

TO: DEVELOPMENT CONTROL SUB-COMMITTEE

ON: 13 AUGUST 2001

Agenda Item No: 7

Title: APPLICATIONS AT MILLFIELDS AND BROOK ROAD, STANSTED – (1) ERECTION OF TWO SEMI-DETACHED DWELLINGS AND TWO GARAGES; RELOCATION OF TWO GARAGES AND FORMATION OF VEHICULAR ACCESS AND PARKING AREA AT LAND R/O 10-16 MILLFIELDS, STANSTED – UTT/0374/00/FUL AND (2) ERECTION OF FOUR DETACHED HOUSES AND FORMATION OF PARKING SPACES AT LAND AT BROOK ROAD, STANSTED – UTT/1418/00/FUL

Author: Richard Smith (01799) 510465

Summary

- 1 This report concerns the Section 106 agreements required in connection with the above applications. It sets out what works the developers propose should be provided for inclusion into the agreements and recommends that, as these are sufficient to meet the criteria in Policy SM8, the decisions be issued and agreements completed. The two are dealt with together as both sites are served via Millfields, which is to be the subject of the agreements.

Notation

- 2 Within Development Limits and Woodfields SM8 Policy Area.

Background

- 3 Members may recall resolving to grant planning permission for both of these developments subject to the signing of Section 106 agreements requiring highway improvements and parking facilities, considered necessary to meet the criteria contained in District Plan Policy SM8. Copies of the relevant committee reports are attached at the end of the agenda.
- 4 With regards to the Millfields site (UTT/0374/00/FUL), the developers initially agreed to
 - 1 carry out works to improve the road from the site on Mill Hill to Silver Street up to Base Course level,
 - 2 to provide a contribution to the future maintenance costs, not exceeding £10 000 and
 - 3 to provide 6 parking spaces and lay-by for casual parking.

With regards to the Brook Road Site (UTT/1418/00/FUL), the developers agreed to

- 1 provide for the making up the road, drainage and traffic calming from the site on Brook Road to Silver Street, including a section in front a row of terraced properties to the south-east and
 - 2 to provide 9 public parking spaces.
- 5 Detailed discussions with both developers have resulted in the submission of an improved scheme to make up Brook Road/Mill Hill to Silver Street and provide a payment of £10 000 for future maintenance as previously agreed. The cost of the works would amount to £68 000 and would cover the necessary drainage, kerbing, base and wearing course. This is considered to be satisfactory by the Council's Engineer.
- 6 The developers have now requested that the Council reconsider the need for the public parking spaces originally offered. It is felt by the developers that the cost of the road and drainage places an exceptional burden on them and in light of the increased costs they are no longer able to provide the originally offered parking spaces. It is further contended that, in any event, the parking spaces are un-necessary in this area and that the planning gain of the carriageway and drainage improvements are sufficient to meet the criteria of the Woodfields policy.
- 7 Members should note that Policy SM8 requires proposals to either provide for generally improved access to the area and circulation within or to increase the number of parking spaces generally available, in addition to those required to serve the development. Officers agree with the developers that the public parking spaces originally proposed would not be fully utilised due to their distance from existing nearby residential properties, which do not have on-site parking. The properties closer to the development already have sufficient on and off-street parking provision. As the legal agreements would improve the access to the area, officers feel that this is sufficient to comply with the policy and that the final legal agreement should omit the requirement for the public parking spaces.

RECOMMENDED that both planning decisions be issued upon completion and signing of the Section 106 agreement, the provisions of which are outlined above.

Agenda Item No: 8

**Title: UNAUTHORISED AIR EXTRACTION UNIT
REEVES RESTAURANT, BRAINTREE ROAD, FELSTED**

Author: Paul Jackson (01799) 510452

Introduction

- 1 This report concerns the unauthorised installation of an air extract within the rear of an existing single storey extension to Reeves restaurant, Braintree Road, Felsted.

