

Committee: Development Control

Date: 27 April 2005

Agenda Item No: 6

Title: Advanced Report of issues relating to application UTT/0459/05/OP: Proposed auction room, service and turning area, car parking for 200 vehicles, cycle parking facilities, landscaping & alterations of existing access to B1383 including works to carriageway and construction of footpath & cycleway – Land to the west of Alsa Lodge, Cambridge Road, Stansted

Author: Hilary Lock (01799) 510486

Summary

- 1 This report sets out the main issues in relation to the above application, and seeks the views of Members on whether there are any additional matters that require consideration prior to drafting a conventional Committee report containing a recommendation. Members are reminded that they should not offer an opinion on the merits of proposal at this stage.

Background

- 2 Members will recall that the advanced reporting scheme is being trialled 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 recommendation. This will allow Members to identify additional planning issues they consider require investigation prior to determining the applications. The initial report is set out below.

NOTATION: Outside Development Limits. Access onto Class B Road.

DESCRIPTION OF SITE: This application relates to a 3.38 hectare former sand and gravel quarry located on the eastern side of the B1383 Cambridge Road, some ½ km north of Stansted, and immediately north of Alsa Street. There is existing vehicular access which served the former quarry, and continues to provide access to land and buildings to the north used by a private rifle range/shooting club.

There is mature vegetation to the roadside and to the southern boundary with Alsa Street. The land rises to the east, and beyond a plateau there is vegetation to the eastern boundary. There is fencing separating this site from the shooting club. There are few dwellings in the vicinity, with the nearest being 150m away.

DESCRIPTION OF PROPOSAL: This is an outline application with all matters other than access reserved for subsequent approval. The proposal is to construct a new building as

auction rooms, to relocate an existing business which operates in the centre of Stansted at present. The indicative plans show a building with a footprint of approximately 1300 sqm (main section 35.8m x 28.7m and wing of 13m x 20.5m), and containing two auction rooms, valuation office, general offices, library/meeting room, stores and strong room, toilets & showers, and a reception foyer with small café area. It would have a maximum ridge height of 8.4m, plus a small lighting lantern to part of the building.

To the north and east of the building an area of 200 parking spaces would be provided, plus areas for staff and visitor cycle parking. A service yard to the east would also serve as overflow parking.

The vehicular access to the site would be improved, including works to the carriageway (provision of 10m junction radii to facilitate ease of entry/egress, widening of the access and internal access road, provision of visibility splays 4.5m x 160m, localised widening of the Cambridge Road (east side) to provide a ghost island right turn facility to enable straight ahead movements to pass stationary right turning vehicles, provision of a footway tie-in to the north and a combined footpath/cycleway to the south to link to High Lane). The internal access track would be widened to 4.8m (6m for the first 20m). No significant planting would be removed to accommodate these changes (one tree to the north of the entrance, and some trimming back of overhanging vegetation to achieve site splays). Access to the rifle range would be retained. A Green Travel Plan is proposed. Within the site security gates would be installed.

The landscaping of the site would be enhanced, and new planting would be of a type to aid security, and prevent vehicular access to the building beyond the security gates. A ha ha (a ditch and embankment) would be created in front of the building to reinforce the security arrangements. The building and parking areas would be located on a part of the site presently devoid of any planting.

APPLICANT'S CASE: There are detailed supporting statements, including a pre-application consultation report, ecological survey, transport assessment and green travel plan available for inspection at the Council Offices.

In summary:

The site is located in the countryside but there are important considerations that justify making an exception to policy. G E Sworder & Sons has a long history of association with the area. It is a major employer, makes a significant contribution to the local economy and the auction room is becoming increasingly important as a tourist attraction. The site is 'brownfield' land, has good access, is spacious and development will have no visual impact on the countryside. The design and height of the new building will produce the character of a group of farm buildings. The applicant will be willing to use sustainable building materials in construction. Parts of the wooded area around the periphery of the site could be managed and the trees ultimately used to provide a source of fuel for a wood-burning appliance for the purpose of space and water heating. The advantages of the proposed development outweigh any possible harm to the countryside. This type of use is a unique activity, and buildings with planning permission for an auction room are uncommon and very difficult to find.

