

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 2 JUNE 2010, AT 7.00 PM

PRESENT: Councillor W Ashley (Chairman).
Councillors M R Alexander, D Andrews,
K A Barnes, S A Bull, A L Burlton,
Mrs R F Cheswright, R N Copping, R Gilbert,
Mrs M H Goldspink, D A A Peek, P A Ruffles,
S Rutland-Barsby, J J Taylor, R I Taylor and
B M Wrangles.

ALSO PRESENT:

Councillor M G Carver.

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

49 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors J Demonti and G E Lawrence. It was noted
that Councillors D Andrews and P A Ruffles were

substituting for Councillors J Demonti and G E Lawrence respectively.

50 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman stated that as the web cams were being operated manually, Members were requested to pause before speaking once they had engaged their microphone.

The Chairman commented that Members were cordially invited to attend a presentation regarding aspirations for the Old River Lane site (The Causeway), Bishop's Stortford by Hendersons and their architects. The presentation would take place at 5.30 pm on 15 June 2010 in the Council Chamber at Wallfields, Hertford.

The Chairman reminded the Committee that the Planning Tour of the District would take place on 3 September 2010. He requested that Members inform him or the Head of Planning and Building Control of any sites they would like to be included in the tour.

Finally, the Chairman reminded the Committee of the external training due to be run by Linda Russell on 29 September 2010, from 10.00 am to 4.00 pm in the Council Chamber, Wallfields, Hertford.

51 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 13 May 2010 be confirmed as a correct record and signed by the Chairman.

52 3/10/0432/FP - REDEVELOPMENT OF SITE TO PROVIDE FOUR TWO-BEDROOM FLATS, SIX TWO-BEDROOM HOUSES AND EIGHT THREE-BEDROOM HOUSES (EIGHTEEN TOTAL UNITS) WITH NEW ACCESS AND ASSOCIATED UNITS AT BEACON COURT, RUSHEN DRIVE, HERTFORD HEATH FOR RIVERSMEAD HOUSING ASSOCIATION

Mr Sharp addressed the Committee in opposition to the application. Mr Connell spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0432/FP, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 by midday on 16 June 2010, planning permission be granted subject to the conditions now detailed.

Councillor W Ashley summarised the details of a petition that had been submitted in respect of application 3/09/1620/FP, which had been withdrawn prior to the 10 February 2010 meeting of the Committee.

The Director advised that the characteristics of the former use of the site ensured that it did not fall neatly into any particular use class; however it appeared akin to a Class C3 use. The current application was for C3 residential. The Committee was advised that as the site was in a mainly residential part of Hertford Heath, Officers felt that there should be no particular harm resulting from the proposed development.

The Director stated that the application allowed for 100% affordable housing, significantly higher than the Council's requirement of 40%. However, this was not unusual for sites owned by Housing Associations. Members were reminded that the processes followed by the site owner prior to the demolition of the former units and relocation of the residents were very much an issue outside of the planning process.

The Director advised that a letter had been received from the Parish Council objecting to the application on the grounds referred to in paragraph 4.1 of the report now submitted. The Parish Council's concerns focussed on the loss of facilities for local residents and overdevelopment that was out of keeping with the surrounding area.

The Bush Residents Association had commented that the application was contrary to the East Herts Local Plan Second Review April 2007. The Association had stressed that the support of the Council's Housing Development Manager should not be an exclusive consideration.

The Director advised that the Council's Planning Policy Team had stressed that Government Planning guidance sought provision of affordable housing. Government guidance did not preclude provision in excess of the 40% target. The Policy Team had further commented that there was not a disproportionate concentration of housing in this part of Hertford Heath.

Councillor Mrs R F Cheswright commented that the proposed density of 18 units and 44 bedrooms was double what was there at present. She stated that the proposed parking provision of 25 spaces was too low.

