

Committee: Development Control
Date: 13 December 2004
Agenda Item No: 6
Title: Floodlights for existing astro turf pitch at Felsted School
Contact: Mr M Ovenden (01799) 510476

Summary

1 This report relates to a requirement on a permission for new floodlights that Members resolved to grant last year that required the modification of existing lights to an adjacent pitch. The effect of the modification was to reduce light spillage. The mechanism for achieving this was a S106 Agreement. Since the original resolution, the applicant has carried out the works and therefore the S106 agreement is no longer required. The report recommends that Members resolve to no longer require this agreement, as it has become unnecessary.

2 Background

In August 2003 two applications were considered relating to sports facilities for Felsted School. One application (UTT/1021/03/FUL) sought permission for new lights around a new pitch and another application (UTT/1195/03/FUL) sought permission to extend the hours during which the existing lights around the adjacent pitch could be used. The former application was approved and the decision issued. Part of the justification for permitting the latter application was that new lights were to be fitted which together with a reduction in the height of the pylons would reduce light spillage. A copy of the committee report is attached. A legal agreement was required to ensure that the works occurred, as it could not be achieved by planning condition. However the improvement works did not themselves require permission and could be carried out as soon as convenient to the applicant. Partly due to difficulties in negotiating the agreement the permission has not yet been issued. These works have now been carried out and therefore there is no need for the S106 agreement.

RECOMMENDATION that in the circumstances outlined above it is recommended that Members resolve to no longer require the S106 agreement to carry out works which have now occurred.

Background Papers: Application file UTT/1195/03/FUL.

Committee: Development Control Committee

Date: 13 December 2004

Agenda Item No: 7

Title: Advanced report of issues relating to application UTT/1929/04/FUL: erection of 14 dwellings with car parking. Alteration of existing access

Contacts: K Hollitt (01799 510495)

Summary

- 1 This report concerns an application for planning permission for the erection of 14 dwellings, submitted on behalf of H & F Investments Ltd. This report sets out the main issues and Officers seek the advice of Members on whether there are any additional matters that require consideration prior to the drafting of a conventional report containing a recommendation. Members are reminded they should not offer an opinion at this stage.

Background

- 2 Members will recall that the advanced reporting scheme is being tried out to improve the authority's performance in determining major applications within the 13-week target set by Government. The report is attached.

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

DESCRIPTION OF SITE: This site is located on the western side of the B1383, at the southern entrance to Quendon. It was formerly a petrol filling station, tyre and exhaust fitters, a garage workshop and a large concrete hardstanding. These uses have ceased trading since the grant of outline planning permission in July 2003 and the buildings on the site have been demolished. The site has a road frontage of approximately 35m and opens up to approximately 55m in width further into the site. The site has a depth of 70m. Adjacent to the southern boundary is a public footpath and this is separated from the site by mature hedging. To the west and north is residential development, with close-boarded fencing to the boundaries. To the north is the car park, which serves Quendon Village Hall. The boundary to the Conservation Area runs around the site.

DESCRIPTION OF PROPOSAL: The proposal relates to the erection of 14 dwellings with a mix as follows: 3 no two bedroom properties, 8 no three bedroom and 3 no four bedroom properties. To the road frontage would be a terrace of 4 properties, 2 no two bedroom and 2 no three bedroom, and a three bedroom detached dwelling. Plots 1 and 4 would be constructed of red brick, with plots 2 and

3 being red brick to ground floor with render to first floor. Plot 5 would be of red brick and flint construction, with brick quoins. Each of these properties would have two parking spaces. To the rear of plot 5, running parallel with the rear gardens to properties in Rickling Green Road, would be a further 5 properties, two pairs of semi-detached dwellings and a detached dwelling, with the two pairs of semi-detached dwellings being linked with first floor accommodation. Plot 6 would be a three bedroom detached property, Plot 7 would be two bedroom semi-detached and plots 8 to 10 would be three bedroom semi-detached dwellings. These properties would be constructed with a render finish and a brick plinth. The link sections would be clad with weather-boarding. Each property would have two parking spaces. Running parallel with the public footpath along the southern edge of the site would be a further 4 dwellings. This row would consist of two detached dwellings and a pair of semi-detached dwellings, all linked by first floor accommodation over carports. Plot 11 would be a three-bedroom property, and the remainder would be 4 bedroom. Plot 11 would have sufficient parking for 4 vehicles, plot 12 would have 2 parking spaces and plots 13 and 14 would have sufficient parking for 3 vehicles. In addition, to the rear of plots 3 and 4 there would be an additional 3 parking spaces to serve visitors. These properties would also be of render construction over a brick plinth, with weather-boarding to the first floor accommodation over the carports.