Pre- Application Consultation

This outlines the extent of consultation with Parish & District Council representatives, the Stansted Mountfitchet Business Luncheon Club, existing and potential new neighbours, and visitors to the auction house events. The results indicate widespread interest and support for the relocation.

Ecology – Preliminary Implication Study

The report outlines the findings of a Level I Habitat survey (to identify the presence or likely presence of significant species and habitats and identify further detailed survey requirements) and desk-top survey, which confirms that the site has no statutory conservation status and is not a local wildlife site.

The site survey identified a generally poor quality habitat and little vegetation within the filled central areas, however tree and shrub regeneration around the periphery was generally species rich. There was evidence of two protected species within the site: one Common Lizard, and an active Badger Sett on the northern part of the site, with badger activity elsewhere on site. Detailed badger and reptile surveys required to identify the extent and population in order to identify appropriate mitigating measures.

Subject to the siting of the development, a badger population and activity survey and reptile survey, and an assessment of suitable accommodation and mitigation measures, the presence of these protected species need not exclude the development of this site.

The Common Lizard survey can only be undertaken between late April and September, when they are out of hibernation and active, and therefore no detailed survey information is available at present.

Badger Survey

Following from the preliminary survey. It was concluded that the proposed development would not fall within 30m of the badger sett, and therefore an English Nature licence would not be required for work to proceed. The proposed entrance road to the site is very close to the 30m zone, and the positioning of this road should not be moved any further north or west. If it were to be moved in these directions an English Nature licence would be required. Temporary construction fencing would be required. Badger friendly fencing and low intensity lighting should be used across the development site during construction and in the final design.

Transport Assessment

Traffic and pedestrian counts have been done at the existing site to determine accumulative levels of activity and parking demand. Automotive traffic counts have also been undertaken on the B1383 to record volumetric flows adjacent to the site. Personal injury accident data has also been assessed. A stage 1 Road Safety Audit Engineering check and Transport Assessment review was undertaken by Mouchel Parkman acting for ECC TOPS.

Summary of situation at G E Sworder existing premises: there is considerable potential for conflicts to arise between pedestrians and vehicles at the site access. There has been a reported accident. The site access is constrained and visibility onto the main road is often obstructed by parked vehicles. There is inadequate parking provided on-site to meet the existing surveyed demand. This results in overspill parking onto local roads and a significant take up of spaces at the adjoining public car park off Chapel Hill. The substantial and legitimate use of the public car park by visitors to G E Sworder & Sons limits the opportunity for parking by other members of the public.

Summary of Proposed Development: See attached Summary and Conclusions

Green Travel Plan

This proposes a package of measures to reduce reliance on car journeys and to promote alternative more sustainable forms of travel. A senior member of staff at G E Sworder would act as Travel Plan Co-ordinator, with a budget to encourage staff to use alternative modes of transport. Will develop staff co-operation and liaison with local bus companies, & facilitate car sharing. Interest-free travel & cycle purchase loans will be available to staff. Travel information will be distributed to staff and be displayed on site, and will be included in

auction particulars and on company website. Customers will be encouraged to use public transport, which will be subsidised with a minibus link on sale days to the Bishop's Stortford railway station. Secure covered cycle storage will be provided for employees and customers. Cyclists regularly visiting will have CTC membership reimbursed. Lockers, showers & drying facilities on site will be available to staff and customers. Transport home for staff in case of emergency will be provided. Negotiations continue on the siting of a bus stop and lay-by next to the site. Targets are set for reducing car travel, and a means for monitoring.

RELEVANT HISTORY: The whole site, including the land and buildings currently occupied as a rifle range has extant permission for use as a rifle and pistol range with clubroom (granted 1980). The land had previously been used as a sand and gravel quarry since the 1940s, without any planning condition requiring the land restoration. As such, the site can be regarded as previously developed land ('brownfield') within the definition set out in PPG3.

