

**DEVELOPMENT CONTROL COMMITTEE held at COUNCIL OFFICES
LONDON ROAD at 2.00 pm 22 NOVEMBER 2006**

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

Officers in attendance: M Cox, H Lock, J Mitchell, M Perry, M Ovenden
and M Ranner.

DC110 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors P Boland and
J E Menell.

Members declared the following interests.

Councillor Cheetham, for matters relating to Stansted Airport, a member of
NWEIPA, the National Trust and the Hatfield Forest Management Committee
and a personal interest in application 1538/06/FUL Stansted as the applicant
was known to her.

Councillor Thawley for Stansted Airport matters, a member of the National
Trust and CPRE.

Councillor Jones for Stansted Airport matters, a member of the National Trust
and in relation to application 1437/06/FUL Saffron Walden, a member of
Saffron Walden Town Council.

Councillor Loughlin a personal interest in application 1538/06/FUL Stansted
as a member of Stansted Parish Council and the applicant was known to her.

Councillor Godwin for Stansted Airport matters, a member of Birchanger
Parish Council and a personal interest in application 1538/06/FUL as the
applicant was known to her.

Councillor Down for Stansted Airport matters, a member of CPRE.

Councillor Freeman a personal interest as a member of Saffron Walden Town
Council.

Councillor Dean for Stansted Airport matters, a member of the National Trust
and a personal interest in application 1538/06/FUL Stansted as the applicant
was known to her.

DC111 MINUTES

The Minutes of the meeting held on 1 November 2006 were received,
confirmed and signed by the Chairman as a correct record, subject to the
following amendments.

- (i) Minute DC102 – to include Councillor Dean’s interest as a member of the National Trust
- (ii) Minute DC106, the first line of the third paragraph to read “20 dwellings” and the second line the applicant’s name to read “Lee Newlyn”.

DC112

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.

1539/06/DFO Little Dunmow – Details following outline application (UTT/0302/96/OP and 0023/03/OP) for 33 dwellings and 20 flats with associated adopted roads, parking and garages – former sugar beet factory area, 5d Oakwood Park for Persimmon Homes Ltd.

subject to an additional condition for officers to negotiate appropriate energy efficiency conditions; indicate a preference for light coloured brickwork on flats and achieve provision and landscaping of open space on immediately adjacent land as soon as possible.

1538/06/FUL Stansted – Variation of Condition C90A of UTT/0714/04/FUL (the floodlighting hereby approved shall only be used when the courts are in use and shall be turned off at 21:00 hours each day. A restricted hours time clock shall be installed and permanently retained and maintained in accordance with the manufacturers instructions) – Stansted Tennis Club, Cambridge Road for Stansted Tennis Club

subject to an amendment to Condition 1 to include Saturdays when floodlighting is permitted no later than 22:00 hours for up to two days in any one week and an amendment to Condition 2 to read a time limited condition for one year.

Mr Shervington spoke in support of the application.

(b) Refusals

RESOLVED that the following application be not granted for the reasons stated in the officer’s report.

1641/06/OP Ashdon – Outline application for two storey dwelling and garage, with all matters reserved except access – Land adjacent to 5 Church Hill for Mr C Moss.

Subject to an additional reason for refusal: The application fails to address flood risk issues satisfactorily. The site is in or abuts an area liable to flood, and the submitted assessment contains insufficient information on existing

ground levels relative to Ordnance Datum or flood levels to enable a full assessment of the flood risks on this application. It has not been established in an acceptable way whether the site is at risk of flooding, and hence whether the proposed development would be at risk of flooding, or increase the risk of flooding elsewhere. The proposal is therefore considered contrary to guidance contained in PPG25 and Local Plan Policy GEN3.

1437/06/FUL Saffron Walden – Change of use from A1 (newsagents) to A5 (hot food takeaway) – 2-4 George Yard for Ismail Yildirim.

Reasons:- Under Section 517 of the Crime and Disorder Act 1988 requiring a local authority to prevent crime and disorder in its area.
The affect on residential amenity of nearby residents.

Malcolm White, Saffron Walden Town Council, spoke against the application.

