

**DEVELOPMENT CONTROL COMMITTEE held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN at 2.00 pm on 18 MAY 2005**

Present:- Councillor C A Cant – Chairman.
Councillors E C Abrahams, J F Cheetham, C M Dean,
C D Down, E J Godwin, R T Harris, S C Jones, J I Loughlin and
J E Menell.

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

DC1 WELCOME

The Chairman welcomed Councillor Harris to his first meeting of the Committee and Councillor Dean who had been appointed as Vice-Chairman. She was also pleased to welcome back Councillor Bowker.

DC2 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors P Boland,
R F Freeman and A R Thawley.

Councillor J I Loughlin declared a personal non-prejudicial interest in applications 0238/05/DFO and 0239/05/DFO Standed as a member of the Parish Council.

Councillor C D Down declared a personal non-prejudicial interest in applications 0238/05/DFO and 0239/05/DFO Standed as she knew the applicants.

Councillor S C Jones declared a prejudicial interest in agenda item number 7, intent to fell a tree at "Fearn's", Freshwell Street, Saffron Walden as he was the owner of the property.

DC3 MINUTES

The Minutes of the meeting held on 27 April 2005 were received, confirmed and signed by the Chairman as a correct record, subject to an amendment to the second line of Minute DC163 to read "200 vehicles" and not "20 vehicles" as stated in the minute.

DC4 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 officer's report.

0238/05/DFO Stansted – B1 use including buildings, parking, access, servicing and landscaping (outline approved under reference UTT/0833/91 and extended approval under 1480/03/REN)

0239/05/DFO Stansted – B1 use including buildings, parking, access, servicing and landscaping (outlined approved under reference UTT/0833/91 with period extended under UTT/1481/03/REN)

- Parsonage Farm for W R C Morton & Co.

Subject to an additional condition relating to slab levels and landscaping to include mature planting. Also, an informative note asking for construction traffic to avoid Church Road.

Mr Knight spoke in support of the application.

0414/05/OP Newport – Demolition of existing Nissan hut and storage building and erection of 2 detached dwellings with garages – Plots 4 and 5 The Spinney, London Road for JMJ Construction.

Subject to additional conditions relating to the height of the buildings and the permanent provision of a hedge to the front and rear of the property.

Mr Christian spoke in support of the application.

0386/05/DFO Great Dunmow – Reserved matters pursuant to outline 0449/02/OP for 100 dwellings and associated estate roads, footpaths, garages, car spaces, surface water drainage, amenity areas, boundary treatment and landscaping including provision of landscape margin to north west bypass – Sector 3, Woodlands Park for Wickford Development Co Ltd.

0392/05/DFO Great Dunmow – Outline approval 0450/02/OP, 300 dwellings and associated estate roads, footpaths, garages, car spaces, bin and cycle stores, foul and surface water drainage, public open space, amenity areas, boundary treatment and landscaping including landscape margin to north west bypass – Sector 3, Woodlands Park for Wickford Development Co Ltd.

0395/05/FUL Great Dunmow – 51 dwellings and associated estate roads, footpaths, garages, car spaces, foul and surface water drainage, amenity areas, boundary treatment and landscaping including landscape margin to north west by pass – Sector 2, Woodlands Park for Wickford Development Co Ltd.

Subject to an additional condition to delete house type P from the dwelling designs and a condition relating to choice of materials.

Councillor Davies, Dunmow Town Council and Councillor Murphy spoke against the applications in relation to house design.

0486/05/LB Saffron Walden – Replacement door and frame – 2 Freshwell Street for Ms B Hughes.

0191/05/FUL Felsted – Erection of extension to Lord Riche Hall and new classroom block – Felsted School, Stebbing Road for Felsted School.

Subject to an additional condition relating to drainage.

Steven Robertson and Nicholas Hare spoke in support of the application.

(b) Refusals

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

0172/05/OP Barnston – Industrial workshop/storage building, office building, staff welfare building and cart shed and removal of 5 existing buildings – Mawkinherds Farm, Wellstye Green for Mr H Jaggard.

0399/05/DFO Great Dunmow – 63 bedroom Travelodge and associated parking and alteration to existing vehicular and pedestrian accesses – Hoblongs Industrial Estate, Chelmsford Road for Travelodge Hotels Ltd.

Nick Jenkins spoke in support of the application.

(c) Planning Agreements

0394/05/FUL Great Dunmow – 17 dwellings and associated estate roads, footpaths, garages, car spaces, foul and surface water drainage, boundary treatment and landscaping and landscape margin to north west bypass – Sector 3, Woodlands Park for Wickford Development Co Ltd.

RESOLVED that the Executive Manager (Development Services) in consultation with the Chairman of the Committee be authorised to approve the above application subject to the conditions in the officer's report and an additional condition to delete house type P from the house designs and the completion of an agreement under Section 106 of the Town and Planning Act to secure seven affordable dwellings.

It was further RESOLVED that if the agreement was not signed the application should be refused.

0507/05/OP Little Canfield – Five dwellings whilst retaining the existing bungalow – Gameyards, Warwick Road for Messrs C A & J A Blackmore.

RESOLVED that the Executive Manager Development Services in consultation with the Chairman of the Committee be authorised to approve the above application, subject to the conditions in the Officer's report and the completion of an agreement under Section 106 of the Town and Country Planning Act to ensure contributions to social, amenity and infrastructure requirements and to link the site with the larger development preventing its development in isolation.

(d) Site Visits

The Committee agreed to visit the sites of the following applications on Wednesday 8 June 2005.

0358/05/FUL & 0378/05/LB Wimbish – Stable block and manege for commercial livery – Wimbish Hall Farm for David Hawkes.

