

Committee: Development Control
Date: 7 April 2003
Agenda Item No: 7
Title: Tree Preservation Order No. 2/03 The Willows, Arkesden
Author: Ben Smeeden (01799) 510466

Introduction

- 1 This report seeks Members' confirmation of Tree Preservation Order No. 2/03 The Willows, Arkesden.

Background

- 2 Notification of intent to fell 1 No. Willow tree in the grounds of "The Willows", Arkesden was served on the Council by the owner. The tree is within the village Conservation Area.
- 3 Following an inspection undertaken by the Councils' Landscape Officer a provisional Tree Preservation Order was served.

Objections and Representations

- 4 The owner has objected to the serving of the Order. The grounds of objection are summarised as follows :

The tree is only 8 metres from the house and cracks are developing in some upstairs internal walls on that side of the house. Willow trees have very extensive roots. The tree is very close to the access bridge to the driveway and a large branch fell across the bridge following gales.

Assessment

- 5 The tree is a mature Weeping Willow situated on the frontage of the property. It is approximately 9 metres in height and well formed and found in good general health. It is a prominent feature in the street scene and together with other Willows of a similar age in properties fronting Wicken Water adds to the character and visual amenity of the Conservation Area.

Willows do have high water uptake demands and can develop an extensive root system. However no evidence at the time of inspection was found of external damage to the dwelling indicating subsidence having occurred.

The tree has been subject to crown reductions in the past. It is considered that regular maintenance would reduce the risk of branches breaking out in high winds.

Recommended

- 6 The Tree Preservation Order be confirmed without amendment.

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Title: APPEAL DECISIONS

Author: John Grayson (01799) 510455

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

**1 APPEAL BY MR J F BLACKWELL
TOWN FARM, HIGH STREET, STEBBING
APPLICATION NO: UTT/0266/02/FUL**

Appeal against the refusal of planning permission for the erection of a bungalow and removal of post-war barn/store.

<u>Appeal decision:</u>	ALLOWED
<u>Date of decision:</u>	17 March 2003
<u>Original decision made by:</u>	COMMITTEE
<u>Date of original decision:</u>	15 August 2002
<u>Officers' recommendation to DC CTTE:</u>	APPROVAL

Summary of decision: (Members considered that this would result in over development and loss of amenity.) The Inspector concluded that the new bungalow would complete the courtyard form established by the recent development in this vicinity. The scale, form and design would fit in well and preserve the character and appearance of the Conservation Area. It would create a relatively spacious enclosure in keeping with other courtyards, which are now a feature of the village, he felt. The orientation of the siting would protect privacy. Adequate amenity space and car parking is to be provided he found. The distance from the parking space to the bungalow was not excessive and the shared courtyard would not be so congested as to harm living conditions.

Comments on decision: Members saw the derelict Dutch barn on site when they visited the builder's yard to the rear on 24 February, which will be demolished as part of this scheme.

Current dismissal rate on this type of appeal (i.e. over development and loss of amenity) since 1984/5: 66% (169 cases). Seven of the last eight appeals of this type have been allowed in the last nine months.

**2 APPEALS BY FATHER J WHITE
ST TERESA'S CHURCH, HIGH LANE, STANSTED
APPLICATION NO: UTT/0507/02/FUL**

Appeals against the refusal of planning permission and serving of enforcement action relating to the alteration of approved line of footpath, erection of fence to presbytery garden and omission of fence previously approved. The requirements of the Notice are to remove the footpaths and associated lighting and all building materials and rubble arising from such removal and restore the land to its condition before the breach took place by levelling the ground within a period of one month.

<u>Appeal decisions:</u>	DISMISSED and ENFORCEMENT NOTICE UPHELD
<u>Date of decisions:</u>	19 March 2003
<u>Original decisions made by:</u>	COMMITTEE
<u>Date of original decisions:</u> 2002	22 May and 16 August
<u>Officers' recommendations to DC CTTE:</u>	APPROVAL (and ENFORCEMENT ACTION FOLLOWING MEMBERS' DECISION TO REFUSE)

Summary of decision: Please see full copy attached for Members' information.

The appellant's claim for costs was also dismissed (see copy attached).

Comments on decision: The Inspector concluded that this was a very finely balanced case on planning merits, where the scales tip against allowing the appeals. The remedial works need to be completed by 19 June 2003.

Current dismissal rate on this type of appeal (i.e. enforcement) since 1984/5: 70% (81 cases).

**3 APPEAL BY MRS S HALL
NEW BUILDING (STANLEY HOUSE), THE STATION, STATION
APPROACH, GREAT CHESTERFORD
APPLICATION NO: UTT/0764/02/FUL**

Appeal against the refusal of planning permission to remove a condition which required the retention of a footpath linking Station Road to the Swaine Adeney Brigg factory site, in order to maintain ease of passage to and from the train station in the interests of sustainability.

Appeal decision: DISMISSED

Date of decision: 17 March 2003

Original decision made by: OFFICERS

Date of original decision: 25 January 2003

Summary of decision: The Inspector noted that other parts of the path have not been defined in such a way that a conflict of uses can presently be easily avoided. It is also currently the case that to provide a footpath on the edge of the applicant's land would not, in itself, create the through route previously enjoyed without the co-operation of neighbours. However, he felt that the purpose of the condition, in line with national policies in PPG13 and Local Plans to encourage pedestrians and support accessibility to public transport, is not to close the door to such a link being provided in the future by actions taken now. Keeping the option open is, therefore, a proper use of land through the necessary use of a relevant planning condition and enforceable, he decided.

Comments on decision: This decision emphasises the need for "permeability" between sites.

Current dismissal rate on this type of appeal (i.e. loss of amenity) since 1984/5: 66% (170 cases).

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Title: PLANNING AGREEMENTS
Author: Jacqui Harrison (01799 510420)

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

	Planning Current Ref	Approved by Committee	Applicant	Property	Position
1.	UTT/0791/98/REN	7.12.98	Wickford Dev. Co Ltd	Emblems Gt. Dunmow	Negotiations Continuing.
2.	UTT/0443/98/OP UTT/1123/00/OP	18.3.02	Pelham Homes Ltd Croudace Ltd	Rochford Nurseries	Negotiations being finalised.
3.	UTT/0816/00/OP	29.4.02	Countryside Properties Plc	Priors Green Takeley/Little Canfield	Negotiations being finalised
4.	UTT/0884/02/OP	22.7.02	Exors of D M Harris	83 High Street Gt. Dunmow	Agreement being prepared by Essex County Council
5.	UTT/0875/02/FUL	23/9/02	Granite Estates Ltd	Thaxted Road, Saffron Walden	Agreement being prepared by Essex County Council
6.	UTT/1000/01/OP	12/9/02	BAA Plc	Stansted Airport	Agreement being finalised
7.	UTT/0449/02/OP UTT/0450/02/OP	4/11/02	Wickford Development Company Ltd	Sector 3 Woodlands Park	Agreement being finalised
8.	UTT/1244/02/FUL	16/12/02	Bovis Homes Ltd	Harris Yard Saffron Walden	Agreement to be prepared by Essex County Council
9.	UTT/1382/01/FUL	16/12/02	A Batchelor	Southgates Industrial Park	Agreement to be prepared by Essex County Council
10.	UTT/1463/02/FUL	16/12/02	Littlebury PC and English Village Housing	Merton Place Littlebury	Agreement being prepared
11.	UTT/1247/02/FUL	24/02/03	M B Rich-Jones	Coach House High Street Stebbing	Negotiations Commencing

Background Papers:

Planning Applications
Files relating to each application

FOR INFORMATION