

Committee: Development Control and Licensing
Date: 7 July 2003
Agenda Item No: 6
Title: Planning Enforcement: proposed change to delegation arrangements
Author: John Mitchell (01799) 510450

Summary

- 1 Authority is sought for the Head of Planning and Building Surveying, in consultation with the Head of Legal Services, to take urgent enforcement action without reference to the Committee, the Chairman or vice-Chairman.

Background

- 2 Enforcement action is normally taken with the approval of the Committee. The scheme of delegation to Officers allows for the service of Enforcement and Stop notices in consultation with the Chairman or vice-Chairman of the Committee in cases of urgency where there is insufficient time for reliance on the Committee cycle. The scheme of delegation does not permit the issue of enforcement notices or stop notices without such consultation nor does it include the issue and service of Article 4 Directions.
- 3 Article 4 Directions are a means of removing permitted development criteria from certain sites where the exercise of permitted development "rights" would be contrary to the policies of the development plan. Recent events have required the urgent issue of an Article 4 Direction, and it has been necessary to hold an extraordinary meeting of the Committee to gain authority to serve such a notice. This slowed the process considerably, and although in the case in question no harm resulted, the potential for abuse of the planning system through the slowness of the Council's procedures needs to be addressed.
- 4 Officers consider that it would be appropriate to amend the scheme of delegation to enable the service of Article 4 Directions without the authority of the Committee. Officers further consider that the scheme of delegation should be extended to enable the undertaking of all enforcement action by Officers when urgent action is required without consultation with the Chairman or vice-chairman. It is stressed that these requirements are put forward to meet exceptional circumstances and to ensure that the planning enforcement process is not held up by necessary administrative and procedural changes in the management of the Council. Current procedures will continue to be followed but these extensions of the delegated arrangements are considered expedient in the interests of the efficiency and effectiveness of the Service.

- 5 The scheme of delegation also allows for the commencement of injunctive procedures and objections to the licensing authority for Goods Vehicle Operators Licenses in consultation with the Chairman and Vice Chairman. It is considered that the delegation scheme should be extended similarly in respect of these criteria, again in the interests of the efficiency and effectiveness of the service.

RECOMMENDED that the scheme of delegation to officers be amended to include authority for the Head of Planning and Building Surveying for:

- 1 the issue and service of Article 4 Directions in conjunction with the Head of Legal Services and, if available, the Chairman or Vice Chairman of the Development Control Committee
- 2 the issue and service of enforcement and stop notices in conjunction with the Head of Legal Services and, if available, the Chairman or Vice Chairman of the Development Control Committee
- 3 the necessary procedure for the service of injunctions in conjunction with the Head of Legal Services and, if available, the Chairman or Vice Chairman of the Development Control Committee
- 4 the submission of objections to the Traffic Commissioners or relevant licensing authority for applications for Goods Vehicle Operators Licenses in conjunction with the Head of Legal Services and, if available, the Chairman or Vice Chairman of the Development Control Committee

Background Papers: Members Handbook

Committee: Development Control
Date: 7 July 2003
Agenda Item No: 7
Title: Proposed works to trees on Uttlesford District Council land – Newport and Saffron Walden
Author: Mr B Smeeden (01799) 510466

Introduction

- 1 This report seeks Members' agreement for the carrying out of works to trees on land in the ownership of the District Council.

Background

- 2 The Council's Environmental Services have identified tree works required to be undertaken on three sites, these are as follows:
Pollard 1 No. Ash tree on land adjacent to 20 Gaces Acre, Newport – subject to UDC Tree Preservation Order 25/93 (reference: G4).
Fell 5 No. Lime trees adjacent to The Garden House, Pollard 3 No. Lime trees adjacent to Myddleton House, all in the grounds of Walden Place – within a Conservation Area.
Fell 2 No. Prunus trees at Fairycroft Road Sheltered Housing, Saffron Walden – within a Conservation Area.

Assessment

- 3 The trees have been inspected by the Council's Landscape Officer. The assessment of the proposed works is as follows:

The ash tree at Gaces Acre is a mature specimen in close proximity to 20 Gaces Acre. It is considered that there is a potential risk of the tree causing structural damage to the adjacent dwelling. It is recommended that the tree be pollarded and a root barrier be installed following the findings of trial pits to be opened.

The 5 No. Lime trees adjacent to The Garden House in the grounds of Walden Place are currently maintained as a line of pollards. The trees are immediately against a high brick wall which forms the boundary with The Garden House. The owner of The Garden House has raised his concern over the proximity of the trees to his property and the problem of shading. It is considered that the lime trees are of little amenity value and potentially could cause damage to the boundary wall. It is recommended that the trees are felled and 5 replacement trees be planted in suitable positions elsewhere in the grounds of Walden Place.

