

MINUTES OF A MEETING OF
THE DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON WEDNESDAY 30 JULY 2008 AT
7.30 PM

PRESENT: Councillor R Gilbert (Chairman).
Councillors M R Alexander, W Ashley,
K A Barnes, Mrs R F Cheswright,
R N Copping, J Demonti, Mrs M H Goldspink,
G E Lawrence, D A A Peek, W Quince,
S Rutland-Barsby, J J Taylor,
A L Warman (substitute for A L Burlton),
B M Wrangles.

ALSO IN ATTENDANCE:

Councillors A D Dodd, M P A McMullen and P A Ruffles.

OFFICERS IN ATTENDANCE:

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

181 APOLOGIES

Apologies for absence were submitted on behalf of Councillor A L Burlton. It was noted that Councillor A L Warman was in attendance as substitute for Councillor A L Burlton.

182 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

ACTION

The Chairman requested that Members indicate on the form circulated by Officers whether they wished to attend the Members' tour of the District on 9 September 2008.

The Chairman sought and received the Committee's endorsement of an organised briefing for Members from representatives of Sainsburys in respect of a forthcoming planning application.

RESOLVED ITEMS183 MINUTES

RESOLVED – that the Minutes of the meeting held on 2 July 2008 be confirmed as a correct record and signed by the Chairman.

- 184 (A) 3/08/0884/FP – AREA A REVISED DESIGN AND INTERNAL LAYOUT TO RESIDENTIAL BLOCKS A1-A3 APPROVED UNDER LPA REF 3/02/2271/FP TO PROVIDE 72 NO. RESIDENTIAL UNITS AT BALLS PARK, MANGROVE ROAD, HERTFORD, SG13 8AR FOR EXPLORE LIVING PLC; AND (B) 3/08/0885/FP – AREA A REVISED DESIGN AND INTERNAL LAYOUT TO RESIDENTIAL BLOCK A4 APPROVED UNDER LPA REF 3/02/2271/FP TO PROVIDE 12 NO. RESIDENTIAL UNITS AT BALLS PARK, MANGROVE ROAD, HERTFORD, SG13 8AR FOR EXPLORE LIVING PLC
-

The Director of Neighbourhood Services recommended that, in respect of applications 3/08/0884/FP and 3/08/0885/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that late representation had been received from Natural England. He reported that concerns raised had referred to insufficient information in respect of steps being taken to avoid harm to legally protected species.

ACTION

The Director reported that Officers would add a directive to the planning conditions to advise the developer of their obligations to protect legally protected species such as Bats and Great Crested Newts.

Councillor Mrs M H Goldspink expressed concern in respect of the reduction in parking spaces at Area A from 149 to 130. The Director advised that, based on the number of units, the Council's adopted parking standards recommended a maximum provision of 122 spaces. Members were advised that the proposed provision exceeded this requirement by 8 spaces.

The Committee supported the recommendation of the Director of Neighbourhood Services that applications 3/08/0844/FP and 3/08/0885/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of applications 3/08/0844/FP and 3/08/0885/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Samples of materials (2E12)
4. Sample Brickwork Panel- unlisted buildings (2E35)
5. Withdrawal of P.D. (Part 2 Class A) (2E21)
6. Refuse disposal facilities (2E24)
7. Lighting details (2E27)
8. Communal TV facilities (2E28)

ACTION

9. Cycle Parking Facilities (2E29)
10. Carried Out in Accordance (2E92)
11. Provision & retention of parking spaces (3V23)
12. Tree retention and protection (4P05)
13. Landscape design proposals (4P12)
14. Landscape works implementation (4P13)
15. Retention of landscaping (4P21)
16. Prior to the commencement of development, details of surface water drainage works and surface water source control measures shall be submitted and approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding in accordance with policies ENV19 and ENV21 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. Street Naming and Numbering (19SN)
3. The developer is made aware that great crested newts may be present on site and are a protected species under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats etc) Regulations 1994. Further information is available from Natural England on 01992 796666.

ACTIONSummary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1, GBC4, TR7, TR14, ENV1, ENV2, BH1, BH12, BH16 and HE10. The balance of the considerations having regard to those policies is that permission should be granted.

- 185 3/07/2531/FP – ERECTION OF 18 NO. DWELLINGS INCLUDING 7 NO. AFFORDABLE UNITS, ASSOCIATED PARKING AND CYCLE STORAGE FACILITIES, THE FORMATION OF NEW ROAD JUNCTIONS AND INTERNAL ROADS, LANDSCAPING AND ASSOCIATED WORKS AT SEVEN ACRES, 49 UPPER GREEN ROAD, AND 54 AND 56 UPPER GREEN, TEWIN, HERTS FOR BRENTSTYLE PROPERTIES LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2531/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that the Housing Development Manager had, in liaison with Development Control Officers, agreed an alternative wording to the recommendation in respect of part (e) of the section 106 contribution. The Director detailed the alternative wording as follows:

‘25% intermediate housing to include staircased shared ownership and intermediate rent (that being a rent set up to 20% below the market rent for a property of similar size in a similar location)’

The Director advised that the Rights of Way service had withdrawn objections following receipt of further evidence from the applicant.

