

**Committee:** Development Control Committee  
**Date:** 5 April 2004  
**Agenda Item No:** 6  
**Title:** Enforcement of Planning Control:  
Evergreen, Burton End, Stansted  
Interests in land: Mr P Crisp and Mr R Crisp  
**Contact:** Clive Theobald (01799) 510463

### **Introduction**

- 1 This report concerns the unauthorised stationing of a mobile home within the garden of a residential property for separate residential occupation and recommends that enforcement and, if necessary, legal action be taken to require the cessation of the use and the removal of the mobile home from the land.

### **Notation**

- 2 ADP: Outside Village Development Limits & Settlement Boundaries / Within Countryside Protection Zone (CPZ) around Stansted Airport, Curtilage of Listed Building & Area of Special Landscape Value (ASLV) in ADP)

### **Planning History**

- 3 Planning permission refused on 3 February 2004 for the temporary siting of the mobile home to provide residential accommodation for the duration of renovation works to the main dwelling (Evergreen) (UTT/2133/03/FUL refers).

### **Site Description**

- 4 This site is located at the eastern end of the hamlet of Burton End, about a half a mile north of the Airport boundary and a mile east of Stansted Mountfichet village. The property comprises the western half of a pair of Grade II listed cottages on the northern side of the road leading through the village and is set at an angle to the lane at a junction where two footpaths lead east and north. The garden to Evergreen is to the western side of the cottage fronting onto the road and accommodates a mobile home, caravan and assorted outbuildings and vehicles.

### **Enforcement Investigations**

- 5 The mobile home the subject of this report has been sited within the garden of Evergreens and is being used to accommodate the landowner's son and twelve year old grandson. It was sited on the land in March 2003 and

comprises a lounge, kitchen and one bedroom. It has been connected to the cottage's electricity supply, although has its own means of waste disposal. The landowner's son has stated to the Council that he was forced to place the mobile home on the land and live in it with his son due to personal circumstances and as it was not practical for him and his son to reside in the main dwelling with his father due to a lack of space. He has further stated that he resides in the mobile home every night with his son and cooks breakfasts in it, but uses the cooking, washing and laundry facilities at the main house on a daily basis to cater for all of his domestic needs. Further that his father is a diabetic and is required to be close to hand and that he provides his father with a contribution to the household bills, such as electricity, water and Council Tax. In view of these factors, the occupier argues that he is totally dependent upon the main dwelling to carry out the functions that are necessary for a reasonable standard of living and that his present predicament has been due to circumstances beyond his control. It should be noted, however, that this stated level of dependency upon the main dwelling is higher than when the landowner and occupier were originally interviewed in connection with this enforcement investigation.

- 6 The siting of a mobile home (or any other kind of caravan for that matter) on any land can normally be classed as a chattel; that is to say that its siting does not amount to operational development. In the case of the mobile home at Evergreens, the mobile home rests on wheels, jacks and blocks and can be moved easily if required. It is reasonable to conclude from this that the mobile home sited at Evergreens can be classed as a chattel.
- 7 On 13 November 2003, the Council wrote to both the landowner and his son saying that the occupation of the mobile home represented a material change of use, that the use was unlawful and that the mobile home should be removed within the next twenty-eight days. However, the mobile home was not removed and on 22 December 2003 the Council received a retrospective planning application from Fane & Co. on behalf of the landowner for the temporary siting of the mobile home to provide residential accommodation for the duration of renovation works to the main dwelling (UTT/2133/03/FUL – see Planning History above). The letter added that Evergreens had suffered severe cracking to the external structural brick walls due to settlement and required underpinning and rebuilding of some of the above ground brickwork (no detailed structural report was enclosed). As a consequence of this, it had been necessary to decant the landowner's son and grandson out of the house until the work could be undertaken and completed (although no time limit was proposed).
- 8 The structural defects to Evergreens were not brought to the attention of the Council during the course of the enforcement investigations and it was decided in the circumstances that a separate structural inspection should be carried out by a Council Building Surveyor in consideration of the planning application to verify the comments by Fane & Co. However, this inspection did not take place.

## **Representations**

- 9 Three referrals received by the Council alleging unauthorised activity.

## **Planning Considerations**

- 10 It was considered by your officers that the proposed retention of the mobile home for an indefinite further period would harm the open characteristics of the CPZ, the rural appearance of the ASLV, the attractive setting of the listed building and the amenities of neighbours, contrary to ADP and DLP Policies and also PPG15. The reasons put forward in support of the application were not considered to be of sufficient weight to justify an exception to these policies and the more recent argument put forward, i.e. that repairs were necessary to the listed building, was considered premature pending a full structural survey and application (if necessary) for listed building consent. Furthermore, no time scale had been submitted regarding these repairs or for how long the mobile home would remain on site. It was considered, therefore, that there were no overriding material circumstances to justify an exception to policy. The application was subsequently refused under delegated powers on 3 February 2004. A copy of the application report is appended to this enforcement report for Members' information.

## **Present position**

- 11 The mobile home has continued to remain on the property since the refusal of the planning application. Both the landowner and the landowner's son have been interviewed again, who have stated that it would be too dangerous to use the front bedroom of Evergreens for residential occupation in view of the structural defects to the cottage and that the mobile home will continue to be used for temporary residential accommodation because of this. The landowner has further stated that he has not yet instructed a surveyor to carry out a structural survey of the house and has not given any firm commitment to this matter either, adding that finance for any possible remedial works required could be a problem in the immediate future. The landowner's son has told the Council that he has yet to be successful in finding alternative accommodation for himself and his son, although it appears that such enquiries will only be made if forced upon him.