APPLICANT'S CASE: Various alterations and amendments have been incorporated into this revised scheme. A rainwater recycling scheme will be installed which will reuse the grey water for use in washing machines, dishwashers and wc flushing etc. Hardcore has been retained on site for reuse within the new scheme; this will save on landfill and transportation. Timber used on this development will be from sustainable sources. Boilers will be highly efficient condensing type boilers and houses will be very well insulated with Energy Saving "Low E" glazing resulting in low running costs.

RELEVANT HISTORY: Outline planning permission was granted for residential development on this site, all matters reserved. A condition was imposed on the outline consent requiring the reserved matters to relate to a minimum of 9 dwellings, with at least 75% being 2 or 3 bedroom properties.

PLANNING CONSIDERATIONS: The main issues are whether:

- 1) The proposals meet with the criteria for residential development in this location, including housing mix (ULP Policies S3, H2 and H9)
- 2) The design of the proposed dwellings is suitable in this location adjacent to a conservation area (ERSP Policy HC2, ULP Policies GEN2, ENV1)
- 3) The highway access and parking arrangements are acceptable (ERSP Policies T3, T8, T12, ULP Policies GEN1 and GEN9)
- 4) The development would be acceptable in relation to adjacent dwelling (ULP Policy GEN4)

Members are invited to deliberate whether Officers should be considering any other issues.

Committee: Development Control Committee
Date: 13 December 2004
Agenda Item No: 8
Title: Advanced report of issues relating to major planning applications - Windward Bananas Centre
Contact: Nick Ford (01799) 510468

Summary

- 1 This report concerns an application that is defined in planning legislation as a major application. A report sets 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. Members are reminded they should not offer an opinion at this stage.

Background

- 2 As Members are aware, in order to improve the authority's performance in determining major applications within the 13 week target set by Government it has been agreed that Officers will prepare reports outlining the main issues relating to specific major applications prior to final determination. This will allow Members 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 The report relating to this application is attached to this item. The site will be visited prior to the meeting.

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

Background Papers: Current applications UTT/1845/04/FUL

UTT/1845/04/FUL – LITTLE CANFIELD

Extension and change of use to accommodate additional banana ripening rooms and production space. Canopy to loading area of garage outbuilding.
Windward Bananas Stansted Ripening Centre High Cross Lane East. Windward Bananas.
Case Officer Mr N Ford 01799 510468
Expiry Date: 31 January 2005

NOTATION: Outside Settlement Boundary. DLP S7. Adjacent a County Wildlife Site DLP ENV6.

DESCRIPTION OF SITE: This site is located in the countryside approximately 3km west of Great Dunmow and 200m south of the B1256 (former A120) along High Cross Lane East. To the south are a range of existing and converted agricultural buildings known as the Claybury buildings and Hales Farm. The Claybury buildings are used for B1 (Business) and B8 (Storage and Distribution) use and Hales Farm is used for B2 (General Industrial) and B8 businesses such as John Walker Fabrications, Highcross Joinery and Camglass. Hales Farm House is also located to the south of this cluster of buildings. Beyond this is a scattering of dwellings. To the north of the site is the dismantled railway (Flitch Way County Wildlife Site) and Grade II listed Easton Lodge (railway) Crossing Cottage and Greencrofts. Several dwellings are located adjacent the road as it curves west toward the B1256, which is near the junction with the new A120. To the west and east lies open agricultural land.

DESCRIPTION OF PROPOSAL: The proposal details the extension of the warehouse off the south elevation and wrapping around the extension approved in 1997. The application drawings show a proposed footprint of approximately 4900 sq.m for additional warehousing. An extension to the north-east elevation for office space would have a footprint of approximately 490 sq.m. The existing building has a footprint of approximately 5900 sq.m and the total footprint of the new extensions would amount to approximately 5390 sq.m (57,940sq.ft). As such, this proposal would represent an increase in the built footprint for the site of approximately 91%.

The applicant's supporting information, however, states that the warehouse extension would be 3309 sq.m and the office extension would be 335 sq.m. Clarification has been requested.

The applicant requires permission for B1 and B8 use in order to cover the office extension and the nature of the light industrial process carried out within the warehouse and for the storage and distribution of bananas. The application would remove restrictions relating to the use of the buildings and therefore allowing an expansion of product lines. These relate to the original permission restricting use for no other purposes other than for the ripening, packaging and warehousing of fruit and vegetables and to the warehousing and distribution of manufactured foods approved for an extension in 1983. This prevents Windwards Bananas from extending its range of products such as the preparation of fruit juices. The vehicle maintenance facility is also restricted by condition for the occupation of Geest Industries only and following a change of ownership in the 1990's to the Windwards and Fyffes Group this prevents the use of this facility.