Councillor D Andrews commented that the existing buildings were not meeting the needs of the local community. He accepted Members' concerns relating to overdevelopment but was supportive of the application as it met a local need for this type of housing.

Councillor R I Taylor expressed concerns relating to the proposed parking provision and vehicular access for Beacon Court. Councillor J J Taylor addressed the Committee in opposition to the application. Councillor S A Bull referred to the fact that people were living longer and the need to strike a balance when meeting the needs of local communities.

The Director advised the Committee to carefully consider what harm would be caused by the proposed density, which was in keeping with the mix of densities already in place close to the site. He stressed that Members must be able to substantiate their concerns and should articulate what aspect of the scheme was not acceptable.

The Director reminded the Committee that the Council's Arboricultural and Landscape Officers had not objected to the application.

Councillor R Gilbert sought clarification on how many less trees were being lost on this application compared to the application that had been withdrawn prior to the February meeting of the Committee.

The Director advised that there had been a dialogue with the Council's Arboricultural Officer to ensure any loss of trees was kept to a minimum.

Councillor Mrs R F Cheswright proposed and Councillor Mrs M H Goldspink seconded, a motion that application 3/10/0432/FP be refused on the grounds of overdevelopment, the loss of trees and local amenity and lack of appropriate parking provision.

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

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 by midday on 16 June 2010, application 3/10/0432/FP be granted subject to the conditions now detailed.

RESOLVED – that (A) subject to the applicant or successor in title entering into a legal obligation

pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

1. Financial contributions towards:
 - Primary education of £45,506
 - Nursery education of £6,799
 - Childcare of £2,254
 - Youth services of £277
 - Libraries of £1,328
 - Sustainable transport £12,500; and
2. A financial contribution to cover the cost of providing a fire hydrant at this site.

in respect of application 3/10/0432/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Materials of construction (2E11)
3. Before first occupation of the approved development, all access and junction arrangements serving the development shall be completed in accordance with the approved plans and shall be constructed to the Local Planning Authority's satisfaction and the associated access roads and parking areas as shown on the approved plans shall be maintained in accordance with those approved details thereafter.

Reason: To secure a satisfactory access appropriate to the development, in the interest of public safety and convenience and to ensure the development makes adequate provision for off-street parking and maneuvering of vehicles likely to be associated with its use in accordance with

policies TR2 and TR7 of the East Herts Local Plan Second Review April 2007.

4. Before the new accesses are first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the accesses indicated on the approved plan, shall be closed in a manner to the Local Planning Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

5. Prior to first occupation of any of the residential units hereby permitted, provision shall be made within the site for cycle storage in accordance with a detailed plan which shall have been previously submitted to and approved in writing by the local planning authority. The cycle storage facilities shall thereafter be retained in accordance with those approved details.

Reason: To promote alternative modes of transport in accordance with policy TR14 of the East Herts Local Plan Second Review April 2007.

6. Construction parking & Storage (3V22)
7. Wheel washing facilities (3V25)
8. Bats (2E41)
9. Unless otherwise agreed in writing by the local planning authority, no demolition of the existing buildings shall take place on site outside of the months of September, October and March.

Reason: To ensure the safety of all bats roosting in or otherwise using the buildings, in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

10. Programme of archaeological work (2E023).
11. Tree retention and protection (4P053)
12. Landscape design proposals (4P124 – a, c, e, f, i)
13. Landscape works implementation (4P133)
14. Prior to any construction works commencing on site details of the proposed bins stores shall be submitted to, and agreed in writing by the Local Planning Authority. The stores shall be completed in accordance with the approved details prior to first occupation of the development, and thereafter retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the area, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

15. Construction hours of working- plant and machinery (6N07)
16. Contaminated land survey and remediation (2E332).

Directives:

1. Other legislation (01OL1)
2. Where works are required within the public highway to facilitate the vehicle access requirements of the development the highway

authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Telephone 01438 757880) for further information and to determine the necessary procedures.

