

**DEVELOPMENT CONTROL COMMITTEE held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN at 2.00 pm on 31 AUGUST 2005**

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

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

DC42

APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors P Boland, W F Bowker, C M Dean and A R Thawley.

Councillors J F Cheetham declared a personal non-prejudicial interest as a member of NWEIPA

Councillor S E Jones declared a non-prejudicial interest in applications 0988/05/FUL and 1229/05/FUL Saffron Walden as Chairman of the Saffron Walden Town Council Planning Committee.

Councillor C D Down declared a prejudicial interest in application 0994/05/DFO Little Dunmow as she knew the neighbour of the property and would leave the meeting for consideration of this item.

Councillor E C Abrahams declared a personal interest in application 0982/05/FUL Langleigh as he knew the applicant and would leave the meeting for the consideration of that item.

DC43

MINUTES

The Minutes of the meeting held on 10 August 2005 were received, confirmed and signed by the Chairman as a correct record subject to the alteration of the second two paragraphs of minute DC33 to delete reference to SSE and read

Councillors C M Dean, E J Godwin and A R Thawley declared personal interests as members of CPRE and the National Trust. Councillor Down declared a personal interest as a member of CPRE."

DC44

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.

0994/05/DFO Little Dunmow – two storey house and garage and garden store, access to highway and drive (reserve matters application)

UTT/1299/03/OP) adjacent to The Old Vicarage, Grange Lane for Mr and Mrs Ulph.

Subject to additional conditions relating to the provision of adequate sight lines and a survey for great crested newts.

Councillor J F Cheetham declared a non-prejudicial interest in this application. Councillor C D Down left the meeting for the consideration of this item.

1113/05/FUL Hatfield Broad Oak – Loose boxes, tack room and fences, change of use from agricultural to pasture – land adjacent Woodbury House, Pierce Williams for Mr and Mrs Waters.

1229/05/FUL Saffron Walden – single storey bay window extension on front and side elevation – 1b Plantation Close for Mr and Mrs J D Easthope

0765/05/FUL Thaxted – single storey link extension between Units 1 and 2 and car park extension – Factory Units 1 and 2 Sibleys Green for Mr H Craine.

Subject to the conditions to be agreed between the Chairman and the Executive Manager for Development including standard time limit materials, controlled use, hours of operation to be as existing, landscaping enhancement, car parking and preventing sub-division.

0863/05/FUL Great Easton – change of use of field to paddock – Hyde Farm, Gallows Green for L Ford-Robertson.

(b) Refusals

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

0982/05/FUL Langley – change of use of barns to industrial and office, storage of joinery machine, construction of panels for house construction – Grange Farm for Pelham Structures Limited.

Bill Bampton spoke in support of the application

Councillor Abrahams left the meeting for the consideration of this item.

0895/05/DFO Takeley – Airport related car hire business, parking area and ancillary office – land adj to Dormers Mill End for Barr Trust

0923/05/FUL Stebbing – conversion of vacant chapel into seven residential units together with erection of 4 cottages and 2 open bay cart lodges, alteration of existing access and change of use of land from light industrial to residential – The Old Chapel, Mill Lane for Mr D Emery and Mr Ward.

Reason – over development and out of scale, contrary to the appearance and character of the conservation area, loss of the graveyard and the space it occupies would be detrimental to the conservation area. The development

would be detrimental to the amenity of the occupiers of the development because of the proximity of habitable rooms to the access way.

Mrs Penner, Stebbing Village Hall Committee and Mike Kingdon, Stebbing Parish Council spoke against the application.

1140/05/FUL Wimbish – demolition of redundant café and bungalow, erection of dwellings and alteration to access – the Beehive and Chesters, Elder Street, Wimbish for D and D Property Services Limited

0804/05/FUL Takeley – demolition of existing building, erection of self contained residential units and construction of new vehicular access – land adjacent to 1 Nursery Cottages, Dunmow Road for Mr S Radcliffe.

1003/05/FUL Wimbish – change of use from recreational grazing to commercial stud farm, temporary dwelling to prove viability of future stud farm accommodation and extension to approved stables – The Lipizzaner UK Stud, Home Pasture, Top Road, Wimbish Green for Mr and Mrs L R Evers.

Lucian Evers spoke in support of the application. Edward Bourne, Wimbish Parish Council, spoke against the application.

