

**DEVELOPMENT CONTROL COMMITTEE held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN at 2.00 PM on 25 JULY 2007**

Present:- Councillor J F Cheetham – Chairman.
Councillors E C Abrahams, C A Cant, R Clover, C M Dean,
C D Down, K L Eden, E J Godwin, J I Loughlin, J E Menell, D J
Perry, J Salmon, C C Smith and L A Wells.

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

DC21 DECLARATIONS OF INTEREST

Councillor Cheetham declared a personal interest in application 0390/07/FUL Little Bardfield as the applicant was known to her.

Councillor Salmon declared a prejudicial interest in application 0390/07/FUL Little Bardfield as the applicant was a personal friend.

Councillor Loughlin declared a personal interest in application 0390/07/FUL Little Bardfield as she had chaired the licensing meeting that had granted the application for the venue.

Councillor C Dean declared a personal interest in application 0390/07/FUL Little Bardfield as the applicant was known to her. She also declared a prejudicial interest in application 0788/07/FUL Saffron Walden as she knew the agent and would leave the meeting for the consideration of this item.

Councillor Down declared a personal interest in application 0168/07/FUL Hadstock.

DC22 MINUTES

The Minutes of the meeting held on 5 July 2007 were received, confirmed and signed by the Chairman as a correct record.

DC23 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.

0390/07/FUL Little Bardfield – Change of use from grounds associated with Little Bardfield Hall to be used to hold concerts twice a year and weddings/social/parish events ten times a year, erection of marquees, stage and toilets and use of land for car park for the event – Little Bardfield Hall for Mr A Goldsmith.

Subject to amendments to the following conditions

Condition 2 - change date to 31 October 2007

Condition 10 - change the periods for setting up and taking down the marquee to 48 hrs.

Councillor Salmon left the meeting for the consideration of this item

0168/07/FUL Hadstock – detached dwelling with garage – land at Orchard Pightle, Bilberry End for Trustees of F Pickford Grandchildren Settlement.

1053/07/FUL Saffron Walden – dwelling and carport, replacement garage to 23 Wayback for Mr and Mrs Millership.

Subject to an amendment to an additional condition to ensure that the new building is at least 1m from boundary with Neville Court.

0999/07/FUL Hatfield Heath - Addition of 3 vodafone dishes – 1, 1.2 dish at 19.45m and 2 dishes at 18.4 on existing 25m telecommunication mast – Camp Farm, Mill Lane for Orange PCS Ltd.

b) Deferral

RESOLVED that the following application be deferred for the reasons stated in the officer's report.

0841/07/DFO Takeley – details following planning permission (UTT/0816/00/OP) for 49 dwellings including associated parking/garages – phase 10 Priors Green Dunmow Road for Barrett Homes.

Reason: To seek Counsel's opinion.

(b) Planning Agreements

1)0788/07/FUL & 2)0789/07/LB Saffron Walden - 1) Alternative scheme to that approved under UTT/1268/06/FUL for single retail use on ground and first floor, one residential unit to second floor, alterations to dimensions and fenestration 2)Alternative scheme to UTT/1272/06/LB for single retail use on ground and first floor, one residential unit to second floor, alterations to dimensions and fenestration - 4 Market Street for Mr John Knight

RESOLVED that the Director of Development in consultation with the Chairman of the Committee be authorised to approve the above application subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 for a financial contribution in the sum of £20,000 index linked to fund highway improvements in the vicinity of the site ring fenced to the Hill Street area including proposals as identified as part of the Saffron Walden Town Centre Improvement Scheme.

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

0847/07/FUL Barnston – removal of agricultural occupancy condition and transfer by legal agreement to Martels Barn – Sparlings Farm, Chelmsford Road for Mr J Wormald

RESOLVED that the Director of Development in consultation with the Chairman of the Committee be authorised to approve the above application subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to transfer agricultural occupancy condition to the dwelling to be created by conversion at Martels Barn, Barnston once the Barn has been converted and ready for residential occupation.

Councillor Cheetham declared a personal interest in this item as the agent was known to her.

c) Notification by Essex County Council

0924/07/CC Great Dunmow - Great Dunmow Resource Management Centre comprising: a recycling centre for household waste including the siting of storage containers and recycling facilities, refuse collection vehicle parking area with associated mess room facilities for Uttlesford District Council, waste transfer/bulking station for mixed and source separated municipal and trade waste, associated works - Land r/o Ambulance Station Chelmsford Road for Essex County Council & Uttlesford District Council

RESOLVED that the Committee informs Essex County Council that this authority supports the proposal subject to the following revisions.

