

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 21 MARCH 2012, AT 7.00 PM

PRESENT: Councillor W Ashley (Chairman).
Councillors M Alexander, S Bull, A Burlton,
Mrs R Cheswright, G Jones, G Lawrence,
M Newman, S Rutland-Barsby, T Page,
J Taylor and B Wrangles.

ALSO PRESENT:

Councillors K Crofton, P Moore and
P Ruffles.

OFFICERS IN ATTENDANCE:

Charles Allingham	- Enforcement Officer
Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

724 APOLOGY

An apology for absence was submitted on behalf of Councillor J Demonti. It was noted that Councillor T Page was in attendance as substitute for Councillor J Demonti.

725 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting and those who were watching the live webcast.

The Chairman advised that the following application had been withdrawn from the agenda:

- 3/11/2203/FP – Demolition of existing LaFarge depot buildings and structures. Construction of a sustainable housing development consisting of eleven new dwellings and associated works including access to highway, garages, roads, parking, pedestrian paths, allotments, wetland area and general landscaping at Land adjoining Sacombe Road, Waterford for John Duffield.

The Chairman advised that application 3/11/1616/FP would be moved up the agenda and determined before application 3/11/1886/FP.

The Chairman reminded Members of the meeting due to take place in the Charis Centre, Water Lane, Bishop's Stortford on Tuesday 27 March 2012, in respect of Bishop's Stortford North. The Chairman also reminded Members of the Local Development Framework (LDF) Executive Panel meeting due to take place on Thursday 29 March 2012, in the Council Chamber, Wallfields, Hertford.

726 DECLARATIONS OF INTEREST

Councillor W Ashley declared a personal and prejudicial interest in respect of the matter referred to at Minute 734 – Erection of a Single Wind Turbine and Associated Development: Benington: Potential Appeal (Planning Application 3/11/1190/FP) on the grounds that the applicant was a director of a company where Councillor Ashley was also a director. He left the room and Councillor S Rutland-Barsby chaired the meeting during the debate on this matter.

727 MINUTES

RESOLVED – that the Minutes of the meeting held on 29 February 2012 be confirmed as a correct record and signed by the Chairman.

728 3/11/1616/FP – ERECTION OF 14 NO. DWELLINGS AND NEW VETERINARY SURGERY WITH ASSOCIATED LANDSCAPING AND ACCESS ROADS AND DEMOLITION OF EXISTING HOUSE AT 306-310, WARE ROAD, HERTFORD, SG13 7ER FOR TUDORWOOD LTD

Mr Green addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/11/1616/FP, planning permission be granted subject to the conditions now detailed.

The Director referred to the additional representations schedule. Members were reminded that the applicant had requested that the item be deferred from the 29 February 2012 meeting to allow further review and negotiation regarding the provision of affordable housing.

The Committee was advised that Officers had since been provided with information regarding the costs associated with the remediation of the site. A figure of £205,000 had now been built into the latest viability assessment on this application.

The Director reminded Members that consultants are engaged on behalf of the Council to provide expert advice. The Committee was advised however that Officers and Members were permitted to make a judgement regarding the weight that should be given to such advice.

Councillor B Wrangles, as the local ward Member, stated that this site needed to be developed as it had been boarded up for 2 years. She commented that, although the provision of affordable housing was less than the usual 40%, the scheme was considered to be viable with the reduced affordable housing provision.

Councillor B Wrangles stated that the application, if approved, would fill a gap between houses to the west and commercial development to the east. She commented that the site needed to be developed and this application would enhance this part of Ware Road.

Councillor G Jones commented on the level of affordable housing. He also referred to the value of the land and stated that he would be supporting the Officer's recommendation for approval.

In response to a query from Councillor M Newman, the Director advised that the applicant had indicated a clear concern that, if a return on investment of less than 20% was achieved, then the development would not be viable. However, Officers considered that the market was more variable and the developer must be prepared to accept the risk of a lower rate of return.

The Director commented on variations in land values in that residential development would very likely increase the value of the site. A decision of the Committee would therefore be likely to have an impact on value. Members were advised that there was the potential for this additional value to enable the costs of affordable housing to be met, along with the return of a reasonable profit on development.

The Director advised that it was not unreasonable to expect the applicant to be flexible in respect of the risks relating to a lower investment return and the potential offsetting of affordable housing costs against land values.

In response to a query from Councillor M Alexander regarding policy HSG3 of the East Herts Local Plan Second Review April 2007, the Director confirmed that this policy stated that affordable housing provision should be up to 40%. The Director stated that this flexible policy approach demonstrated that the Authority's planning policies were not out of touch with the current financial climate.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that, subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, application 3/11/1616/FP be granted subject to the conditions now detailed.

RESOLVED – that, subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/11/1616/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

729 3/11/1886/FP – TWO STOREY REAR EXTENSION AT WEST COTTAGE, BROMLEY LANE, MUCH HADHAM, SG10 6HU FOR MR S FITZGERALD

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1886/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1886/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

730 E/12/0014/B – UNAUTHORISED WORKS FOR THE ALTERATION OF A GRADE II LISTED BUILDING AT 6 – 8 DIMSDALE STREET, HERTFORD, SG14 1PH

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0014/B, prosecution proceedings be authorised on the basis now detailed.

The Director referred Members to the additional representations schedule relating to comments from the owner of the site and also in respect of his response to those comments.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation that, in respect of the site relating to E/12/0014/B, prosecution proceedings be authorised on the basis now detailed.

RESOLVED – that in respect of E/12/0014/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to commence prosecution proceedings on the basis now detailed.

