

MINUTES OF A MEETING OF
THE DEVELOPMENT CONTROL
COMMITTEE HELD IN THE
WAYTEMORE ROOM, BISHOP'S
STORTFORD ON WEDNESDAY 19
SEPTEMBER 2007 AT 7.30 PM

PRESENT: Councillor R Gilbert (Chairman).
Councillors M R Alexander, W Ashley,
K A Barnes, 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
A L Warman), S Rutland-Barsby, J J Taylor,
J P Warren, M Wood (substitute for Councillor
Mrs M H Goldspink).

ALSO IN ATTENDANCE:

Councillors D Andrews, P R Ballam, M Pope and
W Quince.

OFFICERS IN ATTENDANCE:

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

ACTION264 APOLOGIES

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

265 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman advised that the following items had been withdrawn:

application 3/07/1215/FP – Material change of use to mixed use as market garden and plant nursery with ancillary sales and for the conversion, reduction, preparation and storage of timber, and storage and sale of logs. (Retrospective application), at Wildacre, Hare Street for Mr D Wright had been withdrawn.

applications (a) 3/07/1447/LC – Demolition of all existing buildings in association with proposed redevelopment of site for part retail and part residential purposes; and (b) 3/07/1448/FP – Demolition of existing buildings and erection of ground floor retail unit, 8no. two bed and 4no. one bed residential units with underground parking at former Kwik Fit premises, 26 Ware Road, Hertford

The Chairman advised that the item relating to application 3/07/1647/FP – Erection of 14 apartments with associated parking, landscaping, and new access from St. John's Street at the former car park to the Dolphin, Mill Road and part of 85 Railway Street, Hertford for Parkhall Ltd had been delayed and would be determined at the October

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meeting of the Committee.

The Chairman stated that application 3/07/1460/FP would be considered prior to application 3/07/1249/FP.

The Chairman reminded Members of the Planning Tour of the District on Tuesday 25 September 2007. Members were advised that teas and coffees would be provided at 9.00 am in the Council Chamber and the coach would depart from Wallfields at 9.30 am.

The Chairman advised that he had permitted Councillor W Quince to submit a petition to the Committee in respect of the former Charvills Site in Ware.

266 PETITION - APPLICATION 3/07/0900/FP AT FORMER CHARVILL BROTHERS SITE, BALDOCK STREET, WARE FOR MCCARTHY & STONE LTD, WARE

A petition had been submitted by Councillor W Quince, comprising 81 signatures, supporting the Council's refusal to grant planning permission in respect of application 3/07/0900/FP. The petition read:

We the undersigned are concerned about the proposal put forward for the former Charvills site in Ware. We believe that parking provision is not sufficient for a development of this size and that access from small residential roads lined with ancient and listed buildings is ill advised. We ask that Hertfordshire County Council Highways and East Herts District Council take the opinions of local residents into consideration and re-consider this proposal.

Councillor Quince was in attendance and was invited by the Chairman to address the Committee.

Councillor Quince thanked the Chairman and the Committee for accepting the petition and allowing him to address the Committee. Councillor Quince praised the

ACTION

Committee for refusing the application at the July meeting of the Committee.

Councillor Quince summarised the reasons for the petition and stated that the petition comprised signatures from the 81 residents of Century Road, Crib Street and Coronation Road, Ware.

The Director of Neighbourhood Services reminded Members that the petition related to the former Charvills site, Ware. The Committee was advised that the petition was in support of the decision taken by the Committee on 18 July 2007 (Minute 159 refers).

The Director advised that the Committee's decision was subject to a formal appeal and Officers would forward the petition to the planning inspectorate in support of that appeal.

267 DECLARATIONS OF INTEREST

Councillor S A Bull declared a personal interest in respect of application 3/07/1014/OP, as he was an acquaintance of the applicant.

Councillor P A Ruffles declared a personal interest in respect of application 3/07/1546/FO, as he was a Member of Hertford Civic Society, which had commented on the application.

Councillor P A Ruffles declared a personal and prejudicial interest in respect of application 3/07/1460/FP, as he was a Member of the Richard Hale Association and as Governor of Richard Hale School. Councillor Ruffles left the room prior to consideration of this matter.

Councillor G E Lawrence declared a personal and prejudicial interest in respect of application 3/07/1460/FP, as he was a Member and Vice President of Hertford Rugby Club. Councillor Lawrence left the room prior to

ACTION

consideration of this matter.