The existing warehouse (3 tier original section) has a ridge height of 9.3m. The extension approved in 1997 off the south elevation has a ridge height of 10m. The proposed warehouse extension to the south elevation would have a ridge height of 12m and the office extension to the north-east elevation would have a ridge height of 7m (although a service enclosure would rise to 9.2m). The height increase of the warehouse would allow 'three tier

ripening' facilities resulting in a greater quantity of bananas to be ripened while resulting in energy savings such that the product price becomes more competitive.

In terms of vehicular parking spaces, the existing provision shown on the application drawings amounts to 87 spaces of which 75 spaces are proposed to be retained, and as such 12 spaces would be lost. This is at odds with the application form, which states that there are 95 existing and proposed vehicular parking spaces. The application form states that there are 187 existing staff and a further 47 staff are proposed as a result of the proposal. The applicant further states that parking provision is likely to be reduced by the use of a mini bus. The applicant states that there are currently 14 to 40 truck movements per day but the actual numbers of HGV movements would depend upon customer demand.

For a full description of the works, please see supporting planning statement dated 26 October 2004. (Available at the Saffron Walden Offices, London Road or online).

RELEVANT HISTORY: The site was originally an MOD depot. Geest Industries then occupied the site in the early 1960's, making use of the railway facilities at the time, for ripening, packing and warehousing of fruit and vegetables. After this period various applications were approved such as for the demolition of Nissen huts and the siting of portacabins. In 1983 planning permission was granted for an extension of use to include warehousing and distribution of manufactured foods.

British Rail withdrew the rail siding facility and combined with other changes to handling, techniques and technology bought about a move toward warehousing for fruit and vegetable products but this resulted in a proposal in 1985 for an extension of 7409 sq.m being refused planning permission due to a detrimental affect upon the rural area and highway impacts.

In 1989 planning permission was granted for the modernisation and refurbishment of and extension to the building as the company consolidated its operation solely as a banana ripening and distribution centre.

In 1997 planning permission was granted for an extension to the building to provide additional storage space for the ripening of bananas increasing the footprint of the buildings by approximately 25% (i.e 1140sq.m) and also required an increase in height to accommodate new banana ripening technology. This proposal also involved a significant increase in vehicular movements. This proposal was not considered to strictly comply with Policy S2 of the Adopted District Plan 1995 relating to the protection of the countryside from inappropriate development but was granted on balance to ensure that an existing firm remained in the area.

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

- 1) whether this rural location is a suitable location for B1 and B8 use outside of designated employment sites and urban locations (ESRP Policy BIW3, BIW5),
- 2) whether the erection of an extension of the size and scale proposed is appropriate in this rural area (PPS7, ERSP C5, DLP S7),
- 3) whether the design of the development is appropriate in this rural location (DLP GEN2),
- 4) whether the redevelopment of the site would have a detrimental impact on rural amenity and the residential amenity of adjoining occupiers (DLP GEN2),
- 5) whether the proposal would have a detrimental impact on the surrounding rural and trunk road network (DLP GEN1),
- 6) whether the proposal would have an adverse impact on biodiversity and the ecological value of the surroundings (DLP ENV6) and

- 7) the weight that needs to be given to the economic and social benefits of the development,
- 8) **whether there are any material considerations to be identified.**

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.

Background papers: see application file.

Committee: Development Control

Date: 13 December 2004

Agenda Item No: 9

Title: Application by Uttlesford District Council to carry out works to an oak subject of a Tree Preservation Order at 100 The Street, Manuden

Author: Roger Harborough (01799) 510457

Summary

- 1 This reports recommends that consent is given for the proposed works.

Assessment

- 2 An application was made by Uttlesford District Council on 15 November 2004, to:

- remove secondary growth from the main trunk, up to the first main branches
- crown thin by 20%
- deadwood the entire tree

The reason for removing the epicormic growth on the trunk is to prevent injury to persons using the public access under the tree. The reason for the crown thinning is to reduce the regrowth at a young age and prevent over crowding in the crown, to avoid additional costs in the longer term. An Arboricultural Officer from Essex County Council visited the site on 19 November 2004.