## **Conclusion**

- 12 It is reasonable to assume that the mobile home will remain on the land for the foreseeable future until such time that either structural repairs are carried out to Evergreens (if deemed necessary) or until such time that the landowner's son is able to acquire residential accommodation elsewhere for himself and his son. However, in view of his present personal circumstances, it is difficult to see when this would occur. It would be open for the landowner to submit a further application with an accompanying structural survey on the condition of the house, although this is not anticipated and, in any event, it is unlikely that such an application would overcome the over-riding planning objections as identified above.

- 13 It is considered, therefore, that it is expedient for enforcement and, if necessary, legal action to be taken to require the cessation of the residential use of the mobile home and its removal from the land. The compliance period would reflect the occupier's present personal circumstances and for reasonable enquiries to be made to find accommodation elsewhere if the main dwelling continues to be unsuitable. It is likely that the occupants of the mobile home would be given a higher priority for Council housing were they faced with homelessness.

RECOMMENDED: that enforcement and, if necessary, legal action be taken to require the cessation of the separate residential use of the mobile home and its removal from the land.

Background Papers: Enforcement file ENF/19/03/B, planning application UTT/2133/03/FUL

**UTTLESFORD DISTRICT COUNCIL – PLANNING DEPARTMENT**

**DELEGATED CASES**

**PLANNING APPLICATION NO: UTT/2133/03/FUL**

**NOTATION:** Outside Village Development Limits & Settlement Boundaries / Within Countryside Protection Zone (CPZ) around Stansted Airport, Curtilage of Listed Building ( & Area of Special Landscape Value {ASLV} in ADP).

**DESCRIPTION OF SITE:** The site is located close to the eastern edge of the hamlet of Burton End, about half a mile north of the Airport boundary and a mile east of Stansted Mountfitchet village. It comprises the western half of a pair of Grade II Listed cottages on the north-eastern side of the road to Tye Green. They are set at an angle to the lane at a junction where two footpaths lead east and north. The garden to Evergreen is to the western side of the cottage fronting the lane and accommodates a mobile home, caravan and assorted outbuildings and vehicles.

**DESCRIPTION OF PROPOSAL:** It is proposed to retain the unauthorised mobile home for occupation by a number of the applicant's family whilst repairs are undertaken to the house. *(No elevations have been submitted).*

**RELEVANT HISTORY:** Enforcement investigation into unauthorised siting of residential caravans commenced in February 2003. Legal advice was that a material change of use had occurred which requires planning permission. Enforcement report to DC Committee held in abeyance pending determination of current application.

**APPLICANT'S CASE:** *See agent's letters dated 5 December & 15 January.*

The house has suffered severe cracking to the external structural brick walls due to settlement caused during the hot dry summer of 2003 and will require underpinning and rebuilding some of the above-ground brick-work *(no detailed structural survey has been submitted)*. Mr Crisp's son and grandson have been moved out of the house *(and into the mobile home)* until the work can be undertaken and completed. *(No time limit is proposed).*

**CONSULTATIONS:** UDC Specialist Design Advice : due 20 January  
UDC Specialist Landscape Advice : due 20 January  
UDC Building Control Advice : due 29 January

**PARISH COUNCIL COMMENTS:** seek confirmation that renovation work to the main building has started and in view of the length of time that the temporary building has been on site, place a short time limit if the application is approved.

**REPRESENTATIONS:** This application has been advertised as development affecting the setting of a Listed Building and two representations have been received. Period expired 29 January

1. Appears to be a ploy to get round the planning regulations. Mobile home sited many months ago and originally intended to allow time for applicant to re-establish the applicant's business of recharging automotive air-conditioning systems and to move to Brightlingsea. Mobile home used as an office for his business and involves running car engines for extended periods to the annoyance of neighbours. Applicant was forced to stop this activity elsewhere in domestic property in the Stansted area. Site is a disgrace to the hamlet and although 9 trailer loads of rubbish have recently been removed, it is still littered with junk including old cars and another caravan. At the back is a large ramshackle building which

has no planning permission and often rat-infested. Planning regulations should protect the public from this sort of activity.

2. Difficult to understand why two of them had to decant from Evergreen due to structural repairs when they had already been living in the mobile home since April 2003. At that time it was said to be for business reasons. The need for repairs was not mentioned until after the Council threatened enforcement action. The mobile home is sited right outside the front of our house and is hardly a picture of beauty. If permission is granted we are likely to be looking at this home for up to 5 years and suggest a 2m high wooden fence be erected for the length of the home to diminish its appearance as much as possible.