3. The applicant is advised that the County Council as highway authority will not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.
4. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
5. You are advised that no work should commence on site until a European Protected Species bat license has been obtained from Natural England. The EPS license will contain a Mitigation Strategy and Method Statement to eliminate or reduce impacts on bats. A Working Method will be instigated to avoid harm or injury to bats, in particular roof stripping, which will only take place in the presence of a suitably licensed bat consultant.

6. You are advised that the presence of any significant unsuspected contamination that becomes evident during the development of the site should be brought to the attention of the Local Planning Authority as soon as possible.

where the legal agreement referred to in recommendation (A) is not completed by midday on 16th June 2010 the Director of Neighbourhood Services be authorised to refuse planning permission for the following reason:

1. The development fails to make the appropriate financial provision for infrastructure improvements considered necessary to support the proposed development. As such, it would be contrary to the provisions of saved Policy IMP1 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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies ENV1, ENV2, ENV3, ENV9, ENV11, ENV16, ENV20, ENV21, HSG1, HSG3, HSG4, HSG6, IMP1, OSV1, SD1, TR1, TR2, TR3, TR7, TR14 and BH3 of the Local Plan and PPS1 – Delivering Sustainable Development, PPS3 – Housing and PPS23 – Planning and Pollution Control. The balance of the considerations having regard to those policies is that permission should be granted.

- 53 3/10/0088/FP – REDEVELOPMENT OF SITE TO PROVIDE 5 NO. COMMERCIAL UNITS (USE CLASSES A1 RETAIL, A2 FINANCIAL AND PROFESSIONAL SERVICES, A3 RESTAURANT, CAFE ETC, A4 PUBLIC HOUSE, WINE BAR ETC, A5 HOT FOOD TAKEAWAY AND D1 NON-RESIDENTIAL INSTITUTION E.G. MEDICAL, EDUCATIONAL, VETERINARY ETC. WITH ASSOCIATED CAR PARKING FOR 68 NO. CARS, CYCLE STORE AND ANCILLARY SERVICES AT 306-310 WARE ROAD FOR TUDORWOOD LTD
-

Mr Knight addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0088/FP, planning permission be refused for the reasons now detailed.

Councillor B M Wrangles, as the local ward Member, addressed the Committee in support of the Officer's recommendation for refusal.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0088/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/0088/FP, planning permission be refused for the following reasons:

1. The proposed development due to the dependency on access by the private car, the relative remoteness of the site to significant residential areas and the potential undermining of strategies to support existing town centres does not represent an inclusive and sustainable form of development. The development is thereby contrary to Policies SD1 and STC6 of the East Herts Local Plan

and national guidance in PPS1, PPG13 and Policy EC10.2 of PPS4

2. Inadequate information has been submitted to satisfy the requirements for a sequential assessment as required by policy EC14.3 of Planning Policy Statement 4: Planning for Sustainable Growth. In the absence of this information the Council cannot conclude whether the town centre uses are appropriate for this out-of-centre location.
3. Inadequate information has been submitted to satisfy the requirements for an impact assessment as required by policy EC16 of Planning Policy Statement 4: Planning for Sustainable Growth. In the absence of this information, the Council cannot accurately assess whether the proposed development would have an acceptable impact on the vitality and viability of the Ware and Hertford town centres.
4. Insufficient information has been submitted to allow a complete and accurate assessment of the impact proposed development on the local highway network in accordance with policies TR2 and TR3 of the East Herts Local Plan Second Review April 2007.
5. The proposed buildings would be out of character with the surrounding area, and of a size, form and appearance which fail to reflect or support local distinctiveness. The design fails to take the opportunity to improve the character and quality of the area or the way it functions contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007, para 34 of PPS1 and EC10.2c of Planning Policy Statement 4: Planning for Sustainable Growth.