RESOLVED ITEMSACTION268 MINUTES

RESOLVED – that the Minutes of the meeting held on 22 August 2007 be confirmed as a correct record and signed by the Chairman.

269 3/07/1407/FP – CHANGE OF USE OF LAND FROM AGRICULTURAL TO EQUESTRIAN USE, AT LAND WEST OF NORTH END FARM, ANSTEY, FOR MR DIMSDALE

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1407/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1407/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1407/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. No external lighting (2E26)
3. The land shall be used only for the keeping of horses for the private leisure purposes of the owner of the land and shall not be used for any commercial activity including hiring, hacking, livery or tuition.

Reason: In order to meet the particular

ACTION

needs of the applicant and to avoid the introduction of any commercial use, which might be contrary to policy GBC3 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other legislation (010L).

Summary of Reasons for Decision:

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007, and in particular policies GBC3, ENV1 and ENV2. The balance of the considerations having regard to those policies is that permission should be granted.

270 3/07/1546/FO - VARY CONDITION 26 TO REMOVE LOWER BASEMENT PARKING AREA ON APPROVED SCHEME 3/05/0316/FP AND MODIFICATION TO SECTION 106 AGREEMENT AT TXU SITE, MEAD LANE, HERTFORD FOR WESTON HOMES PLC

The Director of Neighbourhood Services recommended that in respect of application 3/07/1546/FO, planning permission be refused for the reasons now detailed.

The Director reported that the proposed reduction in parking spaces related to the 39 affordable housing units. The Committee was advised that the applicant had offered to split equally the reduction of 16 spaces between the housing association and private units.

The Committee was also advised that the applicant had offered to introduce a car club to mitigate the effects of the lost spaces. The Director reported that the applicant had indicated a willingness to enter into a legal obligation to

ACTION

deal with this matter.

Members were advised that the Housing Development Officer had withdrawn the objections as stated in the report on the basis of the proposed amendment now submitted. In response to a query from Councillor R N Copping, the Director confirmed that the parking provision was a reduced number.

Councillor S Rutland-Barsby expressed concern in respect of the levels of parking provision proposed by the application.

Councillor P A Ruffles proposed and Councillor J Demonti seconded, a motion that application 3/07/1546/FO be deferred to enable Officers to take part in further negotiations in relation to parking provision at the site.

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 3/07/1546/FO be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/1546/FO, planning permission be deferred to enable Officers to take part in further negotiations in relation to parking provision at the site.

DNS

271 3/07/1460/FP – USE OF WINDMILL LANE FOR SPECIFIED HOURS FOR EGRESS ONLY, WITH INGRESS MAINTAINED FROM HOE LANE AT HERTFORD RUGBY CLUB, HOE LANE, WARE FOR RICHARD HALE ASSOCIATION

Mr Rolfe addressed the Committee in opposition to the application. Mr Endersby and Mrs Orsborne jointly addressed the Committee in support of the application.

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The Director of Neighbourhood Services recommended that, in respect of application 3/07/1460/FP, planning permission be granted subject to the conditions now detailed.

The Director clarified the hours of use being applied for as being 6.00 pm to 9.00 pm Monday to Friday, 9.00 am to 9.00 pm on Saturdays and 9.00 am to 3.30 pm on Sundays. Members were advised that Officers recommended a condition restricting the hours on Saturday to 9.00 am to 7.00 pm.

The Director also advised that the applicant wished to retain the Sunday morning and was happy to forgoe the weekday evening period. Members were advised that the Committee should strike a balance between the need for the use applied for and the impact on amenity.

The Director reported that the permission, if granted, would not be implemented for a one year period, to allow the Council to investigate the for the possibility of obtaining land to the south of the site to be used for widened access. Members were advised that if this was achieved, subject to a further caveat in any legal agreement permission would not be implemented.

Councillor W Ashley enquired as to whether a compulsory purchase order could be made on the land. The Director reported that an order would have to be endorsed by a meeting of Council.

Councillor P R Ballam addressed the Committee in opposition to the application. Councillor Ballam expressed concern in respect of constant traffic flow on Hoe Lane, noise and vehicle pollution and risks to school children.

Councillor Ballam also expressed concerns in respect of a negative impact on residents' ability to peaceful enjoyment of property on Hoe Lane. Councillor Ballam also highlighted concerns in respect of inconsiderate parking

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and rugby club stewards failing to control parking as required by the club.

