

Committee: Development Control
Date: 20 September 2004
Agenda Item No: 8
Title: BUDGETARY CONTROL REPORT
Author: Helen Swain (01799) 510315

Introduction

- 1 This is the first budgetary control report to this committee for 2004/05.

Basis of Report

- 2 The report is based on data held within the Council's Financial Management Systems for the period ending 31 July 2004. The Council's new Financial Management Information System (FMIS) went live from the 1 July 2004 and this report merges data from both the old and new systems to give the total position for the first four months of the financial year. Relevant Executive Managers have been asked if they are aware of any significant variations, including any that may not be in the figures produced to date.

The table in the attached Appendix 1 to this report shows the following data;

- a. 2003/04 Actual spend (subject to Audit)
- b. 2004/05 Budget
- c. 2004/05 Profiled budget ('expected' spending or income to date)
- d. 2004/05 Expenditure and Income to 31 July 2004
- e. Over/underspend between profiled budget and actual to date
- f. Actual expressed as a % of the profiled budget
- g. Projected outturn (a judgement as to what the year end position will be)
- h. Current Status of projected spend compared with budget (on line/under or heading for an overspend, as depicted by a smiling or sad face)
- i. Notes to explain any apparent discrepancies

Analysis of Variation

- 3 It can be seen from the data in the table that at this stage the spend at month 4 is the same as the profiled budget for the same period. This will continue to be monitored and any variation that is confirmed will be built into the revised

estimates for consideration by Members at the meeting of this committee in November 2004.

New FMIS

- 4 The introduction of FMIS from the 1 July gives greater scope for reporting purposes and officers will be developing this over the coming months. Members may like to give consideration to what information they would like to see in future budget monitoring reports. The report attached at Appendix 1 has been compiled from data held on the new system, rather than being a report from the system itself, which is still being refined. In future, reports will be produced direct from the system and can include, for example, graphical analysis of spending.

RECOMMENDED that

- 1 Members note the budgetary control position at 31 July 2004.
- 2 Members consider what information they would like included in future budgetary control reports.

Background Papers: FMIS budget reports

Committee: Development Control Committee

Date: 20 September 2004

Agenda Item No: 9

Title: Land opposite the Fox & Hounds Public House High Street Clavering - Enforcement

Author: John Mitchell (01799) 510450 and Clive Theobald (01799) 510463

Introduction

- 1 On 15 March 2004, Members deferred consideration of an enforcement report concerning the alleged unlawful extension of an existing residential curtilage, the siting of a large shed and children's play equipment thereon, the alleged widening of an existing access bridge and the creation of a vehicular hardstanding. This resolution followed representations received in support of the landowner and was intended to allow all parties the opportunity to negotiate a satisfactory solution and to report back to Committee, taking into account the points raised in those representations. A copy of the original enforcement report placed before Members on 15 December 2003 and the subsequent report placed before Members on 15 March 2004 are attached to this report for information purposes.

Summary

- 2 A delay has occurred in reporting this enforcement matter back to Members, which has been principally due to the involvement of the landowner's Solicitor in another, non-related, planning commitment and the landowner being abroad. However, a detailed response has now been received from the landowner's Solicitor (letter dated 3 September 2004) and this is also attached.
- 3 Whilst this response attempts to address the current planning objections to the residential use of the land and the works carried out by the landowner by referring to the regeneration of vegetation and suggested additional measures, a landscaping scheme showing how measures could ameliorate the somewhat unsightly fencing on the site boundary and domesticated appearance of the land has not been received as requested. In this respect, your officers considered it was essential that such a scheme was to be submitted if a negotiated agreement was to be brought back before Members and the Solicitor's response falls short of what is required.

Conclusion

- 4 In all of the circumstances, a negotiated agreement has not been reached, which leaves your officers no alternative but to report back to committee requesting that due consideration is given to the original enforcement report and its recommendation. It should be noted that the aforementioned works will become immune from enforcement action next year under the “four year” rule and any further delay in considering this matter will seriously jeopardise the ability of the Council, as local planning authority, in being able to issue an enforcement notice.