**PLANNING CONSIDERATIONS: The main issues are whether the further retention of this mobile home as proposed would be**

- 1. appropriate within the CPZ and ASLV,**
- 2. in keeping with the setting of the listed building and**
- 3. respectful of neighbours' amenities and if not**
- 4. whether there are any personal or other circumstances which would outweigh the Policy objections.**

1. ADP Policy S4 states that *"new buildings and uses which promote coalescence between the airport and existing development in the surrounding open countryside, or which adversely affect the open characteristics of the Zone, will not be permitted."* DLP Policy S8 is similar, but has been clarified in the RDD to advise that *"... permission will only be granted for development that is required to be there, or is appropriate to a rural area. There will be strict control of new development."* ADP Policy C3 states that *"Any development which is permitted within Areas of Special Landscape Value will need to be particularly well designed and in scale, to accord with the special characteristics of the area."*

The mobile home is an intrusive feature in this pleasant rural location, particularly in its current location prominently sited in view from the highway and local footpaths and by virtue of its design and use of materials. This visual intrusion is exacerbated by the other paraphernalia on the site, ie a further caravan and outbuildings. The general appearance of the site is untidy and out of keeping with the rural character of the countryside. The retention of this mobile home as proposed would extend the harm currently being caused to the open and special characteristics of the CPZ and ASLV.

2. ADP Policy DC5(a) states that *"Development proposals which adversely affect the setting of a listed building will not be permitted."* DLP Policy ENV2 and Government advice in PPG15 are similar.

The mobile home is also an intrusive feature within the curtilage of this listed building. It is out of keeping with the setting of the cottage by virtue of its prominent location and poor design of a modern utilitarian and temporary nature. The mobile home is sited so that it is highly visible in relation to the appearance of the cottage. It is considered that the proposed retention of the mobile home would undesirably continue the harm currently being caused to the setting of this listed building.

3. ADP Policy DC14 states that *"Development which would adversely affect the reasonable occupation of a residential ... property, as a result of ... loss of privacy ... will not normally be permitted."* DLP Policy GEN4 is similar.

There are 12 other residential properties in this group and all are affected to some extent. Most of them have a view over the site, despite existing hedge and tree screening. This is a pleasant residential/rural area where neighbours have a right to expect that their outlook is

not impaired or privacy affected by this unsightly mobile home so prominently located. It is considered that the further retention of the mobile home would extend the loss of amenity caused by the untidy appearance of the site.

4. It is not considered the applicant's original case for personal and business reasons are sufficient to justify an exception to the strict Policy, especially in this location so close to the Airport. No personal or business case has been submitted in support of the current application. The more recent argument put forward, ie that repairs are necessary to the listed building, is premature pending a full structural survey and application for listed building consent, which would need to be granted before any application for a temporary mobile home could be considered. No time scale has been submitted regarding these repairs or how long the mobile home would remain on site. It is considered, therefore, that there are no over-riding material circumstances to justify an exception to the Policies relating to the three issues outlined above.

#### **RECOMMENDATION: REFUSAL REASON**

The proposed retention of this unauthorised mobile home for an indefinite further period would harm the open characteristics of the CPZ, the rural appearance of the ASLV, the attractive setting of the listed building and the amenities of neighbours, contrary to ADP Policies S4, C3, DC5(a) & DC14, DLP Policies S8, ENV2 & GEN4 and PPG15. The reasons put forward in support of the application are not considered to be of sufficient weight to justify an exception to these Policies.

The proposal has been considered against Development Plan policies (ie. Structure Plan Policy HC3 & Adopted District Plan Policies S4, C3, DC5(a) & DC14) which indicate that the proposal should be refused. Material planning considerations (including Deposit Local Plan Policies S8, ENV2 & GEN4) do not justify a decision contrary to the Development Plan (see Officer's report above).

Has the notification period expired? YES / NO

Do representations require any additional comments in reply? YES / NO

Do representations justify the application being reported to Committee? YES / NO

**Committee:** Development Control

**Date:** 5 April 2004

**Agenda Item No:** 7

**Title:** Enforcement of Planning Control: proposed action over illegal display of advertisements by Stop Stansted Expansion Campaign

**Author:** John Mitchell (01799) 510450

### Summary

- 1 An increasing number of complaints is being received about the display of particularly large advertisements by the Stop Stansted Expansion Campaign in prominent locations throughout the District. Unlike most planning contraventions the display of an advertisement without the appropriate consent is a criminal offence, punishable by a fine of up to £2,500 on conviction.
- 2 The Head of Planning and Building Surveying has delegated authority, with the Head of Legal Services, to take prosecution action over unauthorised advertisements. In view of the sensitivity of this issue and the affinities between the Council and SSE it is, exceptionally, considered expedient to advise the Committee over the action that needs to be taken.

### Background

- 3 Members will be aware that a vigorous campaign against the proposal to expand Stansted Airport has been mounted both by this Council and SSE. This manifested itself in the display by SSE of many posters and small advertisements across the District following the publication of the SERAS report in 2002. Most of these were removed after the closing date for representations. Since the publication of the Government White Paper "The Future of Air Transport in the UK" the poster campaign has been stepped up, and there is now a number of large advertisement hoardings displayed in prominent locations throughout the District and beyond, together with various smaller posters displayed without consent on street furniture, front gardens etc. All of these have given rise to complaint but this report is more concerned with the larger hoardings rather than the smaller posters in front gardens, although their display on street furniture can be unsightly.
- 4 The display of an advertisement without the necessary consent is a criminal offence. The remedy is to prosecute the offender in the Magistrate's Court. This contrasts with most other planning contraventions which do not become criminal offences until an enforcement notice has been issued and has not been complied with: this as Members will know can be a protracted procedure. The relative severity of the approach illustrates the importance



which Government has given over many years to controlling the display of advertisements.