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

- 1) the use of this site for the purposes specified would accord with District Plan policy (ERSP Policies CS2 & C5, & ULP Policy S7);
- 2) the proposal would have any adverse impact on highway safety, and whether the Green Travel Plan would be sufficient to minimise the impact on use of the private car; and to consider the highway benefits of the relocation from the existing premises (ERSP Policies CS5, T3, T6 & T12, and ULP Policies GEN1 & GEN8);
- 3) the redevelopment of the site would have any unacceptable visual impact on the rural setting, or whether measures could be incorporated to mitigate such impacts (ULP Policies GEN2);
- 4) the redevelopment of the site would have any adverse impact on protected species (ERSP Policy NR6 & ULP Policies GEN7 & ENV8);
- 5) the impact of the relocation of the existing use on the vitality of the local economy in Stansted, and the impact on the retention of the existing auction business (ERSP Policy BIW3, BIW5, TCR2, TCR3 & TCR4);
- 6) the proposal would have any adverse impact on residential amenity (ULP Policy GEN2);
- 7) the proposal would contribute to tourism in the area (ERSP Policy LRT9)
- 8) there are particular opportunities to seek energy efficient construction and after-use (ERSP Policy EG4);
- 9) there are any other material considerations to outweigh any policy objection to the proposal, if any are identified.

RECOMMENDATION

That the Committee identifies any additional issues that Members would like addressed, and that Officers include consideration of these matters in negotiations with the applicant and in the final report to Committee.

Committee: Development Control
Date: 27 April 2005
Agenda Item No: 7
Title: Tree Preservation Order No. 16/2005 – Chapel Field House High Easter
Author: Mr B Smeeden (01799) 510466

Introduction

- 1 This report seeks Members' consideration of provisional Tree Preservation Order No. 16/05 – Chapel Field House, High Easter.

Background

- 2 On 1 December 2004 a provisional Tree Preservation Order was served protecting an orchard area at Chapel Field House, The Street, High Easter.
- 3 The site, which is some 2.2ha in extent, is within the High Easter conservation area. There is a full planning permission (granted in June 2004) for the erection on the front portion of the site of three dwellings with associated garaging and the formation of new access.
- 4 Requests for the trees on the site to be made subject to a Tree Preservation Order had been received from the High Easter Parish Council and other parties. An area designation order was therefore served in order to provide immediate full protection for a provisional six-month period.

Objections to the Order

- 5 An objection to the serving of the order has been received from agents acting on behalf of the landowners. The grounds of objection are summarised as follows:
 1. The order is unnecessary and unjustified as the site is in a conservation area and adequately protected.
 2. The use of an 'area' designation is inappropriate and contrary to Government advice.
 3. Most of the trees are in, or close to, terminal decline.
 4. The Order includes a Walnut tree which has caused structural damage to Chapel Field House. If the Order is confirmed this tree should be excluded.

Assessment

- 6 The site has been inspected by the Council's Landscape Officer: The orchard is an example of a mixed orchard typical of the early part of the 20th century.

The orchard includes damsons, at least two varieties of plum, at least three varieties of pear, several varieties of apple, cherry trees, walnut trees and along the northern boundary a row of cobnuts. Within this are a number of self-set ash and young walnut trees, a Norway spruce, and various shrubs including guelder rose, dogwood, hazel, privet, and a group of field maple. It is estimated that the walnuts and cobnuts, and a number of the apple trees are approximately 70 years of age. Given their age it is likely that the orchard does contain unusual varieties of fruit trees, particularly apples of pomicultural interest. The orchard is in a semi-derelict condition however, with a number of the trees being dead or in an advanced stage of decline, particularly the stone fruits and pears.

- 7 The serving of a provisional Tree Preservation Order is considered to have been appropriate. The period of six months protection has given the opportunity for representations and objections to be formally made and considered while the trees have full protection.
- 8 The use of an “area” designation is considered appropriate for the purposes of a provisional order, until such time as the trees covered can be fully assessed. This approach is not considered contrary to Government advice as set out in *Tree Preservation Orders A Guide to the Law and Good Practice*.
- 9 It is accepted that the majority of the trees within the “area” have been found to be dead or in advanced decline and that the walnut tree immediately adjacent to Chapel Field House should be removed to avoid the risk of damage to the dwelling. There is a current application to cut back the purple beech T96 to hedge height because of claims that it is causing subsidence problems to the adjacent property.
- 10 The suitability of the trees for Tree Preservation Order protection has been the subject of an amenity assessment test based on their “group” value and they have been found not to be of an amenity value worthy of being made subject of a Tree Preservation Order (the amenity value assessment is attached as appendix).
- 11 It should be noted that as the orchard is within the High Easter Conservation Area and proposed works to the trees will need to be specifically notified to the Council before the work can be carried out.

