

Committee: Development Control Committee
Date: 17 May 2004
Agenda Item No: 6
Title: Advanced report of issues relating to major planning applications
Contact: Michael Ovenden (01799) 510476

Summary

- 1 This report concerns two applications that are defined in planning legislation as major applications. For each application there are reports that set out the main issues relating to the case and Officers seek the advice of Members on whether there are additional matters that require consideration prior to drafting a conventional committee report containing a recommendation.

Background

- 2 In a recent Members workshop the Head of Planning & Building Surveying explained that in order to improve the authority's performance in determining major applications within the 13 week target set by Government it is intended to provide Members with reports outlining the main issues relating to specific major applications. Members may wish to identify additional planning issues they consider require investigation prior to determining the applications. These advanced reports will normally be considered following a Members site visit.
- 3 This item relates to two major applications. One relates to Ashfields Polo Centre, Great Canfield (UTT/0358/04/FUL) the other to a proposed new Police Station at Smiths Farm, Great Dunmow (UTT/0669/04/FUL). The reports relating to these applications are attached to this item.

RECOMMENDED that Members advise officers whether there are additional issues they would like officers to cover when considering these applications.

Background Papers: Current applications UTT/0358/04/FUL & UTT/0669/04/FUL

UTT/0358/04/FUL – GREAT CANFIELD

Erection of 5 buildings to provide stables, office tack room, feed store replacement club house, forge, carriage display building, alterations to indoor riding school to include carriage workshop, provision of 4 flats, dwelling and garage.

Ashfields Polo and Equestrian Centre. GR/TL 587-190. Mr & Mrs T Chambers.

Case Officer: Mr R Aston 01799 510464

Expiry Date: 23 April 2004

NOTATION: ADP – Outside Development Limit, DLP – Outside Settlement Boundary

DESCRIPTION OF SITE: The site is located a short distance from the B184 north of High Roding in the parish of Great Canfield. The site extends to approximately 15 hectares and at present comprises a number of low level former piggery units, used as stabling by the former owner in connection with the main activity of the site, that of a Polo and Equestrian Centre. In addition to these buildings there is a large agricultural barn and various other agricultural style buildings of a dilapidated state. The land to the east and west of the group of buildings includes the polo pitches and practice ground and paddocks for the grazing of the horses.

DESCRIPTION OF PROPOSAL: The proposal details the redevelopment of the site including the retention of the existing agricultural barn and the creation of a mixed use including the retention of the existing polo facilities, the erection of stables, and the creation of a horse drawn carriage training and show facility including a carriage display area, carriage workshop, replacement club house, feed store, tack room and the erection of a detached dwelling and other ancillary living accommodation for visiting guests. For full description of works, please see supporting planning statement date February 2004. (Available at the Saffron Walden Offices, London Road)

RELEVANT HISTORY: Changes of use of farm buildings to stabling, light industry equestrian centre, stabling for polo ponies, storage and distribution, vehicle maintenance permitted in 1990, 1991, 1993, 1998, and 2001. Use of farmland for polo purposes, and change of use of farm building to polo club permitted in 1993. Retrospective application for change of use of farm building to dwelling house granted temporary permission in 1998.

PLANNING CONSIDERATIONS: The main issues identified by Officers are whether:

- 1) the redevelopment of the site is appropriate in this rural area (PPG7, ERSP C5, ADP S2, C4, C5 and DLP S7, E4, LC4)
- 2) the redevelopment of the site would have a detrimental impact on rural amenity and the residential amenity of adjoining occupiers (ADP DC14, DLP GEN4)
- 3) the proposal would have a detrimental impact on the surrounding rural road network (ADP T1, DLP GEN1)
- 4) sufficient justification has been given for the erection of a dwelling and other ancillary accommodation (PPG7, ADP C8, DLP H11)
- 5) the design of the development is appropriate in this rural location (ADP DC1, DLP GEN2)
- 6) the proposal would have a adverse impact on biodiversity and the ecological value of the site and surroundings (ADP C3, DLP GEN7)

Members views are sought as to which other issues they would like to be considered, or which issues they request be given emphasis.