- 5 Planning legislation requires that the consideration of advertisements is limited to questions of amenity and public safety. **The content of the advertisement is not material.** While the strength of feeling that has given rise to the display of these advertisements is acknowledged, Members have to consider whether such advertisements would be tolerated if they were for any other purpose, e.g. conventional commercial advertising. Officers consider that they would not. In themselves, without reference to their content, they are unsightly and detrimental to the appearance of either the countryside or the urban locations in which they are displayed. Some, because of their locations close to busy road junctions, may distract drivers' attention and thus also be detrimental to public safety.
- 6 This is clearly a very sensitive issue because of the strong local feelings generated by the White Paper proposals. Officers do not want to inhibit people in expressing their legitimate concerns and to this end have considered the possibility of seeking temporary consents to authorise the display of the advertisements for a limited period. However because the content of the advertisement is not material there would be no legitimacy for such an approach. Doing nothing is not an option. The Council has prosecuted other offenders for the illegal display of advertisements and they have not unreasonably pointed out the lack of action over the SSE advertisements. In addition this Committee will at some stage in the future have to consider planning applications for the airport expansion and provided these advertisements are considered only on the basis of amenity and public safety there will be no question of the Committee having prejudiced its position over any potential application.

### **Proposed Action**

- 7 The resources are not available to take action over all the advertisements displayed by or on behalf of SSE and nor is this expedient. Officers have prioritised the advertisements in order of the harm they cause to amenity and public safety. There are three categories: top priority are the large hoardings, second the display of advertisements on street furniture and thirdly the display of advertisements in front gardens etc.
- 8 With regard to the large hoardings officers have written to SSE and asked that they be removed while officers work with SSE to find a limited number of locations where their display may be appropriate. If this approach fails then as a last resort selective prosecutions may have to take place. This will not be done without reference to this Committee.
- 9 With regard to the advertisements displayed on street furniture officers have written to SSE asking that no more be displayed. Officers have also written to the respective utility companies asking them to remove the advertisements from their street furniture. Officers propose no further action unless instructed to do so by Members

- 10 Finally, with regard to small posters displayed in front gardens Officers are proposing to take no action unless instructed otherwise by Members. The harm is negligible and the costs of taking action would outweigh any advantage gained.

RECOMMENDED that Members endorse the approach to the illegal display of advertisements by the Stop Stansted Expansion campaign as set out in the report above.

Background Papers: Control of Advertisement Regulations 1992 and 1994

**Committee:** Development Control  
**Date:** 5 April 2004  
**Agenda Item No:** 8  
**Title:** PROPOSED REPOLLARDING OF LIME TREES AT COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN  
**Author:** Ben Smeeden (01799) 510466

### Introduction

- 1 This item seeks Members' agreement for the repollarding of Lime trees at the Council Offices, London Road. The trees are within a conservation area.

### Background

- 2 The Council's Grounds Maintenance Officer has given notice of intent to undertake the repollarding of a double row of Lime trees along the western boundary of the Council Offices site.

### Assessment

- 3 The trees have been inspected by the Council's Landscape Officer. They are mature subjects averaging some 8 metres in height and having been previously pollarded.
- 4 The pollard poles have become over extended and the old pollard points are in a number of cases not considered to be in the best of condition. Consequently, there is a potential risk of the poles breaking out in high winds. It is therefore considered appropriate to continue the pollarding regime in order to seek to maintain the viability of these trees.

RECOMMENDED that the Lime trees are repollarded back to their previous pruning points.

Background Papers: None

**Committee:** Development Control

**Date:** 5 April 2004

**Agenda Item No:** 9

**Title:** UTT/1569/03/FUL: Erection of 3 x three storey and 1 x two storey blocks - a total of 24 flats on land to the north of Ingrams, Felsted

**Contact:** Mr M Ovenden (01799) 510476

### **Summary**

- 1 This report updates Members on the progress of negotiations between the applicant and Officers following the resolution on 24 November 2003 to grant planning permission for the erection of 24 flats at Ingrams subject to a Section 106 Agreement.
- 2 It is the view of officers that negotiations have achieved a good and reasonable package, although not everything that Members requested. It is recommended that Members accept that the Section 106 Agreement should cover a financial contribution for the provision of state education and require that if Ingrams were to be developed to flats or dwellings that a number equal to a quarter to the 24 flats approved under this permission and any flats or dwellings created by converting Ingrams, would be reserved for occupation as key worker or affordable housing. As a result the Section 106 Agreement would not compel the school to renovate Ingrams. The school have indicated that it would be happy to enter into such an agreement and therefore the application could proceed towards determination and issue of the permission.

