

**DEVELOPMENT CONTROL COMMITTEE held at COUNCIL OFFICES  
LONDON ROAD SAFFRON WALDEN at 2.00 pm on 20 SEPTEMBER 2004**

Present:- Councillor C A Cant – Chairman  
Councillors E C Abrahams, P Boland, J F Cheetham,  
K J Clarke, C D Down, R F Freeman, E J Godwin and  
J E Menell.

Officers in attendance: M Cox, H Lock, J R Mitchell, C Oliva and  
M Ovenden.

**DC59 SITE VISITS**

Prior to the meeting the Committee visited the sites of the following applications:

2062/03/FUL Hatfield Heath – Replacement dwelling and detached triple open fronted garage – Mill End, Mill Lane for Mr and Mrs Fish

1141/04/FUL Saffron Walden – Loft conversion with 6 dormer windows – 14 Little Walden Road for Mr and Mrs Damary-Homan.

**DC60 ELECTION OF CHAIRMAN**

RESOLVED that Councillor C A Cant be appointed Chairman of the Committee for the ensuing year.

**DC61 APPOINTMENT OF VICE CHAIRMAN**

It was proposed by Councillor Cant and seconded by Councillor Boland that Councillor K J Clarke be nominated Vice-Chairman of the Committee. It was proposed by Councillor Godwin and seconded by Councillor Menell that Councillor J F Cheetham be nominated Vice-Chairman of the Committee. Councillors Clarke and Cheetham left the meeting for the consideration of this matter.

RESOLVED that Councillor K J Clarke be appointed Vice-Chairman of the Committee for the ensuing year.

**DC62 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors W F Bowker, C M Dean and J I Loughlin.

Councillor C A Cant, J F Cheetham, C D Down, E J Godwin and J E Menell declared their interest as members of SSE.

Councillor E J Godwin declared a personal non-prejudicial interest in application 1194/04/DFO and 1230/04/DFO as a member of Birchanger Parish Council.

Councillor J E Menell declared a personal non-prejudicial interest in application 1327/04/FUL Littlebury as a member of Littlebury Parish Council.

Councillor E C Abrahams declared a prejudicial interest in application 1200/04/FUL Clavering as he had already given his opinion on the application at the Parish Council meeting. He also declared a prejudicial interest in agenda items 9 and 10 Land opposite the Fox and Hounds Public House, Clavering and Green Oak Barn, Hill Green, Clavering as he knew the applicants. He would leave the meeting for the consideration of these items.

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## **MINUTES**

The Minutes of the meeting held on 31 August 2004 were signed by the Chairman as a correct record subject to the following amendments:-

### **(i) Minute DC50(b) Refusals**

In relation to application 1014/04/FUL Wendens Ambo the public speaker should refer to a representative from Wendens Ambo Parish Council and not Wimbish as stated in the minute.

### **(ii) Minute DC 51 – Land at Laurels Yard Dunmow Road Takeley – proposed revisions**

Councillor Cheetham said that the meeting had expressed concern that the development of this site should not lead to an additional entrance onto the old A120 and she felt that this should have been reflected in the Minute.

### **(iii) Minute DC50(c) Deferments**

In relation to application 127/04/FUL Littlebury, Peter Farnsworth should be referred to as the Chairman of Littlebury Parish Council.

DC64

## **APPLICATIONS WITHDRAWN**

It was noted that application 1250/04/GD Saffron Walden had been withdrawn.

DC65

## **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.

**1327/04/FUL Littlebury** – Detached house and garages, shed/greenhouse – Land off Howe Lane for Mr and Mrs I Roberts.

*Mr Roberts spoke in support of the application.*

**1141/04/FUL Saffron Walden** – loft conversion with 6 dormer windows – 14 Little Walden Road for Mr and Mrs Damary-Homan.

Subject to an additional condition requiring the retention of planting.

**(1) 1194/04/DFO and (2) 1320/04/DFO Birchanger** – access and materials details pursuant to Condition C.1, C.90b of UTT/0443/98/OP (315 dwellings, access to highway, public open space, play area and site for school) – land at Rochford Nurseries, Stansted for Taylor Woodrow Developments Ltd.

Subject to an additional condition that the developer adheres to the master plan in relation to the number of accesses on Church Road and Forest Hall Road.

**1200/04/FUL Clavering** – Single storey side extension for use in connection with childrens day nursery – Clavering Methodist Church, Hill Green for Miss H Moyer.

Subject to a condition for fixed windows and obscure glazing to the rear.

*Councillor E C Abrahams left the meeting for the consideration of this item.*

*Simon Cook , Clavering Parish Council and Chris Moore spoke against the application.*

**1043/04/DFO Felsted** – 4 detached dwellings – Watch House Farm Industrial Estate, Watch House Green for Jenny Moody Properties.