RECOMMENDED that enforcement and, if necessary, legal action be taken to require the cessation of the use of the land as extended residential curtilage, the removal of the shed, children’s play equipment and hardstanding from the land and the reduction in the width of the access bridge to previously determined dimensions.

Background Papers: Enforcement File ENF/132/01/D

Committee: Development Control Committee
Date: 20 September 2004
Agenda Item No: 10
Title: Green Oak Barn Hill Green Clavering - Enforcement
Author: Clive Theobald (01799) 510463 and
Tony Morton (01799) 510654

Introduction

- 1 This report concerns the erection of an unlawful closeboarded fence following the removal of an existing frontage hedge at a new residential property and recommends that enforcement and, if necessary, legal action be authorised requiring the removal of the fence and requiring a replacement frontage hedge in order to alleviate environmental harm.

Notation

- 2 ADP: Outside Development Limits / Within Area of Special Landscape Value
ULP: Outside Development Limits

Planning History

- 3 Planning permission granted in 2002 for the erection of a single dwelling with detached garage as an infill dwelling outside village development limits (UTT/0237/02/FUL refers) and in 2003 for subsequent amendments to this permission (UTT/0341/03/FUL).

Background

- 4 Green Oak Barn is a new, detached dwelling situated on the north side of Clatterbury Lane overlooking Hill Green. Loosely scattered dwellings are located either side of the property. The report for application UTT/0237/02/FUL noted that the positioning of the new house on the site would allow an existing frontage hedge and some old orchard trees to be retained. Condition C.4.1. required the submission of a landscaping scheme, condition C.4.5. required the retention of hedges and condition C.4.6. required the retention of trees. An amended design was approved on 26th June 2003 (UTT/0341/03/FUL) with the same conditions. The reason for the imposition of

the condition requiring the retention of the frontage hedge was to preserve an important landscape feature within the street scene.

- 5 It has been brought to the attention of the council that the hedge has been removed in its entirety and has been replaced with a vertical closeboarded fence of approximately 2 metres in height. A site inspection has confirmed this. The landowner has carried out deciduous planting in front of the fence, although this has yet to reach maturity. An additional condition was imposed on the planning permissions for the new dwelling that removed permitted development rights for extensions, outbuildings, garages and enclosures, in order to retain control over the amount of built form on the site given that it is outside Development Limits so as to protect the rural character of the area (C.6.2). The new fence has been erected contrary to this condition and therefore requires planning permission. Notwithstanding this condition, the fence requires planning permission for the additional reason that it is more than one metre in height where it is adjacent to the highway. As planning permission has not been either granted or sought, the fence has been erected unlawfully.
- 6 The Council has approached the landowner concerning this matter, who has submitted a detailed letter in support of the reasons why the fence has been erected. This letter is appended to this report.

Consultations

ECC Transportation & Operational Services

- 7 *“The newly planted hedge is not an encroachment of the highway and therefore no report will be made to the landowner for its removal”.*

Representations

Clavering Parish Council

- 8 *“The developers have removed the established hedge fronting the road and facing Hill Green. This has been completely grubbed out using machinery and only rough earth is left. A fence has been erected in place of the hedge. Could we ask that you ensure a new hedge is planted to replace that which was removed. This is quite an important area of the centre of the village with hedges fronting all the houses and we would not want it to become a “suburban” area with fences replacing the hedges.”*

Planning Assessment

The main issues in this case are whether the removal of the hedge in contravention of a specific planning condition and erection of a 2 metre high fence in its place should result in appropriate enforcement action

to achieve removal of the fence and replanting of a hedge, or whether it is not expedient to take such action. (Policies DC1 Design of the Uttlesford District Plan and GEN2 Design of the draft Uttlesford Local Plan)