### **Background**

- 3 A Planning application for 24 flats on land to the north of Ingrams was submitted in September 2003 under reference UTT/1569/03/FUL. This was recommended for approval by Officers subject to conditions and a Section 106 Agreement. This agreement was to cover two items. The first concerned the payment of £41,472 to Essex County Council as a contribution to state education. Such a payment is now a standard requirement on most residential developments. Members agreed to require the first item. The second item related to the provision of 6 affordable dwellings. With regard to this second item, Members asked officers to endeavour to negotiate up to 40% affordable housing. Members decided to add a third item which would require the renovation of Ingrams, a large listed building adjacent to the development, to be carried out in conjunction with erection of the new flats. A copy of the Officers report is attached to this agenda. The resolution was confirmed in the minutes produced as part of the agenda for the subsequent

meeting (15 December 2003) which said:

*Resolved that the Head of Planning and Building Surveying, in consultation with the Chairman of the committee, be authorised to approve the above application, subject to the conditions to be recorded in the Town Planning register and the completion of an Agreement under Section 106 of the Town and Country Planning Act requiring a contribution to educational infrastructure, and endeavouring to achieve 40% affordable housing and restoration of Ingrams.*

## **Negotiations**

- 4 Officers have met with the applicant and its advisors and have reached agreement on the first item, i.e. that the applicant will pay £41,472 to Essex County Council as a contribution to state education.
- 5 With regard to the second item, the school recognises the desirability and need for affordable or key worker housing in the District and to demonstrate that it does not attend to circumvent the provision of affordable units (which is triggered at 25 units) by developing multiple parcels of land just under the threshold it has stated that it would agree that the legal agreement could ensure that if Ingrams were to be redeveloped - thereby taking it over the 25 unit threshold - from its current use as school related lodgings for visiting students, that a number equal to 25% of these plus the 24 flats proposed in this permission, would be either affordable or key worker housing. It is likely that this would operate on a sequential allocation to key workers and then non key workers. For example it is most likely that the first group of people offered the accommodation would be teachers and other key workers working at Felsted School, followed by similar workers not working at that school and then non key workers eligible for affordable housing. However, it is not the applicant's intention to develop Ingrams at all in the foreseeable future but is content to offer the safeguard that if its plans change then proper provision would occur. Relying on current policy this development of 24 dwellings would not normally attract a requirement for any affordable housing. Furthermore, Members should be aware that whilst the emerging local plan contains a policy which seeks to achieve a greater proportion of affordable units than previous national or local policy (i.e. 25%), this document still has some hurdles to overcome prior to adoption and therefore does not have the weight of adopted policy. Officers consider that the suggested requirement outlined above is an appropriate and satisfactory compromise.
- 6 With regard to renovation of Ingrams, the school has not sought to justify the 24 flats as enabling development required to fund its renovation. It does intend to renovate the building this year but will not agree to enter into a Section 106 Agreement which obliges it to link the development of the flats (by a third party) and the carrying out of the renovation. They are concerned that this would make the site unattractive to potential developers. Consequently Members will need to consider whether the applicant's refusal to agree to the mandatory renovation works would affect their decision to permit the development. It is the view of officers that because this is neither a

building at risk nor in particular need of renovation works that its renovation should be viewed as a bonus but not a requirement for granting permission for this development which is appropriate in its own right in normal planning terms. Consequently it is the view of Officers that this requirement can be removed from the Section 106 Agreement under negotiation.

RECOMMENDED for the reasons outlined above it is recommended that the Head of Planning and Building Surveying, in consultation with the Chairman of the committee, be authorised to *approve the above application, subject to the conditions to be recorded in the Town Planning register and the completion of an Agreement under Section 106 of the Town and Country Planning Act requiring a contribution to educational infrastructure and require that if Ingrams were to be developed to flats or dwellings that a number equal to a quarter of the 24 flats approved under this permission and any flats or dwellings created by converting Ingrams, would be reserved for occupation as key worker or affordable housing in perpetuity.*

Background Papers: Application file (UTT/1569/03/FUL): Copy attached.

## UTT/1569/03/FUL - FELSTED

Erection of 3 x three-storey and 1 x two-storey blocks - a total of 24 flats  
Land to the north of Ingrams. GR/TL 677-204. Felsted School.

Contact Officer: Mr M Ovenden 01799 510476

Expiry Date: 31/10/2003

**NOTATION:** Within Village Development Limits & Settlement Boundaries, Conservation Area and curtilage of Listed Building (Ingrams House) / Tree Preservation Order.

**DESCRIPTION OF SITE:** The site is located within the grounds of Felsted School to the north of the village centre. The existing Music School is situated to the north of the listed Ingrams building and faces School Road. Further north is the listed School Chapel and to the west a landscaped open space and pond. On the opposite side of the road are two dwellings and a small UR Church. The site measures 0.4 ha (1 acre).

**DESCRIPTION OF PROPOSAL:** This revised proposal seeks to erect four blocks of flats as before, three of which would be 3-storeys and one 2-storeys also as previously. Blocks A & B would be 3-storeys and have 6x2 bed flats in each, Block C would also be 3-storeys and have 6x2 bed and 2x3 bed flats and Block D would be 2-storeys with 4x2 bed flats. However, there are two main changes, firstly the size of them has been reduced so that the total number of units would drop from 29 to 24 and secondly their location has been altered so that blocks C & D would not extend so far towards the Chapel. Block C to the northwest has been relocated 15m further from the Chapel than before, level with the cedar tree. Block D would now be a similar distance back, no closer than the footprint of the Music School. The gap between block C and the Chapel would now be 30m compared with 18m previously and the revised layout would increase this gap by 4m from the end of the existing single-storey outbuilding to be demolished. The designs are broadly as before. All existing trees would be retained. A 34 space car park would be constructed in the centre of the complex to serve the 24 flats.

