

MINUTES OF A MEETING OF
THE DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON WEDNESDAY 22 AUGUST 2007 AT
7.30 PM

PRESENT: Councillor R Gilbert (Chairman).
Councillors M R Alexander, W Ashley,
S A Bull, Mrs R F Cheswright,
R N Copping, J Demonti, G E Lawrence,
D A A Peek, P A Ruffles (substitute for Councillor
B M Wrangles), S Rutland-Barsby, J J Taylor,
J P Warren, M Wood (substitute for Councillor
Mrs M H Goldspink).

ALSO IN ATTENDANCE:

Councillors M G Carver, D Clark, J Hedley
and R L Parker.

OFFICERS IN ATTENDANCE:

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

ACTION192 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Mrs M H Goldspink and B M Wrangles. It was noted that Councillor P A Ruffles was in attendance as substitute for Councillor B M Wrangles and Councillor M Wood was in attendance as substitute for Councillor Mrs M H Goldspink.

193 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman advised that the item relating to application 3/07/0865/FP – Retrospective application for the material change of use of former agricultural land to provide an area for overflow car parking, together with works to form a loose surface for parking, and the siting of a portacabin building at Paradise Wildlife Park, White Stubbs Lane, Broxbourne for Parkside Leisure Ltd had been withdrawn.

The Chairman also advised that the items relating to applications 3/07/0977/FP and 3/07/0976/FP for Mr Edward Noy had been withdrawn.

The Chairman advised Members and the public present to exercise caution when leaving the building, in respect of the raised areas of the car park due to problems with lighting.

194 DECLARATIONS OF INTEREST

Councillor S A Bull declared a personal and prejudicial interest in respect of application 3/01/0608/FP, as he received a pension from the Co-operative Society. Councillor Bull left the room prior to consideration of this matter.

ACTION

Councillor J P Warren declared a personal and prejudicial interest in respect of application 3/07/1256/FP, as the applicant was a client of his. Councillor Warren left the room prior to consideration of this matter.

Councillor W Ashley declared a personal interest in respect of application 3/07/1072/FP, as he often ran through Hertford Heath and Elbow Lane.

RESOLVED ITEMSACTION195 MINUTES

RESOLVED – that the Minutes of the meeting held on 18 July 2007 be confirmed as a correct record and signed by the Chairman.

196 3/07/1015/FP – CHANGE OF USE OF LAND AND RETENTION OF STRUCTURES FOR PAINTBALL GAMES AT A RATE OF 112 DAYS PER ANNUM (RETROSPECTIVE) AT HIGH WOOD, LONDON ROAD, HERTFORD HEATH FOR MR N. LACEY

Mrs Colson addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that in respect of application 3/07/1015/FP, planning permission be refused for the reasons now detailed.

Councillor W Ashley praised Officers for the report. He stated his support for ongoing enforcement proceedings and expressed his hope that these proceedings would continue.

Councillor R N Copping stated his support for the first reason for refusal in the Officer's report as now submitted.

The Committee supported the recommendation of the Director of Neighbourhood Services that application

ACTION

3/07/1015/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/1015/FP, planning permission be refused for the following reasons:

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1. The proposed use would have a significantly adverse impact on the ecological and landscape importance of this woodland which is designated as an Ancient Woodland and a County Wildlife site within the East Herts Local Plan Second Review April 2007. As such, it would be contrary to policies ENV2, ENV11, ENV14 and ENV16 of that Plan.
2. The proposed use would result in an unacceptable level of noise and disturbance to the residents of nearby properties contrary to policy ENV24 of the East Herts Local Plan.
3. To permit this proposal would lead to an intensification of use of an access onto the public highway at a point where visibility of turning traffic is severely limited and would thereby lead to conditions detrimental to the safety and convenience of users of both the access and those on the public highway.

197 3/07/1220/RP – ERECTION OF A 4 STOREY OFFICE FOR B1 OFFICE USE AT 95-97 LONDON ROAD, BISHOP'S STORTFORD FOR STANLEY TEE SOLICITORS

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1220/RP, planning permission be granted subject to the conditions now detailed.

The Director advised that late representation had been received from the Environment Agency confirming that

ACTION

following the receipt of further drawings, the Agency wished to withdraw their objections.

