

**DEVELOPMENT CONTROL COMMITTEE held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN at 2.00 pm on 9 APRIL 2008**

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

Officers in attendance:- L Bunting (Committee and Electoral Assistant),
N Ford (Senior Planning Officer), C Oliva (Solicitor – Litigation
and Planning), M Ovenden (Interim Head of Development
Control) and M Perry (Assistant Chief Executive).

DC123 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors C A Cant, C M Dean,
and J E Menell.

There were no declarations of interest.

DC124 MINUTES

The Minutes of the meeting held on 19 March 2008 were received, confirmed
and signed by the Chairman as a correct record.

DC125 BUSINESS ARISING

(i) Minute DC117 - (a) Approvals

The Assistant Chief Executive spoke with regard to application 0028/08/FUL
Newport which had been approved subject to conditions at the last meeting.
It was explained that, before a decision notice was issued to the applicant,
Members' could come to a different decision.

The Assistant Chief Executive went on to explain that planning permission
was not granted by a resolution of a committee. Planning permission was
only granted when a decision notice was issued to the applicant. Section 70
of the Town and Country Planning Act 1990 provided that when dealing with
an application, a local planning authority (LPAs) may grant planning
permission unconditionally, subject to such conditions as they saw fit or may
refuse the application. Members had clearly not been minded to grant
planning permission unconditionally, therefore there was no authority for
officers to issue an unconditional consent. A resolution of the Committee to
grant an application subject to unspecified conditions could not act as a
planning permission but was a declaration of intent to grant planning
permission in the event that suitable conditions could be devised. The
Committee were not bound by such a declaration of intent as to do so would
restrict the Committee's discretion which was something it could not do by
law. Members were therefore free to determine the application in any of the

methods permitted by Section 70. The ability of LPAs to change their minds before a decision notice was issued had been recognised in a series of cases.

The Assistant Chief Executive also referred to a letter received from Strutt and Parker, the content of which he had not been impressed with.

Councillor Smith said he had not been impressed by the fact that this advice had not been given at the last meeting to provide guidance to Members and that the calculation of the numbers of dwellings to the hectare had been incorrect.

The Chairman pointed out that the manner in which calculations of numbers of dwellings to the hectare had been made was explained at the previous meeting.

The Assistant Chief Executive then asked the Chairman for permission to leave the meeting which was given. He said he would be available for recall if any further query arose.

DC126

SCHEDULE OF PLANNING APPLICATIONS

(a) Approvals

RESOLVED that planning permission and listed building consent be granted for the following developments, subject to the conditions, if any, recorded in the officer's report.

0028/08/FUL Newport – Demolition of building and erection of 14 dwellings, access drive and related development – former Newport Highways Depot, Bury Water Lane for David Wilson Homes.

Subject to supplementary conditions minus condition 19 regarding affordable housing; including the highway authority conditions and also the Grampian condition relating to highway works; and condition 7.1 concerning slab levels .

Councillor Andrew Yarwood (Parish Council), Peter Biggs (David Wilson Homes) and Mr Arscott (neighbour) spoke in support of the application.

0085/08/OP Thaxted – Demolition of existing buildings and change of use from part industrial/part residential to residential to provide 14 dwellings – Cowell and Cooper, Weaverhead Lane for Mr R Chapman Associates.

Subject to the inclusion of two sustainability code conditions and wheel washing of construction vehicles.

0183/08/FUL Saffron Walden - Erection of 61 bedroomed care centre to replace existing nursing home. Construction of new vehicular access – Stanley Wilson Lodge, Four Acres for Excelcare Equities Ltd.

Subject to the addition of condition relating to it being a care home; also condition relating to contractor wheel washing and refuse bin stores.

0202/08/FUL Stansted – Two storey rear extension – 48 Bentfield Road for Mr and Mrs Rands.

Subject to the removal of remaining permitted development rights.

Mr Tim Allsop (neighbour) spoke against the application and Mrs Angela Khalil (mother of the applicant) spoke for the application.

DC127

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
The Piggeries Hall Road/ Church Lane Great Hallingbury	Appeal against refusal to grant planning permission for described as the use of buildings A and B for B1 business use, without compliance with condition C.90A application number UTT/0379/00/FUL	29-FEB-08 ALLOWED	The Inspector concluded that the removal of the condition and the consequent (potential) broadening of activities occurring on site would have no discernable impact on the character of the countryside.
Thaxted Hall Hotel Walden Road Thaxted	Appeal against refusal to grant planning permission for erection of marquee and reconfiguration of car parking to Thaxted Hall Hotel	5 MARCH 08 ALLOWED	The Inspector concluded that the trial period should be longer (5 years) than originally permitted (just over two years) to allow the impact to be assessed with the Bellrope Meadow development occupied. He saw that winter use was likely to be less damaging than the permitted summer use and therefore he thought it to be acceptable.
Grange Farm, Langley Upper Green	Appeal against refusal to grant planning permission for change of use of redundant agricultural barns to the manufacture of timber framed buildings and joinery with ancillary storage and offices, including new cladding to buildings and provision of car parking and landscaping, plus creation of a new vehicular access and closure of existing	11 MARCH 08 ALLOWED	The Inspector concluded that there were sustainability benefits in collecting the company's activities together on the one site; that lorry movements would be occasional and that sound insulation could be carried out to the building and its machinery to mitigate the effects of noise on the amenity of neighbours and the wider countryside.

Grange Farm, Langley Upper Green	Appeal against refusal to grant planning permission for change of use of Building 1 from grain store to storage of timber in association with Pelham Structures' operations at Brice's yard, Clavering on a temporary two year basis	11 MARCH 08 ALLOWED	The Inspector concluded that the proposal for a temporary use was acceptable for similar reasons to the above.
Wants Cottage Ongar Road Margaret Roding	Appeal against refusal to grant planning permission for replace current 1m fence with a 2m fence in wood	13 MARCH 08 ALLOWED	The Inspector concluded that in his judgement the overall impact of the taller fence was negligible and if there was a resultant reduction in road noise in the property this would tip the balance in its favour.

DC128

SITE MEETINGS

With regard to the site visits held this morning, three Members said that they had not received any notification of the visits and therefore had not been present. The Interim Head of Development Control apologised for the lateness in the notification but said that emails had been sent to all Members.

The Chairman said that Members should be notified as soon as possible of any site visits.

The meeting ended at 3.40 pm