Recommendation

That the Committee identifies the additional issues Members would like raised and that Officers include considerations of these matters in negotiations with the Applicant and in their report to Committee.

UTT/0669/04/FUL – GREAT DUNMOW

Proposed construction of new Police Station.

Smiths Farm (Formerly) Plot 7 Chelmsford Road (B184). GR/TL 638-208. Essex Police Authority.

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 21 June 2004

NOTATION: Within development limit /GD7 GREAT DUNMOW BUSINESS PARK

DESCRIPTION OF SITE: The site is a rectangular piece of land at the southeastern edge of Smiths Farm immediately adjacent to a car sales garage /petrol station and lorry yard. The land is currently undeveloped grassland and slopes down from west to east (towards the road) and is behind an established field hedgerow. To the north and west is the rest of the currently undeveloped land with an extant permission for a business park; to the east is the Oak Industrial estate, a modern commercial estate including a mix of B1 and B2 uses. To the south is Belle Trailers a lorry yard and further south is Hoblongs Industrial Estate.

DESCRIPTION OF PROPOSAL: The proposal is to erect a two storey flat roofed building on a 0.6 hectare site to replace the existing Police Station in the centre of Dunmow (Stortford Road /Chequers Lane) and providing specialist officer accommodation, facilities for special operations, briefing, training and conferences, indoor dog handling facilities, garaging and workshop and storage for operational vehicles. The building has potential to be extended at the rear should it be required in the future.

RELEVANT HISTORY: Outline planning permission for the development of a Class B1 business park and creation of public open space with associated roads and landscaping and construction of new access granted in 1989 and renewed in 1993. Earthworks and planting to eastern boundary of amenity area approved in 1990. Revised outline planning permission granted in 1998 for a business park (incorporating a mix of B1, B2, B8 uses) with associated roads, parking, planting, public open space and a new vehicular access. The permission was subject to a Section 106 Agreement requiring, inter alia, the provision and maintenance of the public open space and associated highways. In 2001, planning permission was granted to omit the 3-year time limit for the submission of reserved matters, allowing the reserved matters to be submitted up until 10/11/03. Planning permission resolved to be granted in 2001 for the construction of a roundabout to serve the business park, subject to an appropriate legal agreement. 2003 renewal of planning permission UTT/0056/96/OP - outline application for the development of business premises for use within class B1, B2 and B8, with associated roads, parking, planting and public open space. Construction of new access

PLANNING CONSIDERATIONS: The main issues identified by Officers are whether:

- 1) the use is acceptable for this site allocated for employment uses in the local plan (ERSP Policy BIW4, UDP policy GD7, DDP Policy GD6),
- 2) the design of the building (which includes a combined heat and power system) is appropriate for this edge of town location (UDP policy DC1 DDP Policy GEN2),
- 3) the proposal would have a detrimental impact on the surrounding road network(ERSP Policy T4 & T12, UDP Policy T1 DDP Policy),
- 4) satisfactory highway access would be provided (ERSP Policy T4 UDP policy T1 DDP Policy) and
- 5) whether the car parking provision is appropriate and suitable facilities would be provided to those travelling to the site on a range of modes of transport, including those with disabilities (ERSP Policy T3,UDP policy T2 DDP Policy GEN1).