**1333/04/DFO Chrishall** – replacement dwelling and garage – Long View, Mill Causeway for Mr and Mrs E May.

This application was approved as a full application and not as reserved matters.

**0418/04/FUL Stebbing** – 2 storey dwelling and detached garage – Sabre Sports, Sabre House, Braintree Road for Mr K Newnham.

**1363/04/DFO Little Canfield** – Detached dwelling and double garage – Langthorns Plantery for Mr E Cannon.

**0523/04/FUL Berden** – Change of use of barn from single dwelling to 2 dwellings – Potash Barn for Mr Dominic Leacy.

Subject to an additional condition requiring an owl and bat survey.

**0832/04/FUL Little Dunmow** – Replacement dwelling with garage outbuilding – Haydens Farm for Mr C Butler and Mrs J Butler.

**1220/04/FUL Saffron Walden** – Steel framed industrial building for use as Class B1 office and light industrial, Class B2 general industrial and Class B8 warehouse use – Shirehill Industrial Estate for Graffic Show Cable Accessories.

Subject to an appropriate agreement on out of hours working.

**1328/04/FUL Stebbing** – Changing rooms for football club – Field behind Collops Villas, Braintree Road for Stebbing Parish Council.

Subject to an amendment to the hours of use to 9.00 am to 9.00 pm.

**(b) Refusals**

RESOLVED that the following applications be not granted for the reasons stated in the officers' report.

**1906/03/OP Little Hallingbury** – agricultural dairy unit and 2 dwellings with all matters reserved – Little Hallingbury Park for David Milne.

Reason: Insufficient information to make informed decision on the application. Lack of proven need for 2 dwellings on the site.

**1296/04/FUL Stansted** – 16 bedrooms with car parking – Old Bell Hotel, Pines Hill for Mr and Mrs J E Stewart.

Reason: Parking inadequate for the scale of the development.

**c) Deferments**

RESOLVED that the following applications be deferred

**(1)1248/04/GD and (2) 1249/04/GD Saffron Walden** - (1) Marquees on 56 days of the year for use of corporate and private functions (2) expand the existing use from heritage visitor attraction to include corporate and private functions, including dinners, drinks receptions and civil wedding ceremonies – Audley End House, Audley End Road for English Heritage.

Reason: For consideration of revised plans.

**0358/04/FUL Great Canfield** – 5 buildings to provide stables, office, tack room, feed room, replacement clubhouse, forge, carriage display building, alterations to indoor riding school to include carriage workshop, 4 flats, dwelling and garage – Ashfield Polo and Equestrian Centre for Mr and Mrs T Chambers.

Reason: For further consultation on revised plans.

*Mr Daldry spoke in support of the application.*

**2062/03/FUL Hatfield Heath** – replacement dwelling and detached triple open fronted garage – Mill End, Mill Lane for Mr and Mrs Fish.

Reason: For officers to prepare appropriate conditions.

**(c) Site Visits**

The Committee agreed to visit the sites of the following applications on Monday 11 October 2004.

**1131/04/FUL Great Easton** – Extensions and change of use of stables and garage to dog training centre – Barnard's Bridge, Snow Hill for Ms A Munson.

Reason: To assess highways implications and the suitability of the site.

*Mr Grayson spoke in support of the application.*

**1179/04/FUL Little Chesterford** – Change of use to residential and new access – The Coach House, Springwell for Julian Rosalind and Richard Mash.

Reason: To assess the access implications.

*Dr Tills, Little Chesterford Parish Council, spoke against the application.*

DC66

**BUDGETARY CONTROL REPORT**

The Committee received the first Budgetary Control Report for 2004/05, which was based on data held within the Council's financial management systems for the period ending 31 July 2004. Councillor Cheetham referred to the overspend in Planning Management and Administration. This was due to temporary staffing arrangements, which was likely to be a one-off occurrence but such variations would be kept under review.

DC67

**LAND OPPOSITE FOX AND HOUNDS PUBLIC HOUSE HIGH STREET CLAVERING – ENFORCEMENT**

*Councillor E C Abrahams left the meeting for the consideration of this item.*

On 15 March 2004, Members had deferred consideration of an enforcement report concerning the unlawful extension of an existing residential curtilage, the siting of a large shed and children's play equipment, the widening of an existing access bridge and the creation of a vehicular hardstanding. This had followed representations received in support of the landowner and was intended to allow all parties the opportunity to negotiate a satisfactory solution and report back to the Committee.

The Executive Manager Development Services reported that a productive meeting had been held but since then matters had stalled. A landscaping scheme to address the unsightly fencing and the domesticated appearance of the land had not been received as requested. A negotiated agreement had not been reached and Members were asked to consider whether to continue negotiations or to take enforcement action.