The Director reported that in light of the Environment Agency's late representation, Officers wished to delete condition number 9 in respect of the building's location in relation to the watercourse.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1220/RP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1220/RP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12)

2. Samples of materials (2E12)

delete "Prior to any building works being commenced"

add "Prior to the commencement of the development above ground level"

3. Landscape design proposals (4P12) (g), (h), (i), (l), (k), (l)

delete "No works or development shall take place until"

add "Prior to the commencement of the development above ground level"

4. Landscape works implementation (4P13)

amend "the timetable agreed" to "a timetable to be first agreed in writing"

ACTION

5. Levels (2E05)
6. Retention of parking space (3V20)

"add in connection with the development hereby approved"
7. Hard surfacing (3V21)
8. Prior to the first occupation of the building hereby approved a Sustainability Statement demonstrating how the development will encourage sustainable movement patterns through design, and achieve sustainable use of resources shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the development secures all available opportunities to contribute towards sustainable development initiatives, and in accordance with Policy SD1.

Directives:

1. Outline permission relationship (070P)

Insert "15 April 2005" and "3/04/0657/OP"
2. You are reminded that there is a legal requirement to submit and receive approval for a Green Travel Plan prior to the first occupation of the offices hereby approved, pursuant to the outline approval 3/04/0657/OP.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure and East Herts Local Plan), and in particular Policies ENV1, ENV2, ENV3, ENV4,

ACTION

ENV20, ENV21, TR6, TR7, TR13, BIS14, and BIS15. The balance of the considerations having regard to these policies and the to the extant outline approval for a comparable building under 3/04/0657/OP is that planning permission should be granted.

198 3/01/0608/FP – 6 NO. 2 BED FLATS, 10 NO. 2 BED MAISONNETTES, PUBLIC LIBRARY AND OPEN SPACE AT DOLPHIN YARDS, HERTFORD FOR MCMULLEN AND SONS LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/01/0608/FP, subject to the applicant entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990, planning permission be granted subject to the conditions now detailed.

The Director advised that following discussions with Officers, the Developer had offered a financial contribution of £66,000 towards the provision of a new footbridge crossing of the River Lee to be secured by a Legal Agreement.

The Director reported that adjoining landowners had submitted a request that access be secured to the Adams Yard scheme via this development. However, Officers considered that acceptable access can be secured as previously intended via Maidenhead Yard.

The Director advised that late representation had been received from the Archaeological Officer confirming that preliminary investigation works had taken place on the site.

Councillor P A Ruffles expressed his support for the Officer's recommendation and encouraged Members to determine the application to secure an important development for Hertford. Councillor D A A Peek also expressed his support for the recommendation.

ACTION

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/01/0608/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/01/0608/FP, subject to the applicant entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:

DNS

1. The provision, subsequent ownership and occupation of the building identified as the new Public Library within the applicant's ownership
2. The implementation of an agreed landscaping scheme in the area between the proposed development and the river's edge together with the transfer of the ownership of the land to the District Council and an agreed sum for the long term maintenance of this area of land
3. The implementation of a traffic order on that part of Dolphin Yard which is a highway
4. The establishment of public rights of way across the site from Bull Plain to the western and southern boundaries of the site
5. The contribution to the Council, the sum of £66,000 towards the provision of a new footbridge crossing of the River Lee.

the Director of Neighbourhood Services be authorised to grant planning permission subject to the following conditions:

1. Three year time limit (1T12).
2. Samples of materials (2E12) .."including

ACTION

rainwater goods”.

3. Sample brickwork panel (2E35).
4. Cycle parking facilities (2E29).
5. Lighting details (2E27).
6. New doors, “add ...windows, roof eaves,” (2E34).
7. Levels (2E05).
8. Refuse disposal facilities (2E24).
9. Parking provision and retention (3V23).
10. Landscape design (4P12).
 - (a) Means of enclosure.
 - (b) Hard surfacing materials.
 - (c) Minor artefacts and structures (e.g.furniture, play equipment, refuse or other storage units, signs, lighting).
 - (d) Planting plans.
 - (e) Schedules of plants.
11. Landscape implementation (4P13).
12. Landscape maintenance (4P17).
13. Retention of landscaping (4P21).
14. Prior to the first occupation of the development the area of land south of the Bull Plain entrance adjacent to the Health Clinic shall be landscaped in accordance with details first submitted to and as approved in writing by the local planning authority.