6. The design and layout of the car park at the rear of the proposed buildings is poor lacking natural surveillance and creates a potential location for anti-social behaviour. This would be contrary to policies ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007.
7. No provision has been made for contributions towards sustainable transport or associated infrastructure improvements as may be required to mitigate against the impact of the development. It would therefore be contrary to Policies IMPI and TR 1 of the East Herts Local Plan Second Review April 2007.
8. The development involves the loss of an existing bungalow without any replacement provision of residential accommodation as part of the development, contrary to policy EDE3 of the East Herts Local Plan Second Review April 2007.

54 3/10/0436/FP - CHANGE OF USE FROM BUSINESS (CLASS B1) TO A CAR DEALERSHIP (SUI GENERIS) COMPRISING OF CAR SHOWROOM, AFTERSALES, OFFICES AND MINOR ALTERATIONS AT UNIT 6 STORTFORD HALL INDUSTRIAL PARK, DUNMOW ROAD, BISHOP'S STORTFORD CM23 5GZ FOR VOLVO CARS LONDON

Miss Perry addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0436/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that an objection letter had been

received from a resident expressing concerns relating to noise and pollution from paints and oil etc. Concerns had also been expressed that a second car dealership would exacerbate problems with traffic in this area.

The Director stated that County Highways had raised no objections. Bishop's Stortford Town Council had raised no objections but had requested that vehicle deliveries be time restricted in line with restrictions in place on a nearby Toyota dealership.

The Director emphasised that if Members were supportive of the scheme, details of conditions could be addressed by Officers in consultation with the Chairman of the Committee.

Councillor Mrs M H Goldspink addressed the Committee in support of the application. She expressed her satisfaction with the noise survey results.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0436/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0436/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)
2. The use of the workshop, as shown on drawing number 102 shall be restricted to the hours 08.00 am to 18.00 pm Monday to Friday and 09.00 am to 13.00 on Saturdays and at no time on a Sunday or Bank Holiday.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies ENV24 and ENV25 of the East Herts Local Plan Second Review April

2007.

3. The area of the building designated as 'workshop' in drawing number 102 shall only shall be used for mechanical car repairs and servicing (that does not involve welding, body repairs or spraying) and for no other purposes including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987. No mechanical car repairs or servicing shall take place anywhere on the site, other than within the building.

Reason: To ensure that no alternative use is made of the premises which would be likely to be a nuisance or annoyance to the occupants of adjoining premises, in accordance with policies ENV24 and ENV25 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other legislation (01OL1).

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD2, EDE1, BIS9, ENV1, ENV24, ENV25 and PPG24. The balance of the considerations having regard to those policies is that permission should be granted.

55 3/10/0512/OP - DEMOLITION OF ALL EXISTING STRUCTURES AND RESIDENTIAL REDEVELOPMENT AT BIRCH FARM AND HUNT KENNELS, WHITE STUBBS LANE, BROXBORNE, EN10 7QA FOR MR AND MRS L BARNES

Mr Barnes addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0512/OP, outline planning permission be refused for the reasons now detailed.

The Director advised that an additional 11 letters of support had been received. The Broxbourne Woods Area Conservation Society supported the redevelopment of the site, particularly as there were few houses in the area. The Society had referred to the little real harm that would result from the application. The Society had also emphasised the derelict nature of the site and had referred to the possibility of commercial activities on the site should this application be refused.

Brickendon Liberty Parish Council was supportive of the application subject to the provision of affordable housing. The Director stressed that the Council's Housing Officer had commented that the site was unsuitable for affordable housing.

The Director stated that should Members be minded to approve the application, a deferral could be appropriate to facilitate the conduct of a bat survey on the site. Councillor R Gilbert commented on whether the application was contrary to ENV1 and GBC14 of the East Herts Local Plan Second Review April 2007.

Councillor Gilbert stressed that the local plan sought to protect, enhance and preserve the quality of the Green Belt. He stated the current buildings on the site were derelict and dangerous and did not enhance the area.

