emphasised by the new driveway, fencing, hedging and the presence of two garage buildings. He felt that these changes would cause significant harm to the setting of the listed building. He felt that due to the proximity of the barn and the main house, significant harm would be caused to the occupants of both by way of noise and general disturbance.

Comments on decision:

Current dismissal rate on this type of appeal (i.e. effects on listed buildings) since 1984/5: 91% (118 cases).

**8 APPEAL BY BISHOP'S STORTFORD FOOTBALL CLUB
WOODSIDE, DUNMOW ROAD, BISHOP'S STORTFORD, E. HERTS D.C.**

Appeal against refusal of planning permission for a park and ride facility

<u>Appeal decision:</u>	DISMISSED
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Date of decision: 11 JANUARY 2001
Original decision made by: E. HERTS D.C.
Uttlesford's recommendation to DC Sub: REFUSAL
Date of original recommendation: 26 JULY 2000

Summary of decision:

The Inspector considered that there was no convincing evidence of the need for this facility in this area. Its viability had not been demonstrated and it was not part of a comprehensive local transport plan. No alternative non-Green Belt sites were considered. Dunmow Road is not a suitable link to the town centre. There would be conflict with vehicles on match days. The parking could be needed in connection with Stansted Airport. There would also be detrimental effects on the openness of the Green Belt.

Agenda: Item No. 9

Title: PLANNING AGREEMENTS

Author: Frank Chandley (01799 510417)

The following table sets out the current position regarding outstanding Section 106 Agreements:-

Planning Ref	Approved by Sub-Cttee	Applicant	Property	Current Position
1 UTT/0791/98/REN	7.12.98	Wickford Dev Co Ltd	Emblems Great Dunmow	Negotiations continuing
2 UTT/0443/98/OP	25.1.99	Pelham Homes Limited	Rochford Nurseries	Agreements being negotiated
3 UTT/0880/99/OP	20.3.00	Essex & Herts Community NHS Trust	Saffron Walden Hospital	Agreement being negotiated
4 UTT/0374/00/FUL	19.7.00	Croft Group Limited	Land at Millfields Stansted	Agreement being negotiated

5	UTT/1121/00/FUL	2.10.00	English Villages Housing Association	Land at Guildhall Way, Ashdon	Agreement being executed
6	UTT/1323/00/FUL	25.01.01	George Askew Transport	Blamsters Hall Great Easton	Agreement being executed

Background Papers: Planning Applications
Files relating to each application

FOR INFORMATION