(c) Site Visits

The Committee agreed to visit the sites of the following applications on Monday 21 September 2005

0988/05/FUL Saffron Walden – 5 houses, Pinewood, Debden Road for Echo's Ltd

Reason: to assess the suitability of the access and the scale of the development.

Jo Durning spoke against the application.

The Committee also agreed to visit the site at Bellrope Meadows, Thaxted prior to the next meeting.

DC45

THE WHITE HORSE PUBLIC HOUSE SAFFRON WALDEN DEVELOPMENT BRIEF

The Committee was advised that the owner of the White Horse Public House and car park had expressed their intention to develop the car park site for retail, commercial and possibly residential purposes. Officers had prepared a development brief which set out the form of development that the Council would wish to see on this site.

RESOLVED that the brief be adopted as planning guidance

DC46

APPEAL DECISIONS

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

| LOCATION | DESCRIPTION | APPEAL DECISION & DATE | SUMMARY OF DECISION |
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| Field House Berden UTT/2178/04/FUL | Appeal against refusal to grant planning permission for single storey rear extension (conservatory) | 20 June 2005 DISMISSED | The Inspector concluded that the conservatory would harm the character and appearance of the original dwelling and the surrounding area. This is good support for Policy H8 |
| Abbotsmead Mill End Green Great Easton UTT/1058/04/FUL | Appeal against refusal to grant planning permission for conversion of a garage to form a self-contained granny annexe without complying with a condition requiring its occupation by a dependant relative | 20 June 2005 ALLOWED | The Inspector allowed the appeal in the basis that the appellant supplied a unilateral undertaking not to sell the property independently nor for it to be occupied except by short tenancies or as an annexe |
| White Cottage Latchmore Bank Little Hallingbury UTT/1602/04/FUL | Appeal against refusal to grant planning permission for the erection of a replacement dwelling and garage | 27 July 2005 DISMISSED | The Inspector concluded that the proposal dwelling was too large and would be contrary to Green Belt policy |
| White Cottage Latchmore Bank Little Hallingbury UTT/2125/04/FUL | Appeal against refusal to grant planning permission for the erection of a replacement dwelling and garage | 27 July 2005 | The Inspector concluded that the proposed dwelling would be too large and would be contrary to Green Belt policy |
| Highgrove North Hall Road Ugley UTT/1594/04/FUL | Appeal against refusal to grant planning permission for construction of a 2 bedroom bungalow for holiday | 27 July 2005 DISMISSED | The Inspector concluded that the development would consolidate an isolated ribbon of development and have a harmful urbanising effect on the landscape |

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| | residential use | | |
| Dunrovin Main Road Willow Green Felsted UTT/1579/04/FUL | Appeal against refusal to grant planning permission for extension to rear house with new dormer windows to front | 28 July 2005 DISMISSED | The Inspector concluded that the extensions would look incongruous and give rise to loss of privacy |
| Dorneys High Street Great Sampford UTT/0379/04/FUL | Appeal against refusal to grant planning permission for the conversion of outbuilding to annexe accommodation together with link extension providing further domestic storage and garaging | 1 August 2005 DISMISSED | The Inspector concluded that the development would be contrary to the rural restraint policies of the Council. He recognises the personal circumstances of the appellants but these are not enough to outweigh the more general planning considerations |
| Land adjacent to "Little Martins" Duck Street Little Easton UTT/1707/04/OP | Appeal against refusal to grant planning permission for outline application for erection of 4 semi-detached 2 bedroom cottages and one chalet bungalow | 29 July 2005 DISMISSED | The Inspector concluded that this was inappropriate development in the countryside. |
| Lavengro Cophall Lane Thaxted UTT/1971/03OP | Appeal against refusal to grant planning permission for detached bungalow | 28 July 2005 DISMISSED | The Inspector concluded that the bungalow would appear cramped in the street scene. |
| Barn House Watling Lane Thaxted UTT/0020/05/FUL | Appeal against refusal to grant planning permission for installation of four 1.3m ² surface area solar collectors | 29 July 2005 ALLOWED | The Inspector concluded that the benefits for energy efficiency outweigh the harm caused to the Conservation Area |
| Joscelyn's Farm Howe Lane Great Sampford | Appeal against refusal to grant planning | 29 July 2005 DISMISSED | The Inspector concluded that the appeal building is of no merit, no effort had been made to secure |

