

Committee: Development Control

Date: 10th August 2005

Agenda Item No: 6

Title: Advanced report of issues relating to applications; UTT/1054/05/DFO is a reserved matters application for infrastructure to include spine road, two balancing ponds and open public space;

UTT/1057/05/DFO is a reserved matters application for the erection of 18 dwellings and associated parking/garages;

UTT/1059/05/DFO and UTT/1062/05/DFO are both reserved matters applications each for the erection of 25 affordable dwellings and associated parking;

UTT/1065/05/DFO is a reserved matters application for the erection of 38 dwellings including associated parking/garages;

UTT/1066/05/DFO is a reserved matters application for the erection of 54 dwellings and associated parking /garages;

UTT/1067/05/DFO is a reserved matters application for the erection of 90 dwellings and associated parking/garages.

Contact: Martin Ranner (01799) 510556

Summary

1. This report concerns seven reserved matters applications for the above development at Priors Green, Little Canfield. This is a joint report that sets out the main issues 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 that 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.

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

NOTATION: Takeley/Little Canfield Local Policy 3 – Priors Green.

DESCRIPTION OF SITE: The area subject to these applications lies to the north of the B1256 (old A120) and to the east of Takeley and Smiths Green. It comprises seven individual interlocking sites that cover an overall area of 9.647 hectares and consists of undeveloped land (rough grassland). The area is crossed by a network of private unmade roads (Warwick, Clarendon and Hamilton Road) serving a sporadic pattern of residential development, which have become to be known as the 'island sites'. A By-Way known as Jacks Lane borders the northern most site boundaries and further residential properties, including a nearby motel, are located to the south along the southern frontage of the B1256. The land to the north beyond Jacks Lane and to the west, including Takeley Nursery forms part of the land allocated for housing under the Priors Green Local Plan Policy 3 and is likely to be the subject to future reserved matters applications as part of an overall phasing plan.

DESCRIPTION OF PROPOSAL: This submission encompasses seven separate reserved matters applications all pursuant to outline planning permission recently granted on 23rd June 2005 (UTT/0816/00/OP) following the completion of a section 106 legal agreement. This permission was for a new residential neighbourhood, including residential development, a primary school site, local centre facilities, open space, roads, footpath/cycle ways, balancing ponds, landscaped areas and other ancillary or related facilities and infrastructure.

UTT/1054/05/DFO is a reserved matters application for infrastructure to include a central spine road, which will provide access from the B1256 via a new roundabout and follow the approximate line of Warwick Road, which is routed south to north. The road will also follow the routes of Clarendon and Hamilton Roads and is designed to provide a link to future phases to the north and west of the site areas. Two balancing ponds are proposed either side of the entrance to the sites fronting the B1256. The smaller will cover an area of 0.125 hectares and the larger 0.330 hectares. Public open space is proposed in the form of two areas located centrally between residential phases 2 and 3b each covering an area of 0.176 hectares. A separate landscaped area of 0.161 hectares is also proposed nearby adjacent to the boundaries of existing properties 'Ir Fach' and 'Broadmead'.

UTT/1057/05/DFO is a reserved matters application for 18 dwellings comprising two and three bedroom homes all arranged in terraces of three. Garaging in the form of doubles, triples and a block of six also from part of the application. The site is referred to as phase 3c, and is located approximately 50 metres to the south of Jacks Lane.

UTT/1059/05/DFO is a reserved matters application for 25 affordable dwellings comprising a single three-storey block of flats accommodating 6 one bedroom and 3 two bedroom flats, and terraces of 4 four bedroom houses, 5 two bedroom houses, 3 three bedroom houses and 4 three bed houses. A local play area also forms part of the proposal as does associated parking areas. The site is referred to as phase 4a, and is situated between Jacks Lane immediately to the north and Phase 3c to the south.

UTT/1062/05/DFO is a reserved matters application also for 25 affordable dwellings comprising of three terraces of 4 three-bedroom dwellings, a terrace of 4 two-bedroom dwellings and three terraces of 3 two-bedroom dwellings. A local play area also forms part of the proposal as does associated parking areas, which are arranged in the form of parking courts. The site is referred to as phase 4b and is situated on the eastern side of the Priors Green area adjacent to Thornton Road.