ACTION

The Director also reported that Rights of Way had expressed concerns over who would maintain the hedgerow between properties 13 to 18 and Tewin Footpath 15. He advised however that ensuring maintenance was within the powers of the County Council was a highways issue and should not form the basis of a planning decision.

Councillor Mrs M H Goldspink commented on whether a condition could be attached to ensure the units incorporated energy efficiency measures. The Director commented that building regulations had been and would continue to be revised to incorporate energy efficiency measures. The Director stated that it would be inappropriate for the Committee to attach conditions on building control issues governed by primary legislation.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2531/FP be granted planning permission subject to the conditions now detailed.

RESOLVED - that subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 in respect of the following matters:

DNS

- (a) £16,250 Sustainable Transport Schemes
- (b) Youth and Childcare £6,560
- (c) Libraries £3,672
- (d) Fire hydrant provision within the site
- (e) Provision of 7 no. affordable dwellings to meet the following requirements:
 - (i) 75% rented accommodation

ACTION

(ii) 25% intermediate housing to include staircased shared ownership and intermediate rent (that being a rent set up to 20% below the market rent for a property of similar size in a similar location)

(iii) timing of provision to be agreed.

in respect of application 3/07/2531/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit - 1T12
2. Archeological Work – 2E02
3. Levels - 2E05
4. Boundary walls & fences - 2E07
5. Samples of materials - 2E12
6. No further windows - 2E17
7. Withdrawal of P.D. (Part 1 Class A) - 2E20
8. Withdrawal of P.D. (Part 1 Class B) - 2E23
9. Refuse disposal facilities - 2E24
10. Lighting details - 2E27
11. Hard surfacing - 3V21
12. Construction parking and storage - 3V22
13. Provision & retention of parking spaces - 3V23
14. Tree retention and protection - 4P05

ACTION

15. Hedge retention and protection - 4P06
16. Landscape design proposals - 4P12 (a, i, j, k, l)
17. Landscape works implementation - 4P13
18. Landscape maintenance - 4P17
19. Vehicular use of garage - 5U103 - Unit 18 only
20. Construction hours of working- plant & machinery - 6N07
21. Prior to the commencement of development further details showing proposals for adequate surface water drainage shall be submitted to and approved in writing by the local planning authority. Once agreed they shall be implemented as such and be available for use prior to the first occupation of any dwellings on the site.

Reason: To avoid the risk of surface water flooding and in accordance with Policy ENV21 of the East Herts Local Plan.

22. Prior to commencement of the development, detailed drawings of all highway works shall be submitted to and approved in writing by the Highway Authority.

Reason: To ensure that the highway is constructed to the Highway Authority's specification.

23. Prior to the first occupation or use of the development, all access/egress works serving the development as shown in principle drawings referenced 301B and 302 B shall be constructed, completed and thereafter

ACTION

maintained to the satisfaction of the highway authority

Reason: To ensure that the access is constructed to the current Highway Authority's specification.

24. Concurrent with the construction of the accesses, visibility splays of 2.4m x 90m shall be provided and thereafter maintained in perpetuity in each direction within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.

Reason: To provide adequate visibility for drivers entering or leaving the site in the interests of highway safety

25. Prior to the first occupation or use of the development hereby permitted the access roads, and parking areas as shown on the approved plans shall be provided and maintained thereafter for such use.

Reason: To ensure the development makes adequate provision for the off-street parking and maneuvering of vehicles likely to be associated with its use.

26. Prior to the first occupation or use of the development hereby permitted the new footpath adjacent to Upper Green Road shown on the approved plans shall be provided as a public right of way and maintained thereafter.

Reason: To maintain the accessibility for all.

27. All existing accesses to the site not shown on the approved plans shall be permanently closed to the satisfaction of the Highway Authority.

ACTION

Reason: In the interest of highway safety and to avoid inconvenience to highway users.

28. Prior to the commencement of development hereby approved details of on-site mechanical wheel cleaning facilities shall be submitted to, and approved in writing by, the local planning authority. The approved facilities shall be provided prior to the commencement of the development and shall be maintained in working order and available for use throughout the duration of works in connection with site preparation and construction. The mechanical wheel washing facilities shall be used on all vehicles leaving the site.

Reason: In order to minimise the amount of mud, soil and other materials origination from the site being deposited on the highway, and in the interests of highway safety and visual amenity.