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| UTT/0342/05/FUL | permission for alterations and conversion of stables to a dwelling, demolition of all modern redundant farm buildings | | any use other than residential and would significantly detract from the character of the listed building |
| Joscelyn's Farm Howe Lane Great Sampford UTT/0343/05/FUL | Appeal against refusal to grant planning permission for alterations and conversion of stables to a dwelling, inserting timber partition walls and doors, new windows and fittings, reintroducing slate to the roof | 29 July 2005 DISMISSED | As above |
| 17 Lukins Drive Great Dunmow UTT/1577/04/FUL | Appeal against refusal to grant planning permission for the erection of a room over existing garage and rear extension | 10 June 2005 DISMISSED | The Inspector concluded that the design was unsatisfactory |
| Barns at Free Roberts Farm Howe Lane Great Sampford UTT/0348/05/FUL | Appeal against refusal to grant planning permission for change of use and conversion of 2 barns into 2 dwellings | 5 August 2005 DISMISSED | The Inspector concluded that the development would fail to protect the appearance and character of "Howses" a significant listed building |

DC47

PLANNING AGREEMENTS

The Committee received the table that set out the current position regarding outstanding Section 106 Agreements.

DC48

**PLANNING ENFORCEMENT: D J R CARS, CANFIELD MOTORS,
DUNMOW ROAD, TAKELEY**

The Chairman agreed to the consideration of this item on the grounds of urgency as the Committee was required to agree the action before the next meeting.

The Committee was advised of urgent action that had been taken under the scheme of delegation in relation to the enforcement case at DJR Cars Canfield Motors Dunmow Road Takeley. The site, on the old A120 between Takeley and Great Dunmow was being used without planning permission for car parking, primarily associated with passengers using Stansted Airport. Currently around 300 cars were being parked there. Officers considered this to be a flagrant breach of planning control.

The breach had first been reported in late November 2004. In February 2005 a Solicitors undertaking was received to stop the unauthorised parking. The use did not cease, so injunctive proceedings were commenced in the courts on 31 March and a trial date was set for 8 April. An enforcement notice was issued on 21 April 2005 and an appeal lodged on 26 May. No date for the hearing has yet been set. Planning applications for the use of the site were submitted on 31 March and refused in late May.

Following submissions by the appellants the trial was rescheduled for 13 July 2005. A stop notice was issued on 9 June. The appellant made an application for judicial review on the grounds that officers had exceeded their delegated authority. It was considered that there was some merit in this argument, as fresh authority had not been sought for the issue of the stop notice. An agreement was reached to withdraw the notice provided that the judicial review application was also withdrawn. Subsequent authority to issue a new stop notice was obtained from the Committee on 20 July 2005.

The trial was again rescheduled, to 22 July at which time the injunction was upheld, with the judge considering the breach to be flagrant and three weeks were allowed for compliance. An appeal was lodged at the High Court and at a hearing on 18 August, the injunction was again upheld with the proviso that the Council should enter an undertaking to meet the appellants costs in the event that the matters restrained by the injunction turned out not to be a breach of planning control. To make this undertaking was an urgent decision with a reply required within 3 days

Action was taken under delegated authority. The scheme of delegation allowed urgent decisions to be made by Executive Managers in consultation with the Chairman of the relevant committee provided that the action was within budget and complied with Council policy. On 19 August 2005, the Executive Managers of Development Services, Corporate Governance and Finance and Asset Strategy agreed that the action supported the Council's clear planning policies, that the appropriate budget existed and that there were adequate funds to meet the costs, if required. The Chairman of the Committee was consulted and the Executive Manager Corporate Governance then agreed the undertaking.

The appellants could now seek a judicial review of the delegated authority to make this decision but officers were confident that appropriate procedures had been followed. If this injunction was effective the use should cease on 8 September 2005. In answer to a members question it was confirmed that if the appellants were to go for judicial review they would be required to first seek leave to apply and then apply for stay of injunction.

With regards the enforcement notice, Counsel had advised that the enforcement notice should be amended to two separate notices, one against the unauthorised development (to include erection of a fence and gates) and the other against the breaches of planning permission UTT./0005/02/FUL. This should not delay the appeal process.

Members confirmed their support of the action that had been taken. The Chairman commented that it was essential to uphold the Council's policies, which were central to the way in which this Council dealt with the airport.

RESOLVED that the Committee agreed the actions that had been taken by officers in consultation with the Chairman.

The meeting ended at 5.15pm