

Committee: Development Control Committee

Date: 8 June 2005

Agenda Item No: 6

Title: UTT/0190/05/FUL – Change of use of outbuilding/annex to 6 units for Bed and Breakfast use at 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 16 March 2005 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 is a history of cars being 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”. This application was refused in December 2004 because the applicants had failed to sign the agreement.
- 4 A second application for the same development was submitted on 14 February 2005 with a written indication from the applicants that they were willing to sign a legal agreement in line with the previous application. This application was presented to Members at the earliest opportunity and the applicants were aware of the process involved with the agreement. However, there are delays on the applicants’ side again and they are yet to sign the agreement. As a result Officers are unable to progress the matter further.

- 5 The legal agreement is not complex and the applicants have been advised that they should sign and return it by 30 May 2005. 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 consistently been slow to progress the Section 106 Agreement. Members are therefore asked to decide whether they would refuse the application without the Section 106 Agreement.

RECOMMENDED for the reasons outlined above that if the applicants have not signed and returned the Section 106 Agreement by 30 May 2005, the application should be refused and investigation and enforcement proceedings be instigated.

Background Papers: Application file (UTT/0190/05FUL).
Copy Committee Report attached.

UTT/0190/05/FUL - LITTLE HALLINGBURY

Conversion of Coach House to bed & breakfast units
Bonningtons George Green. GR/TL 497-180. Mr P Keeys.
Case Officer: Miss K Benjafield 01799 510494
Expiry Date: 11 April 2005

NOTATION: Within Metropolitan Green Belt / Grade II Listed Building.

DESCRIPTION OF SITE: This site is located to the north of Little Hallingbury opposite "The George" public house. The site is triangular in shape and covers an area of approximately 1.6ha. There is an existing weatherboarded outbuilding which is located approximately 5m to the rear of the dwelling. There is existing mature vegetation on all three boundaries of the site including a Holly tree protected with a Tree Preservation Order to the front of the site.

DESCRIPTION OF PROPOSAL: This proposal involves the conversion of an existing garage/annex outbuilding to 6 units of bed and breakfast accommodation. Listed building consent has previously been granted for the works and these have been carried out without the benefit of planning permission. The alterations that have been undertaken incorporate internal works to form the units, the adaptation of the garage doors to incorporate glazed panels and the insertion of a new window in the western elevation of the building. There are currently bed-and-breakfast facilities provided in the dwelling however, the applicants have previously confirmed that this will cease if the conversion of the outbuilding is approved. This application follows an identical proposal which was refused purely on the grounds that a S106 agreement had not been signed by the applicants. The applicants have now indicated a willingness to sign a S106 agreement.

APPLICANT'S CASE: See letters dated 25 January and 4 February 2005 attached at end of this report.

RELEVANT HISTORY: Proposed new access conditionally approved 1981. Retention of storage of 6-8 vehicles for possible sales refused 1986. Erection of conservatory conditionally approved 1990. Secondary glazing to be fitted to all bedrooms and living rooms conditionally approved 1991. Conversion of first floor of garage and provision of access for use as dependent relatives accommodation conditionally approved 1992. Erection of double garage conditionally approved 2002. Airport related parking takes place on the site and has done for some time - it may be immune from enforcement. Listed building consent granted for conversion works to outbuilding/annex to create six single bed and breakfast units conditionally approved 2003. Change of use of outbuilding/annex to 6 units for bed and breakfast use refused December 2004.

CONSULTATIONS: Environment Agency: No objections.

Water Authority: With regard to sewerage infrastructure we would not have any objection to the planning application.

English Nature: The proposals are not likely to affect a Site of Special Scientific Interest.

Essex Wildlife Trust: To be reported (due 7 March).

PARISH COUNCIL COMMENTS: Subject to the Section 106 agreement being signed, my Council have no objection this application.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expires 16 March.

COMMENTS ON REPRESENTATIONS: None.

PLANNING CONSIDERATIONS: The main issues are whether the proposal complies with

- 1) **ERSP Policy C2 – Metropolitan Green Belt and ULP Policy E5 – Re-use of rural buildings (ERSP Policy REC2) and**
- 2) **DLP Policy LC6 – Hotels and Bed and Breakfast Accommodation (ERSP Policy LRT10)**

1) Policy E5 states that the re-use and adaptation of rural buildings for tourist accommodation, in addition to other stated uses, will be permitted in the countryside including the Metropolitan Green Belt. This is subject to four criteria which is set out in the policy. In this instance, the building is of a permanent and substantial construction and is capable of conversion without major reconstruction. In addition, subject to there being no airport related parking on the site, the development would not have a detrimental impact on the character of the countryside or the surrounding area in general.