Councillor J J Taylor expressed concern that a one year delay in implementing permission would be of no comfort to residents of Windmill Field. Councillor Taylor highlighted the dangers of the Hoe Lane junction and expressed concern over the detrimental impact of the development on the local environment, residents, pedestrians and cyclists.

Councillor Taylor commented that Ware Town Council had reiterated concerns raised in respect of the traffic dangers posed by the Hoe Lane junction. Following a query from Councillor Taylor, the Director advised that he could not guarantee Members that a compulsory purchase order would be successful because of the independent appeal processes required.

In response to query from Councillor S Rutland-Barsby, the Director commented that supporting comments from highways in respect of a compulsory purchase order would strengthen the Council's case at any inquiry into the issue.

Councillor M Pope, as the local ward Member, addressed the Committee in opposition to the application, in particular in relation to concerns in respect of the Hoe Lane junction.

Councillor J J Taylor proposed and Councillor R N Copping seconded, a motion that application 3/07/1460/FP be refused planning permission on the grounds that the application would result in loss of amenity, noise and exhaust pollution, safety implications relating to the junction on Hoe Lane and concerns relating to pedestrian safety.

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 3/07/1460/FP be granted subject to the conditions now

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detailed.

RESOLVED – that (A) in respect of application 3/07/1460/FP, planning permission be refused for the following reasons:

DNS

1. The development and use of the new roadway would result in traffic passing in close proximity to adjoining residential properties to the detriment of their amenity by virtue of noise, activity and disturbance. This would be contrary to policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007.
2. The proposed vehicular junction of the new roadway with Hoe Lane would exacerbate an already complex road and junction arrangement in the vicinity. This is likely to be detrimental to highway safety in the area.

(B) Officers investigate the use of compulsory purchase powers in order to secure the widening of the current access onto Hoe Lane to allow two-way traffic.

DNS

272 3/07/1249/FP – PUBLIC GARDEN AND RE-SITING OF GATE AND ACCESS AT ST. LEONARD'S ROAD FOR MR M SHROSBREE, EAST HERTS COUNCIL

Mrs Kemp addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1249/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that Hertford Town Council had raised no objections to the amended design as detailed in the report now submitted. The Committee was advised that the third entrance to the garden would be protected by

ACTION

decorative bollards.

The Director advised that some residents had been concerned in respect of the dangers of traffic to local residents.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1249/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1249/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12)
2. No external lighting (2E26)
3. Tree retention and protection (4P05)
4. Landscape design proposals (4P12)
5. Landscape works implementation (4P13)
6. Landscape maintenance (4P17)

Directives:

1. Other legislation (01OL1)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies ENV1, ENV2, ENV10, ENV11, BH6 and BH12. The balance of the considerations having regard to those

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policies and the other material considerations relevant in this case is that permission should be granted.

273 3/07/1358/FP – DEMOLITION OF REDUNDANT PIG BUILDINGS AND CONSTRUCTION OF FOUR SHORT-TERM LETTING UNITS, AT THE GROVE, ANSTEY FOR MR MARCHANT

Mr Marchant addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of application 3/07/1358/FP, planning permission be refused for the reasons now detailed.

Councillor Mrs R F Cheswright, as the local ward Member, addressed the Committee in support of the application, commenting that the location was very suitable for this kind of development.

Councillor Ashley commented that the Committee should follow policy and approve the application to promote rural diversity. The Director advised that Council policy did permit rural diversification but Members must determine whether the use was for farming or an ancillary use. This favoured proposals for the reuse of buildings, not new build, and where the proposals would remain ancillary to a remaining agricultural use.

Given that Members were supportive of the proposals, the Director suggested a way forward in that the Committee defer the application to enable Officers to enter into negotiations with the applicant in order to establish a mutually acceptable set of conditions and/or legal agreement as appropriate if the Committee was minded to grant permission.

Councillor S A Bull proposed and Councillor K Barnes seconded, a motion that application 3/07/1358/FP be deferred to enable Officers to enter into negotiations with

ACTION

the applicant in order to establish a mutually acceptable set of conditions and/or legal agreement as appropriate, if the Committee was minded to grant permission.

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 3/07/1358/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/1358/FP, planning permission be deferred to enable Officers to enter into negotiations with the applicant in order to establish a mutually acceptable set of conditions and/or legal agreement as appropriate if the Committee is minded to grant permission.