**APPLICANT'S CASE:** See agent's letter dated 2 September attached at end of report.

**RELEVANT HISTORY:** Change of use of Ingrams from educational to sheltered housing, conversion of building to six 2-bed apartments with warden's accommodation, demolition of outbuildings and erection of 3-storey block of 18 apartments, single-storey rear extension, glazed link and sun room with car parking approved in 2002 following a Members' site visit.

29 flats in 4 blocks refused in July for reason of visual intrusion by blocks C & D into open gap between Music School and Chapel causing harm to the character and appearance of the Conservation Area, and adverse effect on cedar tree, contrary to Officers' advice following a Members' site visit. Demolition of Music School and outbuildings to rear of Ingrams and erection of replacement Music School opposite Lord Riche Hall approved in July.

**CONSULTATIONS:** ECC Transportation: No objections subject to conditions.

ECC Archaeology: No recommendation.

ECC Learning Services: Requests contribution of £41,472 towards educational infrastructure.

Environment Agency: No objections subject to conditions.

Anglian Water Authority: No objections subject to conditions.

Essex Wildlife Trust (re newts in the pond to the NW): To be reported (due 21 October).

UDC Specialist Design Advice: No objections subject to conditions.

UDC Specialist Landscape Advice: No objections subject to conditions.

UDC Specialist Local Plans Advice: No objections in principle. The development of sites like these make an important contribution to meeting the District's housing requirement. Density acceptable. Car parking provision not up to Council's standards.

UDC Environmental Services: Need to make provision for communal refuse and recycling facilities.

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS:** Landscape Advice:

There are a number of trees on the site, however, these are shown to be retained within the proposed development.

I recommend that any approval is subject to conditions requiring protective measures to be put in place in order to safeguard existing vegetation to be retained during the course of the construction period. In addition, a fully detailed scheme of both soft and landscaping that should be submitted for approval.

**PARISH COUNCIL COMMENTS:** No comments but would expect some consideration of on-street parking restrictions in Stebbing Road if scheme implemented. (*Officers' comment : this would be a matter for ECC Transportation*).

**REPRESENTATIONS:** This application has been advertised and 7 representations have been received. Period expired 9 October

1. Object as before. Inappropriate use of site in terms of scale and purpose in context of village environment. Likely to exacerbate a traffic/parking problem which is already severe at times. Urge refusal and suggest revised scheme for two-storey development.
2. Support. Sympathetic and appropriate design and choice of materials. Help maintain school.
3. Urge that new buildings do not encroach beyond footprint of existing Music School in order to maintain sight lines across open space. More reasonable than the earlier application. However, it still seems an inappropriate development for the centre of a village which, has "... a unique character distinct from any other village in Uttlesford ... ". Hardly the location for 4 blocks of flats, especially as 3 of the 4 will be 3-storey blocks, competing with the listed building and out of scale with adjacent 2-storey Stocks boarding house. Detrimental effect of the added traffic on what is already a problem area.
4. Add to the congestion problem. Force residents to yet again endure disruption. The appearance of the proposed flats is not in keeping with the location. The centre of the village should retain its unique character. It would be totally spoilt by the aesthetically unpleasing proposed development.

5. Revised proposals are certainly an improvement on the 'horror' mooted previously, BUT still concerned by the prospect of even more cars in this vehicle-infested village.

6. Aesthetically the plan now submitted is a considerable advance on the previous plan since the siting of the blocks of flats causes significantly less impact on this beautifully landscaped area. In particular views of the School Chapel from the Stebbing Road and the vista from the road through to the Bury Pond and Garden suffer far less interruption. However, Block D – the 2-storey block is not, as claimed in this application, within the area at present occupied by the Music School. Roughly one third of it is outside that area on the east side which does affect the view of the Chapel and the impact on the house opposite. Still have some reservations with regard to change of use from academic/communal to residential/private and change of character from 'village' to 'suburban/urban'. However, I feel the architects and Felsted School have gone a very considerable way towards producing a good design that would have far less negative impact than the previous scheme. This still leaves the problem of the closeness of Block D to the Stebbing Road.

7. Increased number of cars will be very much more of a problem – a terrible accident waiting to happen.

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS:** 3 further letters received:

1) The proposed for development is more reasonable than the earlier application. However, it still seems an inappropriate development for the centre village. The distinct character of this Conservation Area would seem to be under threat. Our main objection to the plan is the detrimental effect of the added traffic on what is already a problem area.

2) The new plans place the two storey block adjacent to the road a few metres further forward than the present Music School. If permission is to be granted for this development, I would urge the Committee not to allow the flats to encroach beyond the limits of the present building. The extra height will, of course, have the effect of dominating the existing open space but at least the sight lines will not be substantially altered.

3) I am strongly opposed to the proposed development. The proposed development is completely unsuited to and out of keeping with this attractive area. The four proposed blocks of 4 flats are too tall, too close together and would hugely over fill and over dominate the area in a way that the present music school does not. Two of the blocks are too close to the road and would mar the view of the Chapel and the Bury garden from the road. The resultant change of use for this area, would greatly increase the noise pollution and disturbance levels. Traffic congestion and parking problems. There is insufficient parking for second cars of flat owners, cars of visitors to flats, visitors to Aubrey Cottage and White Gable, users of United Reform Church and its faculties not to mention the cars of those attending services, rehearsals and concerts in the school chapel. At pupil delivery and collection times there is already a logjam situation in the village and the Braintree and Stebbing roads. The flat occupants would have difficulty getting into and out of their car park at peak times. We really have reached saturation point.

