

**DEVELOPMENT CONTROL COMMITTEE held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN at 2.00 pm on 22 SEPTEMBER 2003**

Present:- Councillor R J Copping – Chairman
Councillors E C Abrahams, P Boland, W F Bowker, C A Cant,
J F Cheetham, K J Clarke, C M Dean, C D Down, R F Freeman,
E J Godwin and J I Loughlin

Officers in attendance:- M Cox, J Grayson, H Lock, J R Mitchell,
M Ovenden and M J Perry

DC1

SITE MEETINGS

Prior to the meeting, Members visited the sites of the following applications:-

Attended by Councillors E C Abrahams, R J Copping, C M Dean, E J Godwin
and J I Loughlin.

(1) 1052/03/FUL (2) 1053/03/FUL and (3) 1055/03/LB Arkseden - (1)
Double Garage (2) Conversion and alteration of barn to dwelling (alternative
to previous permission) (3) Conversion and alteration of barn to dwelling
(alternative to previous consent) – Barn and land adjacent to Byrnes Cottage,
Wicken Road for M & L Kinnard.

0352/03/FUL High Easter - three dwellings with garaging and access –
Chapel Field House, High Street for Messrs W & R Brown.

Attended by Councillors E C Abrahams, C A Cant, J F Cheetham,
R J Copping, C M Dean, E J Godwin and J I Loughlin

(1) 0963/03/FUL and (2) 0964/03/CA Great Dunmow – (1) dwelling and
(2) demolition of stables – 71 The Causeway for Mr A McBride.

Attended by Councillors E C Abrahams, C A Cant, J F Cheetham,
R J Copping, C M Dean, C D Down, E J Godwin and J I Loughlin

1542/02/FUL Great Easton – Demolition of piggery and erection of dwelling –
site of Andrews Farm Lane, Mill End Green for Priors Hall Limited

Attended by Councillors E C Abrahams, C A Cant, J F Cheetham,
R J Copping, C M Dean, E J Godwin and J I Loughlin

0917/03/DFO Saffron Walden – 76 residential units, public open space,
playing fields and associated - Land near to Bell College for Countryside
Properties

0943/03/FUL Saffron Walden – Demolition of garages and construction of
detached chalet dwelling – land off Victoria Gardens for Mr G Bower.

DC2

APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors J E Menell and A R Thawley.

Councillors W F Bowker, C A Cant, J F Cheetham, C M Dean, E J Godwin and J I Loughlin declared their interests as members of SSE.

Councillor E C Abrahams declared a personal predudicial interest in application 0943/03/FUL Saffron Walden as he was doing business with the applicant. He would leave the meeting for the consideration of this item.

Councillor J F Cheetham declared a personal interest as her husband was a member of the PCT. She also declared a personal interest in application 1542/02/FUL Great Easton as the agent had previously done work for her.

Councillor C D Down declared a personal interest in application 1542/02/FUL Great Easton as she knew the applicant.

DC3 **MINUTES**

The Minutes of the meeting held on 26 August 2003 were received, confirmed and signed by the Chairman as a correct record subject to the inclusion of Councillor J F Cheetham's personal interest in application 1542/02/FUL Great Easton.

DC4 **BUSINESS ARISING**

i) Minute DCL 55 – Application 0705/03 Takeley

In answer to a question from Councillor J F Cheetham it was confirmed that the comments that she had made about the water pressure, would be included when the application was referred to GO EAST.

DC5 **0147/03/FUL – SECTION 106 AGREEMENT WOODLANDS PARK, GREAT DUNMOW**

Further to the report to the previous meeting (Minute DCL55) the Committee was given further information about the need to amend the Section 106 Agreement in order to reflect the legal rights of the tenants to acquire their properties. Members were advised that the Secretary of State had power to designate by a statutory instrument, rural areas in which the Right to Acquire would not arise. It had been found that most of the district had been excluded by such an order. However, the area of Great Dunmow was not covered by this or by any other designation. It would be unlawful to try to remove an individual's statutory rights by an agreement. Therefore, a Section 106 Agreement to exclude the Rights to Acquire would be unenforceable.