DNS

274 3/07/1397/FP – SMALL SIDE AND REAR EXTENSIONS AND RAISING OF ROOF TO PROVIDE FIRST FLOOR ACCOMMODATION AT HIGH VIEW FARM, GREEN END ROAD, DANE END, FOR MR R PARKINS

Mr Parkins addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of application 3/07/1397/FP, planning permission be refused for the reasons now detailed.

The Committee Chairman read out a letter of support from Councillor J O Ranger as the local ward Member. Councillor Ranger had commented that no objections had been received from residents and the Parish Council had supported the application. Councillor Ranger had also commented that the dwelling was in keeping with the rural area.

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In response to a query from Councillor M R Alexander, the Director reported that the proposals would increase the floorspace of the dwelling by approximately 80%.

The Director urged caution in dealing with the application on the grounds that, in relation to the agricultural occupancy condition, the increase in size would take the property out of the realms of what was required to support the agricultural use on the site.

A motion was proposed and seconded that application 3/07/1397/FP be deferred to enable Officers to enter into negotiations with the applicant to secure a reduction in the scale of the extensions proposed under the planning application.

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 3/07/1397/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/1397/FP, planning permission be deferred to enable Officers to enter into negotiations with the applicant to secure a reduction in the scale of the extensions proposed under the planning application.

DNS

275 3/07/1014/OP – DEMOLITION OF EXISTING GARAGE AND PETROL STATION AND ERECTION OF A LINKED HOUSE (AMENDED DESIGN AND LAYOUT INCLUDING TURNING FOR VEHICLES) AT COTTERED SERVICE STATION FOR MR AND MRS D THORP

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1014/OP, outline permission be granted subject to the conditions now detailed.

ACTION

Councillor S A Bull addressed the Committee in support of the Officer's recommendation.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1014/OP be granted outline planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1014/OP, outline planning permission be granted subject to the following conditions:

DNS

1. Outline Permission Time Limit (1T13) “reserved matters of landscaping and appearance”
2. Samples of Materials (2E12) ..”including rainwater goods”
3. Materials arising from demolition (2E32)
4. Programme of Archaeological Work (2E02)
5. Contaminated Land Survey and Remediation (2E33).
6. Refuse disposal facilities (2E24)
7. Existing access closure (3V05)
8. Parking provision and retention (3V23)
9. Withdrawal of PD (Part 1 Classes A and B) (2E20)
10. Prior to the commencement of the development, details of methods for accessing the site and provisions for construction traffic access, associated parking areas and storage of materials shall be submitted to and as approved in writing by the local planning

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authority.

Reason: To ensure that adequate parking provision is retained at all times in accordance with Policy TR7 of the adopted East Herts Local Plan April 2007.

11. 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.

12. Wheel washing Facilities (3V22)
13. The vehicle access serving the development from the main road shall be 4.1m wide for the first 8m.

Reason: To ensure the provision of an access that can accommodate two way traffic movements in the interests of highway safety.

Directives:

1. Other legislation (01OL)
2. Ownership (02OW)
3. To ensure any work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments", the applicant should contact

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the East Herts Highways Area Office (01992 526900) to obtain their permission and requirements before proceeding with the proposed development.

276 3/07/1458/FP–DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT DWELLING OF IDENTICAL LOCATION, SIZE AND APPEARANCE TO THAT APPROVED BY 3/06/1607/FP AT WOODLANDS, HIGH MOLEWOOD, HERTFORD FOR MR & MRS M EDWARDS

Mr Fairbrass addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1458/FP, planning permission be granted, subject to the conditions now detailed.

Councillor P A Ruffles addressed the Committee in support of the Officer's recommendation.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1458/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1458/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (IT13)
2. Samples of Materials (2E12)
3. Complete accordance (2E10)
4. Withdrawal of P.D. (Part 1 Class A) (2E20)

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5. Withdrawal of P.D. (Part 1 Class E) (2E22)
6. Materials arising from demolition (2E32)
7. Access to and egress from the site during demolition and construction works shall only be obtained from the A119 North Road.

Reason: To ensure a satisfactory route for construction traffic in the interests of highway safety and amenity

8. Wheel washing facilities (3V25)
9. Tree retention and protection (4P05)
10. Tree/natural feature protection: fencing (4P07)
11. Tree protection: restrictions on burning (4P08)
12. Tree protection: excavations (4P09)
13. Tree protection: earthworks (4P10)
14. 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.

