

**Committee:** Development Control & Licensing  
**Date:** 26 August 2003  
**Agenda Item No:** 7  
**Title:** CHANGE OF USE OF AGRICULTURAL LAND TO CAR AND LORRY PARK, LAND ADJACENT TO THE RAILWAY YARD, STATION ROAD, LITTLE DUNMOW – UTT/1760/02/FUL  
**Officer:** M Ovenden (01799) 510476

### **Summary**

- 1 The Development Control & Licensing Committee approved this application on 27 May subject to conditions and a S106 Agreement. This agreement was to cover improvements to the path running passed the site.
- 2 Following discussions with Essex County Council (Highways TOPS) it appears that the path was improved a couple of years ago and TOPS have reached the view that there is no need for further improvements, merely that the path outside the site be periodically swept of detritus. This report is necessary, as the resolution required the S106 agreement and recommends that the requirement for the legal agreement be removed.

### **Background**

- 3 Following a Members' site visit, the Committee resolved to grant permission for the parking and turning facility to allow the existing waste transfer station to operate more efficiently and enable the operator to recycle a higher proportion of the material brought onto the site. Given that the activity involves large vehicles transporting waste materials onto and off from the site, Members were concerned that the path running past the site was subject to damage and therefore should be upgraded. The matter could not be covered by condition, as it required the applicant to carry out works on land beyond his control.
- 4 Upon further investigation and discussion with TOPS it appears that the path was renewed a couple of years ago and subject to regular sweeping is in good condition. In the absence of acceptance from TOPS of the need for works to the path, it is considered that the applicant should not be required to make funds available or sign a legal agreement to achieve highway works not thought necessary by TOPS. The only measures suggested by TOPS would be that the path be swept as and when necessary. This could be the subject of an advisory note on the decision notice. In this context it is recommended that the required for the S106 Agreement be deleted.

**RECOMMENDATION:** Agree to remove the requirement for the applicant to enter a S106 Agreement to contribute to improvement works to the path running passed the application site.

Background Papers: UTT/1760/02/FUL; Minutes to meeting on 27 May provided as Item DCL5 on page 3a of the Agenda to the Committee on 16 June.

**Committee:** Development Control and Licensing  
**Date:** 26 August 2003  
**Agenda Item No:** 8  
**Title:** Works to trees, Bridge End Gardens, Saffron Walden  
**Author:** John Bosworth (01799) 510453

### **Summary**

- 1 This report advises Members of further works to be carried out to a small number of trees at Bridge End Gardens, Saffron Walden in a Conservation area and recommends Members raise no objections.

### **Background**

- 2 Members will recall raising no objections to works to trees at Bridge End Gardens as advised by the consultants, Elisabeth Banks Associates at their meeting on 16 December 2002. The great majority of those works have been carried out.

### **The additional proposals**

- 3 Further works to a small number of trees have been identified in association with restoration of the Wilderness area, currently being undertaken. Most of the trees are on the boundary with the Slade. This boundary is in poor condition and consists of trees and shrubs and a poor quality concrete post and wire fence. The boundary would be significantly enhanced by the erection of mild steel railings, executed in an appropriate historic design. Originally there was no proposal for such a provision. However on clearing this area of snowberry bushes and other inappropriate rampant vegetation, the need for improvements became obvious.
- 4 If contingency monies remain at the end of the project, it is intended that such railings will be provided with the agreement of the Heritage Lottery Fund. If funding is not available a hedge will be provided and therefore options concerning whether to fell or coppice need to be kept open for the moment.
- 5 The proposed works are therefore (a) coppice the trees to a height of 1- 1.5 metres so they can form the basis of a mixed deciduous hedge and/or (b) remove the trees to make way for the proposed railings. The trees in question are 5 self set multi stemmed sycamores that appear to have been previously coppiced together with one willow and one elm showing early signs of die back on the boundary of the nearby Slade Brook. Additionally there is an immature lop sided Tulip tree with a shattered top that has been storm damaged. The trees are all about 15 metres high and are in poor condition, adding very little to quality of the environment and nothing to the historical integrity of this area. In fact the trees detract from the latter.
- 6 Furthermore and most importantly, their immediate coppicing or eventual removal is in the interests of good arboricultural practice. By carrying out

either works, an appropriate amount of light will be admitted to the area to the benefit of 2500 bulbs, 1000 perennials, 50 shrubs, including the reinstatement of a formal yew tunnel and several trees that will be planted this September. Planting in the existing shade conditions would be less than satisfactory.

- 7 A location plan showing the trees is attached.
- 8 The proposal has been included on the weekly list for the week ending 8 August and any representations from the public will be reported.

RECOMMENDED that Members raise no objections to these proposed works to trees on the boundary of the Wilderness and the Slade Brook, Borough Meadow, Saffron Walden.