Notation

- 2 Within Development Limits/Conservation Area/Listed Building.

Relevant History

- 3 Conversion of house to form restaurant and associated works approved 1979, 1982, 1987 and 1989. Of more note, both planning permission and listed building consent were granted in December 2000 for external alterations including the provision of an extract flue within the rear roof slope.

Background

- 4 In January 2001 a complaint was received regarding the unauthorised installation of a wall mounted extraction unit at Reeves Restaurant. A site visit confirmed that the extraction unit was indeed unauthorised. It is affixed to the back wall of the single storey rear kitchen extension to the restaurant. The extraction unit is located approximately 2.0 metres above ground level and protrudes some 35cm from the dwelling, The Rumbles, Braintree Road. Complaints have since been received from the occupant of The Rumbles regarding the fact that the extraction unit is visually intrusive, noise and discharges offensive odours into a private drive and garden.
- 5 In February 2001 the Environmental Health Officer visited the site. Observations did not establish the existence of a statutory nuisance although it was noted that the restaurant was not particularly busy at the time. Concern was, however, expressed that the extraction equipment would cause a nuisance, particularly in the warmer months, from both noise and odours. The restaurateur was advised that alternative equipment should be installed which incorporated effective odour abatement equipment, discharged at as high a level as possible and was adequately sound proofed.
- 6 It should be noted that the permissions granted in December 2000 for works of alteration to the restaurant included provision for a flue within the rear roof slope discharging at a higher level. These works have not yet been carried out.

- 7 Negotiations with the restaurateur and the Environmental Health Officer have been ongoing. Given the fact that the existing extractor unit is unauthorised, the restaurateur was originally encouraged to implement the December 2000 permission and remove the offending extractor unit. However, and on the advice of the environmental Health Officer, an alternative route for the proposed equipment was suggested which routed the filtration equipment through the roof and consequently discharged via a flue located to the front of the premises. This alternative is considered a better solution overall and, whilst a revised planning permission would be required, the works were scheduled to take place in the fortnight commencing 30 July 2001. Indeed contractors are presently on site carrying out other works in connection with the December 2000 approvals.
- 8 In anticipation of the commencement of the works to the extraction equipment the occupier of The Rumbles wrote to the restaurateur on 22 July 2001 regarding various matters of dispute between the two parties. Of particular note, the restaurateur was advised that access to his property in order to carry out the works was pre-conditional upon confirmation of various matters. On resolution of these matters the restaurateur was further advised that access to the rear of the restaurant would be provided so long as the timing was convenient. Upon receipt of this correspondence the restaurateur contacted the planning department on 27 July 2001 advising that there was insufficient time to come to an agreement with the near neighbour regarding these outstanding matters and that in the absence of the ability to obtain access, the unauthorised extractor unit could not be removed within the time frame previously agreed. This also precluded the installation of the alternative extraction system set to the front of the building since rear access was required to the roof space.

Assessment

- 9 The unauthorised wall mounted extractor unit requires planning permission and has been installed in clear contravention of the scheme approved in December 2000 which required the provision of an extract flue to the rear roof slope. Further, the unauthorised extraction unit causes harm to the amenities of the occupier of The Rumbles through disturbance from noise and odours.
- 10 Originally fruitful negotiations between the various parties had reached the stage of a compromise solution which provided for a better extraction arrangement than the previously approved scheme. The provision of this alternative extraction arrangement was scheduled to have been carried out in the fortnight commencing 30 July 2001. It had also been agreed that the unauthorised extractor unit would be removed at this time.
- 11 The current dispute between the restaurateur and the occupier of The Rumbles involves matters that are not material to planning, nor one which the Council can become involved in since it relates to private property rights. It has, however, resulted in the cancellation of the previously arranged works.

Conclusion

- 12 The unauthorised extraction unit causes clear harm to residential amenity in direct contravention of Policy DC14 to the adopted Uttlesford District Plan which seeks to resist development which would adversely affect the reasonable occupation of a residential property through inter alia, noise, smell and fumes.