- 9 The infill dwelling now known as Green Oak Barn was accepted as fitting into the ribbon development pattern of houses along this road, but the retention of the frontage hedge was seen as an important part of maintaining the character of the road and of the area in general and as a way of softening the visual impact of an additional dwelling. The loss of the hedge is contrary to that aim, and its replacement by a tall timber fence introduces a suburban feature into the rural environment that is at odds with the character and appearance of the area. As previously mentioned, the fence requires planning permission because Permitted Development rights for the erection of fences or other means of enclosure were removed by condition C.6.2. of the consent.
- 10 It has also become apparent that the details of proposed landscaping that were required by conditions have never been submitted and if they had been so submitted in a form that showed complete removal of the hedge, rather than simply to achieve visibility splays, planning permission would not have been granted for that proposal.
- 11 It is considered that the loss of the hedge and its replacement with a timber fence is harmful to the character, amenity and appearance of the locality, contrary to the aim of Policies DC1 Design of the Uttlesford District Plan and GEN2 Design of the draft Uttlesford Local Plan.

Conclusion

- 12 In view of the aforementioned planning objections, it is recommended that enforcement action be authorised by Members to secure the removal of the unlawful fence and to secure an appropriate replacement frontage hedge, to a specification to be agreed in writing.
- 13 In consideration of this report, the landowner has indicated that a planning application will be submitted shortly showing the proposed reduction of the height of the fence to approximately 1 metre in an attempt to overcome the planning objections. Your officers will report at the meeting whether this application has been received.

RECOMMENDED: that enforcement and, if necessary, legal action be authorised requiring the removal of the unlawful frontage fence and requiring a replacement frontage hedge.

Background Papers: Planning application files UTT/0237/02/FUL and UTT/0341/03/FUL. Enforcement investigation file ENF/204/03/B.

Appendix

Committee: Development Control Committee
Date: 20 September 2004
Agenda Item No: 11
Title: Change of use to Bed & Breakfast – Bonningtons George Green little Hallingbury
Author: Miss K Benjafield (01799) 510494

Summary

- 1 This report updates Members on the progress of S106 negotiations between the applicants (Mr and Mrs Keeys) and Officers following Members resolution on 13 October 2003 to grant planning permission for the change of use of an outbuilding/annex to 6 units for Bed and Breakfast use at Bonningtons, subject to conditions and a Section 106 Agreement.
- 2 To date the applicants have not signed the Section 106 Agreement ensuring no airport related parking takes place on the site and that the bed and breakfast use is tied to the ownership of “Bonningtons”. The conversion works have been undertaken and there have consistently been a number of cars parked to the rear of the site which are visible from the public footpath.

Background

- 3 A planning application for change of use of an outbuilding/annex to 6 units of bed and breakfast accommodation was submitted in July 2003 under reference UTT/0954/03/FUL. Officers recommended this for approval subject to conditions and a Section 106 Agreement. The recommended agreement was i) to ensure that no airport related parking took place on the site and; ii) to ensure that the use of the bed and breakfast units are tied to the ownership of the dwelling known as “Bonningtons”.
- 4 The Head of Legal Services made initial contact with the applicants in November 2003. Despite various reminders the applicants have been slow in dealing with the matter and are yet to sign the agreement. As a result Officers are unable to progress the matter further. An additional draft copy of the agreement has been sent to the applicants and should have been received by them by 10 September 2004.
- 5 The legal agreement is not complex and the applicants should be able to decide whether to sign it by 5 October 2004. Members should decide whether, if the agreement is not signed by this date, they would refuse the application.

- 6 In conclusion, the applicants have carried out the conversion works but have been slow to progress the Section 106 Agreement. Members are therefore asked to decide whether they would approve the application without the Section 106 Agreement.

RECOMMENDED for the reasons outlined above it is recommended that the applicants be given until 10 October to complete and sign the Section 106 Agreement after which investigation and enforcement proceedings would be instigated.

Background Papers: Application file (UTT/0954/03/FUL): Copy attached.

Committee: Development Control

Date: 20 September 2004

Agenda Item No: 12

Title: OAKWOOD PARK, LITTLE DUNMOW - REVISED MASTERPLAN

Contact: Richard Aston (01799) 510464

Summary

- 1 This report updates Members on the current position concerning the further evolution of The Masterplan for Oakwood Park in Little Dunmow following the approval of 160 additional dwellings pursuant to UTT/0023/03/OP. At the meeting held on 19 July 2004 Members sought further information on the revisions. No further information has been forthcoming for the reasons given below. This report is for information only and its intention is make Members aware of the current position concerning master planning at the site.