Mr Whipps spoke to the Committee on behalf of the applicant. He said that since the meeting in March the vegetation to the front of the property had regenerated and new planting had been undertaken which meant that the fence was now obscured. He said that he had not been able to obtain details of the required landscaping from Council Officers. On the other points he stated that the access had been extended from 2.2m to 3.1m and he considered that no harm had been done in this case. The hardstanding had been repaired and not enlarged. He maintained that the land had always been used as garden land and there was no breach of planning law. He did not consider enforcement action to be justified and hoped that negotiation could continue to avoid considerable costs to all parties.

Brian Barrow of Clavering Parish Council then spoke to the Committee. He pointed out that the garden was in a conservation area and outside the village development limits. What had once been a woodland strip had been replaced with a modern fence and hardstanding. The access bridge had been widened to allow cars to park. There had been some planting along the fence but these were more garden species. The Parish Council would like to see the access bridge reduced to pedestrians only, the woodland reinstated and the fence removed. He considered that if action were not taken in this case it would be difficult to protect other similar areas in the future.

Councillor Godwin queried the applicant's statement regarding the landscaping scheme. The Executive Manager Development Services said that the meeting with the applicant had discussed retaining the informal use of the garden, but with the applicant preparing a landscaping scheme to shield the fence and reduce the formal garden appearance. He had also been asked for evidence that the hardstanding had just been repaired and not enlarged. It had been expected that the details would be brought to the Committee and the applicant to enter into a legal agreement for compliance to be achieved.

Councillor Freeman said that the applicant was acting outside planning law and had been given ample opportunity to resolve the situation by negotiation and agreement. It was therefore

RESOLVED that enforcement and, if necessary, legal action be taken to require the cessation of the use of the land as extended residential curtilage, the removal of the shed, children's play equipment and hardstanding from the land and the reduction in width of the access bridge to previously determined dimensions.

**DC68 GREEN OAK BARN HILL GREEN CLAVERING – ENFORCEMENT**

*Councillor E C Abrahams left the meeting for the consideration of this item*

The Committee was advised of the erection of unlawful close-boarded fence following the removal of an existing frontage hedge at a new residential property. The loss of the hedge was considered harmful to the character, amenity and appearance of the locality. It was recommended that action be taken to secure an appropriate replacement frontage hedge to a specification to be agreed in writing. A planning application was expected which would show the proposed reduction of the height of the fence to approximately one metre, in an attempt to overcome planning objections. The Committee agreed that enforcement action should be taken if the application was not received.

RESOLVED that enforcement, and if necessary, legal action be authorised requiring the removal of the unlawful frontage fence and requiring a replacement frontage hedge.

**DC69 CHANGE OF USE TO BED AND BREAKFAST – BONNINGTONS GEORGE GREEN LITTLE HALLINGBURY**

Members were advised of the progress on Section 106 negotiations between the applicants and officers following Members' resolution to grant planning permission for the change of use of an outbuilding/annexe to 6 units for bed and breakfast use at Bonningtons subject to conditions and a Section 106 Agreement. It was reported that the signed Section 106 Agreement had now been received from the applicant and it was

RESOLVED that the item be deferred pending the sealing of the Agreement.

**DC70 OAKWOOD PARK LITTLE DUNMOW – REVISED MASTER PLAN**

The Committee was updated on the current position concerning the further evolution of the master plan for Oakwood Park in Little Dunmow following the approval of 160 additional dwellings.

RESOLVED that Members note the Master Plan and local residents be informed of the changes.

**DC71 THE OPERATION OF THE COMMITTEE PROCESS**

The Executive Manager Development Services presented a report that had been prepared in response to the recent ODPM report, which had identified the Council for significant improvements in speed of decisions over planning applications so as to meet Best Value standards by March 2007. The Council was required to agree an Improvement Plan with Go East by 4 November 2004 and share performance information against criteria set out the Plan every quarter. The consequences of failing to improve could mean that the

Council would not receive any Planning Delivery Grant for Development Control Performance.

The report also drew attention to the significant increase in workload in the development control area over the last year, which was translating into increasingly long agendas. A number of major housing applications were anticipated as well as the reserved matters relating to the planning permission for the expansion of the Airport. The application for further expansion of the Airport would eventually fall to the Committee for determination.

The report looked at five areas, which could assist in improving development control performance. First Members were asked to consider whether the role of the Committee should become more strategic and less concerned with the minutiae of minor planning applications and small-scale enforcement action, while retaining adequate safeguards. Also, Members were asked whether the Committee should become more performance orientated, receiving regular reports on performance.

The second issue was delegation. The current scheme allowed for around 80% to 85% of applications to be delegated whilst the Best Value target was 90%. Two options were put forward for discussion. The first a radical approach, which delegated all applications to officers except those in specific categories, and the second to amend the existing scheme of delegation.