UTT/1065/05/DFO is a reserved matters application for 38 dwellings comprising of three terraces of 3 two-bedroom dwellings, three terraces of 3 three-bedroom dwellings, and 20 four bedroom dwellings of detached, semi-detached and terraced forms. Garaging both attached to the dwellings and in the form of detached garages and garage courts also form part of the proposal. The site is referred to as phase 3b and is located within the southern part of the Priors Green area immediately to the south of 'Broadmead', which forms one of the island sites.

UTT/1066/05/DFO is a reserved matters application for 54 dwellings comprising of 4 two-bedroom dwellings, 19 three-bedroom dwellings and 31 four-bedroom dwellings. These comprise of terraced, semi-detached and detached properties. Garaging of varying types and design will serve all of these properties and forms part of the application. The site is referred to as phase 3a and is located directly to the north of the existing properties on Hamilton Road.

UTT/1067/05/DFO is a reserved matters application for 90 dwellings comprising of 15 two-bedroom dwellings, 36 three-bedroom dwellings and 39 four-bedroom dwellings. These will comprise of small terraces, semi-detached and detached properties. Garaging of varying types and design and open parking courts form part of this application. The site is referred to as phase 2 and is located either side of the main access road along the current route of Warwick Road.

Design

The applicant states that the design and layout has been heavily informed by a number of inherent site constraints, which include existing rights of way such as Clarendon Road and Warwick Road that have to be maintained. These constraints have resulted in a more formal layout with some symmetrical elements, whilst incorporating elements of informality into the

scheme such as the curving road around the public open space between phases 2 and 3 and the use of curved terraces in phase 3. A number of house types are proposed, which the applicants state are based on the 'Essex' vernacular and reference is made in supporting documentation to this approach already being demonstrated in the Countryside Properties development at Panner's Bridge in Great Notley Garden Village, Braintree. In contrast however with that scheme the house types will comprise predominantly brick elevations but with the odd partially or fully rendered unit to punctuate the street scenes.

Affordable Housing

The Outline Planning Permission for Priors Green requires the provision of 25% of the permitted housing units as affordable housing. The reserved matters applications now before committee propose a total of 50 affordable dwellings which are to be located in two separate phases (4a & 4b), one on the southern side of Jacks Lane and the other adjacent to Thornton Road. Against the combined total of 250 dwellings this equates to a provision of 20%. These seven applications however only relate to the first four phases with reserved matters applications still required to be submitted for the remaining 15 phases on land to the north and west. The shortfall can therefore be made up on the remaining phases to ensure the priors Green development as a whole meets the 25% provision in accordance with the conditional requirement of the Outline Permission.

Parking and Access

A new roundabout is to be constructed on the B1256 (old A120) at the existing junction with Warwick Road, which will access the main spinal road heading north into the development along the existing line of Warwick Road. This will link with other estate roads that will follow the existing routes of Clarendon Road and Hamilton Road and has been designed to ensure through links to other future phases. In terms of parking, a minimum of two and a maximum of three spaces have been allocated to two and three bedroom dwellings and a minimum of two and a maximum of four spaces have been allocated to four bedroom dwellings. Affordable dwellings of all types have been allocated a single parking space and single visitor space per dwelling. Parking provision in total equates to 592 spaces to serve the 250 units comprising phases 2, 3a, 3b, 3c, 4a and 4b.

Landscaping

Landscaping proposals include significant planting around the balancing ponds in order to create an attractive entrance to the development and to form a wetland habitat. An avenue of planting is proposed along the main spine road into the development and two areas of public open space totalling 0.352 hectares are to be provided between phases 2 and 3b either side of the existing route of Clarendon Road. Significant planting is also proposed adjacent to the eastern boundary of existing properties 'Ir Fach' and

'Broadmead'. The applicant's state that the landscaping strategy demonstrates how the development will integrate with its surrounding environment and how mature hedgerows, existing trees and Jacks Lane will be sensitively managed and maintained.