Background papers: see application file. Page 4

Committee: Development Control

Date: 17 May 2004

Agenda Item No: 7

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 S106 negotiations between the applicant (Felsted School) and Officers following Members' resolution on 24 November 2003 to grant planning permission for the erection of 24 flats on land to the rear of Ingrams, subject to conditions and a Section 106 Agreement. The matter was discussed under matters arising at the last meeting where it was deferred pending this written report.
- 2 It is the view of officers that negotiations with the applicant have gone as far as possible and Members should decide either to accept that the Section 106 Agreement should cover a financial contribution for the provision of state education, the renovation of Ingrams and a payment to a fund to be used for the provision of affordable housing in the District or to refuse the application on the basis that the development is unacceptable without affordable housing. The school has indicated that it would be happy to enter into the agreement outlined above 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. Officers recommended this for approval subject to conditions and a Section 106 Agreement. The recommended 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 over about 10 units. Members agreed to require this 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 (i.e. up to 10 units). Members decided to add a third item which would require the renovation of Ingrams, a large listed building immediately adjacent to the development – proposed to be extended and altered under an extant permission although not in this revised alternative scheme - 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. With regard to renovation of Ingrams (the third item), the school has now agreed to sign a S106 agreement requiring it to carry out a schedule of renovation works to Ingrams. However with regard to the second item, the provision of affordable housing, the school has stated that it recognises the need for affordable or key worker housing in the District but that current policies do not require its provision in developments of the size proposed. The applicant will not enter into an agreement to provide affordable housing within the development.
- 5 The current Adopted local plan contains no requirement for developers to provide affordable housing in residential schemes within development limits. However under DETR Circular 6/98 *Planning and Affordable Housing* the Council does require the provision of affordable housing in significant residential developments. The Circular requires developments outside Inner London to provide affordable housing if 25 or more dwellings are to be created or if the site exceeds 1 hectare. This development of 24 dwellings, on a site of about 0.4 hectare would therefore not attract a requirement for any affordable housing under this Circular. The emerging local plan contains a policy that sought to achieve 40% affordable units at a lower threshold. The Local Plan Inspector expressed some reservations about this policy (Policy H8) particularly with regard to very small developments in settlements with poor services, and therefore it still has some hurdles to overcome prior to adoption – the Inspector's recommendation and proposed modifications are to be considered by Members in June with further public consultation during the summer. Consequently it does not have the weight of adopted policy.
- 6 The school has refused to provide affordable housing within the scheme but has offered to pay a sum not exceeding that to be paid to the County Council (i.e. £41,472) into a fund to be spent on the provision of affordable housing. Whilst the mechanics of such a scheme have yet to be worked out Officers consider that the issues are finely balanced and that the suggested agreement outlined above may be considered to be an appropriate and satisfactory compromise at this point in the local plan review process. It would bridge the gap between the requirements of the adopted plan and Circular 6/98 on the one hand and the desire expressed in the emerging plan on the other hand. If Members agree in principle, the details of how such a scheme would work could then be developed at officer level.

- 7 Given that the applicant has made it clear that it would not enter into an agreement to provide affordable housing within the development the scope for negotiation seems to have been exhausted and Members will need to make a decision whether to agree to the compromise proposal or to refuse the application.

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, require Ingrams to be and the school pay a contribution to the provision of affordable housing.

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.

Committee: DEVELOPMENT CONTROL

Date: 17 May 2004

Agenda Item No: 8

Title: Enforcement of Planning Control – Land at The Three Horseshoes, Mole Hill Green, Takeley
Interest in land: Mr T D Johnson, Punch Taverns PLC, Park and Go Limited and Persons Unknown
Contact: Mr I Pigney (01799) 510459 and
Mr M Ovenden (01799) 510476

Introduction

- 1 This report concerns the change of use of land for the storage of motor vehicles, the siting of structures and the carrying out engineering works to provide hard standings and tracks. The report recommends that enforcement and, if necessary, legal action be taken to cause the cessation of the use and the removal of structures and the restoration of the land to its original condition.

Notation

- 2 Grade II Listed Building. ADP: Policy S4 – Within Stansted Airport Countryside Protection Zone. Policy T4 – Car Parking Associated with Development at Stansted Airport. DLP: Policy S8 – Countryside Protection Zone. Policy T3 – Car Parking Associated with Development at Stansted Airport. To be included in the 57 leq Noise Contour.