731 E/11/0369/B – UNAUTHORISED ERECTION OF A TIMBER PERGOLA WITH POLYCARBONATE ROOF AT 33 CASTLE STREET, HERTFORD. HERTS, SG14 1HH

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0369/B, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation that, in respect of the site relating to E/11/0369/B, enforcement action be authorised on the basis now detailed.

RESOLVED – that in respect of E/11/0369/B, the

Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

732 E/11/0359/B – UNAUTHORISED CHANGE OF USE OF AGRICULTURAL LAND TO DOG TRAINING AND ERECTION OF ANCILLARY SHELTER AT LAND EAST OF THORLEY STREET, THORLEY, BISHOP'S STORTFORD, HERTS, CM23 4AP

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0359/B, enforcement action be authorised on the basis now detailed.

The Director advised that Officers had been told the unauthorised use was to be moved away from this site in April. Members were requested to authorise enforcement action in case the use had not ceased within the timescale referred to by the owner of the site.

Councillor A Burlton referred to the significant noise nuisance resulting from the unauthorised use on the site.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation that, in respect of the site relating to E/11/0359/B, enforcement action be authorised on the basis now detailed.

RESOLVED – that in respect of E/11/0359/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

733 E/11/0217/A – UNAUTHORISED MATERIAL CHANGE OF USE OF THE LAND, FROM A DWELLING HOUSE TO A RESIDENTIAL INSTITUTION, AT 18 MILLERS CLOSE, BISHOP'S STORTFORD, CM23 4FJ

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0217/A, enforcement action be authorised on the basis now detailed.

The Director advised that the Council's Solicitor had reviewed the contents of the Committee report and had sought additional clarification from Officers regarding the precise nature of the use and the details of the numbers of people living and working at the house. Officers had provided additional information, and had not changed their view that the use fell within use class C2.

Councillor G Jones stated that the use should not be seen as one which is highly institutionalised, such as a hospital or care home. He stressed that the carers were assisting the occupants in the same way carers assisted the elderly at home.

Councillor G Jones commented that, in his opinion, 2 children by themselves were capable of forming a single household if one occupant was over the age of 16. He also stated that, where there were live-in carers for residents with learning difficulties, the occupants were again quite capable of forming a single household.

The Director confirmed that this site was not being seen as one which was highly institutionalised. Members were advised that Officers considered the characteristics of the use of the site were such that it is different from a conventional C3 residential use.

The Director reminded Members that the occupants were young adults who had been placed by Hertfordshire and Essex County Councils. The young adults required a level of care and direction to enable them occupy the property.

In response to a query from Councillor M Newman, the Director confirmed that, following the dialogue between Officers and the Council's Solicitor, there was general

agreement that the unauthorised use was different from a conventional C3 residential use.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation that, in respect of the site relating to E/11/0217/A, enforcement action be authorised on the basis now detailed.

RESOLVED – that in respect of E/11/0217/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

734 ERECTION OF A SINGLE WIND TURBINE AND ASSOCIATED DEVELOPMENT: BENINGTON: POTENTIAL APPEAL (PLANNING APPLICATION 3/11/1190/FP)

The Head of Planning and Building Control submitted a report inviting the Committee to consider issues relating to a potential appeal in respect of application 3/11/1190/FP, for the erection of a single wind turbine and associated development in Benington.

Councillor S Rutland-Barsby stated that Officers felt that the middle ground, in the form of an informal hearing, was the most appropriate way of dealing with the potential appeal. Members were reminded of the options for dealing with appeals, i.e. written representations, an informal hearing or a full public inquiry.

Councillor K Crofton, as the local ward Member, stated that the overriding local view was that there should be a full public inquiry to ensure that the gravity of the issues relating to this application were fully addressed.

The Director advised that Councillor N Poulton, as the local ward Member for Watton-at-Stone, had stated that there should be a full public inquiry as the word limits for written evidence at an informal hearing were too restrictive to allow a full airing of all the issues.

The Director advised that although Officers did not have a definitive view, they felt that the most appropriate way forward was an informal hearing. Members were reminded that the final decision rested with the planning inspectorate and the Authority could only indicate what it felt was the appropriate way forward.

In response to a query from Councillor Mrs R Cheswright, the Director confirmed that, unless there were exceptional circumstances, any evidence brought by the Council must be limited to the reasons for refusal.

Members were advised however that third parties would be in the position of formulating their own cases, which may differ from that of the Council. At a hearing, the extent to which matters could be addressed was very much at the discretion of the Inspector.

Councillor J Taylor proposed and Councillor S Bull seconded, a motion that, in the event of an appeal against refusal of planning application 3/11/1190/FP, Officers advise the planning inspectorate that the appeal should be addressed by means of a full public inquiry.

After being put to the meeting and a vote taken, this motion was declared CARRIED.

Councillor M Alexander proposed and Councillor S Bull seconded, a motion that the Head of Planning and Building Control be granted delegated authority, in consultation with the Vice-Chairman of the Committee, the Executive Member for Community Safety and Environment and the local ward Members for Walkern and Watton-at-Stone, to make appropriate operational decisions in relation to the appeal, including the sign off of submitted documents and the level and degree of representation.

After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that (A) in the event of an appeal against refusal of planning application 3/11/1190/FP, Officers advise the planning inspectorate the appeal should be addressed by means of a full public inquiry; and

(B) The Head of Planning and Building Control be granted delegated authority, in consultation with the Vice-Chairman of the Committee, the Executive Member for Community Safety and Environment and the local ward Members for Walkern and Watton-at-Stone, to make appropriate operational decisions in relation to the appeal, including the sign off of submitted documents and the level and degree of representation.

735 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

(A) Appeals against refusal of planning permission/ non determination;

(B) Planning Appeals lodged;

(C) Planning Appeals: Inquiry and Informal Hearing dates; and

(D) Planning Statistics.

The meeting closed at 7.52 pm

Chairman
Date