RELEVANT HISTORY: On 23rd June 2005 outline planning permission (all matters reserved) was granted for the development of a new residential neighbourhood, including residential development, a primary school site, local centre facilities, open space, roads, footpath/cycleways, balancing ponds, landscaped areas and other ancillary or related facilities and infrastructure (UTT/0816/00/OP) This permission is subject to conditions, a Section 278 agreement and a Section 106 legal agreement to secure the provision of public open space, play areas, a community hall, community facilities, structural landscaping and sports and community facilities. Committee has also approved a Master Plan dated 10th August 2000 for the Priors Green site. There are no other applications of direct relevance relating specifically to the application sites however members may be aware of applications pertaining to the eight 'island sites'. All of these are subject to outline applications for residential development and resolutions have been passed to grant permission to all these sites subject to section 106 legal agreements.

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

- 1) **these applications provide a form of housing development which accords with the requirements of the Priors Green Masterplan and conditions imposed on Outline Planning Permission UTT/0816/00/OP.**
- 2) **the proposed developments accord with ULP Policy 3 in relation to the comprehensive residential and associated development of Priors Green.**
- 3) **these applications provide an appropriate density of development taking into account Government advice contained in PPG3 and the conditional requirements of the outline planning permission (UTT/0816/00/OP)**
- 4) **the scale, form, design, layout, appearance and proposed materials of the dwellings accord with the character of the area and surrounding buildings (ULP Policy GEN2).**
- 5) **the proposed developments provide an adequate proportion of affordable housing, addressing the requirements of ULP Policy H9 and the conditional requirements of the outline planning permission (UTT/0816/00/OP).**
- 6) **the proposed developments provide an adequate mix of smaller market housing in accordance with ULP Policy H10.**

- 7) there would be any detrimental harm to the amenity of neighbouring dwellings (ULP Policy GEN2).
- 8) there is appropriate parking and access (ULP policies GEN1 and GEN8).
- 9) it is adequately demonstrated that the development would not lead to an increased risk of flooding (ULP Policy GEN3).
- 10) the proposed developments would have a harmful affect upon protected species, habitats or other wildlife (ULP Policy GEN7).
- 11) the proposed developments would adversely affect landscape elements such as protected trees, tree belts and hedgerows and provided for appropriate new indigenous species as part of the applications (ULP Policies ENV3 and ENV8).
- 13) the proposed development will affect the private rights of way to existing dwellings and the public footpath that traverses the site.

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.

Committee: Development Control
Date: 10th August 2005
Agenda Item No: 7
Title: Quarterly report on Development Control performance
Author: John Mitchell (01799) 510450

Summary

- 1 As part of the move towards better performance management Members agreed to receive quarterly reports on speed of decision in Development Control. The attached graphs show quarterly performance for each of the three Best Value targets for speed of decision over the last three years. In addition the charts show the trajectories for performance improvement that are necessary to meet the Best Value targets by 2006/7, and performance in relation to those trajectories. The BV targets are to determine: 60% of major applications in 13 weeks, 65% of minor applications in 8 weeks and 80% of all other applications in 8 weeks. Members should be aware that, despite sustained improvement in handling all classes of applications, the Council continues to be a standards authority for poor performance in determining major planning applications in the financial year from 2003-4, when we determined only 43% in 13 weeks. This means the Council continues to be under scrutiny from ODPM, although there has been no direct contact from ODPM for many months.
- 2 The trajectories start from the last quarter of the financial year 2003-4, and the start point represents the average of performance up to that point, rather than the actual performance in that quarter. Members will recall that the Council has to share these trajectories with GoEast. It will be noted that performance exceeds the trajectories in all three categories, and continues to exceed the Best Value targets for all three categories of application. This follows the improvements in handling major applications by this Committee together with the changed delegation arrangements and improved performance management.
- 3 ODPM has recently issued consultative guidance on the criteria for the allocation of Planning Delivery Grant for the financial year 2006/7. 57.5% of the allocation will be based on DC performance measured in the 9 months from 1st October 2004 to 30th June 2005. The award will be based on the achievement of BV109 targets and the degree of improvement over the equivalent period in 2003-4. From October last

year until the end of June 2005 our performance has been 75% for major applications determined in 13 weeks (BV109 target 60%); 66% for minor applications determined in 8 weeks (BV109 target 65%) and 82% for all other applications determined in 8 weeks (BV109 target 80%). Compared with performance over the equivalent period for 2003/4 there has been a percentage improvement of at least 20% for major and minor applications and a 10% improvement for all others. In future it is likely that PDG will only be awarded to Councils that meet the Best Value targets. It is vital therefore that commitment of staff and Members to speed of decision – without sacrificing quality - remains a priority.