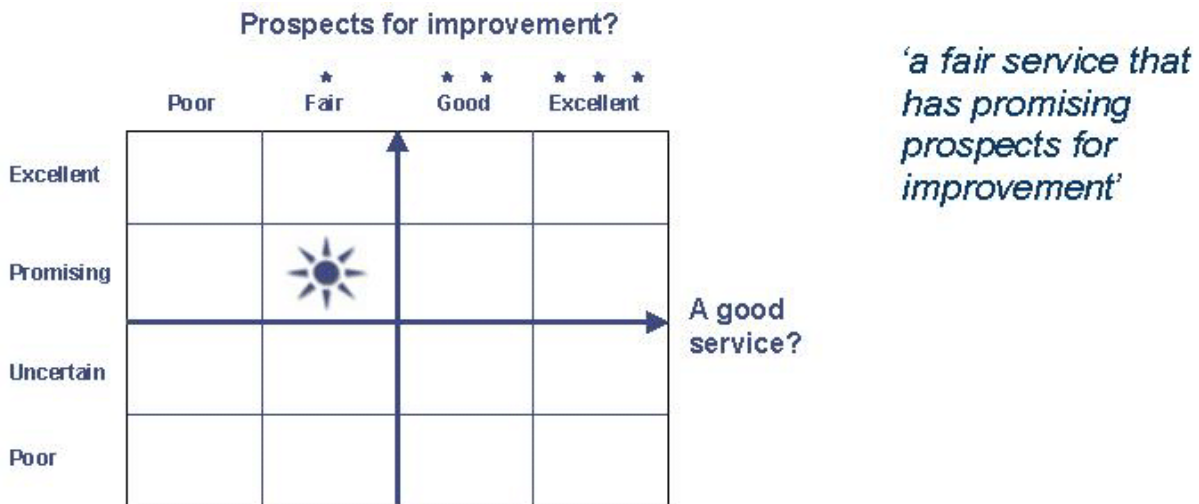
RECOMMENDED that the Tree Preservation Order No 16/05 be not confirmed.

Background Papers: Provisional Tree Preservation Order 16/05 and related correspondence.

Committee: Development Control, Environment
Date: 27 April, 14 June 2005
Agenda Item No: 8
Title: The Best Value Inspection of Planning Services
Author: John Mitchell (01799) 510450

Summary

- 1 All Members of the Council have been forwarded a copy of the report of the Audit Commission's Best Value Inspection of the Council's Planning Service. The inspection took place during the week beginning 10th January 2005 and the report was made public on 24th March. The whole planning service – forward planning, landscape and conservation, development control, enforcement and customer care – was inspected. The Audit Commission's assessment is on two fronts: firstly an assessment of the quality of the service now and secondly an assessment of the extent to which it is likely to improve. The Service has been judged as being "fair" and with "promising prospects for improvement".
- 2 In assessing how good the service is the Commission looked at three main areas – whether the aims are clear and challenging, whether the planning system is delivering a better quality of life and whether there is a quality planning process. In assessing the prospects for improvement the Commission looked at three further areas – the ownership of problems and the willingness to change, a sustained focus on what matters and the capacity and systems to deliver performance and improvement. The scoring system for quality ranges from no stars for poor performance to three stars for excellent performance, and for prospects for improvement the scoring system ranges from poor through uncertain and promising to excellent. This is illustrated on the diagram below:



Background

3 The results of the Inspection are set out below.

“Overall the service is considered ‘fair’ because:

- staff are focussing on the customer, and there are some formal arrangements in place to ensure customer needs are met. For example, there is a duty officer available during office hours to deal with general enquiries and pre-application negotiations are encouraged;
- a high quality of development is being encouraged with access to specialist advice on listed buildings, conservation areas and landscaping available;
- there is constructive working within the council and with other external agencies. For example, the housing department is involved at an early stage of development proposals to ensure housing needs such as a mix of dwelling sizes are met;
- a variety of S106 contributions are being obtained. This includes £35 million from the Stansted airport expansion area and a research development at Chesterford Park;
- the new local plan reflects local and national priorities. For example, the density of housing development and the percentage of new housing on brown field sites exceed national requirements; and
- councillors and staff have access to training. This is helping to improve councillor and officer knowledge and skills. For example, a management development programme has recently been completed by key staff.