RECOMMENDED that, enforcement and, if necessary, legal action be taken to secure the removal of the unauthorised extraction unit and the consequent provision of the previously approved flue (or the negotiated alternative).

Background Papers

Enforcement case file ENF/8/01/D
Planning permission and listed building consent dated 22 December 2000 and referenced UTT/1540/00/FUL & UTT/1541/00/LB.

Agenda Item No: 9

**Title: PROPOSED DIVERSION OF FOOTPATHS AT MARKS HALL
WHITE RODING**

Author: Cathy Roberts (01799) 510434

Summary

- 1 This report advises the Sub-Committee of an application to divert footpaths 21 (part), 3 (part), 8 (part), 30 and to extinguish footpaths 5 (part) and 26 (part) in White Roding, it recommends that the orders be made.

Background

- 2 In 1997, an application was made to divert a number of paths in the vicinity of Marks Hall, White Roding. Part of the proposal was to divert footpaths 26 (part) and 5 (part). Observations were sought, on the original proposal and subsequent amended ones, from White Roding Parish Council and the representative of the Ramblers' Association (Essex Area Uttlesford District), Mr G J H Hands.
- 3 Objections were received from the Ramblers' Association to the then proposed extinguishment of the section of footpath 26 which runs from the road immediately along the back of the farm buildings. No alternative path had then been proposed for this one. A site meeting followed and alternatives for the relevant section of footpath 26 were canvassed. Following the site meeting, the Essex County Council Transportation and Operational Services Department made stipulations about the widths and positions of paths and stated (11 May 1999) that the proposed routes in the new application were

“acceptable in principle”. They made the point, however, that the alterations to footpaths 26 and 5 amount to an extinguishment and creation, rather than a diversion. Different criteria are applied when diverting rather than extinguishing a footpath. For a path to be extinguished, it must be proven that it is not needed for public use. For a diversion, the proposal should be in the interests of the owners of the land and the new route should not be left less convenient to the public.

- 4 The Ramblers’ Association raised concerns about walkers having to use the road. Therefore, the owner of Marks Hall Farm proposed the provision of an off-road footpath to join two off-road paths and create a direct alternative north-south route to footpath 26. A plan will be displayed at the meeting. The Ramblers Association confirmed its objection to the proposal on 27 April 2001. The latest response of the Ramblers’ Association to these proposals is attached at Annex A. The response of Essex County Council is attached at Appendix B. It is unlikely to object to the proposal. Observations on the latest proposals have also been received from White Roding Parish Council. These are attached at Annex C.
- 5 During negotiations it has become apparent that objections to the new proposals are likely from the local Ramblers’ Association. If the order is made and published and if objections are received, it will be sent to the Planning Inspectorate for decision.
- 6 The applicant has agreed to bear the cost of advertising the new order but there will be cost implications in terms of officer time.

RECOMMENDED that Orders diverting footpaths 21, 3, 8 and 30, and extinguishing part of footpaths 26 and 5 and creating an alternative footpath off the road as shown on the application plan, be made and advertised.

Background Papers: Correspondence on file.

Agenda Item No: 10
Title: MEMBERS’ ANNUAL TOUR OF COMPLETED DEVELOPMENTS 2001
Author: Keith Davis (01799) 510456

Summary

- 1 This report summarises the sites visited and the opinions of Members who took part on the tour about the success or otherwise of the developments seen. It concludes by requesting Members if they are content with the arrangements and whether they have any comments as to the format next year.

The developments visited and Members' opinions about the developments seen

2(a) Oakwood Park, Felsted/ Little Dunmow

The first phase of airport related housing. Issues considered by Members were whether the development was of a quality to meet design guide criteria and whether the range of designs, use of materials and landscaping is appropriate. Almost all Members considered this development to be good, well designed in the street scene with varied elevational treatments.