Reason: To assess the affect of the development on the amenity of neighbours, highway safety and the effect on the character and appearance of the countryside.

Hilary Brightman and Edward Browne, Wimbish Parish Council spoke in support of the application.

0351/05/FUL Lindsell – Two storey side extension – 1 Slatted Cottages, Holders Green for Mr R Whitman.

Reason: To assess the scale and design of the development in respect of the original building and street scene and the effect on the character and appearance of the countryside.

Mr Whitman spoke in support of the application.

DC4

HIGH HEDGES REGULATIONS

The Committee was informed that new regulations relating to control over high hedges would come into force on 1 June 2004, and would give local authorities the role of arbiter of last resort. The power to determine the applications had been already been delegated to the Executive Manager for Development Services at the last meeting of Full Council.

The regulations stated that the applicant would need to demonstrate that significant efforts had been made to resolve the matter prior to involving the Council. The Council would then contact the owner to allow him to set out his case and an officer would inspect the site and make a judgement on whether the hedge was affecting the reasonable enjoyment of the applicant's home and garden. If action were required, the Council would serve a remedial notice specifying the action to be taken and a timetable for its completion.

The document suggested that there should be a non-returnable fee with the application, but left it up to local authorities in England to set an appropriate amount. In Wales, the maximum fee had been set at £320 and given the amount of work that would be involved in determining a case, officers considered that this fee could be appropriate.

A number of Members expressed concern that the Regulations appeared to penalise residents who were badly affected by the high hedges and not those responsible for the nuisance. Also, the proposed fee was prohibitively high and did not take any account of reduced circumstances.

Officers replied that the Act required that the complainant paid the fee and the level proposed needed to cover the considerable work that would be required to be undertaken by the officer and would need to deter malicious allegations. It was pointed out there was not sufficient resources within the planning section to take on substantial new work of this nature. As an alternative the Executive Manager Development Services suggested an appropriate level of fee might be the same as for a new house, which was £265. It was agreed

that the amount should be reviewed on a three monthly basis once the likely level of take up was clearer.

Councillor Harris suggested a two-tier scheme; a fee of £100 for initial officer advice and the additional £220 to be paid if action was pursued.

It was then moved by Councillor Cheetham that the fee be set at £265 to be reviewed in three-months time, and officers be asked to look at a scale of charges to take account of reduced circumstances and also investigate a possible two-tier system.

An amendment was then moved by Councillor Harris that the fee be set at £135 to be reviewed in three months time.

Councillor Harris argued that the proposed fee was prohibitively high. He asked for comparative information on the levels set by neighbouring authorities. Officers replied that a survey had been undertaken and the fees ranged from about £100 to £500.

On being put to the vote, the amendment was lost. It was then

RESOLVED that

- 1 Members noted the new Regulations and agreed a fee of £265 per application, to be reviewed in three months time;
- 2 officers be asked to look a scale of charges to take account of reduced circumstances and also investigate a possible two-tier system.
- 3 representations be made to the ODPM and Sir Alan Haselhurst MP pointing out the injustice of the regulations in that they required the fee be charged to the complainant.

DC5

NOTIFICATION OF INTENT TO FELL AN ALDER TREE AT “FEARNS” FRESHWELL STREET SAFFRON WALDEN

Members were asked to approve the felling of one alder tree growing within the grounds of “Fearn’s”, Freshwell Street, Saffron Walden within in a conservation area. The tree had been inspected and it was not considered to provide sufficient amenity as to warrant it being made the subject of a tree preservation order.

RESOLVED that no objection be raised to the felling of the alder tree.

DC6

APPEAL DECISIONS

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

LOCATION	DESCRIPTION	APPEAL DECISION & DATE	SUMMARY OF DECISION
76 Little Walden Saffron Walden UTT/0661/04/FUL	Proposed is a three storey side extension	DISMISSED 27 April 2005	The Inspector concluded that the extension would be detrimental to the appearance of the house itself and to the street scene in general
Woodview Stortford Road Hatfield Heath UTT/0854/04/FUL	Proposed is a first floor extension	ALLOWED 27 April 2005	The Inspector concluded that the extension would have no adverse affect on the amenity of the occupiers of the adjacent property "Fairlight". Although there would be some loss of light she concluded that this would be insufficient justification to refuse permission.
Field House Berden UTT/1018/04/FUL	Proposed is a first floor extension, three balconies and a dormer window	ALLOWED 27 April 2005	The Inspector concluded that the extensions and balconies would be satisfactory in terms of their relationship to the house itself. The Council's argument that the house had been considerably extended in the past and that further extensions would be contrary to our policy of having regard to the scale and design in relation to the original building was not given weight. This is being pursued with the Inspectorate.
Deansfield Crix Green UTT/1208/04/FUL	Proposed is described as extensions to an existing dwelling	ALLOWED 25 April 2005	The Inspector concluded that creating a two-storey building from a bungalow outside development limits was an acceptable interpretation of the Council's policies.

DC7 **ENFORCEMENT REPORT**

Members received the schedule setting out the current enforcement cases.

In relation to the airport related in parking at Canfield Service Station, a hearing date had now been set and if it went in the Council's favour, it was hoped that the site could be cleared within 21-28 days.

DC8 **QUARTERLY REPORT ON DEVELOPMENT CONTROL PERFORMANCE**

The Executive Manager Development Services was pleased to report that in the last quarter performance had exceeded the best value targets in all three categories. The Committee asked that its congratulations be conveyed to the officers in the Development Control section for all the hard work that they had put it to achieving these targets.

The meeting ended at 5.50 pm.