4 However, the service still needs to be developed further because:

- customer satisfaction is declining and the reasons are not known;
- there are no up to date customer service standards and access to the service is limited with no out of hours service and limited availability of planning information in public accessible offices;

- the service does not engage on an ongoing basis with users about the way the service is delivered;
- the service aims are unclear in terms of outcomes to people affected by the service;
- there are many service objectives and no clear prioritisation of these;
- there is limited written planning advice and no supplementary planning guidance or detailed S106 guidance; and
- service performance is weak when compared to other councils both for speed of determining applications and for user satisfaction which at 60 per cent is in bottom quartile.

5 Prospects for improvement are promising because:

- there is strong commitment to the planning service at all levels and the service is recognised as high priority within the council. This is reflected in the role of the planning service in the achievement of the council's corporate aims, and the recent budget prioritisation exercise which evaluated the planning service as a high priority;
- a councillor working group has recently been established to articulate the vision for Uttlesford in the long term and to consider all possible factors to secure that vision. This will include addressing key strategic issues for the planning service such as the M11 growth and possible future expansion of Stansted Airport;
- there is evidence of effective partnership working which is improving outcomes for local people. For example, by working in partnership with neighbouring authorities and BAA in respect of Stansted Airport, the council has secured additional funding of £2.2 million into affordable housing schemes;
- there is an understanding of where improvements are required with an understanding of strengths and weaknesses gained primarily through the undertaking of a best value review;
- a resourced service improvement plan is in place and monitored monthly. Individual officers have responsibility for the progressing of actions, and planning service staff are aware of and committed to the actions in the plan;
- a programme of improvements is underway and some improvements have already been delivered. This includes recent significant performance improvement in unaudited BVPI data for the processing of major applications;
- a number of planned improvements will lead to improved service access and clear service standards. For example, a customer code is to be published by July 2005;
- there has been recent investment in management information systems to provide key resource and processing information to evaluate processing performance against key performance indicators; and
- staff capacity has increased through a number of measures: additional staff, availability of training, investment in training staff to be planners, use of consultants and development of career grades and use of market supplements.

6 However:

- consideration of alternative ways to deliver the service are limited;
- it is difficult to measure the success of some of the planned improvements due to the lack of outcome measures. The service improvement plan is very challenging, with a large number of actions;
- service planning is weak. The service improvement plan doesn't link to the service plan or to the corporate priorities; and
- performance management is weak and not embedded.

Recommendations

7 To rise to the challenge of continuous improvement, councils need inspection reports that offer practical pointers for improvement. In this context, the inspection team makes the following recommendations. The recommendations are listed on the left, with the work that has been commenced set out on the right. No claim is made that the recommendations has been achieved but rather attention is drawn to the work that is under way.

Recommendation	Action to date
Provide a greater range of written information on frequently asked questions, householder developments and S106 obligations requirements in order that applicants know what is expected of them.	Draft Supplementary guidance on house extensions and replacement dwellings is being finalised. Other work is programmed in the Local Development Scheme, approved by the Environment Committee The need for appropriate written materials was also raised in the User Focus inspection. Action to address this is planned via the Access to Services project.
Clarify and increase awareness of service standards and codes of conduct so that all users of the service are aware what level of service to expect and that the service is, and is seen to be transparent, fair and consistent.	A customer code is under preparation. Improvements to systems means that the service is more confidently able to offer standards that it can deliver. A policy for planning enforcement is under preparation. Corporate service standards will be reinforced and re-publicised and where absent, standards will be developed as part of the performance management framework.
Further examine alternative ways to deliver the service such as partnership working with the public and private sectors.	Some 500 planning applications per year are handled by private consultants, which is efficient and effective. The Service is also commissioning consultants to assist with the proposed airport developments, working in