Reason: In the interests of the appearance of

ACTION

the development and the Hertford Conservation Area and in accordance with Policy ENV1, ENV2 and BH6 of the East Herts Local Plan 2007.

15. Withdrawal of PD (Part 1 Class A) (2E20).
16. Withdrawal of PD (Part 2 Class A) (2E21).
17. Prior to the first occupation of the development works for the disposal of surface and foul water shall have been provided on site in accordance with details first submitted to and as approved in writing by the local planning authority.

Reason: In the interests of securing the satisfactory drainage of the site.

18. Prior to the commencement of above ground development, the applicant shall submit details of sustainable building technologies within the development, including inter alia renewable energy provisions, enhanced insulation measures and heat recovery ventilation systems.

Reason: To ensure the sustainable measures within the development in accordance with Policy SD1 and ENV1 of the adopted East Herts Local Plan.

Directive:

1. Other legislation.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan 2007) and in particular policies SD1, ENV1, ENV2, BH6, TR7,

ACTION

EDE2 and LRC3. The balance of the considerations having regard to these policies is that planning permission should be granted.

- 199 3/07/0825/FP – REFURBISHMENT AND EXTENSION OF EXISTING B1 OFFICE BUILDING; DEMOLITION OF VEHICLE REPAIR GARAGE; ERECTION OF 2 DWELLINGS AND CHANGE OF USE OF LAND TO PROVIDE GARDENS AT THE OLD FORGE AND FORMER NEWMAN'S GARAGE, CROMER FOR NUTWOOD DEVELOPMENTS LTD
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The Director of Neighbourhood Services recommended that, in respect of application 3/07/0825/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/070825/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/0825/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12).
2. Programme of archaeological work (2E02).
3. Levels (2E05).
4. Complete Accordance (2E10).
5. Samples of materials (2E12).
6. No Further Windows (2E17) ' flank elevations and north west facing roof slope'.
7. Withdrawal of P.D. (Part 1 Class A) (2E20).

ACTION

8. Withdrawal of P.D. (Part 1 Class B) (2E23).
9. Protection of archaeological regime (2E31).
10. Materials arising from demolition (2E32).
11. Contaminated land survey and remediation (2E33).
12. Turning space (3V17) amend to include - 'as shown on the approved plans'.
13. Provision & retention of parking spaces (3V23).
14. Hard surfacing (3V21).
15. Prior to the first occupation of the development hereby permitted details of hard and soft landscaping proposals shall be submitted to and approved in writing by the local planning authority. These details shall include: (a) Means of enclosure (b) planting plans (c) schedules of plants (d) implementation timetables.

Reason: To improve and conserve local landscape character in accordance with Policies ENV2 and GBC14.

16. Landscape Works Implementation (4P13).
17. Hours of working – plant and machinery (6N05).
18. Details of the proposed brick wall adjacent to Forge Cottage shall be submitted to and approved in writing prior to its construction.

Reason: In the interests of the appearance of the site and to safeguard the amenities of the occupiers of Forge Cottage.

ACTIONSummary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies SD2, HSG5, GBC2, GBC3, GBC9, TR1, TR7, EDE2, EDE3, ENV1, ENV2, ENV7, ENV25, BH1, BH2, BH3, OSV3 of the East Herts Local Plan Second Review (April 2007). The balance of the considerations having regard to these policies and to the material considerations in this case is that planning permission should be granted.

200 3/07/1256/FP – ERECTION OF SINGLE DWELLING PARKING AND ACCESS. REVISED ACCESS AND NEW GARAGE FOR EXISTING HOUSE AT 5 THE FOLLY, BUNTINGFORD, FOR MR I R TURVEY

Mr White addressed the Committee in opposition to the application. Mr Turvey spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1256/FP, planning permission be granted subject to the conditions now detailed.

Councillor S A Bull, as the local ward Member, addressed the Committee in opposition to the application. Councillor Bull summarised the planning history of the site and commented that the application would result in a congested street scene.

Councillor Bull expressed concern that the likely increase in traffic would pose a danger to pedestrians using the main footpath at The Folly. He also expressed a general concern in respect of site access and the potential increase in traffic should the application be approved.

Councillor Bull enquired as to whether a condition could be

ACTION

attached to the recommendation requiring the developer to add a financial contribution to the upkeep of the private road.