(c) Lawful Use Certificate

1589/06/CLP Little Dunmow – application for certificate of lawfulness of proposed use as a dwelling house for not more than six residents living together as a single household, albeit with an element of care, falling within class 3 (dwelling house use) – 6 Worrin Road for Mr and Mrs R Benyu.

RESOLVED that it be hereby certified that on 15 September 2006 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and hatched in black on the plan attached to this certificate, would have been lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed use only as described in the first schedule would not constitute a material change of the land from its lawful use as a dwelling house within Use Class 3.

First Schedule

Use as a dwelling house for not more than 6 residents living together as a single household, albeit with an element of care, falling within Class C3 (Dwelling House) use defined within the Use Class Order.

Second Schedule

Land at 6 Worrin Road, Little Dunmow, Essex, CM6 3FX.

An Informative Note to be attached to the decision:

This certificate relates only to the use described in the First Schedule. The Council have considered the supporting information provided with the application made on 15 September 2006, and hold the view that the intended use as described in the supporting information would best be classified as a C2 use class and is therefore not lawful without planning permission. This certificate therefore only gives an assurance that the use as described on this certificate is lawful and does not relate to the use outlined in the supporting statement prepared by Lucia Benyu included at Appendix 1: *'in the Application for of certificate*

of lawfulness' which explains that the dwelling will be operated as a 'small group home' for mentally disordered people living in the community.

Shalini Bodini and Ann Potgieter, Little Dunmow Parish Council, spoke against the application.

(d) District Council Development

RESOLVED that pursuant to the Town and Country Planning General (Regulations) 1992, permission be granted for the development proposed, subject to the conditions recorded in the officer's report

1621/06/DC Thaxted – Erection of new day centre to replace existing Thaxted Day Centre, Vicarage Mead for Uttlesford District Council,

subject to the inclusion of energy efficiency conditions and provision of store for wheeled bins.

DC113

CONSIDERATION OF DETAILS FOLLOWING OUTLINE APPLICATION UTT/0555/06/DFO FOR INFRASTRUCTURE TO INCLUDE SPINE ROAD LANDSCAPING AND DRAINAGE – PRIORS GREEN TAKELEY

The Committee received the details in response to condition C.90E of reserved matters approval reference UTT/0555/06/DFO. The condition required the submission and approval of details relating to screen planting in between the existing properties at Priors Green and the properties in the new development. This was in the interests of the appearance of the development and to safeguard the amenities of surrounding residential properties. The report set out the proposed planting for phase 7 and phase 8 of the development. The phase 8 planting was considered acceptable, but phase 7 had proposed the landscaping to be integrated into the new properties. This proposal had now been amended and members were advised of the new submission. Officers considered this to be acceptable, subject to various amendments; to providing fencing at the boundary of the existing properties, increasing the height of the fencing between the new properties and the landscape belt to 1.4 metres and to realign the phase 7 planting belt to allow space either side for maintenance.

Michael Mew, a resident of a nearby property, spoke to the Committee. He said he agreed with the proposal to adopt phase 8 as it appeared to be consistent and sensible. However, he had a number of comments to make in relation to phase 7. He asked for a 2m high close boarded fence to the boundary of the new properties whilst the fencing to the side of the existing properties should be left to be agreed with the landowners. He said that the planting scheme was inadequate, particularly in the short term for the next 3-5 years. He would like to see an instant impact with greater density and more than 1m width for maintenance.

The Committee made comments on the proposed landscaping. There was general consensus that the fencing should be higher on the boundary with the new properties in the Priors Green development. There would need to be

some kind of boundary fence on the side adjacent to the existing properties, but the details could be designed in consultation with the residents. The Landscape Officer said it was important that the fencing allowed for sufficient circulation of air to enable the new plants to grow. In terms of the planting, the Committee said that the Master Plan had specified a buffer zone of 6m and they saw no reason why this should not be retained. There should also be a maintenance zone adjacent to the trees. Members asked that the planting be enhanced with a mixture of mature and evergreen trees for there to be a visual impact straight away.

RESOLVED that Members disapprove of the details submitted in response to condition C90E of reserved matters approval reference UTT/0555/06/DFO and officers negotiate with the developers on the basis of the comments made at the meeting and report back to the Committee in due course.