Directives:

1. Other Legislation - 01OL
2. Ownership - 02OW
3. There are public sewers crossing the site, and no building works will be permitted within 3 metres of the sewers without Thames Waters approval. Should a building over diversion application form, or other information relating to Thames Water assets be required, you are advised to contact Thames Water Developer Services on 0845 850 2777.

ACTIONSummary 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 2007), and in particular SD1, SD2, HSG1, HSG3, HSG4, HSG7, TR1, TR2, TR3, TR7, TR14, TR20, ENV1, ENV2, ENV3, ENV4, ENV9, ENV11, ENV16, ENV21, LRC3, OSV1, IMP1. The balance of the considerations having regard to those policies is that permission should be granted.

186 3/08/0830/FP – ERECTION OF SINGLE STOREY SCOUT HUT AND ASSOCIATED STORE AT RECREATION GROUND, VANTORTS CLOSE, SAWBRIDGEWORTH FOR MAVRASTAR LIMITED

Mr Annetts addressed the Committee in opposition to the application. Mr Copland spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0830/FP, planning permission be granted subject to the conditions now detailed.

The Director referred to condition 16 on page 37 of the report now submitted. The Committee was advised of an error in the wording of the condition. Members were advised of the correct wording as follows:

‘Unless otherwise agree in writing by the local planning authority, the building hereby permitted shall not be used for any activities other than those solely related to the Scout Association’.

The Director advised that an additional letter of objection had been received, reiterating concerns about the loss of the tennis recreation facility and in respect of additional

ACTION

stress to the sewage system.

The Committee was also advised that 3 letters of support had been received, welcoming the application; highlighting the importance of the proposed new facility for local children; and stating that the existing tennis courts were underused.

Councillor A D Dodd, as the local ward Member, addressed the Committee in respect of the application. He detailed the background to the Scouts in Sawbridgeworth and referred to the history of the application.

Councillor Dodd commented on a number of other sites that been considered prior to the application coming back to Committee. He stated that the tennis courts had been regularly used for a number of years. Councillor Dodd referred to Pishiobury Park as a more suitable location for the scout hut.

Some Members expressed concern that approval of the application would result in a loss of recreational space and that alternative sites had not been considered. Other Members expressed support for the application on the basis that the proposed use outweighed this loss of recreational space.

The Director advised that suggesting alternative sites fell outside the remit of the Committee.

In response to concerns that had been raised in respect of site access, the Director commented that the Committee could apply conditions to control access to the site.

Councillor R N Copping proposed and Councillor J J Taylor seconded, a motion that application 3/08/0830/FP be refused on the grounds that the proposed development would result in the loss of the existing tennis court and was contrary to Policy LRC1 of the East Herts Local Plan Second review April 2007.

ACTION

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 3/08/0830/FP be granted planning permission subject to the conditions now detailed and agreed that the application be refused.

RESOLVED – that in respect of application 3/08/0830/FP, planning permission be refused for the following reason:

DNS

1. The proposed development would result in the loss of the existing tennis court and as a result is contrary to Policy LRC1 of the East Herts Local Plan Second review April 2007.

Councillors M R Alexander, W Ashley and K A Barnes requested that their dissent from this decision be recorded.

- 187 3/08/1075/FP – CHANGE OF USE FROM B1, B2 AND B8 TO USE CLASS D1 (NON-RESIDENTIAL EDUCATIONAL AND TRAINING CENTRES) AT UNIT 3 STORT VALLEY INDUSTRIAL ESTATE, STANSTED ROAD, BISHOP'S STORTFORD FOR BISHOP'S STORTFORD AND SAWBRIDGEWORTH STRATEGIC AREA PARTNERSHIP GROUP
-

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1075/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that representation had been received from the Town Council raising no objections to the application. Councillors K A Barnes and J Demonti expressed their support for the application.

Councillor D A A Peek commented on the age profile of the young people who would take advantage of the facility. He

ACTION

stated his concern that if young people of driving age signed up, the 6 allocated spaces would be inadequate.

The Director reported that County Highways had commented that they did not wish to restrict the grant of permission for the vocational use. He advised that Highways had expressed concerns relating to insufficient parking should the worst case scenario occur of 32 driving adults plus teaching staff attending the site. He suggested an additional condition to ensure details of travel arrangements be supplied to and agreed by the Local Planning Authority before the vocational use commenced.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1075/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1075/FP, planning permission be granted subject to the following conditions:

DNS

1. Temporary permission – use (1T09)
Insert '30 July 2013'
2. Retention of parking space (3V20)
3. Restriction of use (building) (5U02)
Insert 'a training centre' 'D1'

Reason: To ensure that the Local Planning Authority retains control over any future development.

4. Prior to the commencement of the use hereby permitted details of the arrangements to be put in place for the transport of students to and from the site to be submitted to and agreed in writing by the local planning authority. Once agreed the arrangements shall be implemented as such unless otherwise agreed in writing by the local

ACTION

planning authority.