4 The effort of all staff and Members involved in the delivery of development control services is to be congratulated.

5 **Recommendation**

That the report be noted

Background Papers: trajectories attached to this report

Committee: Development Control
Date: 10 August 2005
Agenda Item No: 8
Title: Appeals Decision
Author: John Mitchell (01799) 510450

APPEAL BY	LOCATION	APPLICATION NO	DESCRIPTION	APPEAL DECISION & DATE	DATE OF ORIGINAL DECISION	SUMMARY OF DECISION
APPEAL A Trumpington Investments Ltd	Land at London Road Great Chesterford	UTT/0305/04/O P	Appeal against refusal to grant planning permission for demolition of factory and erection and erection of 33 dwellings including change of use	12 July 2005 DISMISSED	4 May 2004	The Inspector concluded that the proposals would not comply with the local plan and it was not demonstrated that the development could respect the character of the area

APPEAL B2 Mr & Mrs J Morallee	Central part of nursery London Road Great Chesterford	UTT/0767/04/O P	Appeal against refusal to grant planning permission for change of use from nursery to residential and erection of dwellings and garages	12 July 2005 DISMISSED	30 June 2004	As above
APPEAL B2 Mr & Mrs J Morallee	Eastern part of nursery London Road Great Chesterford	UTT/0751/04/O P	Appeal against refusal to grant planning permission for change of use from nursery to residential and erection of dwellings and garages	12 July 2005 DISMISSED	30 June 2004	As above
M Smith	Site adjacent to The Yew Tree Bardfield End Green Thaxted	UTT/0978/04/O P	Appeal against refusal to grant planning permission for proposed is a site for a detached dwelling	17 June 2005 DISMISSED	29 July 2004	The Inspector concluded that the development would not be sustainable and would be out of character with its surroundings

Mr P Biggs	Adams Well Chelmsford Road Good Easter	UTT/1173/04/F UL	Appeal against refusal to grant planning permission for erection of a 3 metre x 2.4 metre garden shed and the retention of a 1.5 metres high close boarded fence adjacent to the highway	15 June 2005 ALLOWED	4 Sept 2004	The Inspector concluded that the development was appropriate in the Green Belt
Mr & Mrs Boughey	Highfields The Downs Stebbing	UTT/1215/04/F UL	Appeal against refusal to grant planning permission for proposed front and side extensions and new detached garage	20 June 2005 ALLOWED	1 October 2004	The Inspector concluded that the extensions and the garage in the front garden would be acceptable
Mrs T Rayner	Wikup High Cross Lane East Little Canfield	UTT/1040/04/F UL	Appeal against refusal to grant planning permission for proposed addition to a dwelling	20 June 2005 ALLOWED	20 August 2004	The Inspector concluded that the extension to this converted barn would not have an adverse effect in the countryside

Mr Roberts Miss Watson	Hea Corner Mill Road Felsted	UTT/1488/04/F UL	Appeal against refusal to grant planning permission for replacement dwelling	22 June 2005 ALLOWED	28 October 2004	The Inspector concluded that the replacement dwelling would have a satisfactory relationship with nearby properties
Mr M Solomon	Land adjacent to 24 St Edmunds Lane Great Dunmow	UTT/1606/04/F UL	Appeal against refusal to grant planning permission for erection of a new detached dwelling and alteration to existing access	24 June 2005 ALLOWED	30 Nov 2004	The Inspector concluded that the new dwelling would be in keeping with the character of its surroundings
Mr and Mrs Damary- Homan	14 Little Walden Road Saffron Walden	UTT/1150/04/F UL	Appeal against refusal to grant planning permission for replacement dwelling	9 June 2005 ALLOWED	31 August 2004	The Inspector concluded that the replacement dwelling would have a satisfactory relationship with adjoining properties

