

<b>Committee:</b>	<b>Development Committee</b>	<b>Agenda Item</b>
<b>Date:</b>	<b>30 August 2006</b>	<b>8</b>
<b>Title:</b>	<b>UTT/1918/04/FUL - Amendments to planning permission UTT/2227/03/FUL, conversion of public house to private dwelling- (roof form of cottage 3+4)</b>	
<b>Author:</b>	<b>Miss K Benjafield (01799) 510494</b>	Item for decision

## Summary

- 1 This report updates Members on the requirement for a S106 agreement between the applicants (Exciting Projects Ltd) and Officers following Members resolution on 2 February 2005 to grant planning permission for the conversion of the public house into a private dwelling, the construction of 3 dwellings and garaging and alterations to the existing access at the Old Mill, subject to conditions and a Section 106 Agreement.
- 2 The S106 agreement was required to prevent the occupation of the new dwellings before the conversion and restoration works to the Old Mill had been completed. The S106 agreement has not been progressed and the Old Mill has been restored and is now occupied as a dwelling. Therefore, there is no longer a requirement for the S106 agreement to be entered into.

## Background

- 3 A planning application for the restoration and conversion of the Old Mill Public House to a dwelling, the erection of three dwellings with garaging and the alteration of the existing access was submitted in November 2004 under reference UTT/1918/04/FUL. Officers recommended this for approval subject to conditions and a Section 106 Agreement. The recommended agreement was to ensure that restoration and conversion of the listed former Public House to a dwelling was undertaken prior to the first occupation of the new dwellings on the site.
- 4 Since this time the agreement has been prepared by the Council's Legal Department and sent to the applicants for signing however the agreement has not been signed and returned to the Council. The restoration and conversion works have been undertaken and the former Public House is now being occupied as a dwelling.
- 5 In conclusion, the applicants have carried out the restoration and conversion works but have not progressed the Section 106 Agreement. Members are therefore asked to decide whether there is still a requirement for the Section 106 Agreement.

RECOMMENDED: for the reasons outlined above it is recommended that there is no longer a requirement for a Section 106 Agreement with regard to this application as the works detailed in the agreement have already been undertaken.

Background Papers: Application file (UTT/1918/04/FUL) – copy attached.

## **UTT/1918/04/FUL – TAKELEY**

Amendments to planning permission UTT/2227/03/FUL, conversion of public house to private dwelling- (roof form of cottage 3+4)  
The Old Mill Public House, Takeley Street. GR/TL 539-213. Messrs Hammond & Stile.  
*Case Officer: Mr N Ford 01799 510468*  
Expiry Date: 06/01/2005

**NOTATION:** Development Limits ADP S1/ULP S3. Affects the setting of a listed building ADP DC5/ULP ENV2.

**DESCRIPTION OF SITE:** The application site forms plots for a pair of semi-detached dwellings currently under construction adjacent (east) the Old Mill Public House (Grade II listed) in Takeley Street (B1256).

**DESCRIPTION OF PROPOSAL:** Planning permission and listed building consent was granted in 2004 for the conversion of the Old Mill to a dwelling to the west and the erection of a detached dwelling and two semi-detached dwellings on this site. The scheme relates to a revised design such that the approved pitch roof would alter to a mansard style roof in order to accommodate more headroom at first-floor level. The position and footprint of the dwellings would remain as approved but the ridge height would be reduced in height by 0.3m from 7.7m to 7.4m.

**RELEVANT HISTORY:** In September 2004 planning permission (UTT/2227/03/FUL) and listed building consent (UTT/2228/03/LB) was granted for the conversion of the public house into a private dwelling and the construction of three dwellings and garaging and alterations to existing access. The planning permission is subject to a legal agreement to ensure that no new dwellings are occupied until the completion of the conversion of the Old Mill Public House to a private dwelling has been completed to the satisfaction of the Council.

**CONSULTATIONS:** UDC Specialist Design Advice: No objections See planning considerations.

**PARISH COUNCIL COMMENTS:** No objection.

**REPRESENTATIONS:** This application has been advertised and no representations have been received. Period expired 9 December 2004.

**PLANNING CONSIDERATIONS:** The main issue is whether the revised design of these dwellings would be an acceptable design in the street scene and respect the character and setting of the adjacent listed building (ERSP Policy HC3, ADP Policy DC1 and DC5, & ULP Policy GEN2 and ENV2).

Specialist Design Advice considers that on balance the mansard roof would form a pleasant variety to the general roof types in the locality and suggests approval subject to relevant conditions. The minor reduction in ridge height is not considered fundamental and may contribute to a reduction in appearance of built mass.

A S106 Agreement is attached to the implemented planning permission, which requires the completion of the conversion and renovation of The Old Mill before occupation of the new dwellings in accordance with the previous planning permission and listed building consent. It is necessary to attach a similar agreement to this permission such that the occupation of these revised plots is controlled in a similar manner.

**CONCLUSION:** The revisions to the scheme do not fundamentally affect its appropriateness and therefore approval is recommended subject to similar conditions to those attached to the last permission, minus those already address i.e. cross section/levels and archaeological watching brief.

**RECOMMENDATION: APPROVAL WITH CONDITIONS AND S106 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.5.1. Samples of materials to be submitted and agreed.
- 4. C.6.2. Removal of Permitted Development rights.
- 5. C.4.2. Implementation of landscaping.
- 6. All surface finishes of private access roads shall be treated with an approved bound material within the first six metres from the highway boundary.  
REASON: In order to prevent loose material from entering the highway.
- 7. No dwelling shall be occupied until the car parking spaces, garage forecourts and hardstandings to which it relates as shown on layout no. 3347 06 Rev B, dated December 2003 hereby approved have been hard surfaced, laid out and made available for use. Thereafter these areas shall remain available for the parking of domestic vehicles in connection with the normal residential use of the dwellings to which they relate and shall not be built over or similarly developed, notwithstanding Permitted Development Rights of extensions contained in the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification).  
REASON: To ensure a satisfactory standard of development and in the interests of highway safety.

**HEADS OF S106 AGREEMENT**

Conversion of listed former Public House to dwelling prior to first occupation (as per extant permission).

*Background papers: see application file.*  
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