Councillor K A Barnes commented that there were special reasons for approval this outline application. He stated that the buildings currently on the site were an eyesore.

Councillor J J Taylor summarised the detailed site history prior to this application. She stressed that this was an outline application and the proposed layout was capable of amendment for a larger number of units. She also stated that the site could be enhanced by the painting of the barns, a general tidy up as well as the removal of plant equipment.

Councillor Taylor stated that the application could result in a development almost the size of a hamlet in the Green Belt. She referred to comments of the Council's Landscape Officer in that the application should be refused as the change of use would have a negative impact on the value and character of the area.

Councillor R N Copping acknowledged the special circumstances referred to by the public speaker but stressed that this application was against policy. He expressed concern in respect of an outline application leading to a full permission application for a larger number of units.

Councillor Mrs M H Goldspink was supportive of the application on the grounds that the site was derelict and unsightly. She stressed that the applicant had made significant efforts to improve the site through the planning process.

The Director advised Members that the application was contrary to policy and Officers had not been convinced that special circumstances existed for departing from policy. The Committee was advised that if permission were to be granted in this case, this would establish the principle of development which could be followed by further planning applications for a greater number of units on the site.

The Director confirmed that Officers could attach conditions to restrict the overall footprint of the development. However, such conditions are difficult to impose precisely and the principle of development

remains established.

The Director reported that Members must carefully weigh up any special circumstances for approving such an application in the Green Belt. He also advised that any conditions must meet the standard tests in terms of being reasonable.

The Committee was advised that, if Members were supportive in principle, a deferral could be a way forward to enable the applicant to submit a full application giving greater certainty in relation to the final extent of development. The applicant may be confident to do so having heard the Member debate at the Committee. This did not remove the applicant's ability to pursue the outline application, if that was the applicant's preferred approach.

Councillor D A A Peek proposed and Councillor D Andrews seconded, a motion that application 3/10/0512/OP be deferred to enable the applicants to undertake bat survey work and in order for Officers to invite the applicant to submit a full detailed application to establish greater certainty with regard to the extent of development proposed.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/0512/OP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/0512/FP, planning permission be deferred to enable the applicants to undertake bat survey work and in order for Officers to invite the applicant to submit a full detailed application to establish greater certainty with regard to the extent of development proposed.

56 3/10/0511/FP - ERECTION OF 4 NO. NEW LOOSE BOXES
AT TUDOR MANOR, WHITE STUBBS LANE, BAYFORD,
SG13 8QA FOR MR T WEDGE

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0511/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0511/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0511/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Materials of construction (2E11)
3. No external lighting (2E26)
4. Tree retention and protection (4P05)
5. Hedge retention and protection (4P06)
6. Landscape design proposals (4P12 b,e,i,j,k,l)
7. Landscape works implementation (4P13)
8. Private use of stables (5U11).

Directive:

1. Other legislation.

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 the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD2, GBC1, GBC11, GBC14, TR2, TR20, ENV1, ENV2, ENV11 and ENV16. The balance of the considerations having regard to those policies is that permission should be granted.

57 3/10/0464/FP - THE ERECTION OF A DOUBLE GARAGE AT TWYFORD HOUSE, PIG LANE, BISHOPS STORTFORD, CM22 7PA FOR ALPHA TECHNOLOGIES EUROPE LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0464/FP, planning permission be granted subject to the conditions now detailed.

The Director confirmed that the site was located in the Parish in Thorley. He advised that the wording of the 3rd condition had been amended as follows:

Delete –

‘..... The building hereby permitted shall only be used for purposes in connection with the use of Twyford House and for no other purpose’.

Insert –

‘The building hereby permitted shall be used for the housing of private vehicles associated with the use of Twyford House and not as additional living accommodation or for any commercial activity’.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0324/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application

3/10/0464/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Samples of Materials (2E12)
3. The building hereby permitted shall be used for the housing of private vehicles associated with the use of Twyford House and not as additional living accommodation or for any commercial activity.