Background

- 2 In 2002, Members approved a Master plan for the site in relation to the scheme for 650 dwellings. In March 2003, based on the Inspectors recommendations at the Public Inquiry into the refusal of the additional dwellings, officers approved a revised Masterplan, which involved changes from the 2002 version. These changes covered:
 - An enlarged village centre site
 - A reconfiguration of the open space between the village green and Stebbing Brook playing fields
 - Alterations to the principal estate road and the introduction of a link road between the village centre and Phase 3
 - Refinements to the location of Local Areas of Play
 - Revision to western boundary of the school site.
- 3 The latest revisions to the Master plan (June 2004) involve the following changes in comparison to the 2003 version:
 - Refinements to the location of local play areas
 - A very small increase in the area of the village centre
 - Minor revisions to the western boundary of the school site
 - Location of Phase 5 housing area.

- 4 These further revisions to the Masterplan are intended to satisfy Condition C.90A of UTT/0023/03/OP, which required a revised Masterplan to be submitted and agreed prior to the commencement of development. Members are asked to note that the changes from the 2003 master plan are minor that this report is for Members information only and will be subject to a 21 day notification period for Members of the public although relevant comments will be taken into account.
- 5 This issue was last considered by Members in July 2004 and various comments relating to the provision of playing fields and the design, style and type of housing residents could expect were raised. To clarify the matter, it has always been the intention to provide the school playing fields and there is no clear reason why it should be suggested that this would not occur. In addition, officers in conjunction with the developers have created an Oakwood Park Design Guide, which gives details on the style and character of the individual housing phases and the urban design of the site as a whole. It must be stressed that it is not the function of the Masterplan document to be prescriptive about house designs and styles as suggested previously.

RECOMMENDED that the report be noted and the Masterplan be released for a period of public consultation.

Committee: Development Control

Date: 20 September 2004

Agenda Item No: 13

Title: THE OPERATION OF THE COMMITTEE PROCESS

Author: John Mitchell (01799) 510450

Summary

- 1 Members will recall from their workshop of 19 July 2004 that the Council has been identified by the ODPM for significant improvement in speed of decision over planning applications so as to meet Best Value standards by March 2007. The standards require 60% of major applications to be determined in 13 weeks, 65% of minor applications in 8 weeks and 80% of all other applications in 8 weeks. At the moment the Council is determining 50%, 42% and 71% respectively. The Council is required to agree an improvement plan, endorsed by the Chief Executive, with GoEast by 4 November 2004, and share performance information against the criteria of the improvement plan every quarter. A copy of the ODPM Consultant's report was forwarded to each Committee Member.

2 Improvement is needed in respect of the following:

1. A more specific set of actions in the Best Value Service Improvement Plan (BVSIP) related to the process mapping for each type of application and key barriers. This is being undertaken.
2. The achievement of local targets for validation. This is being undertaken as part of the BVSIP
3. The relationship of resources to workload. This was addressed at the meeting of this committee in June and recruitment is under way.
4. The delegation provisions and operation of the committee process, in as far as is required to drive performance particularly in relation to major and minor applications
5. The arrangements for negotiating on applications.

The consequences of failing to improve will mean that the Council will not receive Planning Delivery Grant for development control performance, and if that failure is prolonged then there is the possibility of direct intervention by the ODPM's office in the running of the service.

3 This report concerns 4 and 5 above, as such considerations need to be part of the improvement plan.

Background

4 As Members will be aware there has been a significant increase in workload over the last year, which is translating into increasingly long agendas. We are also entering a phase where a significant number of major housing applications can be anticipated, in particular as the local plan allocations for housing, e.g. Rochford Nurseries and Prior's Green, come on stream and Oakwood and Woodlands Park continue to develop. On top of that the reserved matters of the planning permission for expansion of the airport up to 25mppa will continue to come through. In the medium term the proposed applications for further expansion of the airport will eventually fall to this Committee for determination, while in the longer term there may be the ramifications of the Regional Planning Guidance to take into account. Increasingly therefore the issues facing the Committee will become more strategic as well as site specific. These developments are likely to encourage additional development proposals some of which may be welcome others may not. All such applications will be required to be handled in accordance with the OPDM's performance standards.