The Director reported that a condition could not be added as any financial contribution would be a private matter between any new resident and the residents association as the owner in control of The Folly.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/071256/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1256/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121).
2. Samples of materials (2E123).
3. Levels (2E051).
4. Prior to the commencement of development detailed elevations of a scale 1:50 or 1:100 of the proposed garage serving Number 5 The Folly shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with policies ENV1 and ENV5 of the Adopted Local Plan Second Review.

5. Wheel washing facilities (3V251).
6. Withdrawal of P.D. Part 1 Class A (2E203).
7. Withdrawal of P.D. Part 1 Class E (2E223).

ACTION

8. Landscape design proposals b, e, f, g, i, j, k, l (4P12).
9. Provision and retention of parking space (3V234).
10. Vehicular use of garage (5U103).
11. Construction hours of working - plant and machinery (6N07).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Adopted Local Plan Second Review April 2007 and in particular policies HSG1, HSG7, ENV1, ENV2, ENV9 and TR7. The balance of the considerations having regard to these policies in this case is that planning permission should be granted.

201 3/07/1400/FP – ERECTION OF PAIR OF SEMI DETACHED COTTAGES AT REAR OF WHITE LION HOUSE, FURNEUX PELHAM FOR MRS P FURGUSSON

Mr Honey addressed the Committee in opposition to the application. Mrs Davidson spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1400/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that 11 further letters of objection had been received from local residents that had raised similar concerns to those set out in the Officer's report as now submitted.

ACTION

The Director reported that when the report was completed, Hertfordshire Highways had not submitted a representation on this application.

The Committee was advised that this had now been received and Hertfordshire Highways had not objected to the application. The Director stated that Highways had suggested conditions to regulate the access gradient to 1 in 20 for the first 8 metres and 1 in 10 thereafter.

The Committee was also advised that Highways had recommended a condition for the inclusion of visibility splays.

The Director referred to the comments of the Conservation Officer in respect of the amendment to policy OSV2 that permitted developments of this nature.

The Committee was advised that the Conservation Officer had suggested conditions to control the quality of the proposed development. The Director advised that the Conservation Officer had not objected to the application.

In response to a query from Councillor S Rutland-Barsby in respect of parking provision, the Director advised that the site had been reconfigured to free up landscaping for car parking. The Committee was advised that development would remain within the existing site boundary.

Councillor W Ashley commented that the application faced strong local opposition. Councillor Ashley believed that the application constituted over development, was out of keeping with the existing street scene and was of detriment to the existing listed building.

Councillor S A Bull expressed concern that approving this application could set a dangerous precedent for East Herts.

Councillor M G Carver, speaking on behalf of Councillor M J Tindale as the local ward Member, addressed the

ACTION

Committee in opposition to the application. Councillor Carver stated that he hoped to summarise the application in the context of appropriate planning policies.

Councillor Carver expressed concern in respect of the proposed development being within the curtilage of the listed building. He also stated that the application would be of detriment to an important focal point of the village.

Councillor Carver commented that the proposed development would have a detrimental effect on surrounding properties. He also stated that the Conservation Area would be adversely affected.

Councillor Carver concluded by expressing concern in respect of cramming in the garden of a listed building. He stated that the application would set a dangerous precedent, was out of keeping with the existing street scene and was of detriment to local amenity.

The Director reported that Hertfordshire Highways had not objected to the application as vehicles would enter and exit the site in forward gear.

Councillor W Ashley proposed and Councillor P A Ruffles seconded, a motion that application 3/07/1400/FP be refused planning permission on the grounds that the development was visually intrusive and constituted over development, the proposed development would be out of keeping with the locality and existing street scene and would be of detriment to the existing Listed Building.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/07/1400/FP be granted subject to the conditions now detailed.

ACTION

Councillor S Rutland-Barsby enquired as to the possibility of enforcement action to improve the condition of the listed building. The Director confirmed that Officers had noted the Member's concerns.

RESOLVED – that in respect of application 3/07/1400/FP, planning permission be refused for the following reasons:

DNS

1. The proposed development would be visually intrusive and would result in overdevelopment of the site by virtue of unsatisfactory plot sizes, the cramped and congested layout, and the poor relationship with adjoining residential development. It would therefore be contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.
2. The proposed development would be out of keeping with the character and appearance of the street scene and surrounding Conservation Area contrary to policies OSV2 and BH6 of the East Herts Local Plan Second Review April 2007.
3. B1633 Detriment to setting of LB
 - amend. After 'Listed Building' insert "(White Lion House)".