Reason: To allow the Local Planning Authority to retain control over any future development and to ensure that the use of the building remains sympathetic to the surrounding Green Belt.

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1, ENV2 and PPG2 and PPS 5. The balance of the considerations having regard to those policies and the permission granted for a detached garage in 2000 under LPA reference 3/99/1743/FP is that permission should be granted.

58 3/10/0516/FP - 3 NO. PROPOSED DORMERS TO FRONT OF PROPERTY AT BARN COTTAGE, WIDFORD ROAD, MUCH HADHAM, SG10 6AT FOR MR C LAMKIN

Mr Byrne addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0516/FP, planning permission be granted subject to the conditions now detailed.

Councillor M G Carver, as the local ward Member, addressed the Committee in opposition to the application. He stressed that the dwelling was an agricultural worker's cottage and the owner had recently retired.

Councillor Carver stated that the application was contrary to policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review April 2007. He commented that there should be a collective review of permitted development rights on the site and the application should be refused.

Councillor R N Copping stressed that the application should be refused as there would be an unacceptable degree of overlooking of Ash Cottage. Councillor R Gilbert expressed concern that the application was an example of creeping development. Councillor W Ashley reminded Members that the Committee should clearly identify the harm they felt would result from this development.

Councillor Mrs M H Goldspink commented that as Barn Cottage was on a lower level than nearby Ash Cottage, there would be no overlooking due to the difference in height. She supported the Officer's recommendation for approval.

Councillor R Gilbert proposed and Councillor R N Copping seconded, a motion that application 3/10/0516/FP be refused on the grounds that the application would result in an unacceptable level of overlooking and loss of privacy for the residents of Ash Cottage.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/0516/FP be granted planning permission subject to the conditions now detailed.

Councillor W Ashley requested that his dissent from this decision be recorded.

RESOLVED – that in respect of application 3/10/0516/FP, planning permission be refused for the following reason:

1. BO233 Loss of privacy - amend to “Ash Cottage” rather than “the adjoining dwellings”.

59 (A) 3/10/0541/FP AND (B) 3/10/0542/LB - TWO STOREY REAR EXTENSION, RECONFIGURATION AND EXTENSION OF DORMER WINDOWS, AND INTERNAL ALTERATIONS AT HADHAM END, MEDCALF HILL, WIDFORD, WARE, SG12 8TA FOR MR AND MRS ROBERT COLES

The Director of Neighbourhood Services recommended that, in respect of applications 3/10/0541/FP and 3/10/0542/LB, planning permission and listed building consent be granted subject to the conditions now detailed.

Councillor R Gilbert referred to the dramatic alterations that had taken place on the site. He commented on whether the structure should still be classified as a listed building given the scale of the alterations.

The Director stated that the Council’s Conservation Officer was satisfied that the proposed development would retain and enhance previous alterations to the listed building.

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

3/10/0541/FP be granted subject to the conditions now detailed. The Committee also accepted the recommendation of the Director of Neighbourhood Services that application 3/10/0542/LB be granted subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/10/0541/FP, planning permission be granted subject to the following condition:

1. Three year time limit (1T12).

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC3, ENV1, ENV5, ENV6 of the Local Plan. The balance of the considerations having regard to those policies and Planning Policy Statement 5 – Planning for the Historic Environment is that permission should be granted.

(B) in respect of application 3/10/0542/LB, listed building consent be granted subject to the following conditions:

1. Listed building three year time limit (1T14)
2. Samples of materials (2E12)
3. Listed building (new windows) (8L03)
4. Listed building (new doors) (8L04)
5. Listed building (new plasterwork) (8L05)
6. Listed building (new brickwork) (8L06)

7. Listed building (new weatherboarding) (8L07)
8. Listed building (new external rendering) (8L08)
9. Listed building (new rainwater goods) (8L09)
10. Listed building (making good) (8L10)
11. Repairs schedule (8L11)
12. No development shall take place until the applicant has secured the implementation of a programme of recording architectural and historic assets within the listed building, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the protection and proper provision of architectural and historic assets in accordance with Planning Policy Statement 5 – Planning for the Historic Environment.