5 This report looks at five main issues: the role of the Committee; the extent of delegation to officers; the operation of the "call in" procedure; the time, day and frequency of meetings and negotiation procedure.

The role of the Committee

6 This is to implement the Council's planning policies in accordance with the policies of the development plan and having regard to any material planning

considerations. The Committee determines a very wide range of types of application, ranging from house extensions via individual dwellings, barn conversions, changes of use and development of increasing size to up to hundreds of houses, and thousands of square metres of commercial development. While the adopted District Plan provides a degree of certainty it has been overtaken by changes in Government Policy and so there is a fair degree of discretion in its implementation which can require Members' careful consideration. In addition this uncertainty can lead to the Committee becoming an arbiter between the competing requirements of applicants and objectors rather than confining itself to planning issues. As the new Local Plan proceeds towards adoption however the scope for discretion in determining planning applications diminishes because the plan will be up to date and in line with current government policy.

- 7 The Committee also sanctions most enforcement action.
- 8 The Committee does not have any culture of performance management. Performance is reported to Scrutiny 2 Committee and there are no means whereby the DC Committee can monitor and review its own performance and that of Officers.
- 9 Members are invited to consider what the role of the Committee should be and whether it should become more strategic in its operation and less concerned with the minutiae of minor planning applications and small-scale enforcement action, while retaining adequate safeguards. Members are also invited to consider whether the Committee should become more performance-oriented, receiving regular reports on performance and working in tandem with Officers to drive improvements in speed of decision and quality of outcome so as to meet and exceed Best Value standards.

Delegation

- 10 The delegation scheme has evolved over time and is complex to administer. It allows for around 80-85% of applications to be determined by Officers, while the Best Value target has been 90%. The scheme of delegation essentially starts from the premise that all applications fall to be determined by the Committee apart from those delegated to the Executive Manager, Development Services, which are listed by category. An extract is appended. The success of the operation of the scheme of delegation may be judged by the Council's excellent appeal record, where 80% of appeals have been dismissed in the last 6 months.
- 11 The average length of a schedule of applications has increased over the past 18 months from 12 to 19 items – this excludes linked applications that require a listed building decision as well as a planning decision, and excludes deferred items which range from 0 on one occasion to 10 on another, with a mean of 5-6 items. The last schedule, for example, contained only 19 new sites but actually comprised 30 applications on 22 sites, 3 of which were deferrals from the previous meeting. The previous schedule contained 23 items comprising 27 applications with no deferrals from the previous meeting. Few recommendations are reversed by the Committee – in some cases

additional conditions are proposed but for the most part Members agree with the recommendation. There is no particular pattern to a schedule and whether an application appears on a schedule or is delegated can appear completely random.

- 12 The outcome is a long meeting with less attention being paid to some items than others. The issue is therefore how to reduce the length of the schedule while retaining Member control of the process and ensuring safeguards.
- 13 Two options are put forward for discussion. The first is a radical approach and the second is to amend the existing scheme of delegation.
- 14 Taking the radical approach first it is proposed that the scheme of delegation be amended to itemise which categories of applications will be determined by the Committee, with all others being delegated unless either called in by Members or referred at officer discretion. Such a list could include:
- Major applications (10 dwellings and above, 1000 sq m of commercial floor space or over 1ha in area) including changes of use
 - All applications recommended for approval of 6 dwellings and above
 - All applications recommended for approval of telecom installations
 - All applications where a recommendation of approval is contrary to the provisions of the development plan
 - All applications requiring a legal agreement
 - All planning and related (e.g. TPO) applications by or on behalf of the District Council, or in which it has a direct interest (e.g. it owns some land nearby and will benefit from, or has objected to, the application)
 - All applications by or on behalf of Members and Officers of the District Council

Unless referred to the Committee at the discretion of the Executive Manager, Development Services or by a Member or Members of the Council.