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It is considered that subject to there being no airport related car parking on the site, the conversion and reuse of this existing building complies with the above policies and would not have a detrimental impact on the character of the countryside or the surrounding area in general and the low-key nature of the proposal is also unlikely to place unacceptable pressures on the surrounding rural road network. It is therefore proposed that any approval should be subject to a Section 106 agreement to ensure that no airport related parking is carried out on the site.

2) Policy LC5 states that outside Development Limits, the re-use of rural buildings for bed and breakfast accommodation will be permitted. The previous section has already examined whether the re-use of this building is acceptable and has concluded that the proposal complies with the policy relating to the re-use of rural buildings.

CONCLUSIONS: The proposal complies with all relevant policies and is acceptable, subject to the applicant entering into a S106 agreement relating to no airport related parking on the site.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND SECTION 106 AGREEMENT

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.25.2. Airport related parking conditions.
4. C.13.6. Limited permissions.
5. There shall be no bed and breakfast/tourist accommodation on the site other than in the application building.
REASON: In order to protect the character of the Metropolitan Green Belt and the amenity of the occupiers of neighbouring properties.
6. The Bed shall cease to be occupied as Bed and Breakfast/tourist accommodation if the owner/manager/operator of the units is not the owner or resident of the dwelling on the application site known as "Bonningtons".
REASON: The separation of the Bed and Breakfast units from the dwelling may be detrimental to the amenity of the occupiers of the dwelling.

Background papers: see application file.

Committee: Development Control
Date: 8 June 2005
Agenda Item No: 7
Title: Members' Planning Tour 2005
Author: Jeremy Pine (01799) 510460

Summary

- 1 This report asks Members to agree a date for this year's planning tour.

Background

- 2 Planning tours are regarded as good practice under Best Value criteria, and allow Officers and Members to discuss completed developments outside of the constraints imposed by the Committee system. The last tour was on Monday 20th October 2003. The tour is open to all Members of the Council.
- 3 Members have already indicated their preference for the tour to take place on a Wednesday, but obviously on a date when this Committee does not sit. Late September / early - mid October has always been a popular time for the tour in the past, as it is after the School holiday period and the weather is unlikely to be hot.
- 4 Taking into account officer holidays and other existing commitments, the suggested dates for the tour are either Wednesday 5th or 19th October. In either case, officers would like to compile the itinerary by the end of August.
- 5 If Members know of any recently completed developments ("good" or "bad") that they feel are worthy of being included, would they please let the author know by Friday July 15th.

RECOMMENDED that Members agree a date for this year's planning tour.

Background Papers: None

Author: J M Mitchell

DEVELOPMENT CONTROL COMMITTEE – 8 JUNE 2005 - APPEAL DECISIONS

APPEAL BY	LOCATION	APPLICATION NO	DESCRIPTION	APPEAL DECISION & DATE	DATE OF ORIGINAL DECISION	SUMMARY OF DECISION
N Hagger	Field House Berden	UTT/1018/04/FU L	Proposed first-floor extension, three balconies and a dormer window	ALLOWED 27 April 2005	14 June 2004	The Inspector concluded that the extensions would be visually acceptable and would not be disproportionate. Given the isolated location, she concluded the balconies to be minor features which would not detract from the appearance of the house.
Mr & Mrs K Locke	Land adjacent to The Creedy The Street Little Dunmow	UTT/1319/04/FU L	Conversion of domestic building to a dwelling	DISMISSED 27 April 2005	27 July 2004	The Inspector concluded that the building was not worthy of retention and furthermore that no evidence had been provided to demonstrate that there was no demand for other purposes referred to in the policy in preference to residential.
Mrs P O’Gorman	Land adjoining Breach House, Mill End, Little Easton	UTT/2035/03/FU L	Proposed new dwelling	DISMISSED 28 April 2005	14 November 2003	The Inspector concluded that there was no justification for permitting an additional dwelling on this site outside village limits and that it would be harmful to the existing character of the area.
Mr & Mrs S Ramsbotham	2 Gepps Close High Easter	UTT/0852/04/FU L	Proposed site for a detached bungalow	ALLOWED 20 May 2005	12 May 2004	The Inspector concluded that the new bungalow would be in character with its surroundings given the variation in dwelling type and position in the locality.
Phelps Travel	Plot 1	UTT/1007/04/DF	Proposed	ALLOWED	7 June 2004	The Inspector concluded that the