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 the saved policies of the East Herts Local Plan Second Review April 2007). The balance of the considerations having regard to those policies and Planning Policy Statement 5 – Planning for the Historic Environment is that consent should be granted.

60 E/09/0050/B - UNAUTHORISED CHANGE OF USE OF LAND TO COMMERCIAL PURPOSES AT LAND ADJACENT TO GARAGES AT REAR OF 1 PILGRIMS ROW, WESTMILL, BUNTINGFORD, SG9 9LQ

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0050/B, enforcement action be authorised on the basis now detailed.

Councillor S A Bull sought and was given clarification that the situation on the site had not changed since the report was written. Councillor Mrs M H Goldspink stated that there was more than a single delivery being made to the site each day.

The Director confirmed that application 3/09/0128/CL for a small shed for the delivery of newspapers had been withdrawn as the application was incomplete.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/9/0050/B on the basis now detailed.

RESOLVED – that in respect of E/09/0050/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 unauthorised use of the land.

Period for compliance: 1 month.

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Rural Area as defined in the East Herts Local Plan wherein there is a presumption against development other than

required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The development is prejudicial to this policy as set out in policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007.

2. The use of the land and structure for commercial purposes has resulted in an increase in activity at the site and vehicle usage of the access to and from the shed to the detriment of the amenity of neighbouring properties. The development is thereby contrary to policies ENV1 and TR20 of the East Herts Local Plan Second Review April 2007.

61 E/09/0103/A - UNAUTHORISED ALTERATION WORKS TO AND UNAUTHORISED ADVERTISEMENTS ON A GRADE II LISTED BUILDING AT THE TAMARIND TREE RESTAURANT, MILLARS II, SOUTHMILL ROAD, BISHOP'S STORTFORD, HERTS

The Director of Neighbourhood Services recommended that, in respect of the sites relating to E/09/0103/A, enforcement action be authorised on the basis now detailed.

The Director referred to an error in the table detailed at paragraph 2.1 of the report now submitted. The Committee was advised that application 3/10/0042/LB had not been approved with conditions but had been withdrawn.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the sites relating to E/09/0103/A on the basis now detailed.

RESOLVED – that (A) in respect of E/09/0103/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services,

be authorised to prosecute the owner of the above site for the alteration of a listed building in a manner adversely affecting its character as a building of special architectural or historic interest and/or to take enforcement action under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure works to restore the building to its former state;

(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 removal of the unauthorised structures from the building; and

(C) the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to commence legal proceedings under section 224 of the Town and Country Planning Act 1990 for the unauthorised display of advertisements on the listed building.

Period for compliance: 3 months.

Reasons why it is expedient to prosecute and/or issue an enforcement notice:

1. The unauthorised works and advertisements are detrimental to the historic character and appearance of this Listed Building and have led to substantial harm to the Listed Building that is not outweighed by the criteria detailed in policy HE9 of PPS5. As such, the development fails to sustain and enhance the significance of this designated heritage asset, contrary to policies HE7 and HE9 of PPS5.
2. The development, by reason of the materials

used and the detailed appearance, is of a poor standard of design, unsympathetic to the context of the site and fails to take the opportunities available for improving the character of the area. It is thereby contrary to saved policy ENV1 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' para. 34.

3. The signage by reason of its size, siting, materials of construction and illumination is detrimental to both the character of the Grade II listed building and the visual amenities and character of the area. It is thereby contrary to saved policy ENV29 of the East Herts Local Plan Second Review April 2007.