- 15 Adoption of this approach would mean certainty over which applications would be considered by the Committee, with the safeguard being the option of call in for applications which would otherwise be delegated.
- 16 The second option is amending the existing scheme. This is shown in table form, with the existing scheme in the left hand column are those matters that are normally delegated to the Executive Manager and the proposed changes in the right hand column. It mainly refers to section 5 of the appended Scheme.

5	Existing	Proposed
A	Minor developments e.g. householder, changes of use	No change
B	Conversion of an existing dwelling into two units	Sub divisions of existing dwellings
C	Minor alterations to previously approved plans and conditions	No change

D	Vehicular and pedestrian access	No change
E	Changes of use from A1 shop to A2 financial and professional services and of floors above shops in town centres from residential or vacant to A2 or B1 offices	Changes of use within class A and of floors above shops in town and village centres from and to residential or vacant from and to residential or A2 or B1 offices
F	Agricultural developments not involving the accommodation of livestock under intensive conditions	All agricultural development
G	Removal of agricultural occupancy conditions where supported by ADAS and previously advertised for 6 months	Removal of agricultural occupancy conditions where supported by a proven appraisal and previously advertised for 6 months
H	Temporary caravan or mobile home for agricultural occupation	No change
I	Overhead power lines	No change
J	Advertisements	No change
K	Renewal of permissions where the circumstances are the same or very similar to those pertaining at the grant of permission	Renewal of permissions where the circumstances are the same or very similar to those pertaining at the grant of permission including where those permission have lapsed
L	Replacement dwellings within development limits	Replacement dwellings
M	Changes of use within development limits	Changes of use of up to 1000 sq m
N	Up to 2 dwellings within development limits in Parish Council areas and up to 5 dwellings within development limits for Town Council areas	Up to 9 dwellings in development limits in Stansted, Great Dunmow and Saffron Walden and 3 in development limits elsewhere
O	Refusals for dwellings outside development limits	No change
P	Refusals for residential barn conversions	Barn conversions
Q	Appropriate commercial (usually class B1) barn conversions	See above
R	Certificates of lawful use and development	No change
S	Refusals for telecommunications developments	No changes
T	Minor tourist related developments	Minor tourist related developments including changes of use to overnight accommodation of up to 5 units
U		New community and recreation facilities e.g. village halls, play areas, extensions to schools
V		Minor engineering operations e.g. balancing ponds, flood protection works
6	Approve matters reserved by	Determine matters reserved by

conditions e.g. materials, landscaping schemes etc (except details of new dwellings or other major buildings)	conditions commensurate with 5 a-t above
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- 17 If the Committee accepts the above changes it would have reduced the average length of the schedules of the last 6 Committees from 19 items to 9, including member and officer referrals.
- 18 The Committee also sanctions some enforcement cases but the scheme of delegation allows all enforcement to be initiated by officers in conjunction with the chairman and vice chairman. More emphasis will be given to delegated procedure.

The operation of the call in procedure and officer discretion

- 19 At present any Member can require any application which would normally be delegated to be determined by the Committee. Officers consider this to be an important safeguard which gives Members control over the planning process. Members are notified of all applications in the weekly list and of the imminence of a decision in their ward 4 weeks later and are given the opportunity to refer an application to Committee. On average there are 3-4 member referrals on any schedule. Usually Members give a planning reason but there have been several occasions lately where no reason has been put forward. This makes it difficult for officers to address the specific issue which may have given rise to the call in other than in general planning terms. It also does not help the Committee.
- 20 Members may therefore consider that any member calling in an application should give a planning reason. The Committee may also consider that, having requested an application be called in, it would be courteous of the Member who referred the application to explain the issues to the Committee either in writing or in person. Members should discuss concerns with the Case Officers or Team Leaders prior to the meeting, as this can help allay concerns and prevent deferrals, particularly where prior notice is needed.
- 21 Officers will continue to refer delegated applications to Committee when issues are finely balanced.