Reason: In order to avoid traffic congestion and parking difficulties on and around the site in accordance with Policy TR4 of the East Herts Local Plan Second Review April 2007.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD2, TR7, EDE1 and BIS9. The balance of the considerations having regard to those policies and the other material considerations relevant in this case is that permission should be granted.

- 188 E/08/0240/A - THE UNAUTHORISED DISPLAY OF ADVERTISEMENTS ON A TRAILER AT (A) A1184, CAMBRIDGE ROAD, SAWBRIDGEWORTH, CM23 4BB AND (B) HIGH WYCH ROAD, GILSTON, CM20 2RN

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/07/0240/A, legal action be authorised on the basis now detailed.

The Director referred to part (b) of the Officer's recommendation on page 61 of the report now submitted. The Committee was advised of an error in the wording of the recommendation. Members were advised of the correct wording as follows:

'in addition, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to instigate similar legal proceedings should the unauthorised signs be moved to other locations within the District which are also

ACTION

considered by Officers to be unacceptable'

The Committee supported the Director's recommendation for legal action to be authorised in respect of the site relating to E/08/0240/A on the basis now detailed.

RESOLVED – that (A) in respect of E/07/0240/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take legal action in respect of this unauthorised advertising, at both sites, under Section 224 of the Town and Country Planning Act 1990; and

DNS/DIS

(B) in addition, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to instigate similar legal proceedings should the unauthorised signs be moved to other locations within the District which are also considered by Officers to be unacceptable.

DNS/DIS

Reason why it is expedient to instigate legal proceedings:

1. The signs, by reason of their size and siting, are detrimental to the visual amenity and character of the area, and are thereby contrary to policy ENV29 of the East Herts Local Plan Second Review April 2007.

189 E/07/0544/A – BREACH OF CONDITION 20 OF PLANNING PERMISSION GRANTED UNDER APPLICATION NUMBER 3/02/1545/FP REQUIRING THE PROVISION OF CYCLE PARKING FACILITIES AT THE HERTS AND ESSEX HOSPITAL SITE, BISHOP'S STORTFORD, CM23 5PX

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/07/0544/A, enforcement action be authorised on the basis now detailed.

ACTION

Councillor Mrs M H Goldspink strongly supported the Director's recommendation. She expressed concerns in respect of the state of a roundabout at the site. The Director commented that similar concerns had been communicated to Officers. He advised that the Technical Director of Barretts had assured Officers this issue was being addressed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0544/A on the basis now detailed.

RESOLVED – that in respect of E/07/0544/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 187A of the Town and Country Planning Act 1990 and any such further steps as may be required to secure compliance with the planning condition requiring the provision of cycle parking facilities for the approved development.

DNS/DIS

Period for compliance: 3 months

Reason why it is expedient to issue a breach of condition notice:

1. Cycle parking facilities were required to be provided, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the above development. Whilst details were approved in writing by the Authority in 2004 no such facilities have been provided on site.
2. The lack of cycle parking facilities results in a development that is contrary to Policy TR14 of the East Herts Local Plan Second Review 2007 and may encourage the under use of

ACTION

car travel in the town to the detriment of its character and the principles of sustainability.

190 E/08/0120/A - UNAUTHORISED CHANGE OF USE OF UNIT A1 (RETAIL) USE UNIT 1 BIRCHANGER INDUSTRIAL ESTATE, STANSTED ROAD, BISHOP'S STORTFORD

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0120/A, enforcement action be authorised on the basis now detailed.

Councillor Mrs M H Goldspink expressed concerns in respect of the Committee authorising enforcement action against the provision of a retail function. Councillor B M Wrangles expressed concern that a dialogue had not occurred between Officers and the owner of the site.

The Director commented that Officers had investigated the matters on which basis the item was deferred from the last meeting of the Committee. A dialogue had taken place between officers and the site operators prior to this report and it was not considered that further progress could be made by continuing that dialogue.

Councillor W Quince supported the Officer's recommendation as the site owner had been informed of the breach of planning control and had been invited to submit a planning application to regularise the change of use.

After being put to the meeting a vote taken, the Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/08/0120/A on the basis now detailed.

RESOLVED – that in respect of E/08/0120/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

DNS/DIS

ACTION

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 unit.

Period for compliance: 1 month.

Reason why it is expedient to issue an enforcement notice:

- 1. The unauthorised use has resulted in the loss of a B8, B1 and B2 unit with ancillary showroom contrary to policies EDE1 and BIS9 of the East Herts Local Plan Second Review April 2007, which seeks to retain a suitable employment base.

191 ITEMS FOR REPORT AND NOTING

RESOLVED – that the following reports be noted:

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

The meeting closed at 8.45 pm

Chairman
Date