*Background Papers: Drawing number 357\_01(DP) 006, Elizabeth Banks Associates, planting proposals for the Wilderness area.*

**Committee:** Development Control & Licensing  
**Date:** 26 August 2003  
**Agenda Item No:** 9  
**Title:** WOODLANDS PARK GREAT DUNMOW Section 106 Agreement: re UTT/0147/03/FUL  
**Officer:** Rod Chamberlain (01799) 510508

### Summary

- 1 This report advises the Committee of the position regarding the Section 106 Agreement for Woodlands Park and recommends an amendment to the previous resolution.

### Background

- 2 On 7 July 2003 the Committee approved the detailed Planning Application for Woodlands Park for 156 Affordable dwellings on Sector 2. Of this 111 are for rent and 45 are for shared ownership. As Members of the Committee will be aware, Estuary Housing Association are the preferred partners of the developers.
- 3 During negotiations regarding the Section 106 Agreement it has been established that there is a need to clarify one important issue. Although Estuary will remain the permanent landlord whilst the properties are let members need to note that this can not override tenants' statutory rights to purchase outright either form of tenure.

RECOMMENDED that the Committee resolve to suspend Council procedure rule no 12 and resolve that the Section 106 Agreement reflects the legal rights of the tenants.

Background papers - Documents/Reports relating to Woodlands Park and application file.

**Committee:** Development Control and Licensing  
**Date:** 26 August 2003  
**Agenda Item No:** 10  
**Title:** Tree Preservation Order No 8/03 Hanchetts Weaverhead Lane Thaxted  
**Author:** Ben Smeeden (01799) 510466

### **Summary**

- 1 This report seeks Members consideration of an objection received to the making of Tree Preservation Order No. 8/03

### **Background**

- 2 At the meeting of the Development Control Committee held on 28 April 2003 Members considered a planning application for the erecting of 5 terraced and 3 detached houses and the creation of vehicular access and covered parking areas at Hanchetts Thaxted (UTT/0912/02/FUL). At that Meeting Members resolved to grant conditional approval for the proposed development and further resolved that two Hornbeam trees on the site be retained and made subject to a Tree Preservation Order. On 30 April 2003 a Tree Preservation Order (No 8/03) was served identifying individually the two trees at T1 and T2.
- 3 An objection to the inclusion in the Order of the Hornbeam tree T1 has been made by the Agents acting on behalf of the owner of land on which the trees are growing

### **Ground of objection**

- 4 The Agent has objected to the protection of the Hornbeam T1 on the grounds that its removal would be of benefit to the adjacent Hornbeam T2, They further contend that T1 is the poorer of the two specimens and the retention of both would be detrimental to both subjects.

### **Assessment**

- 5 The trees have been inspected by the Council's Landscape Officer.
- 6 The trees are of the Hornbeam cultivars 'Fastigiata', having an erect pyramidal habit. Both trees were found to be in good general health and considered to be of visual amenity value.
- 7 The two trees stand approximately 5m apart and their crowns reach into each other. It is considered that because of the close proximity of the trees to each other the full potential development of both trees will be impaired.

RECOMMENDED that Tree Preservation Order No 8/03 be confirmed with the amendment that the Hornbeam T1 is deleted.

**Committee:** Development Control and Licensing

**Date:** 26 August 2003

**Agenda Item No:** 11

**Title:** APPEAL DECISIONS

**Author:** John Grayson 01799 510455

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

**1 APPEAL BY DENBY ALLEN AND JOHN, PETER AND EDNA FARISH  
LAND TO THE SOUTH OF 'THE NORDEN', CAMBRIDGE ROAD,  
QUENDON  
APPLICATION NO: UTT/0839/02/FUL**

Appeal against the refusal of planning permission for detached house and garage.

Appeal decision: DISMISSED

Date of decision: 19 June 2003

Date of original decision: 16 August 2002

Summary of decision: The Inspector concluded that the new house would consolidate the built-up frontage and remove the visual relief offered by the open nature of the appeal site, giving it a more urban character. This would be harmful to the character and appearance of the village and Conservation Area.

Comments on decision: Current dismissal rate on this type of appeal (i.e. "infilling" in rural areas) since 1984/5: 86% (166 cases).

**2 APPEAL BY MR DAVID STOKES  
TEMPLARS FARM, LINDSELL  
APPLICATION NO: UTT/1022/02/FUL**

Appeal against the refusal of planning permission for the change of use of part of barn to residential for agricultural worker (retrospective).

Appeal decision: ALLOWED

Date of decision: 8 July 2003

Date of original decision: 23 October 2002

Summary of decision: See copy attached at end of report.

Comments on decision: Current dismissal rate on this type of appeal (i.e. agricultural dwellings) since 1984/5: 80% (21 cases).