15. Landscape works implementation (4P13)

ACTION

16. Trees: protection from foundations (4P20)

Directive:

1. Other legislation (01OL)

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) and in particular Policies GBC1, HSG7, HSG8, ENV2, ENV9, ENV10, and ENV11 of the East Herts Local Plan Second Review April 2007. The balance of the considerations having regard to these policies is that planning permission should be granted.

277 E/06/0319/B – UNAUTHORISED ERECTION OF AN AIR-CONDITIONING UNIT AT 116 HIGH STREET, WARE

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0319/B on the basis now detailed.

RESOLVED – that in respect of E/07/0319/B, 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 any such further steps that may be required to secure the removal of the air-conditioning unit at 116 High Street, Ware.

DNS/DIS

Period for compliance: 6 weeks

Reasons why it is expedient to issue an enforcement notice:

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1. The site lies within the Conservation Area of Ware as defined in the East Hertfordshire Local Plan Second Review April 2007, wherein there is a presumption against development inappropriate to the character and appearance of the area. The prominent siting of the air-conditioning equipment on this building is contrary to Policy BH5 of the East Hertfordshire Local Plan Second Review April 2007.

278 E/07/0312/A – UNAUTHORISED CHANGE OF USE FROM CLASS B1/B8 TO CLASS B2 (VEHICLE SERVICING AND REPAIRS) AT UNIT 2 HASLEMERE INDUSTRIAL ESTATE, PIG LANE, BISHOP'S STORTFORD

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0312/A on the basis now detailed.

RESOLVED – that in respect of E/07/0312/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 use of the site for Class B2 (vehicle servicing and repairs) is harmful to the amenity of nearby residential occupiers by virtue of noise and general disturbance, contrary to Policy ENV24 of the East Herts Local Plan Second review April 2007.

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279 E/07/0404/B – UNAUTHORISED USE OF THE LAND FOR THE STORAGE OF NON-AGRICULTURAL MATERIALS AT LAND OFF ST MARY'S LANE, HERTINGFORDBURY, HERTS

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0404/B on the basis now detailed.

RESOLVED – that in respect of E/07/0404/B, 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 any such further steps as may be required to secure (a) the cessation of the use of the land for the storage of materials not required for agricultural purposes; and (b) the removal of the unauthorised material from the site.

DNS/DIS

Period for compliance: (a) 1 month
(b) 1 month

Reason why it is expedient to issue an enforcement notice:

1. The Council considers that the stored material is not required for genuine agricultural purposes on the site. No justification has been provided for the need for such a use of the land for storage nor are there any very special circumstances apparent in this case. The unauthorised use of the land is visually intrusive from the adjoining bridleway and is out of keeping with and detrimental to the character and appearance of the surrounding rural area. The development is thereby contrary to Metropolitan Green Belt policy as expressed in PPG2 and policy GBC1 of the East Herts Local Plan Second Review April 2007.

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280 E/06/0146/B – UNAUTHORISED RESIDENTIAL USE OF
A CARAVAN AT RIVERSIDE GARDEN CENTRE, LOWER
HATFIELD ROAD, HERTFORD, SG13 8XX

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/06/0146/B on the basis now detailed.

RESOLVED – that in respect of E/06/0146/B, 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 any such further steps as may be required to secure the cessation of the use and the removal of the caravan from the site.

DNS/DIS

Period for compliance: 6 months

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan Second Review April 2007 wherein there is a presumption against inappropriate development and changes of use, unless very special circumstances can be demonstrated. No such special circumstances have been established in this case. The siting and use of the caravan for occasional residential accommodation is contrary to Policies GBC1 and GBC5 of the East Hertfordshire Local Plan Second Review April 2007 and advice in PPS7.

281 E/07/0300/A –ERECTION OF AN UNAUTHORISED
BUILDING ON LAND AT THE REAR OF HALF ACRES,
STORTFORD ROAD, STANDON

The Committee supported the Director's recommendation

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for enforcement action to be authorised in respect of the site relating to E/07/0300/A on the basis now detailed.

RESOLVED – that in respect of E/07/0300/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 any such further steps as may be required to secure the removal of the unauthorised development from the land.