The Chairman expressed concern at this situation but conceded that under current Government legislation, there was little option but to agree the recommendation. He commented that the Committee should have been aware of these facts when the planning application had been determined.

The Committee agreed that representation should be made to Government with regard to the possible designation of Great Dunmow as a rural area.

RESOLVED that

1. Council Procedure Rule 12 be suspended and the Section 106 Agreement reflect the statutory rights of the tenants.
2. Representations be made to Government to designate Woodlands Park as a rural area.

DC6

REQUEST FOR VARIATION OF SECTION 106 AGREEMENT OAKWOOD PARK LITTLE DUNMOW/FELSTED

The Committee was advised that in February 1998 the Council had entered into a Section 106 Agreement with Beresford Property Development Limited relating to the development of the former sugar beet works. The agreement provided for land to be transferred to registered social landlords before the provision of affordable housing in perpetuity. Plume Housing Association Limited were the registered social landlord and were proposing to take a transfer of land pursuant to the agreement. Plume had requested that the terms of the agreement be varied. In order to get the rented units developed and for the scheme to be financially viable, they had requested that there should be no restrictions imposed on the shared ownership. The legislation which designated Felsted as a "rural area", and ensured that the rented properties would not be subject to the Right to Acquire did not apply to the shared ownership leases.

RESOLVED that the Section 106 Agreement be varied to delete the requirement that the affordable housing be provided in perpetuity (subject to a right of pre-emption for the registered social landlord) and to permit a mortgagee in possession to sell on the open market without restriction.

DC7

APPLICATIONS WITHDRAWN

It was noted that application 1003/03/DC and 1012/03/DC Quenden and Rickling had been withdrawn

DC8

SCHEDULE OF PLANNING APPLICATIONS

(a) Approvals

RESOLVED that planning permission and listed building consent where applicable, be granted for the following developments, subject to the conditions, if any, recorded in the Town Planning Register.

1340/03/FUL Hadstock – Removal of unauthorised outbuildings, extension and renovation of existing buildings to form furniture factory – Coston Engineering, Bowers Lane, Little Walden for Villiers Brothers.

1229/03/FUL Saffron Walden – Retention of temporary installation of telecommunications mast, antennae, dishes, equipment cabin and compound – Shirehill Works for Airwave MMO2 Ltd.

(1) 1069/03/LB and (2) 0238/03/FUL High Easter – (1) and (2) conversion of barn to dwelling - Hopkins Farm, School Road for Messrs R & G Reynolds.
Mr Bennet spoke against the applications.

1213/03/FUL Felsted – Replacement dwelling and garage – Whiteways, Hollow Road for Stonebond Limited

(b) Refusals

RESOLVED that the following applications be not granted for the reasons stated in the Town Planning Register

1542/02/FUL Great Easton – Demolition of piggery and erection of dwelling – site off Andrews Farm Lane, Mill End Green for Priors Hall Limited.

0943/03/FUL Saffron Walden – Demolition of garages and construction of detached chalet dwelling – land off Victoria Gardens for Mr G Bower.
Councillor E C Abrahams left the meeting for the consideration of this item

1290/03/FUL Arkesden – Single garage/log store and access – Deans Meadow for Mr K Flowers.

Reasons: Highway safety. Visual impact of creation of new access.

(1) 0963/03/FUL and (2) 0964/03/CA Great Dunmow – (1) 1.5 storey dwelling and (2) demolition of stables – 71 The Causeway for Mr A Macbride.

Reasons: Overbearing development to rear of property and access concerns.

1092/03/FUL Great Canfield – Replacement dwelling – Darley Dale, Canfield Road for Mr & Mrs P R Kiddie.

(c) Deferrals

RESOLVED that the following applications be deferred.

1718/02/OP Great Easton – Convert/extend the Moat House to additional care flats, staff flats in roof space, care cottages with garages, nursery, café shop, office and store and new access – The Moat House, Dunmow Road for Newton Chinneck Limited.

Reason: For consideration of revised plans.

0683/03/FUL Clavering – Change of use from dwelling to children’s nursery, garage for storage, boundary fence and gates – the Small House, High Street for Miss H Moyer.

Reason: For a revised report.