	partnership with other local authorities
Further improve working practices to ensure users receive consistent advice and level of service provision, particularly in times of high staff turnover or shortages.	Systems manuals are being prepared, and the supplementary guidance will help with ensuring consistency. Staffing has been relatively stable for 18 months, and this has helped with sustained improvements. Recruitment of new staff however continues to be difficult – this includes agency staff to help with peaks in workload – because of the high demand for Planners across the Country
Examine need for new ways to deliver service to ensure improved access and consistency eg out of hours' availability.	Plans may be inspected in office hours at Great Dunmow and Saffron Walden, and on the web at all hours. The Access to Services Review will help to address this issue
Develop continuous improvement targets and action plans further to identify specific and measurable user focused outcomes in order that the service addresses and delivers local, as well as national priorities and that the service to users improves.	The Service Improvement Plan has already been substantially updated following advice given during the Inspection and prior to publication of the report. A panel of Agents has been convened with a successful inaugural meeting on 21 st March and will continue to meet three times a year
Enhance the arrangements for managing performance of the service to ensure that appropriate action is taken to achieve key priorities.	New performance management systems are in place based around cost, quality and time A corporate performance management framework is being developed.
Continually review the skills and numbers of staff to ensure the service has the capacity to meet short, medium and long term demands.	5 staff, including administrative and enforcement staff, are studying to become qualified planners through day release
Ensure the quality of the service is not compromised by the current focus on the speed of determining applications.	Speed of determination is improving and the ODPM has made it clear what will be the outcome if it does not. Planning Delivery grant is directly linked to speed of decision. The measures listed above are about quality improvements

Comment

- 8 Officers welcome the report. It is a thorough, fair and recognisable summary of the service, which, as members will be aware, has struggled for a number of years but is now improving. The report identifies no weaknesses in the service of which Officers were unaware, and measures are in place to deal with all of them. In particular Officers welcome the recognition that the service has promising prospects for improvement, which reflects the momentum generated and sustained by the Best Value Review in 2003 and the effect of the additional staff resources given to the Service last year. Significantly the report identified the strong commitment to the planning service *at all levels*, together with the support given to the service by its identification as a high overall priority for the Council. In the Council's CPA assessment in February last year the Planning Service was highlighted as one of the poor areas of service delivery, and Officers are pleased that the service has demonstrated real improvement since that inspection.
- 9 Corporately, improvements are in progress on service and financial planning and the performance management framework.
- 10 Officers have devised an action plan based around the recommendations and will continue to report regularly on performance to this Committee.

RECOMMENDED that the Best Value Inspection of Planning Services be welcomed and, with the Service Improvement Plan, that it forms the basis of future improvement planning

Background Papers: Best Value Inspection of Planning Services, Audit Commission, March 2005; Best Value Review of Planning Services, November 2003.

Committee: Development Control

Date: 27 April 2005

Agenda Item No: 9

Title: Appeals

Author: Mr J Mitchell (01799) 510450

APPEAL BY	LOCATION	APPLICATION NO	DESCRIPTION	APPEAL DECISION & DATE	DATE OF ORIGINAL DECISION	SUMMARY OF DECISION
Mr R Webb	Copperfields Feathers Hill Hatfield Broad Oak	UTT/0863/02/FUL	Change of use to dwelling of existing recreational and pool building	ALLOWED 18 March 2005	28 May 2002	The Inspector concluded that the development would be in line with local and national policies and allowed the appeal with no conditions
Mr and Mrs Leyshon	Bell Meadow End Henham	UTT/2226/03/FUL	Proposed is a new 5-bedroom house	ALLOWED 5 April 2005	22 December 2003	The Inspector concluded that the development would be infill and this is accordance with the development plan. An application for costs against the Council was dismissed
Newton Cinneck Ltd	The Moat House Great Easton	UTT/1718/02/OP	Convert/extend Moat House to 15 extra care flats and develop new 40 bed car home plus administration, 17 extra care cottages, child nursery, café and shop	DISMISSED 17 March 2005	22 November 2002	The Inspector concluded that the development was contrary to policy and that the material circumstances did not outweigh the policy presumption

Highams Construction Ltd	Land adjacent to Highams Farm Tindon End Wimbish	UTT/0530/04/OP	Proposed is erection of 4 No detached houses	DISMISSED 08 April 2005	20 May 2004	The Inspector concluded that the development was outside development limits, was not in a sustainable location and would be a hazard to road safety
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