- 3 This tree is a fine specimen mature oak, approximately 15 metres tall and in a healthy condition. Its crown has been reduced in the past, by at least 30%, and it has responded well to this reduction, by producing vigorous extension growth. This growth is consistent with the reduction being carried out between 3-5 years ago. It has also produced good secondary (epicormic) growth. No objection is raised to this being removed as per the proposed schedule above.
- 4 During the inspection, small quantities of deadwood were noted throughout its crown. The quantity and size of the deadwood is quite normal for a healthy tree of this species and age. Under the Town and County Planning (Trees) Regulations 1999, the removal of dead, dying and/or dangerous wood is exempt from consent and further authorisation for this element of the work is not required.

RECOMMENDED that consent be granted to carry out the work proposed above.

The following condition be attached to the consent:
All work is carried out in accordance with British Standard 3998.

Committee: **Development Control**

Date: **13 December 2004**

Agenda Item No: **10**

Title: **Works to trees in Saffron Walden Conservation Area
Notification by Uttlesford District Council
Felling one elm and three multi stemmed prunus at Bridge
End Gardens**

Author: **Roger Harborough (01799) 510457**

Summary

- 1 This report recommends that no objection be raised to the proposed felling of trees in the Conservation Area.

Assessment

- 2 Notification has been given of the intention to fell 1 elm and 3 multi-stemmed *Prunus* located at the rear of the toilets at the walled garden in Bridge End Garden, Saffron Walden. The trees have been inspected by the Arboricultural and Countryside Manager, Essex County Council on 10 November 2004.
- 3 The trees to be removed are much closer to the adjacent toilet block than is ideal. In the long term these trees are likely to damage the structure of the toilet. None of the trees are worthy of protection by TPO.

RECOMMENDED that no objection is raised to the proposed felling of trees in the Conservation Area.

Background Papers:

Committee: Development Control
Date: 13 December 2004
Agenda Item No: 11
Title: Revocation of Provisional Tree Preservation Order 14/04
Oak tree at 33 Bentfield Causeway Stansted Mountfitchet
Author: Roger Harborough (01799) 510457

Summary

- 1 This report recommends that the Provisional Tree Preservation Order protecting an oak tree in the garden of 33 Bentfield Causeway Stansted Mountfitchet be revoked and no objections be raised to felling the tree.

Background

- 2 An application to fell this tree was made by the owners of 37 Bentfield Causeway on the basis that it is protected by Tree Preservation Order 2/76 Stansted. They alleged that 37 Bentfield Causeway has suffered differential movement and subsequent damage consistent with tree related clay shrinkable subsidence and that removal of the tree would be a remedy to foundation movement and ensure long term stability of the building. The application was determined on that basis.
- 3 Technical advice commissioned from the Arboricultural Officer at Essex County Council was that the submitted papers supporting the application suggested there is very slight damage, lack of dessicated soil and inconclusive crack monitoring and therefore insufficient evidence to implicate the oak tree as being a significant factor in the alleged damage. However, the advice acknowledged that the oak may be contributing to alleged damage. The advice was that the tree appears to be in general good health with no apparent significant defect and provides reasonable amenity value to the surrounding environment. The application to fell the tree was therefore refused.
- 4 Shortly after the application was refused, officers realised that the oak tree was not protected under Order 2/76, and it was decided that it was necessary to serve a Provisional Order in view of the threat from the proposed felling. Order 2/76 protects another tree in the garden of 33 Bentfield Causeway, a may tree.
- 5 The agent acting for the owners of 37 Bentfield Causeway has made a complaint about the way the matter has been handled.

Proposed Revocation of the Provisional Order

- 6 Officers have sought further advice from the Arboricultural Officer at Essex County Council. Notwithstanding the previous advice, in the light of the new information that the oak tree had not been included in Order 2/76, and taking into account the potential size of this semi mature tree when it matures and its close proximity to 33 Bentfield Causeway, the Arboricultural Officer's further advice is that the Provisional Order should not be confirmed.
- 7 To bring the matter to an expeditious conclusion, however, it is recommended that the Provisional Order be revoked and consequently no objections be raised to the Conservation Area notification to fell the oak tree.

RECOMMENDED that

- 1 the Provisional Order 14/04 be revoked; and
- 2 no objections be raised to the Conservation Area notification to fell the oak tree.