202 3/07/1072/FP-SINGLE STOREY OUTBUILDING FOR MACHINERY STORAGE, TEMPORARY ANIMAL HOUSING AND KENNEL AT EQUESTRIAN MANAGERS HOUSE, EAST HERTS EQUESTRIAN CENTRE, ELBOW LANE FARM, ELBOW LANE, HERTFORD HEATH

Mr Newson addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended

ACTION

that in respect of application 3/07/1072/FP, planning permission be refused for the reasons now detailed.

Councillor W Ashley reminded Members of the grounds on which a previous application had been approved at the 20 June 2007 meeting of the Committee under planning reference number 3/06/1522/FP.

Councillor Ashley stated that the Equestrian Centre utilised local labour and had been operating successfully as a leisure and entertainments facility for a 5-year period. Councillor Ashley referred to paragraph 6.2 of the Officer's report as now submitted.

He stated that the development was important on the grounds that new horses must be checked in isolation to existing animals and any sick animals or those due to be foaling must be isolated.

Councillor Ashley commented that the British Horse Society supported the application. He stated that the Local Plan had not stipulated that all forms of development in the Greenbelt should be refused.

Councillor Ashley encouraged Members to consider the application on its merits and take into account the health and welfare of the animals kept at the site.

Councillor R N Copping stated his concern over the reference to policy GBC11 as this policy related to rural areas beyond the Greenbelt. Councillor Copping commented that the Committee should accept the Officer's recommendation and refuse the application.

Councillor W Ashley proposed and Councillor J Demonti seconded, a motion that application 3/07/1072/FP be granted planning permission on the grounds that special circumstances existed for Greenbelt development on the grounds of health and safety and for the protection of animal welfare.

ACTION

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

The Director advised that in order to ensure a balance of the special circumstances and the need to protect the Greenbelt, Officers had sought to prevent the development creeping further into the surrounding Greenbelt. Members were advised that Officers would apply a set of appropriate conditions.

Councillor S Rutland-Barsby requested that Officers attach a condition to ensure the development be used solely for temporary animal welfare care and not for general stabling.

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/07/1072/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/1072/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121).
2. Materials of Construction (2E13).
3. The building hereby permitted shall be used solely in connection with the existing East Herts Equestrian Centre use and the proposed stables (as shown on drawing no. 498/CPI) shall be used solely for temporary animal welfare care purposes and not for general stabling.

Reason: To ensure that the development remains available for the very special circumstances put forward to justify a departure from Green Belt policy in this case.

ACTION

203 3/07/1214/FP – CHANGE OF USE FROM B8 (STORAGE AND DISTRIBUTION) TO B2 (VEHICLE SERVICING; REPAIRS & MOT TESTING) AT UNIT 2 HASLEMERE INDUSTRIAL ESTATE, PIG LANE, HERTFORD FOR MR N JOHNS

Mrs Batt addressed the Committee in opposition to the application. Mrs Dobbs spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1214/FP, planning permission be granted subject to the conditions now detailed.

Councillor D A A Peek referred to the use classes order and emphasised that B8 low intensity business was acceptable close to residential properties. He stated that B1 was an equally non-intrusive use.

Councillor Peek expressed concern in respect of B2 general industry being an unacceptable and inappropriate use close to residential properties on the grounds that residential properties would be adversely affected by noise.

The Director reported that Officers had supported Members' concerns in the report. He advised Members that Officers had been of the opinion that these concerns could be addressed by planning conditions.

The Director also advised that MOT usage was quieter than for most other uses under B2 general industry. Members were advised that the activities on the site would be limited to specific areas of the site.

Councillor J Demonti and Councillor M Wood expressed concerns in respect of the noise that could emanate from the site.

Councillor R L Parker, as a local ward Member, addressed the Committee in opposition to the application on behalf of

ACTION

his fellow ward Members. He advised that all 3 ward Members had objected to the application.

Councillor Parker stated that 23 objections had been received from local residents, raising concerns as stated at paragraph 5.1 of the Officer's report as now submitted. Councillor Parker expressed concerns in respect of the impact on local residents from the approval of application 3/74/1017/FP in 1974.

Councillor Parker commented that residents had experienced problems with noise and odours. Members were advised that, despite the installation of filtration systems, noise and odours remained an issue.