1. Development to commence within three years of the date of the permission.
2. Development to be carried out in accordance with revised plans showing the relocation of the building by ten metres and the provision of a landscaping buffer along the entire southern boundary and along the entire eastern boundary.
3. No development to commence until details of odour dust measures have been submitted and implemented
4. Submission of landscaping scheme around perimeter of site and within it (to include bunding and mature and semi mature planting and some evergreen species.
5. Implementation of landscaping and protective fencing scheme prior to commencement of development.
6. Submission of noise fencing for construction and post construction to be submitted and implemented prior to commencement
7. Submission and implementation of scheme for treatment of water runoff & waste from office etc
8. Agreement of colour of cladding of building
9. No public access to the civic amenity site until road improvements to the junction of the B184/A130 have been carried out.
10. Slab level agreement.
11. Lighting to be switched off after hours of use.
12. General protection of the amenity of nearby residents

Councillors Gower and Barker raised points of concern in relation to the application.

DC24 PUBLIC RIGHTS OF WAY ORDERS – REVIEW OF CHARGES.

The Committee was asked to approve an increase in the administrative charge for making orders to divert public footpaths and bridleways. The fee had not been reviewed for a number of years. The new fee reflected the actual cost of administering the process and would put Uttlesford in line with other similar authorities.

RESOLVED that

- 1 the fees for public path diversion/ extinguishment orders be increased to £600 (and £100 for each additional path) plus the cost of advertising.
- 2 the authority maintains discretion to waive or reduce the fees in appropriate cases.
- 3 the charge be reviewed annually.

DC25 CHARGING FOR PRELIMINARY ENQUIRIES AND PRE APPLICATION ADVICE.

The Committee received a report which outlined various options for charging for general planning, listed building and tree enquiries, including pre-application advice. The Development Control and Planning Policy services had historically offered a considerable amount of advice without charge but it was not now considered to be sustainable to continue at the level currently offered without additional funding.

Planning authorities had a discretionary power to charge for giving pre-application advice although the income generated should not exceed the cost of providing the service. In other areas where this had been introduced, householder proposals and small businesses had been excluded. Many also excluded listed building and tree advice, but given the high number of listed buildings and trees in the district this was not considered feasible.

There were recognised benefits in charging, including better quality applications, improved performance and fewer appeals. Also any reduction in enquiries would free officers to concentrate on other areas of work

The report set out a series of tables with suggested charging scales together with a table comparing other local authorities' charges. It was important that the charges were easy to understand and administer and it was recommended that option B be introduced, as follows

OPTION B	Letter Only (No Meeting)	Meeting in Office	Meeting on Site	Meeting involving 2nd Officer	Follow-up meeting
1. Major	£200	Page 4 £500	£600	£50 per	£100

Developments*				extra officer	
2. Minor Developments**	£100	£250	£300	£50 per extra officer	£50
Conservation advice (all types, including householder)	£100	£250	£300	£50 per extra officer	£50
Conservation advice –urgent structural repairs only **	Free	Free	Free	NA	Free
Tree Advice (TPO's and Trees in Conservation Areas only)	NA	NA	£50	NA	£20

Members agreed that the charges were necessary and supported option B though they did question whether there should be a further tier of charges for applications over 25 houses. They also stressed the importance of the charges being carefully explained and widely publicised.

It was explained that there would continue to be a duty officer to offer free advice to householders. This was a new departure for the Council and the charges would need to be reviewed to ensure that they were appropriate.

RESOLVED that

- 1 the principle of charging for non-statutory advisory services be agreed
- 2 the charging system set out Option B be adopted
- 3 a period of public consultation be agreed through the agents' forum and the Council's website, prior to implementation
- 4 officers monitor the system and report back to this Committee six months after the commencement of an adopted scheme
- 5 officers undertake more research regarding the costs of providing the service and review the charges set in one year as a result of that research.

DC26

PLANNING FOR A SUSTAINABLE FUTURE – THE PLANNING WHITE PAPER.