**3 APPEAL BY T R AND D R SERGEANT  
DOWN HOUSE GARDENERS' COTTAGE, DOWN HOUSE, HATFIELD  
HEATH  
APPLICATION NO: UTT/0709/02/FUL**

Appeal against the refusal of planning permission for the construction of basement swimming pool with glazed roof.

Appeal decision: DISMISSED

Date of decision: 25 July 2003

Date of original decision: 6 September 2002

Summary of decision: The Inspector concluded that the extension would not provide, nor seem to provide, a small subservient link, but a substantial addition to the house, especially when combined with extensions already approved. As a result it would be inappropriate and visually affect the openness of the surrounding Green Belt.

Comments on decision: Current dismissal rate on this type of appeal (i.e. development in the Metropolitan Green Belt) since 1984/5: 86% (33 cases).

**4 APPEAL BY L R EYERS  
LAND OPPOSITE VILLA CLEMILLA, WIMBISH GREEN, WIMBISH  
APPLICATION NO: UTT/1549/02/FUL**

Appeal against the refusal of planning permission for the erection of stables incorporating feed and tack area

Appeal decision: DISMISSED

Date of decision: 29 July 2003

Date of original decision: 13 February 2003

Summary of decision: The Inspector concluded that the revised proposal would still be a very substantial building and would appear intrusive in this open rural location due to its overall size, bulk and imposing architectural form and detailing, be unacceptable prominent and cause harm to the character and appearance of the countryside. Members visited this site.

Comments on decision: Current dismissal rate on this type of appeal (i.e. stables, livery, etc) since 1984/5: 88% (13 cases).

**5 APPEAL BY MR M CARNEY  
NORTH HALL FARM, NORTH HALL ROAD, QUENDON  
APPLICATION NO: UTT/0654/02/FUL, UTT/0655/02/LB, UTT/1703/02/FUL  
& UTT/1705/02/LB**

Appeal against the refusal of planning permission for proposed residential development

Appeal decisions: DISMISSED  
Date of decisions: 25 July 2003  
Date of original decision: 25 September and 22 November 2002

Summary of decision: The Inspector concluded that the change from an inward to outward-looking layout would remove the intrinsic functional agricultural character of the former farmyard, resulting in harm to the special architectural and historic interest of the listed buildings and the spread of the complex into the countryside would harm the setting of the group. He also concluded that this proposed arrangement was flawed considering the likely reduction in noise from the M11 once the re-surfacing was complete in 2005. Members visited this site.

Comments on decision: Current dismissal rate on this type of appeal (i.e. barn conversions to residential) since 1984/5: 73% (55 cases).

**Committee:** Development Control and Licensing  
**Date:** 7 July 2003  
**Agenda Item No:** 12  
**Title:** PLANNING AGREEMENTS  
**Author:** Jacqui Harrison (01799 510420)

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

	<b>Planning Current Ref.</b>	<b>Approved by Committee</b>	<b>Applicant</b>	<b>Property</b>	<b>Position</b>
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	Agreement being concluded.

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/1382/01/FUL	16/12/02	A Batchelor	Southgates Industrial Park	Agreement being prepared by Essex C.C.
7.	UTT/1463/02/FUL	16/12/02	Littlebury PC and English Village Housing	Merton Place Littlebury	Completed.
8.	UTT/1247/02/FUL	24/02/03	M B Rich-Jones	Coach House High Street Stebbing	Negotiations continuing.
9.	UTT/0023/03/OP	07/04/03	Enodis Properties Ltd	Former Sugar Beet Works, Little Dunmow	Negotiations commenced.

10.	UTT/1042/02/OP	07/04/03	Countryside Properties plc	Takeley Nurseries	Negotiations being finalised.
11.	UTT/0518/02/OP	07/04/03	R & E McGowan	Laurels Yard, Takeley	Negotiations commenced.
12.	UTT/1810/02/FUL	27/05/03	Welcome Break Group Ltd	Birchanger Green MSA	Agreement being finalised
13.	UTT/0595/03/OP	16/06/03	Ashdon PC & English Villages Housing Assoc	Guildhall Way, Ashdon	Negotiations commencing
14.	UTT/0518/02/OP	07/04/03	R & D McGowan	The Laurels Yard, Takeley	Agreement being drafted.
15.	UTT/0811/02/OP	On appeal	Easton Properties	The Broadway, Church End, Great Dunmow	Agreement being finalised
16.	UTT/0511/03/OP	16/06/03	Mrs Gatsky	Land adjacent 3 Hamilton Road, Little Canfield	Awaiting instructions
17.	UTT/0630/03/DFO	07/07/03	David Wilson Homes	Land West of Hawthorn Close (Barkers Tank)	Negotiations commencing
18.	UTT/0147/03/FUL	07/07/03	Estuary Housing Association	Woodlands Park	Agreement being finalised

**Background Papers:**

FOR INFORMATION

**Planning Applications**

Files relating to each application

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