Councillor Parker stated that filtration systems had added to the noise generated by the site. The Committee was advised that unless proper soundproofing was installed, issues with noise mitigation would remain.

Councillor D A A Peek proposed and Councillor M R Alexander seconded, a motion that application 3/07/1214/FP be refused planning permission on the grounds that the use of the building for Class B2 was harmful to the amenity of nearby residents by virtue of noise and general disturbance.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/07/1214/FP be granted.

RESOLVED – that in respect of application 3/07/1214/FP, planning permission be refused for the following reason:

DNS

1. The use of the building for Class B2 (vehicle servicing, repairs and MOT testing) is harmful to the amenity of nearby residential occupiers

ACTION

by virtue of noise and general disturbance, contrary to policy ENV24 of the East Herts Local Plan Second Review April 2007.

204 E/05/0429/A – UNAUTHORISED USE OF BUILDINGS A AND D, COMPOUND AND HARDSTANDING FOR THE STORAGE OF SCAFFOLDING AND ASSOCIATED EQUIPMENT AT LAND REAR OF THE OAKS, GINNS ROAD, STOCKING PELHAM

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/05/0429/A on the basis now detailed.

RESOLVED – that in respect of E/05/0429/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under s.172 of the Town and Country Planning Act 1990 and any such further steps that may be required to secure the cessation of the unauthorised use of Buildings A and D, the compound and hardstanding for the storage of scaffolding and associated equipment.

DNS/DIS

Period for compliance: 3 months

1. The application site lies within the Rural Area, as defined in the East Hertfordshire Local Plan Second Review April 2007, wherein there is presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The use of the site for the storage of scaffolding would be prejudicial to policies set out at GBC3.
2. The use of the site for scaffolding and associated equipment storage is unsympathetic to rural character of the site and its surroundings, resulting in the creation of visually intrusive outdoor storage, contrary to

ACTION

policy GBC9 of the East Herts Local Plan Second Review April 2007.

3. The use of the site for scaffolding and associated equipment is detrimental to the amenities of nearby residential properties by reason of noise and disturbance. The use is thereby contrary to policy ENV24 of the East Herts Local Plan Second Review April 2007.

205 E/05/0241/A – OUTBUILDING B AT OWLETTS,
WOODLANDS ROAD, WIDFORD

The Director of Neighbourhood Services recommended that, in respect of E/05/0241/A, the report be noted and no further action be taken.

Councillor D Clark expressed concern in respect of the Officer's recommendation on the grounds that development in this location was contrary to national planning policy and went against the Council objective of preserving all that is best in East Herts.

Councillor Clark stated her concern that the Officer's recommendation could set a dangerous precedent. The Committee was advised that the Council should identify whether the building was lawful and in particular clarify what constituted a dwelling under permitted development legislation.

Councillor Clark requested that Members approve enforcement action.

The Director advised that a letter of representation had been received from Widford Parish Council raising concerns in respect of the height of the building and referring to a previous use as a dwelling when the building had been let to tenants. Members were advised that as the development had taken place in 2004, the 4 year period for taking enforcement action would not expire until 2008.

ACTION

Members were advised that if the Committee was to approve enforcement action, Officers would have to provide sufficient evidence to support such action as Officers felt an appeal challenging this decision was likely.

The Director reported that the development had been used as a dwelling in the past and Officers had secured the cessation of this use through a separate enforcement action. Members were advised that Officers had been confident that the building was ancillary to the main dwelling and was being used for keeping exotic birds.

The Director advised that should an unauthorised use or unauthorised works commence, the Council could reconsider serving an enforcement notice. The Committee was advised that enforcement action was not appropriate at this particular time.

The Director concluded by reminding Members of the ancillary use of the building for the storage of exotic birds. He commented that the external appearance of the building was not an issue that Members should consider.

In response to a query from Councillor M G Carver, Members were advised that a planning application could be sought to regularise the presence of the building. The Director reported that conditions could be used to prevent use of the building as a dwelling, however that use would require a separate consent in any event.

The Committee rejected the Director's recommendation that the report is noted and no further action be taken.

Members requested that Officers keep the site under review and seek a planning application to regularise the situation. Members also requested that Officers report back to Members at the December meeting of the Committee with regard to the latest situation.

RESOLVED – that (A) no further action be taken at

DNS

ACTION

this stage but the matter be kept under review and a planning application be sought to regularise the situation; and

(B) Officers submit a further report to the Development Control Committee meeting in December 2007.