**PLANNING CONSIDERATIONS:** The main issues are whether the revised



proposal would overcome the previous reasons for refusal, i.e.

- 1) **the loss of part of the attractive open space and its effect on the character and appearance of the Conservation Area (ADP Policies DC2 & DC8 and DLP Policies ENV1 & ENV8),**
- 2) **the adverse effect on the health of the cedar tree (ADP Policy DC8 & DLP Policy ENV8) and**
- 3) **whether there are any other material considerations to be taken into account.**

1) Blocks A & B closest to Ingrams were considered acceptable on the original scheme and remain largely unchanged, although block B would now be nearer to the listed building. It was agreed previously that they would create an attractive courtyard which would enhance the setting of Ingrams. Permission to demolish the existing Music School and outbuildings to Ingrams has already been granted and their replacement with a three-storey block of 18 apartments has already been granted and can still be implemented. Block C would be a 3-storey building, as was that approved, but of considerably higher design quality. Whilst it would extend the built form 13m further north compared with the scheme approved last year, it would be 15m further away from the Chapel compared with the refused scheme and 4m further from the Chapel than the existing outbuildings which will be demolished. Furthermore, by being a detached building from block B, unlike the approved scheme, a gap would be created through the development which would enhance the appearance of the Conservation Area from in front of the small UR Church in School Road.

The 2-storey block D has been significantly reduced in size and angled to the road, so that its effect on the open space has been lessened. It would have a frontage of 15m compared with 26m before and would now be mainly on the footprint of the Music School. (At its nearest corner would be 15m away from the front garden of the nearest dwelling opposite, compared with 14m and the proposed angle would also reduce its effect on the amenities of neighbours opposite. This is assisted by the relocation of living room windows away from the front elevation as previously negotiated).

On balance, therefore, it is considered that the revised proposal has more merit than the previously approved scheme and the first reason for refusal has been overcome.

2) Block C would now be 9m from the trunk of the cedar tree compared with 7m on the refused layout. This would be sufficient to avoid any material harm to its health, subject to a condition ensuring its protection during construction. It is, therefore, also considered that the second reason for refusal has been overcome.

3) The **setting of the listed Ingrams building** has been carefully assessed and it is considered that it would be enhanced by the revised proposal, particularly due to the improved layout and design compared with the previous approved development. It is also considered that the **setting of the listed Chapel** would be preserved by retaining sufficient distance between it and the new development and the retention of all the existing trees.

The issue of **car parking** should be considered in the light of Government advice on sustainability. 34 spaces to serve 24 flats (1.4 spaces per flat) is considered reasonable and bears favourable comparison with the previous scheme (36 for 29 or 1.25 spaces per flat) where it was not a reason for refusal.

The issue of **affordable housing** also needs to be considered. The applicant now proposes 24 new-build flats compared with 18 approved last year. Although this is just below the minimum required for affordable units to be needed, the scheme is an integral part of the conversion of Ingrams where six sheltered units and a warden's flat are to be provided. This would take the comprehensive redevelopment to 30 units and it is Government advice to look at such schemes as a whole rather than in isolated parts. In principle, therefore, affordable accommodation is still required and the approved conversion of Ingrams to sheltered accommodation (or key-worker teaching staff) would meet this requirement.

**CONCLUSION:** The revised proposal has been extensively renegotiated and is now considered acceptable, subject to conditions and a Section 106 Agreement.

**RECOMMENDATION: APPROVAL WITH CONDITIONS & SECTION 106 AGREEMENT**

1. C.2.1. Time Limit for commencement of development.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.4.4. Retention/replacement of trees.
6. C.4.6. Retention and protection of trees during development.
7. C.4.7. Detailed landscaping survey to be carried out.
8. C.4.8. Landscape management and maintenance plan to be submitted, agreed and implemented.
9. C.5.2. Details of materials to be submitted agreed and implemented.
10. C.5.5. Clay plain tiles.
11. C.7.1. Slab levels to be submitted, agreed and implemented.
12. C.8.26. Internal sound insulation to flats.
13. C.8.27. Drainage details to be submitted agreed and implemented.
14. C.11.6. Provision of car parking facilities.
15. C.15.1. Superseding previous permission.
16. C.25.3 No airport-related parking.

**SECTION 106 AGREEMENT:**

1. Educational infrastructure contribution
2. Inclusion of six affordable, sheltered or key worker units

*Background papers: see application file.*

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**Committee:** Development Control Committee

**Date:** 5 April 2004

**Agenda Item No:** 10

**Title:** Appeal Decisions

**Contact:** John Mitchell (01799) 510450

<b>APPEAL BY</b>	<b>LOCATION</b>	<b>APPLICATION NO</b>	<b>DESCRIPTION</b>	<b>APPEAL DECISION &amp; DATE</b>	<b>DATE OF ORIGINAL DECISION</b>	<b>SUMMARY OF DECISION</b>
Mr S Taylor	2 Hollyhock Road Saffron Walden	UTT/0397/03/FUL	Appeal against conditions imposed on planning permission for new house adjacent to no 2 Hollyhock Road	04 Mar 2004 ALLOWED	2 June 2003	The Inspector concluded that the conditions were not necessary