DC114 APPEAL DECISIONS

Members noted the following appeal decisions which had been received since the last meeting.

APPEAL BY	LOCATION	DESCRIPTION	APPEAL DECISION & DATE	SUMMARY OF DECISION
Appeal A Mr & Mrs P Cullen	Hop Poles Bedlars Green Great Hallingbury	Appeal against refusal to grant planning permission for provision of a new car park for the public house within existing paddock	ALLOWED & planning permission granted subject to conditions 25-OCT-2006	The Inspector concluded that car parks are often associated with rural PHs and this would provide sufficient car parking for the PH in a way that satisfied appropriate standards for safety and amenity.
Appeal B Mr & Mrs P Cullen	Land adj to Golden Jubilee Cottage Bedlars Green Great Hallingbury	Appeal against refusal to grant planning permission for new private dwelling on the site of the existing public house car park	ALLOWED & planning permission granted subject to conditions 25-OCT-2006	The Inspector concluded that subject to details an appropriate scheme could be developed but it would only be acceptable if the above replacement car park was provided first.
Mr & Mrs S Gilman	Site adj to 2 Roseacres Takeley	Appeal against refusal to grant planning permission for erection of a dwelling	DISMISSED 6-OCT-2006	The Inspector concluded that that efficient use of land must be balanced against other planning issues - the proposed development of this corner site would be unduly prominent and detract from the character of the area.

Julian, Rosalind and Richard Mash	Springwell Cottage Walden Road Little Walden	Appeal against refusal to grant planning permission for retention of a two metre post and lap panelled fence	DISMISSED 18-OCT- 2006	The Inspector concluded that the fence was detrimental to the architectural and historic qualities of the listed building.
Mr D Chapman	Land adj to Tile House Bungalow Stebbing Green Stebbing	Appeal against refusal to grant planning permission for new dwelling, demolition of derelict steel framed barn	DISMISSED 16-OCT- 2006	The Inspector concluded that the site was clearly located amid open countryside; could not be deemed to be infill and would also be harmful due to the proposal's size and bulk. The advantages of removing the existing building were minimal.
Appeal A Mr & Mrs P Wright	Land adj to Fircot Maple Lane Wimbish	Appeal against refusal to grant planning permission for erection of one house and new access to highway	DISMISSED 17-OCT- 2006	The Inspector concluded that the site was visually significant; too wide to be infill and the proposal was unsustainable due to the very limited range of services accessible without reliance on a private car.
Appeal B Mr & Mrs P Wright	Land adj to Fircot Maple Lane	Appeal against refusal to grant planning permission for erection of two semi-detached houses and new accesses to highway	DISMISSED 17-OCT- 2006	
G Willington Esq	Dene-Syde Thaxted Road Debden	Appeal against refusal to grant planning permission for demolition of a dwelling and erection of four dwellings	ALLOWED 18-OCT- 2006	The Inspector concluded that four dwellings could be satisfactorily accommodated on this site without harm to the area or neighbours.
C Gale	Sibbards Farm Debden Green Saffron Walden	Appeal against refusal to grant planning permission for demolition of stables, conversion of stable/piggery into "annex" for	DISMISSED 18-OCT- 2006	The Inspector concluded that the works to the building would amount to rebuilding; the proposal was tantamount to a new dwelling in the open countryside and the proposal was unsustainable due to the very limited range of services accessible