The Committee was advised of details of the Government White Paper on Planning and four associated consultations. The closing date for comment was 17 August 2007. .

The White Paper set out the Government's vision for a planning system. It argued that the long term challenges for planning were increasing and that more needed to be done to address these. Improvements required were a coordinated national policy, a less bureaucratic and complicated system and involvement of individuals and communities. The Government had put forward a number of proposals, a summary of these was set out in the report, together

with the officers comments. It was conceded that many aspects of the planning system could be improved and a number of the proposals were supported. However the proposal for major planning applications to be considered by an independent commission was a major change and not supported as it was considered that planning applications should be dealt with locally.

The consultation had been considered at the Environment Committee on 19 June when it resolved to oppose “the proposals for a Major Infrastructure Commission set out in the Government White paper”. Members shared these concerns and said that appointing a Government Quango to decide on major applications would be the first stage in eroding local democracy.

RESOLVED that the views set out in this report be forwarded to the DCLG.

DC27

PROPOSED CHANGES TO PLANNING APPLICATION FEES – CONSULTATION PAPER.

The Committee received details of a consultation paper on proposed changes to the regime of planning fees for applications. Three options had been identified; Option 1: no change to the fee regime, Option 2: an increase in overall fees by approximately 40% (excluding householder applications which would increase by £10) and option 3 an increase overall of 25%, excluding householder developments, which would not increase by more than £10. The upper limit of £50,000 would be removed and a fee would also be introduced for the discharge of conditions. Option 3 was the preferred option. There was also a suggestion of a premium service which for an additional fee would offer a guaranteed decision within a certain time frame.

The report set out the list of questions asked in the paper, and the Council’s response. Officers generally welcomed the proposals although the increased charge would not lead to cost recovery. The national charge was welcomed as it would be easier to defend and the proposal to charge for the discharge of conditions was supported. The proposal for a fast track system was not considered to be a good idea as it would result in a 2 tier system.

RESOLVED that Members endorse the comments to the Department’s questions outlined in the report, as a basis for formal response to the consultation exercise.

DC28

CHANGES TO PERMITTED DEVELOPMENT: CONSULTATION PAPER 2: PERMITTED DEVELOPMENT RIGHTS FOR HOUSEHOLDERS

A consultation paper had been issued outlining proposed changes to permitted development rights afforded by Parts 1 and 2 of the Town and Country Planning (General Permitted Development) Order 1995. The key areas for change related to the criteria for determining the size of house extensions and outbuildings. These changes would be based on an assessment of impact rather than arbitrary size limitations. The report set out a table listing the existing controls which were deemed to require amendment,

and the proposed changes, with officer comments attached. Officers generally supported the proposed changes although some areas still required clarification and interpretation.

RESOLVED that Members endorse the comments to the Department's questions outlined in the report as a basis for formal response to the consultation exercise.

DC29 **PLANNING PERFORMANCE AGREEMENTS: A NEW WAY TO MANAGE LARGE-SCALE MAJOR PLANNING APPLICATIONS.**

Members were advised of the details of the consultation paper. It includes two main proposals. One was to introduce a distinction between applications that were defined as major applications, based on scale. The second proposal was that applications for the largest schemes should be managed by a partnership between the applicant and local planning authority. This process would run from pre application discussions through to the decision and beyond. Schemes run in this way would be subject to timescales determined between the main parties rather than the arbitrary 13 week period.

The consultation also asked eight questions and suggested answers were outlined in the report. Members commented that the freedom from the 13 week deadline should be extended to smaller developments as the Council was often penalised for delays which were outside its control.

RESOLVED that the views set out in the report be forwarded to DCLG.

DC30 **IMPROVING THE APPEAL PROCESS IN THE PLANNING SYSTEM – MAKING IT PROPORTIONATE, CUSTOMER FOCUSED, EFFICIENT AND WELL RESOURCED.**

Members were informed of details of the consultation paper which included many proposals which had the aim of speeding up the appeal system, stopping abuses of it, recouping costs to the tax payer and passing some of the responsibilities of the appeal process from the Inspectorate to Local authorities. The report set out the councils responses to the questions asked in relation to the proposals

RESOLVED that the views set out in this report, together with other views of Members, be forwarded to DCLG

