

**DEVELOPMENT CONTROL COMMITTEE held at COUNCIL OFFICES  
HIGH STREET GREAT DUNMOW at 2.00PM on 25 APRIL 2007**

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 E  
Menell, and A R Thawley.

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

**DC167 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors P Boland, J I Loughlin and M Miller.

**DC168 DECLARATIONS OF INTEREST**

Councillor Thawley declared a personal interest as a member of the National Trust and CPRE.

Councillor Cheetham declared a personal interest as a member of the National Trust, NWEPHA and the Hatfield Forest Management Committee.

Councillor Down declared a personal interest as a member of CPRE.

Councillor Dean declared a personal interest as a member of the National Trust

Councillor Godwin declared a personal interest as a member of SSE

**DC169 MINUTES**

The Minutes of the meeting held on 4 April 2007 were received, confirmed and signed by the Chairman as a correct record.

**DC170 BUSINESS ARISING**

**i) Minute 161 – BAA appeal increased use of runway Stansted Airport**

The Director of Development confirmed that the Inspector had acknowledged receipt of the resolutions from the last meeting. The Inquiry would proceed based on BAA's pre submission case of 35mppa.

**DC171 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.

**0246/07/FUL Great Dunmow** – Amendment to approved layout comprising 20 dwellings with associated garaging, parking and footpaths – Sectors 2 & 3 Woodlands Park for Wickford Development Company.

Subject to additional conditions: to remove PD rights for all properties and to ensure that the roof space in the bungalow is not converted, proposals for a bin store, no boundary treatment to street frontages and open space, management of existing landscaping.

**0184/07/FUL Saffron Walden** – change from B2 to B1, B2 and B8 use – former Dairy Pipelines, Shire Hill.

Subject to an additional condition to restrict uses near Prospect Place to B1, delivery hours to be negotiated for the B8 elements and no outside storage.

**b) Authority to the Director of Development**

**0426/07/FUL Saffron Walden** – construction of B1 units and car park facilities, refurbish and alter existing residential units – High Bank and Hill View, Thaxted Road for Bremland Properties.

RESOLVED that the Director of Development in consultation with the Chairman of the Committee be authorised to refuse the above application.

DC172

**AMENDMENT TO SCHEME OF DELEGATION – WITHDRAWAL OR REFUSAL OF APPLICATIONS FOLLOWING COMMITTEE RESOLUTION**

Members were advised that in cases where an application had been approved subject to a Section 106 agreement, but the agreement had not been signed, the only options available were to refuse the application or to withdraw it under "finally disposed of" powers. However, if there had been a Committee resolution neither course of action could be taken without the application being reconsidered by the Development Control Committee. In the interests of expediency, it was suggested that this could be delegated to the Director of Development so that after a period of six months following the due determination date, the matter could be refused or withdrawn if the legal agreement has not been signed. The Development Control Committee would continue to receive progress reports on current legal agreements.

RESOLVED that

- 1 Members amend the written terms of the delegation agreement approved by the Development Control Committee, to allow the Director of Development to refuse or withdraw applications without further reference to the Development Control Committee, in cases where the Development Control Committee have resolved to approve subject to the applicant entering into a Section 106 legal agreement, but where the applicant has declined to enter into that agreement.
- 2 the above would be in accordance with the Director of Development's existing powers under Article 25(11)(a) of the Town and Country Planning (General Development Procedure) Order 1995 in respect of items already delegated for determination. This legislation allows the local planning authority to treat an application as "finally disposed of" (i.e. withdrawn) if there has been no activity on the case for a period of six months after the application was due to be determined, and without there having been any appeal against non-determination.

DC173

**PLANNING APPLICATION UTT/1608/07/OP 23 STATION ROAD  
WENDENS AMBO**

The Committee was advised that at the meeting on 13 December 2006, planning permission had been granted for the above application subject to a Section 106 agreement to ensure that the garage and the house remained in the same ownership and that the converted garage at a later date could not be used as an additional dwelling. The applicant now intended to withdraw the element of the application relating to the conversion of the garage and would submit a fresh application with this element withdrawn. The Section 106 remained unsigned and the application should be refused.

RESOLVED that the application UTT/1608/06/FUL be refused for the following reasons:

The applicant has failed to complete a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to ensure that the garage and the house shall remain in the same ownership and that the converted garage at a later date can not be used as an additional dwelling. In the absence of such an Agreement, the proposal would create the potential for separate use as a dwelling house, but without the necessary amenity space and parking. The use as a separate dwelling without these facilities, and in this position, could give rise to unacceptable nuisance and loss of amenity to adjacent properties.

Furthermore, use as a separate dwelling would be out of keeping with the general pattern of development in the vicinity. The proposal would be contrary to ERSP Policy BE1 and ULP Policy GEN2.

DC174 **UTT/1157/05/OP 1 & 2 BROADFIELD VILLAS, TAKELEY AND  
UTT/1217/06/OP 5 HAMILTON ROAD LITTLE CANFIELD**

The Committee had granted permission for these developments in October 2005 and November 2006 subject to a S106 agreements relating to phasing and monies for funding provisions of education, transport enhancement, landscaping and community facilities, in accordance with the adopted Supplementary Planning Document – Island Sites. Both applicants had recently written to the Council stating that they no longer wished to proceed with the applications.

RESOLVED that the applications be finally disposed of under Article 25(11)(a) of the General Development Procedure Order 1995.

DC175 **APPEAL DECISION**

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

LOCATION	DESCRIPTION	APPEAL DECISION & DATE	SUMMARY OF DECISION
53 Stortford Road Great Dunmow	Appeal against refusal to grant planning permission for carriage crossing and retaining wall	DISMISSED 26-MAR-07	The Inspector concluded that the provision of an access where vehicles would have to either reverse into or out of the site so close to the mini roundabout would unacceptably compromise highway safety.
Little Owls (formerly Prows Farm Cottages), Marks Hall Lane, White Roding	Appeal against refusal to grant planning permission for stables/carriage store and change of use of agricultural land to paddock. Construction of tarmac track to stables	DISMISSED 4-APR-07	The Inspector concluded that the new buildings would be of excessive size, remote from the dwelling; would detract from the open character of the countryside; that the excavation and construction would make it hard to restore the agricultural land in the future.

DC176 **PERFORMANCE STATISTICS**

*The Committee agreed to the consideration of this item on the grounds of urgency as members required the information before the next meeting.*

The Director of Development circulated figures on the speed of decision for planning applications for the period 2000 to 2007. In all categories there had been around a 30% increase in the number of applications determined within

the statutory timescales and all now exceeded the Government's performance targets. He said that this demonstrated the team work that existed between members and officers. Decision making had speeded up, but it was also of high quality. The Chairman asked that congratulations be passed on to all the officers in the planning department. She said that the Committee had been thorough in its consideration of the applications, whilst still dealing with them in a timely fashion. Members had also had the courage to refuse an application when they had felt strongly that it was not acceptable.

DC177

**LAST MEETING**

The Chairman said that the last year had been the most tiring and wearing year for the Committee. It had faced an unprecedented workload and all members had worked very hard. She congratulated them on work well done and was pleased that the Committee had worked together with a common objective. She thanked the officers for their support throughout the year. Councillor Cheetham thanked the Chairman for the fair and professional manner in which she had chaired the meetings.

The meeting ended at 4.15pm