AGENDA ITEM NO: 10

Title: ENFORCEMENT OF PLANNING CONTROL – PROGRESS REPORT

Author: Clive Theobald (01799) 510463

	ADDRESS	UNAUTHORISED DEVELOPMENT	ACTION AUTHORISED	EFFECTIVE DATE FOR COMPLIANCE	APPEAL	COMMENTS
1	Land at Anvil Cross Howe Green Great Hallingbury	Airport related parking and engineering works	20/2/04	3/8/04		Commencing injunction served. Application to set aside dismissed. Application for committal agreed. Committal proceedings heard landowner fined £50,000 with costs. Costs paid. Application for appeal against fine and for permission to appeal refused. Prosecution successful. £2,500 fine and full costs awarded. Direct action to be arranged to clear site.
2	27 Silver Street Stansted	Conversion of dwelling into three flats	7/6/03	1.3.05 (works/use) 1.6.05 (utilities)	Yes	Enforcement Notice served. Further planning application refused. Planning permission 26/1/05. Appeal against planning refusal.

						Informal hearing held on 26/7/05.
3	Land at Oak Lodge/Waterside Cottage, Jacks Lane, Takeley	Use of detached annexe by non-dependents relatives	31.8.04	15/7/06	Yes	Enforcement notice served Informal hearing on 07/06/05. Enforcement upheld.
4	Land adjacent to Sidestream, High Street, Clavering	Extension of garden curtilage, widening of access bridge, hardstanding and shed	20.9.04	(i)21/10/05 (Remove shed) (ii)21/1/06 (Remove hardstanding) (iii)21/8/05 (cease use of land) (iv)21/8/05 (Remove play equipment)	Yes	Requisition for Information served Enforcement Notice served. Public Inquiry held on 28/6/05. Enforcement notice upheld except matters relating to Bridge and associated works.
5	Hillenor, Chelmsford Road, Margaret Roding	Erection of building	1.12.04		Yes	Enforcement Notice served. Appeal lodged. Decision awaited.
6	Broxted Business Park, Pledgdon Barn, Pledgdon Green, Henham	Airport related open parking/storage of vehicles	23.12.04			Prosecution for failure to provide information. Conviction obtained £1000 fine and Council costs. Legal Proceedings for injunction discontinued. Costs awarded to Council. Use has ceased (including combined other sites). Direct action to be

7	Canfield Service Station, Dunmow Road, Little Canfield	1 Airport related parking 2 laying of hard surface 3 Fence adjoining highway	12.1.05	Yes	arranged to clear site. Further requisitions for information served following further enquiries. Planning application received. Hearing for injunction at Harlow County Court adjourned to July. Judicial Review proceedings discontinued, costs awarded to the Council. Injunction granted, with costs to the Council. Appeal lodged against the enforcement notice.
8	Stebbing View, Dunmow Road, Stebbing	Change of use of agricultural land to garden.	8.4.05		Enforcement notice to be served. Negotiations continuing on S106 Agreement.
9	Griffin Farm, Great Canfield	1 B1/B2/B8 uses 2 Earth bound 3 Siting of mobile home	8.4.05		Planning permission refused for retention of uses. Further information being obtained. Appeal submitted against planning refusal.
10	Ugley Paintball Broom Wood Cambridge Road Ugley	Unauthorised use of woodland area for paintball games. Unauthorised siting of portacabin and other buildings associated with paint ball activity.			Enforcement notice, and Article 4 Direction authorised. Papers being prepared.

PROSECUTIONS

ADDRESS	DESCRIPTION
1 Manuden House The Street Manuden	Unauthorised felling of tree. Legal proceedings issued. First hearing date scheduled for 6 August 2004. Hearing adjourned to 1 October 2004. Pre-trial scheduled for 26 November 2004 Trial fixed for 19 April 2005 Defendant found guilty Fine imposed of £3,000 plus costs Appeal to High Court (case stated)