DC31 **APPEAL DECISIONS**

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

LOCATION	DESCRIPTION	APPEAL DECISION & DATE	SUMMARY OF DECISION
Hillcrest Church Hill Ashdon UTT/1292/06/FUL	Appeal against refusal to grant planning permission for single and two storey extensions together with alterations to a family house. Provision of a cartlodge. Demolition of the garage and the BBQ area	ALLOWED in part and is DISMISSED in part 5-JULY-07	The Inspector concluded that the scale of the extension was excessive and harmful to the countryside. The cart lodge would replace a garage and would be a slight improvement on the existing structure. NB. The Inspectorate has the ability to make a split decision (part approve/part dismiss) whereas the local planning authority does not. Given this and the fact that the Inspectorate agreed with the authority that the house extension was unacceptable but the cart lodge was not the appeal decision is supportive of the decision to refuse the application.
Land to the rear of Oaklyne Dell Lane Little Hallingbury UTT/0835/06/FUL	Appeal against refusal to grant planning permission for demolition of a series of prefabricated and asbestos commercial buildings and replacement with one detached house	DISMISSED 4-JULY-07	The Inspector concluded that the proposal was in conflict with greenbelt policy and none of the circumstances either <u>individually</u> or <u>cumulatively</u> amount to very special circumstances necessary to outweigh the harm identified.
Land behind Sewards End Farm Redgates Lane Sewards End UTT/0906/06/FUL	Appeal against refusal to grant planning permission for land for the keeping of horses with associated building and facilities for the exercising of horses	DISMISSED 29-JUNE-07	The Inspector concluded that the building and hardstanding would be obtrusive in the countryside.
6 Hallingbury Close Little Hallingbury UTT/0958/06/FUL	Appeal against refusal to grant planning permission for extension at first floor and	DISMISSED 29-JUNE-07	The Inspector concluded that the view from the front; would be incongruous and discordant; have the appearance of an additional building rather than an extension and would have a significant

	alterations to ground floor		adverse effect on the character and appearance of both the dwelling and the street scene.
The Whalebone White Roding	Appeal against refusal to grant planning permission for convert garage to annexe with new double garage	ALLOWED 29-JUNE-07	The Inspector concluded that the minor alterations to the building and its use for ancillary purposes to the main dwelling would protect the amenity of neighbours and the character of the greenbelt.
Land between 161 & 163 Cherry Garden Lane Newport	Appeal against refusal to grant planning permission for erection of a single dwelling	ALLOWED (Granted subject to conditions) 29-JUNE-07	The Inspector concluded that it would have a neutral effect on the supply of amenity space in the area and respect the setting and living conditions of neighbours.
Easter Hall, High Easter	Appeal against enforcement notice concerning "without the benefit of planning permission: (a) the erection of a marquee on the Land in the position marked approximately with blue hatching, the marquee being used for retail sales of goods and produce other than produce grown or reared on the Land, and (b) change of use of the Land from agricultural use to use for retail sales of goods and produce, other than produce grown or reared on the Land".	DISMISSED 13-JUNE-07	<p>The Inspector concluded that the retail use is in conflict with national and local policy relating to sustainability. "It is, quite simply an inappropriate location for a retail operation which results in a considerable amount of traffic". He considered that significant traffic would be attracted to the area to the detriment of its rural character. He was not convinced that the damage to the verges from traffic was long lasting or harmful to nature conservation interests. He balanced the various issue raised by the appellant but considered that none of these out weighed the harm it would also cause.</p> <p>The appellant made an application for costs at the hearing which failed because the Inspector concluded that the Council had acted reasonably.</p>

DC32 **PLANNING AGREEMENTS**

The Committee received the schedule of outstanding Section 106 agreements

DC33 **ANOUNCEMENT**

The Committee congratulated Karen Hollitt, Planning Officer in Development Control, on her recent award of Diploma with distinction, and her promotion to Senior Planner.

DC34 **EXCLUSION OF THE PUBLIC**

RESOLVED that the public be excluded for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 5 of Schedule 12A of the Local Government Act 1972

DC35 **PROVISION OF COMMUNITY FACILITIES AT OAKWOOD PARK.**

The Council's Solicitor updated the committee on the current situation regarding the recent appeal and the provision of community facilities at Oakwood Park.

RESOLVED that the report be noted and an explanatory letter be sent to the residents of Oakwood Park.

The meeting ended at 5.50pm.