DIS/DNS

206 E/07/0283/A – UNAUTHORISED EXTENSION OF CURTILAGE OF A RESIDENTIAL PROPERTY AT THE REAR OF 4 ELEANORS CLOSE, THUNDRIDGE, SG12 0RA

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0283/A on the basis now detailed.

RESOLVED – that in respect of E/07/0283/A, the Director of Neighbourhood Services, in consultation with the Director of Internal services, be authorised to take enforcement action under s.172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the cessation of the unauthorised use of the land.

DNS/DIS

Period for compliance: 28 days.

Reason why it is expedient to issue an enforcement notice:

1. The extension of the residential curtilage into the protected woodland area adjacent to it has resulted in domestic paraphernalia being located within an area of ecological significance, which is subject to a Woodland Tree Preservation Order. The development is, therefore, considered to be out of keeping with the character and appearance of the area and contrary to policies ENV7 and ENV11 of the East Hertfordshire Local Plan April 2007.

ACTION207 E/07/0211/A – UNTIDY CONDITION OF LAND AT 12
CRESCENT ROAD, BISHOP'S STORTFORD

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0211/A on the basis now detailed.

RESOLVED – that in respect of E/07/0211/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to issue and serve a Notice under s.215 of the Town and Country Planning Act 1990 and as such other steps as may be required to secure the improvement of the site by:

DNS/DIS

1. Restricting the parking of vehicles to the garage and concrete hard standing area in front of the garage as identified by the hatched area on the attached plan.
2. The removal of all other vehicles from the front garden.
3. The restoration of the remaining front garden land to a grassed or landscaped area.

Period of compliance: 30 days.

Reasons why it is expedient to issue a s.215 Notice:

1. The condition of the land is detrimental to the amenity of the surrounding area by reason of the number and siting of stored vehicles, which appear to be in a poor state of repair and are parked on the grass area at the front of the property.

ACTION

208 E/06/0568/A – UNAUTHORISED RESIDENTIAL USE OF
A CARAVAN AT MOLES FARM, MOLES LANE,
WYDDIAL, SG9 0EX

The Director of Neighbourhood Services reported that an application for a 3 year temporary use had been received on 17 August 2007. The Committee was advised that this application had not been allocated to a case officer.

The Director stated that he was still requesting the Committee to authorise enforcement action and, if approved, the action would be held in abeyance pending the outcome of the planning permission.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/06/0568/A on the basis now detailed.

RESOLVED – that in respect of E/06/0568/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action under s.172 of the Town and Country Planning Act 1990 and any such further steps that may be required to secure the cessation of the use and the removal of the caravan at Moles Farm, Moles Lane, Wyddial.

DNS/DIS

Period for compliance: 6 months

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Rural Area as defined in the East Hertfordshire Local Plan Second Review April 2007 wherein there is a presumption against inappropriate development and changes of use, except in certain specified circumstances. The siting and use of the caravan for permanent residential accommodation is contrary to Policies GBC3

ACTION

and GBC5 of the East Hertfordshire Local Plan
Second Review April 2007.

209 E/06/0354/A – UNAUTHORISED CHANGE OF USE OF
BUILDING A TO CLASS B2 PURPOSES AT LITTLE
SAMUELS FARM, WIDFORD ROAD, HUNSDON

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/06/0354/A on the basis now detailed.

RESOLVED – that in respect of E/06/0354/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and such other steps as may be required to secure the cessation of the unauthorised use of the land.

DNS/DIS

Period of Compliance: 28 days

Reasons why it is expedient to issue an
Enforcement Notice:

1. The site lies within the Rural Area beyond the Metropolitan Green Belt wherein planning permission will not be given except in certain specified circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case, and the use is thereby contrary to policies GBC3, Appropriate Development in the Rural Area beyond the Green Belt; and GBC9 and GBC10, Adaptation and re-use of Rural Buildings of the East Herts Local Plan April 2007.
2. The current use of the site for vehicle repairs and modification to include welding, spraying

ACTION

and potential outdoor working, is considered to be contrary to Policy ENV24, Noise Generating Development, due to noise disturbance being detrimental to the local area.

210 ITEMS FOR REPORT AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non determination,
- (B) Planning appeals lodged, and
- (C) Planning statistics.

The meeting closed at 9.35 pm.

Chairman
Date