		relative's accommodation (ancillary)		without reliance on a private car
Appeal A Mr S Grimes	Sewards End Farm 13 Redgates Lane Sewards End	Appeal against refusal to grant planning permission for removal of the house roof, repair, conservation and refurbishment of the house with internal layout alterations to the 1 st floor and the conversion of outbuildings to form 2 residential dwellings	ALLOWED 4-OCT-2006	The Inspector concluded that the benefits of repairing the listed buildings and restoring the group of farm buildings justified the scale of conversion works. Despite the evolution of national planning policy to support objective of sustainability, Policy H6 remains relevant to proposals to reuse rural buildings.
Appeal B Mr S Grimes	Sewards End Farm 13 Redgates Lane Sewards End	Appeal against refusal to grant planning permission for conversion of outbuildings (cowshed and piggery) to residential dwellings	ALLOWED planning permission granted subject to conditions 4-OCT-2006	
Mr A D Chapman	Home Farm Cottage Little Walden	Appeal against refusal to grant planning permission for alterations to garage to form games room and a single storey rear extension	ALLOWED planning permission granted subject to conditions	The Inspector concluded that both the significant remodelling of the outbuilding and the extension to the dwelling would protect the existing character of the dwelling and the locality.
Mr and Mrs S Viner	4 Straw Yard Holders Green Lindsell	Appeal against refusal to grant planning permission for single storey front extension and remodelling of roof at first floor level	DISMISSED in relation to the single storey front extension ALLOWED planning permission granted in relation to the remodelling of the roof at	The Inspector concluded that the remodelling of the existing two storey flat roof extension was acceptable but the long single storey addition was not.

			first floor level subject to conditions 20-OCT-2006	
Mr & Mrs M Hoare and Hastoe Housing Association	Land to rear of "Pootings", Off Waldeck Court Saffron Walden	Appeal against refusal to grant planning permission for erection of six dwellings with garages	DISMISSED 20-OCT-2006	The Inspector concluded that the development would be out of character with surroundings and that access through Waldeck Court would be inappropriate.
Mr and Mrs P Leeder	Land at Richmond's Farm Richmond Green Lindsell	Appeal against refusal to grant planning permission for a detached dwelling	DISMISSED 20-OCT-2006	The Inspector concluded that the site was not infill; would urbanise the loose line of building harming the character of the countryside.
DJR Cars LLP	DJR Cars LLP Dunmow Road Little Canfield	The application sought outline planning permission with all matters reserved for residential development without complying with a condition attached to planning permission Ref UTT/1608/05/OP, dated 20 December 2005	ALLOWED 23-OCT-2006	The Inspector concluded that rather than limit the number of dwellings by condition it should be left to the reserved matters submission to demonstrate an acceptable form of development.
Mr & Mrs J Hockaday	The Vineyard Cole End Lane Swards End	Appeal against refusal to grant planning permission for alterations to form a gable end to the existing garage	ALLOWED 1-NOV-2006	The Inspector concluded that the remodelling of the outbuilding would not be harmful to the character of the countryside subject to use of suitable materials.
Mary Picton-Turberville	Chiswick Hall Chrishall	Appeal against refusal to grant planning permission for the retention of 2 sheds, retention of a portable henhouse and surrounding	ALLOWED 31-OCT-2006 and planning permission granted subject to conditions	The Inspector concluded that the sheds and henhouse were insignificant in the landscape; that the ménage was sensitively sited; the cricket nets were inconspicuous and the pool would be too.

		fencing, retention of manege and surrounding fencing, retention of field shelter, erection of cricket nets and provision of hardstandings and the provision of a swimming pool and erection of pump housing		
T-mobile UK Ltd	Ionica Pedley Shirehill Saffron Walden	Appeal against refusal to grant planning permission for the installation of telecoms equipment comprising of the removal of existing mast and installing a 18.5m high "lattice tower" structure complete with 3 antenna and one dish, one associated radio equipment cabinet and development ancillary thereto	ALLOWED 27-OCT-2006	The Inspector was mindful of an unimplemented permission for a slightly different proposal and concluded that the proposal was justified on technical grounds and that siting on an industrial estate would help reduce its impact.
Paul Constable	Highdown Sibleys Green Thaxted	Appeal against refusal to grant planning permission for the change of use of existing building to domestic, studio, games room, garage and office	DISMISSED 27-OCT-2006	The Inspector concluded that proposal actually proposed replacement building; that it would be a significant structure in the area; acting to consolidate sporadic development and the proposal would not be for purposes actable within the countryside

DC115

PLANNING AGREEMENTS

The Committee received the schedule setting the progress on current Section 106 Agreements.

DC116

DEVELOPMENT CONTROL COMMITTEE MEETING – JANUARY

Members were advised that the meeting scheduled for 31 January 2007 had been left off the Committee Timetable and members were asked to make sure that they noted it in their diaries.

The meeting ended at 5.40 pm.