(b) Harris Green, Great Dunmow

Redevelopment of builder's yard as 24 dwellings and 26 flats, 12 as affordable. The issues considered by Members were whether Design Guide criteria were met, whether the character of the development was appropriate in this edge of town centre location and whether the affordable units were suitably positioned. Most Members considered this a fair development, although some felt it was good. Most Members thought that this was an enterprising layout on a difficult site blending different designs well, although some felt that the flats were a little oppressive. They considered that in the main it met Design Guide criteria and that it helped fulfil the need for affordable local housing well. They were happy to see that the preserved tree had been safeguarded.

(c) The Maltings, Great Dunmow

Conversion of Grade 11* listed building to a museum and meeting rooms. Members considered whether this conversion fulfilled the aim of maintaining this important building with a suitable after use. Every Member considered this a good development, some using superlatives such as excellent, magnificent and first class. They considered that the building and its use is something the District could be proud of and praised all those involved in the project. They liked the attention to detail, particularly the provision for people with disabilities.

(d) Howe Green Moat, Great Hallingbury

Redevelopment of hall, barns and stables to 11 dwellings. The issues considered were whether it was worth saving these unlisted buildings of environmental value and whether the conversion was treated sympathetically. All Members considered that this was a good development. They considered that the buildings merited preservation and that the scheme was undertaken sensitively. It was noted that the use of communal amenity areas had fostered a good community spirit.

(e) West Road and Springboard developments, Stansted

Erection of five houses in West Road allowed on appeal and fifteen dwellings on other side of Stoney Common Road (Springboard), allowed on appeal. All Members considered the West Road development poor. They considered that the scheme was over-development and not sympathetic in the street scene. They considered that the gardens were extremely small and there would be serious overlooking. With regard to the Springboard development, most

Members thought this a fair scheme and there was a balance of those who thought it was both good and poor. Members criticised the difficult access to the site and the layout of the houses but welcomed the fact that this scheme provided low-cost rented affordable dwellings

(f) Great Chesterford Recreation Ground

New village hall. Members considered whether this building outside development limits was justified and if the design was appropriate. There was a balance between those Members who thought that this scheme was good and only fair. One Member thought that it was poor. All considered that there was a justification for providing this building. Most Members did not like the unusual aluminium sinusoidal roof form, being concerned about how it would weather, but some praised the imaginative design.

(g) Great Harvesters, Elmdon

Replacement dwelling. All Members considered that this was a good development. Although quite large, Members considered whether it imposed itself in the rural area and if its design was appropriate. All Members considered that the dwelling was not intrusive and its design was of a very high quality.

(h) Raynhams Garage, Saffron Walden

Redevelopment of maltings and gunroom and erection of houses to provide 12 dwelling units. Members were asked to consider whether the scheme provided a sensitive solution, enhancing the original buildings in this important site in the town centre, providing good amenities for the residents. All Members considered this a good development. Some considered that it provided a peaceful oasis in this central location. They considered that this imaginative scheme enhanced this historic area and, in particular, the dwellings on the front looking as if they had been there for years. The underground parking was an asset in providing a very private development.

(i) Former Cleales site, Saffron Walden

Residential development in 7 blocks providing 36 flats. The issue considered was whether this scheme was appropriate close to the town centre. Most Members considered this a fair development, with a balance of the remainder considering it both good and poor. They generally considered the development a little cramped with too little amenity space. They thought the designs were attractive but not necessarily suitable for Saffron Walden, more suitable for a city location.

The tour next year

- 3 The tour is intended for all Members of the Council and helps sustain and improve the quality of decisions taken in development control. It is also a useful exercise for officers in meeting their continuing professional

development requirements. Members are asked if the arrangements for the tour were appropriate this year and whether they have any comments and suggestions about the arrangements for next year, in particular the day chosen and the time of year.

RECOMMENDED that Members note the views of those Members who undertook this year's tour about the developments seen and they comment or make suggestions about next year's tour, if they wish, to the Principal Development Control Officer.