	(Corner Plot) Wadmans Builders Yard Catmere End Littlebury	O	erection of a detached house and garage. Details following grant of outline planning permission UTT/1094/01/OP	21 May 2005		proposal would respect the scale, proportions, appearance and materials of buildings in the vicinity, and would not be an unduly prominent structure. It would not adversely affect residential amenity and conditions could prevent overlooking.
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Committee: Development Control
Date: 8th June 2005
Agenda Item No: 9
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 signed by all parties. However it emerges there are two charges over the land so the agreement will have to re-engrossed to incorporate the changes in ownership and interest over the land.
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	Agreement sealed.
4.	UTT/1042/02/OP	07/04/03	Countryside Properties plc	Takeley Nurseries	Draft agreement being considered by planning.
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. Correspondence with County Secretary, County unwilling to progress the agreement at the moment.
6.	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.
7.	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.
8.	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.
9.	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.
10.	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.
11.	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.
12.	UTT/1625/03/REN	15/12/03	Mantel estates Ltd	Land at Smith's Farm Gt Dunmow	Agreements sent for signing.
13.	UTT/1795/03/FUL	12/01/04	Mr F A Rogers	Wire Farm, Crawley End. Chrishall	Agreement sealed
14.	UTT/2055/033/FUL	34/02/04	Countryside Properties	Bowling Club House, Beldams Farm, Great Hallingbury	Applicant not proceeding with application. It will be withdrawn or returned to Committee for refusal.
15.	UTT/1569/03/FUL	17/05/04	Felsted School	Land to the North of Ingrams, Felsted	Draft agreement sent to ECC for comment 20.5.05.
16.	UTT/2019/03/FUL	26/04/04	Clavering Parish Council and English Villages Housing Association	Site 2 Stortford Road, Clavering	Agreement sealed. Resolution to amend agreement made by Committee 16.3.05. draft supplemental agreement sent to applicant 10.05.05
17.	UTT/2163/03/FUL and UTT/2164/03/LB	23/02/04	Mrs M Lubbock	Lakehouse Farm, Hempstead	Agreement sent to applicant for sealing
18.	UTT/0669/04/FUL		Essex Police Authority	Smith's Farm Gt Dunmow	Agreement agreed and engrossed but held up by delay on agreement for

					Smith's Farm (see item 12)
19.	UTT/1421/04/OP	11/10/04	Messrs R & D McGowan	Land to the South of the Laurels, Dunmow Road, Takeley	Letter sent 3.12.04. asking for title and undertaking for costs. Contact from agent 21.01.05 promising reply. As there is no progress on Item 5 it is difficult to pursue this matter.
20.	UTT/1918/04/FUL (amendment to UTT/2227/03/FUL)	02/02/05	Messrs Hammond & Stile	Conversion of Public House to private dwelling (roof form of cottage 3+4)	Draft agreement sent to Applicant 23.03.05. reminder sent 31.05.05.
21.	UTT/1929/04/FUL	02/02/05	H & F Investments Ltd	Erection of 14 dwellings with car parking, Red Star Garage, Cambridge Road, Saffron Walden – Education Contribution.	Agreement sent to ECC of sealing
22.	UTT/2191/04/FUL	23/02/05	Mr F P McGarrigan	Erection of 2-storey extension to existing hotel to provide 8 guest bedrooms and owners flat. Great Hallingbury Manor, Tilekiln Green.	Agreement sent to Applicant for sealing
23.	UTT/0125/05/FUL	16/03/05	Mr G Bray	Demolition of vacant garages, erection of 2 town houses	Agreement sealed

				provision of parking spaces - land at Ozier Court Saffron Walden	
24.	UTT/1971/04/DFO	16/03/05	Croudace Ltd	New "T" junction access onto Foresthall Road to serve residential development at Rochford Nurseries	Croudace questioning the need for a 106 agreement. Draft agreement sent to Applicant and ECC on 06.05.05.
25.	UTT/0190/05/FUL	16/03/05	Mr Keeys	Bonningtons little Hallingbury	Engrossed agreement sent to Mr Keeys 12.4.05.
26.	UTT/1829/03/DFO		George Wimpey East London Ltd.	Oakwood Park, Little Dunmow Phase 4 (supplemental agreement to 106 dated 25.02.98.)	Consultation with Housing on terms for sale of low cost market dwellings.

Background Papers:

Planning Applications
Files relating to each application

FOR INFORMATION