**Committee:** Development Control  
**Date:** 5 April 2004  
**Agenda Item No:** 11  
**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/0443/98/OP UTT/1123/00/OP	18.3.02	Pelham Homes Ltd Croudace Ltd	Rochford Nurseries, Stansted/Birc hanger	Agreements completed.
2.	UTT/0816/00/OP	29.4.02	Countryside Properties Plc	Priors Green Takeley/Little Canfield	Agreement agreed by main parties. Some landowners reluctant to sign. No further action possible until all parties sign.
3.	UTT/0884/02/OP	22.7.02	Exors of D M Harris	83 High Street, Gt. Dunmow	Agreement being prepared by Essex C.C.
4.	UTT/0875/02/FUL	23/9/02	Granite Estates Ltd	Thaxted Road, Saffron Walden	Agreement being prepared by Essex C.C.
5.	UTT/1382/01/FUL	16/12/02	A Batchelor	Southgates Industrial Park, Thaxted Road, Saffron Walden	Completed (but do not delete this time as only verbally reported)
6.	UTT/1247/02/FUL	24/02/03	M B Rich-Jones	Coach House High Street Stebbing	Unable to progress due to ill-health of applicant.

7.	UTT/0023/03/OP	07/04/03	Enodis Properties Ltd	Former Sugar Beet Works, Little Dunmow	Draft agreement sent to developers. Negotiations on deed of variation continuing.
8.	UTT/1042/02/OP	07/04/03	Countryside Properties plc	Takeley Nurseries	Final instructions received from ECC. Planning services to instruct Legal on terms for the agreement.
9.	UTT/0518/02/OP	07/04/03	R & E McGowan	Laurels Yard, Takeley	Final instructions received from ECC. Planning services to instruct Legal on terms for the agreement
10.	UTT/1810/02/FUL	27/05/03	Welcome Break Group Ltd	Birchanger Green MSA	Agreement being finalised
11.	UTT/0595/03/OP	16/06/03	Ashdon PC & English Villages Housing Assoc	Guildhall Way, Ashdon	Awaiting information from applicant
12.	UTT/0811/02/OP	On appeal	Easton Properties	The Broadway, Church End, Great Dunmow	Agreement being finalised
13.	UTT/0511/03/OP	16/06/03	Mrs Gatsky	Hamilton Road, Little Canfield	Final instructions received from ECC. Planning services to instruct Legal on terms for the agreement.
14.	UTT/0630/03/DFO	07/07/03	David Wilson Homes	Barkers Tank, Takeley	Agreement being finalised.
15.	UTT/0147/03/FUL	07/07/03	Estuary Housing Association	Woodlands Park, Gt Dunmow	Agreement being finalised
16.	UTT1513/02/FUL	28/07/03	Norwich Union	Chesterford Park	Negotiations commencing
17.	UTT/0790/03/REN	26/08/03	Countryside Properties	Bell College, Saffron	Amended draft received from

				Walden	applicant
18.	UTT/1002/03/OP	26/08/03	Ms C Cox	The Homestead, Lt Canfield	Final instructions received from ECC. Planning services to instruct Legal on terms for the agreement.
19.	UTT/1084/03/OP	26/08/03	Mr & Mrs T Boswell	Hamilton Road, Lt Canfield	Final instructions received from ECC. Planning services to instruct Legal on terms for the agreement. Dispute over financial contributions to be resolved.
20.	UTT/1020/03/FUL & UTT/1195/03/FUL	26/08/03	Paul Watkinson	Felsted School	Applicant questioning need for 106 agreement
21.	UTT/1340/03/FUL	22/09/03	Coston Engineering	Bowers Lane, Hadstock	Awaiting proof of Title.
22.	UTT/1315/03/FUL	22/09/03	S M Smith	Hamilton Road, Lt Canfield	Final instructions received from ECC. Planning services to instruct Legal on terms for the agreement.
23.	UTT/1988/03/OP	12/01/04	Mrs S M Griffiths	Land Adjacent 4 Hamilton Road, Little Canfield	Final instructions received from ECC. Planning services to instruct Legal on terms for the agreement.
24.	UTT/0775/03/OP	07/07/03	Mr and Mrs G Pretious	Westview Cottage, Dunmow Road, Takeley	Final instructions received from ECC. Planning services to instruct Legal

					on terms for the agreement.
25.	UTT/0705/)/£/FUL	26/08/03	Mr G Cory-Wright	Takeley Mobile Home Park, Takeley	Draft agreement sent to applicant's solicitors
26.	UTT/1795/03/FUL	12/01/04	Mr F A Rogers	Wire Farm, Crawley End. Chrishall	Applicant does not accept terms of Committee decision – considering appeal
27.	UTT/0954/03/FUL	13/10/03	Mr Keeys	Bonningtons, George Green, Little Hallingbury	Planning considering the draft agreement
28.	UTT/1980/03/REN	02/02/04	Jackson Management	Thremhall Priory, Dunmow Road/Bury Lodge Lane, Stansted	Awaiting information from applicant.
29.	UTT/0352/03/FUL	22/09/03	Messrs W & R Drown	Chapel Field House, High Easter	Awaiting return of sealed agreement from applicant.

*Background Papers:*

*Planning Applications*  
Files relating to each application

FOR INFORMATION