Planning History

- 3 Temporary retention of mobile home for residential/storage use allowed in 1985, 1987, 1988, 1989. Permanent retention of mobile home refused 1988, 1989. Two storey extension allowed 1986.

Site Description

- 4 The site is located within the free standing hamlet of Mole Hill Green, close to the North East perimeter of Stansted Airport. Access to the land used for the storage of vehicles is through the car park that serves the Three Horseshoes Public House. The land, a rectangular field of approximately 0.67 hectares, extends approximately 150 metres to the rear of the public house and is approximately 45 metres in width. Residential dwellings border the site on the South West and North East boundary, with open land to the North West boundary.

Background

- 5 The Council received information that the land was being used for the parking and storage of motor vehicles in the autumn of 2003. At that time the licensee of the public house maintained it was being used as, "Overflow parking for

pub patrons.” However, enquiries revealed persons travelling through Stansted Airport are using the site for parking of motor vehicles. Site inspections have found large numbers of vehicles stored and remaining on the land for extended periods of time, with no relationship to the numbers of vehicles on the land and either the presence of customers using the public house or the opening times of the premises. During the recent Easter Holiday period, most of the land was being used for the storage of motor vehicles. Each vehicle being stored on the land displays a handwritten label showing a name and forward date that suggests it is used to indicate when a vehicle is to be collected. A portable building located on the land displays a notice - “*Broxted Park – if courtesy car is not here please call*” - followed by the display of two mobile telephone numbers. The parking facility is advertised through an Internet *WEB* site for “Stansted Airport Parking.” offering a service for airport related parking for travellers using Stansted Airport. A business, trading as Park and Go Limited, operating from an office in York, provides an *email* customer booking service link to the site.

Parish Council

- 6 No planning approval has been granted for this scheme (Stansted Airport Car Parking Scheme) & that it is operating illegally).

Planning Considerations and Conclusions

- 7 **The main issues are whether 1) the storage of vehicles is an appropriate land use in the countryside under the Development Plan (ERSP Policy C5 and UDP Policy S2) or emerging local plan (DDP Policy S7) and 2) whether this is an appropriate site for airport relating car parking.**

1) The site lies outside any development limit and is therefore considered to be countryside. In accordance with the two elements of the Development Plan the countryside is to be protected for its own sake, from development which is inappropriate or poorly related to a rural area or its character, does not need to occur on that site and is unrelated to agriculture, forestry and appropriate outdoor uses. This proposal is not appropriate to a rural area and fails all the requirements of the policies referred to above. With regard to this aspect of the development plan alone the proposal is unacceptable and should normally be refused. The emerging draft deposit plan has been through the local plan inquiry and the recently published inspectors report supports maintaining the approach taken in the Development Plan.

2) ERSP Policy BIW7 states that provision is made for all development directly related to or associated with the airport to be located with the airport itself. Furthermore District Plan Policy T4 takes a similar approach to car parking related to any use at Stansted Airport. The activities appear to relate to airport related car parking, and this site is outside the airport boundary and therefore fails to comply with these two policies in the Development Plan. With regard to this aspect of the development plan alone the proposal is unacceptable and should normally be refused. The emerging draft deposit plan has been through the local plan inquiry and the recently published inspectors report covers the matter (Policy T3) in some detail and is very

strong in its support for the maintaining the approach taken in the Development Plan.

RECOMMENDED that enforcement action and, if necessary, legal proceedings, be taken to secure the cessation of the use.