62 E/06/0155/A - VARIOUS UNAUTHORISED STRUCTURES; CHANGES OF USE AND UNTIDY SITES AT ESBIES ESTATE, STATION ROAD, SAWBRIDGEWORTH, CM21 9JE

The Director of Neighbourhood Services recommended that, in respect of the sites relating to E/06/0155/A, enforcement action be authorised on the basis now detailed.

The Director stated that Members should consider the circumstances in that the occupants of the site included Gypsies. The Committee must consider whether it was appropriate for this use to continue in the Green Belt.

The Director advised that plots 17 and 19 were occupied by a Gypsy family and that one of these plots had been adapted for use by a disabled person. Plots 19 and 20 were occupied as traveller pitches. The Committee was advised that plot 29 was occupied by 6 individual households.

The Director indicated that the new government had indicated its intention to abolish the Regional Spatial

Strategy. This intention was material and, as a result, decisions relating to gypsy and traveller provision would not be made with the benefit of the regional policy guidance in future.

The Committee was advised that policy HSG10 of the East Herts Local Plan Second Review 2007 clearly stated that gypsy and traveller accommodation was an inappropriate use of the green belt unless very special reasons could be identified for a departure from policy.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the sites relating to E/06/0155/A on the basis now detailed.

RESOLVED – that (A) in respect of E/06/0155/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to issue enforcement notices under section 172 and “untidy land” notices under section 215 of the Town and Country Planning Act 1990 and any other steps as may be required to secure the action identified on each plot as set out in section 3.0 of the report now submitted and any additional/revised action identified in the report.

Periods for compliance:

1. Removal of mobile homes and/or cessation of permanent residential use - 6 Months.
2. Other operation development e.g. hard surfacing etc - 2 Months.

(B) in relation to plots where the option of prosecution and/or enforcement action is identified, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to determine which course of action is the most appropriate in relation to all the identified unauthorised developments; and

(C) authority be delegated to the Director of Neighbourhood Services, in consultation with the Director of Internal Services, to take any further or amended enforcement action under Sections 172 and 215 of the Town and Country Planning Act 1990, where additional but similar unauthorised development occurs on the estate, or where circumstances relating to those unauthorised developments identified in this report change, provided that this delegated authority is only taken on development occurring within six months of the date of this resolution; it is considered expedient in the public interest to take action and is subject to agreement by the Chairman of the Development Control Committee prior to the action being taken.

Reasons why it is expedient to issue and serve enforcement notices:

1. The site lies within the Metropolitan Green Belt as defined in the East Herts Local Plan wherein permission will not normally be given except in very special 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 the rural area. No such very special circumstances are apparent in this case. The unauthorised developments and uses are detrimental to the character, appearance and openness of the area and thereby contrary to Metropolitan Green Belt policy as expressed in PPG2 and also in saved policy GBC1 of the East Herts Local Plan Second Review April 2007.
2. The estate is sited within Flood Zone 3 and as such any development is at a high risk of flooding to the detriment of the safety of future occupiers. In addition, the unauthorised hard surfacing on the site and unauthorised storage

use exacerbates the risk of flooding and the developments are thereby contrary to the advice given in PPG25 and to saved policy ENV19 of the East Herts Local Plan Second Review April 2007.

63 UPDATE ON ENFORCEMENT STATISTICS AND AUTHORISED ACTION

The Director of Neighbourhood Services submitted a report updating Members on recently authorised enforcement action.

The Committee noted the report as now detailed.

RESOLVED – that the report be noted.

64 PLANNING APPEALS PERFORMANCE - OCTOBER 2009 - MARCH 2010

The Director of Neighbourhood Services submitted a report providing a summary of planning appeal performance for the six month period covering October 2009 to October 2010.

The Committee noted the report as now detailed.

RESOLVED – that the performance of the Council in relation to planning appeal decisions be noted.

65 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

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

(B) Planning Appeals lodged;

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

(D) Planning Statistics.

The meeting closed at 9.15 pm

Chairman

Date