The Committee then considered the call-in procedure, which at present allowed any Member to call in an application that would normally be delegated to officers. This was an important safeguard to give Members control over the planning process. However, it would be helpful if the Member could provide a sound reason and be prepared to explain the issues to the Committee either in writing or in person.

The report then looked at the time, date and frequency of meetings. The Committee had already considered changing the start time and increasing the frequency of meetings as a way of handling high workload and had concluded that the present system seemed satisfactory. However, looking at the date of the meeting there appeared to be several disadvantages to holding the meetings on a Monday. Late information by applicants and objectors was often sent in over the weekend and officers had difficulty in assimilating this information for it to be presented to committee. This often led to unnecessary deferrals. Also, officers and Members spent a substantial part of their weekends preparing for the meeting.

Finally, the report considered the negotiation procedure. The Committee often deferred items for further negotiation and this was considered good customer service. However, too many referrals would mean that the Best Value standards would not be achieved. The Committee was asked if it wished to adopt a policy that would allow negotiation, provided Best Value standards were not missed.

Councillor Cheetham said it was important that the Council continued to provide a good service to the public and applicants felt that the service, in terms of delegated applications, was equally as fair and good as those considered by Committee. In relation to the delegation of enforcement



matters she considered that enforcement officers should liaise more closely with local Members. She thought the change of day was a sensible suggestion as it would be more convenient for the press and the public as well as Officers. Most members thought that initially, the revised delegation scheme should be implemented and its effect monitored whilst officers continue to work on the more radical scheme. Councillor Godwin said that the new arrangement should be implemented as soon as possible but all Members would probably require training on how to access applications on the website and where and how to get support from planning officers. Councillor Cheetham asked that Officers look in more detail at the operation of the call-in procedure.

The Chairman informed the Committee that the timetable for the changed day of the meeting would have to be referred to Full Council for approval. Officers would need to consult colleagues and other Members about the practical operation of this suggestion prior to a suitable start date being considered.

RESOLVED that the following options be agreed

- 1 The Development Control Committee to have a more strategic approach and to receive quarterly performance monitoring reports.
- 2 The amended scheme of delegation, as set out in paragraph 16 of the report, be implemented for a six month trial, following which a further report is brought to this Committee for consideration. Officers continue to work on the operation of the more radical scheme of delegation.
- 3 The existing procedure for call in to continue but Members be asked to provide a sound reason for referral. A workshop for, or communication with, all Members be arranged on the operation of the current procedure and to discuss possible improvements.
- 4 The Committee's meeting date be changed to a Wednesday, subject to consultation, a suitable start date being agreed and approval of the timetable by Full Council.
- 5 The Committee adopt a policy that allows for negotiation provided that Best Value standards are not missed, unless they had already been missed by the time an item is considered by the Committee.

DC72

## APPEAL DECISIONS

The Committee received the following appeal decisions which had been received since the last meeting.

Appeal By	Location	Description	Appeal Decision & Date	Summary of Decision
Miss M U Walker	Land within 48 Stortford Road,	Appeal against refusal to grant	19 Aug 2004 DISMISSED	The Inspector concluded that the

	Dunmow 2095/03/OP	permission for the erection of a dwelling		development would be intrusive in the street scene.
Ambershire Ltd	Easter Hall Aythorpe Roding Dunmow 1399/03/FUL	Appeal against refusal to grant permission for the partial change of use of land from agricultural to D2 - ice rink	19 Aug 2004 DISMISSED	The Inspector concluded that the development would be unsustainable and inappropriate in the countryside.
Mr R E Canning	The Old Mushroom Farm Radwinter Saffron Walden 0989/03/CL	Appeal against refusal to grant permission for the development for which a certificate of lawful use of development is sought is use of one building and one Nissen hut for Class B8 storage of garden fencing components.	25 Aug 2004 DISMISSED	The Inspector concluded that there was insufficient evidence to justify the grant of a certificate.
Mr C R Baker	Little Bowers Farm Little Walden Saffron Walden 1497/03/OP	Appeal against refusal to grant permission for the development of an agricultural building.	26 Aug 2004 DISMISSED	The Inspector concluded that any need could be accommodated within existing building on the farm.
Mr & Mrs J Eden	Silverthorn Canfield Drive Great Canfield Rd Takeley 1728/03/FUL	Appeal against refusal to grant permission for the erection of detached house and garage.	19 Aug 2004 DISMISSED	The Inspector concluded that the development would be inappropriate in the countryside.

DC73

**PLANNING AGREEMENTS**

The Committee was updated on the progress of outstanding Section 106 Agreements

The meeting ended at 5.20 pm.