Background papers: Enforcement case file ENF/186/03/B

Committee: Development Control Committee

Date: 17 May 2004

Agenda Item No: 9

Title: Appeal Decisions

Contact: John Mitchell (01799) 510450

APPEAL BY	LOCATION	APPLICATION NO	DESCRIPTION	APPEAL DECISION & DATE	DATE OF ORIGINAL DECISION	SUMMARY OF DECISION
T Ealey Esq	Orchard Cottage Carmel Street Great Chesterford	UTT/1148/03/FUL	Appeal against refusal to grant planning permission for erection of a new dwelling	31 Mar 2004 DISMISSED	4 July 2003	The Inspector concluded that the proposal would be detrimental to the character and appearance of the Conservation Area, but would have a satisfactory relationship with the adjacent properties

Committee: Development Control
Date: 17 May 2004
Agenda Item No: 10
Title: PLANNING AGREEMENTS
Author: Christine Oliva (01799 510417)

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

	Planning Current Ref.	Approved by Committee	Applicant	Property	Position
1.	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.
2.	UTT/0884/02/OP	22.7.02	Exors of D M Harris	83 High Street, Gt. Dunmow	Agreement being prepared by Essex C.C.
3.	UTT/0875/02/FUL	23/9/02	Granite Estates Ltd	Thaxted Road, Saffron Walden	Agreement being prepared by Essex C.C.
4.	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.
5.	UTT/0023/03/OP	07/04/03	Enodis Properties Ltd	Former Sugar Beet Works, Little Dunmow	Negotiations with developers Solicitors continuing – these are proving very difficult and despite a lengthy meeting they have again presented extensive amendments

					to the last draft prepared by the Council
6.	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.
7.	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
8.	UTT/1810/02/FUL	27/05/03	Welcome Break Group Ltd	Birchanger Green MSA	Agreement being finalised
9.	UTT/0595/03/OP	16/06/03	Ashdon PC & English Villages Housing Assoc	Guildhall Way, Ashdon	Awaiting proof of title from applicant
10.	UTT/0811/02/OP	On appeal	Easton Properties	The Broadway, Church End, Great Dunmow	Agreement being finalised
11.	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.
12.	UTT/0630/03/DFO	07/07/03	David Wilson Homes	Barkers Tank, Takeley	Agreement being finalised.
13.	UTT/0147/03/FUL	07/07/03	Estuary Housing Association	Woodlands Park, Gt Dunmow	Agreement being finalised
14.	UTT1513/02/FUL	28/07/03	Norwich Union	Chesterford Park	Negotiations commencing
15.	UTT/0790/03/REN	26/08/03	Countryside Properties	Bell College, Saffron Walden	Awaiting instructions from ECC on latest draft
16.	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.
17.	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.
18.	UTT/1020/03/FUL & UTT/1195/03/FUL	26/08/03	Paul Watkinson	Felsted School	Applicant questioning need for 106 agreement
19.	UTT/1340/03/FUL	22/09/03	Coston Engineering	Bowers Lane, Hadstock	Awaiting proof of Title.
20.	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.
21.	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.
22.	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.
23.	UTT/0705/03/FUL	26/08/03	Mr G Cory-Wright	Takeley	Agreement

				Mobile Home Park, Takeley	finalised and being sealed by applicant
24.	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
25.	UTT/0954/03/FUL	13/10/03	Mr Keays	Bonningtons, George Green, Little Hallingbury	Applicant considering the draft agreement
26.	UTT/1980/03/REN	02/02/04	Jackson Management	Thremhall Priory, Dunmow Road/Bury Lodge Lane, Stansted	Awaiting information from applicant.
27.	UTT/0352/03/FUL	22/09/03	Messrs W & R Drown	Chapel Field House, High Easter	Awaiting return of sealed agreement from applicant.
28.	UTT/2055/033/FUL	34/02/04	Countryside Properties	Bowling Club House, Beldams Farm, Great Hallingbury	Awaiting instructions from Planning
29.	UTT/2227/03/FUL & UTT/2228/03/LB	15/03/04	Exciting Projects Ltd	The Old Mill Public House, Takeley	Awaiting proof of title from Applicant

Background Papers:

Planning Applications
Files relating to each application

FOR INFORMATION