DNS/DIS

Period for compliance: 1 month

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Rural Area beyond the Green Belt as defined in the East Herts Local Plan wherein planning permission will not be granted for development except for certain specified purposes. No justification or special reasons have been given for the erection of the building or its intended use. The erection of the building is considered to be contrary to the aims and objectives of policy GBC3 of the East Herts Local Plan Second Review April 2007.
2. The use of the unauthorised building would result in additional traffic generation on the narrow access track and at the junction with the principal A120 road where visibility is severely restricted. This would be detrimental to highway safety in the area.

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282 E/07/0240/B – UNAUTHORISED WORKS, AND THE ERECTION OF UNAUTHORISED EXTENSIONS, TO A LISTED BUILDING AT WILLOW POND HOUSE, LEVENS GREEN

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0240/B on the basis now detailed.

RESOLVED – that (A) in respect of E/07/0240/B, 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/or Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure the removal of the unauthorised development from the land; and

DNS/DIS

(B) the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to commence prosecution proceedings for the execution, and causing the execution, of unauthorised works to a listed building under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

DNS/DIS

Period for compliance: 6 months

Reason why it is expedient to issue an enforcement notice:

1. The unauthorised development, which is not in accordance with approved application 3/02/2537/FP, is unacceptable in scale, style and design and fails to preserve or enhance the character and appearance of the Grade II Listed building. The development is therefore contrary to policy BH10 of the East Herts Local

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Plan Second Review April 2007.

283 PROPOSED SHELTERED HOUSING DEVELOPMENT,
BALDOCK STREET, WARE: PLANNING APPEAL

The Director of Neighbourhood Services reminded Members that application 3/07/0900/FP had been refused by the Committee in July 2007 (Minute 159 refers). The Director advised Members in respect of how the Council should respond to the planning appeal.

Members were reminded of the 4 reasons for refusal, as detailed on page 87 of the Officer's report as now submitted. The Director emphasised the importance of clarity in determining how the Council responds to the planning appeal following the refusal of the application.

The Director advised that Officers felt that further investigation could show that an argument in respect of affordable housing could be addressed. Members were reminded that to defend the Council's case at appeal would require specialist assistance from a planning expert, a highways expert and specialist in affordable housing issues.

The Director expressed concern that planning experts might feel the Council's position at an appeal was sufficiently weak to feel that there was no case that could be made. The Director urged Members to be cautious and consider the cost implications of pursuing weak reasons for refusal at appeal.

Councillor D A A Peek stated that if he were to attend the appeal, he would feel obliged to comment that he had received insufficient assurances in respect of the £600,000 being adequate to provide affordable housing. Councillor Peek felt that the committee had not had sufficient information earlier to consider the affordable housing issue adequately when it was making the decision on the application.

ACTION

Councillor J J Taylor expressed concern in respect the insufficient nature of the £600,000 for affordable housing and in respect of access via Coronation Road.

Councillor Taylor raised the issue of a letter submitted by a resident of a similar scheme to the press. Councillor P R Ballam quoted part of the letter to the Committee, which related to car parking issues.

The Director advised that Members should be very clear as to what representation the Committee felt the Council should make to the appeal hearing. Councillor W Quince expressed concern in respect of the Council not contesting the reasons for refusal at appeal.

Councillor M R Alexander expressed concern in respect of defending the reason for refusal in respect of parking, as the Council had evidence on file that residents required a residents parking scheme.

Councillor Peek requested that Officers submit a report detailing occasions when the Council had had costs awarded against it at appeal. The Director undertook to produce a report for a future meeting of the Committee.

Councillor W Ashley supported the Officer's recommendation and expressed concern in respect of the Council seeking to defend the reasons for refusal at appeal.

The Committee supported the Director's recommendation as detailed on page 86 of the his report as now submitted.

Councillor Quince requested that his dissent from the Committee's decision be noted and requested that Members write to the planning inspectorate before the Tuesday deadline for such representations.

RESOLVED – that (A) the Council does not continue to contest this development proposal at appeal and

DNS

ACTION

confirms to the Planning Inspectorate that it will be offering no evidence;

(B) a further planning application be sought from the prospective developer; and DNS

(C) the Director submit a report detailing occasions when the Council has had costs awarded against it at appeal. DNS

(Note – During consideration of this matter, the Committee approved a resolution suspending paragraph 9 of the Rules of Procedure, in order that its remaining business could be completed by 10.40 pm.)

284 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 10.36 pm.

Chairman
Date