Background Papers: Correspondence from OCA Ltd and Essex County Council Arboricultural Officer

Committee: Development Control

Date: 13 December 2004

Agenda Item No: 12

Title: Appeal Decisions

Contact: John Mitchell (01799) 510350

APPEAL BY	LOCATION	APPLICATION NO	DESCRIPTION	APPEAL DECISION & DATE	DATE OF ORIGINAL DECISION	SUMMARY OF DECISION
<u>Appeal A</u> Rt Hon The Lord Braybrooke	Westbury Barn Wendens Ambo	UTT/0670/03/FUL	Appeal against refusal to grant planning permission for change of use of agricultural buildings to dwelling	12 Nov 2004 DISMISSED	29 Sep 2003	The Inspector concluded that while the development would be acceptable in terms of the listed building, the barn was too close to the M11 to provide reasonable living conditions for the occupants
<u>Appeal B</u> Rt Hon The Lord Braybrooke	Westbury Barn Wendens Ambo	UTT/0671/03/LB	Appeal against refusal to grant planning permission for conversion of barn and outbuildings to a single dwelling	12 Nov 2004 DISMISSED	29 Sep 2003	See above
Mr and Mrs P Vanner	Land adjacent to Sweetfield Barn Water Lane Ashdon	UTT/2017/03/FUL	Appeal against refusal to grant planning for vehicular access	9 Nov 2004 DISMISSED	20 Jan 2004	The Inspector concluded that the access would not be necessary and would be visually intrusive

Committee: Development Control
Date: 13 December 2004
Agenda Item No: 13
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/0875/02/FUL	23/9/02	Granite Estates Ltd	Thaxted Road, Saffron Walden	Agreement being prepared by Essex C.C.
3.	UTT/1247/02/FUL	24/02/03	M B Rich-Jones	Coach House High Street Stebbing	Applicant has signed the agreement but has not yet produced proof of title to the land.
4.	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.
5.	UTT/0518/02/OP	07/04/03	R & E McGowan	Laurels Yard, Takeley	The terms of the draft 106 agreement have been agreed with the applicant and we are awaiting

					comments from ECC, sent 26.11.04.
6.	UTT/1810/02/FUL	27/05/03	Welcome Break Group Ltd	Birchanger Green MSA	Agreement sealed
7.	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.
8.	UTT/0790/03/REN	26/08/03	Countryside Properties	Bell College, Saffron Walden	Agreement sealed
9.	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.
10.	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.
11.	UTT/1020/03/FUL & UTT/1195/03/FUL	26/08/03	Paul Watkinson	Felsted School	Report to Committee for resolution concerning need for 106 agreement
12.	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.

13.	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.
14.	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.
15.	UTT/1625/03/REN	15/12/03	Mantel estates Ltd	Land at Smith's Farm Gt Dunmow	Solicitors now dealing with the draft agreement, awaiting undertaking as to costs.
16.	UTT/1795/03/FUL	12/01/04	Mr F A Rogers	Wire Farm, Crawley End. Chrishall	Applicant has requested an Agricultural Occupancy Condition be placed on the planning permission instead of an Agreement. Request being considered.
17.	UTT/2048/03/OP	16/06/03	Ashdon PC & English Villages Housing Assoc	Guildhall Way, Ashdon	Draft agreement returned by Applicant, amendments considered and a further draft sent on 24.11.04.
18.	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.
19.	UTT/1569/03/FUL	17/05/04	Felsted School	Land to the North of Ingrams, Felsted	Contact made by Applicant with assurance that they wish to complete agreement but, as yet, no undertaking as to costs or proof of title.
20.	UTT/0103/04/FUL	17/05/04	Mr F P McGarrigan	Great Hallingbury Manor, Great Hallingbury.	Applicant has made contact with assurance he wishes to complete agreement but, as yet, no undertaking as to costs or proof of title.
21.	UTT/2019/03/FUL	26/04/04	Clavering Parish Council and English Villages Housing Association	Site 2 Stortford Road, Clavering	Draft agreement returned by Applicant, amendments considered and a further draft sent on 24.11.04.
22.	UTT/2163/03/FUL and UTT/2164/03/LB	23/02/04	Mrs M Lubbock	Lakehouse Farm, Hempstead	Applicant's Solicitors disputing the need for section 106 agreement. Reply sent 24.11.04. stating a 106 must be completed.
23.	UTT/0669/04/FUL		Essex Police Authority	Smith's Farm Gt Dunmow	Applicant has agreed draft Agreement and will inform us when they are ready to seal.
24.	UTT/0302/04/FUL and UTT/0303/04/LB	28/06/04	Thremhall Properties Ltd	Thremhall Priory, Dunmow Road, Start Hill, Bishop's	Draft agreement returned by Applicant with amendments.

				Stortford	Further draft sent on 02.12.04.
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Background Papers: Planning Applications
Files relating to each application

FOR INFORMATION