0917/03/DFO Saffron Walden – 76 residential units, public open space, playing fields and associated development – land to the east of Bell College, Peaslands Road for Countryside Properties.

Reason: For revised design.

0352/03/FUL High Easter – Three dwellings with garaging and access – Chapel Field House, High Street for Messrs W & R Brown.

Reason: For further reports.

Deborah Bryce spoke against the application. Andrew Martin of Andrew Matrín Associates spoke in support of the application.

(1) 1052/03/FUL (2) 1053/03/FUL and (3) 1055/03/LB Arkesden – (1) double garage (2) conversion and alteration of barn to dwelling (alternative to previous permission) (3) conversion and alteration of barn to dwelling (alternative to previous consent) – barn and land adjacent to Byrnes Cottage, Wicken Road for M & L M Kinnard.

Reason: For consultation on revised plans.

Mr Newton, Arkesden Parish Council spoke against the application. Mr Kinnard and Mr Robertson spoke in support of the application.

(d) District Council Development

RESOLVED that pursuant to the Town and Country Planning Regulations 1972 permission be granted for the developments proposed.

0940/03/DC – Great Chesterford – Single storey rear extension – 9 Hyll Close for Uttlesford District Council.

1202/03/DC Great Chesterford – Vehicular access service road and parking spaces to serve 77, 79, 81 and 83 Walden Road for Uttlesford District Council.

(e) Planning Agreements

1315/03/OP Little Canfield – Detached dwelling – side adjacent to “Almaro”, Hamilton Road for S M Smith.

RESOLVED that the Head of Planning and Building Surveying, in consultation with the Chairman of the Committee be authorised to

approve the above application, subject to the conditions to be recorded in the Town Planning Register and the completion of an agreement under Section 106 of the Town and Country Planning Act ensuring contributions to social, amenity and infrastructure requirements and to link the site with the large development, preventing its development in isolation.

DC9

ENFORCEMENT OF PLANNING CONTROL SANSIMIAN, BRICK KILN LANE RICKLING

The Committee was advised of the use of a former agricultural workers bungalow without compliance with an agricultural condition. The original dwelling had been granted exceptionally in an area where development would not normally be permitted, due to it being required to house essential agricultural workers. Occupation in breach of this condition would deprive the agricultural housing market of a dwelling for workers and increase pressure for new and affordable housing in the countryside. Due to the lack of any submitted evidence, it had not been demonstrated that this dwelling was generally surplus to requirements in the locality, and its occupation was therefore contrary to policy.

RESOLVED that enforcement action and, if necessary, legal proceedings be taken to secure compliance with the condition imposed by planning reference SWR/126/61

DC10

GUIDANCE ON PROBITY IN PLANNING

The current Code of Practice, Probity in Planning, had been adopted in January 2001. It was now proposed to amend and update the Code taking into account the revised committee structure of the Council, the Councillors Code of Conduct and LGA guidance.

As part of the amendments, changes were proposed to the procedure for Members site visits. Town and Parish Councils would no longer be invited to make representations at the site but to make their comments at the formal committee meeting. Members asked that a letter be sent to all Town and Parish Councils clearly setting out these changes. In respect of the procedure for public speaking at Committee meetings, it was agreed that the three minute time limit for speaking should not apply to Members who were not on the Development Control Committee. All Members should be able to seek permission to speak from the Chairman, as was the case with all other Council committees.

RESOLVED that the Committee adopt the draft Code of Practice, Probity in Planning, subject to the amendments made at the meeting.

DC11

APPEAL DECISIONS

The Committee noted the appeal decisions that had been received since the last meeting.

DC12 **SITE VISITS**

The Chairman commented that only six Members of the Committee had attended all of the morning's site visits. He appreciated that a number of Members had work commitments but asked them to make every effort to attend the site visits that they had requested.

DC13 **EXCLUSION OF THE PUBLIC**

RESOLVED that under Section 100A(4) of the Local Government Act 1092 the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 12 and 15 of Part 1 of Schedule 12A of the Act.

DC14 **ENFORCEMENT OF PLANNING CONTROL**

The Committee received the schedule of outstanding enforcement cases.

The meeting ended at 5.05 p.m.