Background Papers: None

Agenda Item No: 11
Title: APPEAL DECISIONS
Author: Jeremy Pine (01799) 510460

Summary

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

1 APPEALS BY BELL FRAMPTON LTD
SITE AT THE WHITE HOUSE, HIGH STREET, NEWPORT
APPLICATION NOS: UTT/0597/00/CA AND UTT/0595/00/FUL

Appeal against the refusal (i) to grant conservation area consent for the demolition of a single storey office building and (ii) refusal of planning permission for the conversion of The White House (offices) into two dwellings and erection of 2 no. dwellings to rear.

<u>Appeal decisions:</u>	ALLOWED
<u>Date of decisions:</u>	25 JULY 2001
<u>Original decisions made by:</u>	DC SUB
<u>Officers' recommendations to DC Sub:</u>	Refusals
<u>Date of original decisions:</u>	24 OCTOBER 2000

Summary of decisions:

The Inspector considered that the new dwellings at the rear had been designed so as to be seen as subordinate to the historic building, fitting in well with the small-scale character of the cottages interspersed along the High Street. He felt that the proposals would preserve and enhance the character and appearance of the Conservation Area. He noted that the character of the

surrounding area was largely made up of closely-knit relatively high-density developments and felt that the proposals would not constitute overdevelopment. Although tight, he was satisfied that the car parking and garage court arrangements would be workable, and could be operated without detriment to highway safety.

Comments on decision:

Current dismissal rate on this type of appeal (i.e. backland development) since 1984/5: 57% (39 cases).

**2 APPEAL BY MR J SMITH
SITE AT THE PIGGERIES, CORNELLS LANE, WIDDINGTON
APPLICATION NO: UTT/0856/00/OP**

Appeal against the refusal of outline planning permission for 2 new detached dwellings as part of a 'work from home' initiative

<u>Appeal decision:</u>	DISMISSED
<u>Date of decision:</u>	21 MAY 2001
<u>Original decision made by:</u>	DC SUB
<u>Officers' recommendation to DC Sub:</u>	Refusal
<u>Date of original decision:</u>	8 AUGUST 2000

Summary of decision:

Although replacing an existing agricultural building, the Inspector considered that the new dwellings would add to sporadic development, causing long-term harm to the countryside. He stated that a condition tying the occupation of the dwellings to the use of two recently converted light industrial units on the same site would be difficult to enforce, leading to pressure for removal. He did not consider that difficulty in letting the light industrial units justified granting planning permission contrary to policy.

Comments on decision:

Current dismissal rate on this type of appeal (i.e. rural area policy) since 1984/5: .96% (125 cases).

Agenda Item No: 12

Title: PLANNING AGREEMENTS

Author: Frank Chandley (01799) 510417

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	In abeyance
3 UTT/0880/99/OP	20.3.00	Essex & Herts Community NHS Trust	Saffron Walden Hospital	To be reported separately
4 UTT/0374/00/FUL	19.7.00	Croft Group Limited	Land at Millfields Stansted	Agreement being negotiated
5 UTT/1418/00/FUL	11.12.00	Messrs Sullivan	Brook Road Stansted	Agreement being Negotiated
6 UTT/0786/00/FUL	26.02.01	Countryside Properties PLC	Barkers' Tanks Site, Takeley	Agreement being Negotiated
7 UTT/0084/01/FUL	19.03.01	Wickford Development	Road at Great Dunmow	Agreement completed
8 UTT/0130/01/OP	30.4.01	Fairview Homes Ltd	St Valery Takeley	Agreement being Negotiated
9 UTT/0448/00/FUL	30.4.01	Mr P Hutley	Pondpark Farm Felsted	Agreement not necessary - Addressed by Condition
10 UTT/0036/01/CL	23.7.01	Mr L J Eley	Trycot Felsted	Agreement being negotiated

**Background Papers: Planning Applications
Files relating to each application**

FOR INFORMATION