The 3 pollarded lime trees adjacent to Myddleton House in the grounds of Walden Place have previously be subject to a regime of pollarding. It is recommended that re-pollarding be undertaken.

The 2 prunus trees at Fairycroft Sheltered Housing are relatively small specimens growing in close proximity to residents' windows causing loss of light. The trees are not considered to be of amenity value worthy of protection. It is recommended that both the trees be removed.

RECOMMENDED that the proposed trees works be approved and replacement trees provided at Walden Place, Saffron Walden.

Committee: DEVELOPMENT CONTROL
Date: 7 JULY 2003
Agenda Item No: 8
Title: PROPOSED FISHING LAKE ON LAND WEST OF PORT LANE, LATCHMORE BANK, LITTLE HALLINGBURY, UTT/1573/02/FUL
Author: John Grayson (01799) 510455

Summary

- 1 This report advises that there has been a material change in the relevant planning considerations since this application was considered by the Committee in March which results in a different Officer-level recommendation. The application is now recommended for refusal.

Background

- 2 At the meeting on 17 March, Members resolved to grant conditional consent for the proposed fishing lake (see copy report attached). However, before the decision notice was issued, the Safety Regulation Group (Aerodrome Standards) of the Civil Aviation Authority stated that both that body and the BAA (which has now taken over casework relating to aerodrome safeguarding) strongly advise against permission being granted, for the reason that birdstrike would create a hazard to aircraft using Stansted Airport.
- 3 This change in the regulations concerning consultations in cases relating to aircraft safety only came into effect in February and its effect on this application was not fully appreciated by Officers at that time. An area covering most of the District south of Saffron Walden is now affected by this consultation procedure.

Assessment

- 4 This advice now fundamentally alters the material planning considerations relevant to this case. If this information had been available prior to the Committee meeting, Officers would have recommended refusal.

Procedure

- 5 Members would have to suspend Council Procedure Rule 12.1 in order to reconsider their decision within 6 months. If Members adhere to their earlier decision, the matter would have to be referred to the CAA who would request the First Secretary to call in the application for a Public Inquiry.

RECOMMENDED that, in the circumstances, Members are advised to suspend the Rule and change their decision to one of refusal for the following reason:

The application site is located within a 13km radius of Stansted Airport, within which, in accordance with the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, applications for planning permission that are likely to attract birds shall be referred to the appropriate safeguarding consultee.

By virtue of the nature of the proposed development and its location both in relation to the airport and aircraft departure and arrival routes, it is considered that the construction of a fishing lake on this site would be likely to attract birds in sufficient numbers to create hazards to aircraft using Stansted Airport, thereby endangering human life.

Background Papers: see application file

Committee: Development Control and Licensing

Date: 7 July 2003

Agenda Item No: 9

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	Agreement being concluded.
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 C.C.
5.	UTT/0875/02/FUL	23/9/02	Granite Estates Ltd	Thaxted Road, Saffron Walden	Agreement being prepared by Essex C.C.
6.	UTT/0449/02/OP UTT/0450/02/OP	4/11/02	Wickford Development Company Ltd	Sector 3 Woodlands Park	Agreement completed.
7.	UTT/1244/02/FUL	16/12/02	Bovis Homes Ltd	Harris Yard Saffron Walden	Agreement completed.
8.	UTT/1382/01/FUL	16/12/02	A Batchelor	Southgates Industrial Park	Agreement being prepared by Essex C.C.

	Planning Current Ref / Officers dealing	Approved by Committee	Applicant	Property	Position
9.	UTT/1463/02/FUL	16/12/02	Littlebury PC and English Village Housing	Merton Place Littlebury	Agreement being finalised.
10.	UTT/1247/02/FUL JG/MP	24/02/03	M B Rich-Jones	Coach House High Street Stebbing	Negotiations continuing.
11.	UTT/0023/03/OP RA/AE	07/04/03	Enodis Properties Ltd	Former Sugar Beet Works, Little Dunmow	Negotiations commenced.
12.	UTT/1042/02/OP JM/AE	07/04/03	Countryside Properties plc	Takeley Nurseries	Negotiations commenced.
13.	UTT/0518/02/OP MO/AE	07/04/03	R & E McGowan	Laurels Yard, Takeley	Negotiations commenced.
14.	UTT/1810/02/FUL JG/AE	27/05/03	Welcome Break Group Ltd	Birchanger Green MSA	Negotiations commencing
15.	UTT/0595/03/OP HL/AE	16/06/03	Ashdon PC & English Villages Housing Assoc	Guildhall Way, Ashdon	Negotiations commencing
16.	0511/03/OP	16/6/03	Mrs M Gatsby	3 Hamilton Road	Negotiations commencing

Background Papers:

Planning Applications
Files relating to each application

FOR INFORMATION