Time, day and frequency of meetings

- 22 Another way of handling a high workload would be to increase the frequency of meetings rather than extend delegation. This issue was exhaustively examined under the Best Value review last year when the Committee considered that the time and frequency of meetings was satisfactory. This view is shared by Officers. Surveys have indicated customer satisfaction with this general arrangement. However, meetings have been held on a Monday for 30 years. There are several disadvantages to this. Primarily they revolve around the late submission of information by applicants and objectors over the weekend and the difficulty of assimilating and presenting this, which can lead to unnecessary deferrals. Additionally officers and members often find that they spend a substantial part of their weekends preparing for the meeting.

Members may consider that holding their meetings on a different day of the week, e.g. a Thursday, may give better opportunities for pre-committee preparation. This would leave one day to carry out post committee work the same week.

Negotiation procedure

- 23 It has been a long established custom of this Committee to defer items for further negotiation. This is considered good customer service. However it does mean that deferred items have to be considered two, three or more times before a decision can be reached, and even then refusal can be the outcome. It is evident from the Consultants' report that such a procedure can mean that Best value standards are not achieved. Consequently it is suggested that the Committee may wish to adopt a policy that allows for negotiation provided that Best Value standards are not missed, unless they already have been missed by the time an item is considered by the Committee.

RECOMMENDED that the Committee consider the options set out above, and any variations that may be appropriate, and that the outcome is the subject of a 6 month trial, following which a further report is brought to this Committee for consideration prior to a recommendation to full Council to amend the scheme of delegation to officers, if considered necessary

Background Papers: scheme of delegation; report by Lynda Addison Associates

Agenda 14

Author: J Mitchell

DEVELOPMENT CONTROL COMMITTEE – 20 SEPTEMBER 2004 APPEAL DECISIONS

APPEAL BY	LOCATION	APPLICATION NO	DESCRIPTION	APPEAL DECISION & DATE	DATE OF ORIGINAL DECISION	SUMMARY OF DECISION
Miss M U Walker	Land within 48 Stortford Road Dunmow	UTT/2095/03/OP	Appeal against refusal to grant permission for the erection of a dwelling	19 Aug 2004 DISMISSED	27 Jan 2004	The Inspector concluded that the development would be intrusive in the street scene
Messers Ambershire Ltd	Easter Hall Aythorpe Roding Dunmow	UTT/1399/03/FUL	Appeal against refusal to grant permission for the partial change of use of land from agricultural to (Use Class) D2-ice rink	19 Aug 2004 DISMISSED	25 Nov 2003	The Inspector concluded that the development would be unsustainable and inappropriate in the countryside
Mr R E Canning	The Old Mushroom Farm Radwinter Saffron Walden	UTT/0989/03/CL	Appeal against refusal to grant permission for the development for which a certificate of lawful use or development is sought is use of one building and one Nissen hut for Class B8 storage of garden fencing components	25 Aug 2004 DISMISSED	19 Aug 2003	The Inspector concluded that there was insufficient evidence to justify the grant of a certificate
Mr C R Baker	Little Bowsers Farm Little Walden Saffron Walden	UTT/1497/03/OP	Appeal against refusal to grant permission for the development for an agricultural dwelling.	26 Aug 2004 DISMISSED	22 Oct 2003	The Inspector concluded that any need could be accommodated within existing building on the farm
Mr and Mrs J Eden	Silverthorn Canfield Drive Great Canfield Rd Takeley	UTT/1728/03/FUL	Appeal against refusal to grant permission for the erection of detached house and garage	19 Aug 2004 DISMISSED	24 Dec 2003	The Inspector concluded that the development would be inappropriate in the countryside

Committee: Development Control

Date: 20 September 2004

Agenda Item No: 15

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/022/02/FUL		Pegasi Ltd	Church End Farm, Church Road, Rickling	Agreement sealed
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	Applicant has agreed to complete the agreement which is being prepared by Legal.
5.	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.
6.	UTT/0518/02/OP	07/04/03	R & E McGowan	Laurels Yard, Takeley	This matter was brought before Committee on 31.8.04. and Planning are negotiating to complete the 106 before signature of the Priors Green main agreement see item 1.
7.	UTT/1810/02/FUL	27/05/03	Welcome Break Group Ltd	Birchanger Green MSA	ECC has informed UDC that the agreement is being

					sealed
8.	UTT/0811/02/OP	On appeal	Easton Properties	The Broadway, Church End, Great Dunmow	Agreement being finalised
9.	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.
10.	UTT/0790/03/REN	26/08/03	Countryside Properties	Bell College, Saffron Walden	Bell College has rejected the agreement as drafted (in relation to County matters, UDC matters are agreed) and appealed on the grounds of non-determination lodging a unilateral undertaking incorporating all the UDC requirements.
11.	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.
12.	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.
13.	UTT/1020/03/FUL & UTT/1195/03/FUL	26/08/03	Paul Watkinson	Felsted School	Applicant questioning need for 106 agreement. Awaiting instruction from Planning Services
14.	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.
15.	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.
16.	UTT/0775/03/OP	07/07/03	Mr and Mrs G	Westview	Final instructions

			Pretious	Cottage, Dunmow Road, Takeley	received from ECC. Planning services to instruct Legal on terms for the agreement.
17.	UTT/1625/03/REN	15/12/03	Mantel estates Ltd	Land at Smith's Farm Gt Dunmow	Draft agreement sent to applicant for comment On 12/05/04
18.	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
19.	UTT/0954/03/FUL	13/10/03	Mr Keeys	Bonningtons, George Green, Little Hallingbury	Applicant sent a final draft of agreement, if he does not sign enforcement action will be considered. Report going to Committee 20.9.04.
20.	UTT/2048/03/OP	16/06/03	Ashdon PC & English Villages Housing Assoc	Guildhall Way, Ashdon	Negotiations between Housing and Landscape Officer and Applicant. Draft in preparation.
21.	UTT/2055/033/FUL	34/02/04	Countryside Properties	Bowling Club House, Beldams Farm, Great Hallingbury	Instructions sent to Hertfordshire CC who are the highway authority concerned. 106 is for highway matters only.
22.	UTT/2115/03/FUL	26/04/04	Charles Church North London	West Road, Saffron Walden	Agreement being sealed
23.	UTT/2227/03/FUL & UTT/2228/03/LB	15/03/04	Exciting Projects Ltd	The Old Mill Public House, Takeley	Agreement sealed
24.	UTT/1954/03/FUL	15/03/04	East Anglia and London Properties Ltd	Brookside Garden Centre, Bran End Stebbing	Agreement completed. Awaiting proof of title to land before sealing.
25.	UTT/1569/03/FUL	17/05/04	Felsted School	Land to the North of Ingrams, Felsted	Initial letter sent to applicants On 17.6.04. requesting title to land and undertaking for costs – no reply
26.	UTT/0103/04/FUL	17/05/04	Mr F P McGarrigan	Great Hallingbury Manor, Great Hallingbury.	Initial letter sent to applicants 17.6.04. requesting title to land and undertaking for costs – no reply
27.	UTT/2019/03/FUL	26/04/04	Clavering Parish Council	Site 2 Stortford Road, Clavering	Draft agreement being considered by

			and English Villages Housing Association		Planning, Housing and Landscape Officer.
28.	UTT/1620/03/FUL	26/04/04	Mr G Bray	Ozier Court saffron Walden	Draft being prepared by Legal
29.	UTT/2163/03/FUL and UTT/2164/03/LB	23/02/04	Mrs M Lubbock	Lakehouse Farm, Hempstead	Draft agreement being considered by Applicant
30.	UTT/0669/04/FUL		Essex Police Authority	Smith's Farm Gt Dunmow	Applicant is disputing terms of the agreement regarding access and provision of bus stops and works. ECC has been asked to comment.
31.	UTT/0302/04/FUL and UTT/0303/04/LB	28/06/04	Thremhall Properties Ltd	Thremhall Priory, Dunmow Road, Start Hill, Bishop's Stortford	Draft being considered by planning.

Background Papers: Planning Applications
Files relating to each application

FOR INFORMATION