

MINUTES OF A MEETING
OF THE DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON WEDNESDAY 18 FEBRUARY 2009
AT 6.00 PM

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

ALSO IN ATTENDANCE:

Councillor R I Taylor.

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

577 APOLOGIES

An apology for absence was submitted on behalf of Councillor Mrs M H Goldspink. It was noted that Councillor M Wood was in attendance as substitute for Councillor Goldspink.

578 CHAIRMAN'S ANNOUNCEMENTS

The Chairman commented that this meeting had been convened at short notice as a matter of urgency, in order that the Committee could reach decisions on 6 enforcement

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cases that remained undetermined from the meeting of the Committee held on 11 February 2009. This would avoid undue delays in the business of the Committee.

The Chairman also commented that the 3 planning applications that had not been determined on 11 February 2009, would be reported to the meeting on 11 March 2009 .

RESOLVED ITEMS

579 E/07/0325/A UNTIDY CONDITION OF LAND AT THE REAR OF 35A LONDON ROAD, BISHOP'S STORTFORD CM23 5NA

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/07/0325/A, enforcement action be authorised on the basis now detailed.

The Director reported that correspondence had been received from the owner of 35a London Road stating that the site had been cleared and that a planning application had been refused for an amendment to plans for building an extension on the site.

Councillor R N Copping commented that the Committee should approve enforcement action to ensure the site was cleared. The Director confirmed that building works had been suspended and building materials had been left on the site. The garden was also substantially overgrown.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0325/A on the basis now detailed.

RESOLVED – that in respect of E/07/0325/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under section 215 of the Town and Country Planning Act 1990 and to take

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any other steps as may be required to secure:

- (a) removal of stored building materials, with the exception of any materials reasonably necessary for the completion of external works, which shall be stored only within the area hatched black on the attached plan and to a maximum height of 1.5 metres;
- (b) the improvement of the site by either i) the completion of the outer walls of the unfinished extension or ii) the removal of the outer walls of the extension so far erected;
- (c) the removal of any waste and overgrown shrubbery;
- (d) and to leave the site in a tidy condition.

Period of compliance: 3 Months.

Reason why it is expedient to issue an enforcement notice:

1. The condition of the land is detrimental to the amenity of the surrounding area by reason of the unsightly and unfinished building works, the storage of building materials not currently reasonably required on the site and overgrown shrubbery, contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

580 E/08/0355/A – DEVELOPMENT NOT IN ACCORDANCE WITH APPROVED PLANS, GRANTED PLANNING PERMISSION UNDER REFERENCE 3/07/1335/FP, AT 1 MILLERS VIEW, MUCH HADHAM, HERTS

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0355/A, no further action be taken in respect of a breach of planning control, providing the staircase is painted in black within a

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three month period.

The Director advised that representation had been received from the site owner. The owner had stated that the metal staircase would be painted black as soon as the weather improved, as such works could not take place in wet weather. The owner had confirmed that works would be completed in 3 months from the middle of January 2009.

The Committee supported the Director's recommendation that no further action be taken in respect of the site relating to E/08/0355/A on the basis now detailed.

RESOLVED – that in respect of E/08/0355/A, no further action be taken in respect of the breach of planning control providing that the staircase is painted black within a 3 month period.

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581 E/08/0410/A – UNTIDY CONDITION OF THE LAND AND DWELLING AT 102 DUNMOW ROAD, BISHOP'S STORTFORD, CM23 5HN

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0410/A, enforcement action be authorised on the basis now detailed.

The Director confirmed that the site owner had confirmed that the area of the site to the front of the property had been cleared. The owner's representation had also stated that works to repaint the front of the property had not been undertaken as the local planning authority could not insist on such works being carried out.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/08/0410/A on the basis now detailed.

RESOLVED – that in respect of E/08/0410/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised

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to take enforcement action under Section 215 of the Town and Country Planning Act 1990 and such other steps as may be required to secure the improvement of the site by the removal of all the overgrown vegetation from the front, side and rear gardens of the property; the repair of the dwelling by the removal of the boarding to the doors and windows and the repair or replacement of the said windows and doors as necessary; the cleaning of all dirt from the exterior of the building, repainting all paint free or discoloured areas in a matching colour paint and leaving the building secure and watertight and the site in a clean and tidy condition.

Period for compliance: 3 months.

Reason why it is expedient to issue an enforcement notice:

1. The condition of the land is detrimental to the amenity of the surrounding area by reason of the overgrown vegetation in the gardens and by the poor state of the dwelling.

582 E/08/0101/A–UNAUTHORISED INSTALLATION OF A SATELLITE DISH AT 9 PYE GARDENS, BISHOP'S STORTFORD, CM23 2GU

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0101/A, enforcement action be authorised on the basis now detailed.

Councillor M R Alexander requested that Officers look closely at the issue of satellite dishes. He commented that the issue should be managed as more residents apply for dishes to take advantage of Freesat as an alternative to digital television.

The Director confirmed that under permitted development rights, residents could erect modest satellite dishes in

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appropriate locations. The unauthorised dish on this site had been the subject of a refused planning consent and also an unsuccessful appeal for refusal of permission.

In response to a query from Councillor B M Wrangles, the Director confirmed that permitted development rights had changed in October 2008 and residents could locate satellite dishes on chimney stacks and flank walls. He commented that dishes should not protrude above the apex of the roof or the upper limit of a chimney stack.

The Director advised that problems could result should a resident seek to erect a satellite dish on the front a property in a conservation area, particularly when this was the only place where there was a clear signal.

Councillor M R Alexander commented that the planning portal of Tendring District Council provided some helpful guidance on satellite dishes.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/08/0101/A on the basis now detailed.

RESOLVED – that in respect of E/08/0101/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 satellite dish.

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Period for compliance: 28 days.

Reason why it is expedient to issue an enforcement notice:

1. The satellite dish, by reason of its size and siting, appears as an unsympathetic addition to the existing dwelling and unduly prominent within the street scene to the detriment of the

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character and appearance of the Bishop's Stortford Conservation Area, contrary to policies ENV1, ENV5 and BH5 of the East Herts Local Plan Second Review April 2007.

583 E/09/0008/A – UNTIDY CONDITION OF THE LAND AND DWELLING AT 188 DUNMOW ROAD, BISHOP'S STORTFORD, CM23 5HW

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0008/A, enforcement action be authorised on the basis now detailed.

The Director advised that meetings had taken place between the freeholder and the leaseholders to negotiate completion of works on the site. Councillor M Wood commented that the site had been in an untidy state for years. He expressed concerns that the site was detrimental to the amenity of the residents of 188 Dunmow Road and also to the amenity of neighbouring residents.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/09/0008/A on the basis now detailed.

RESOLVED – that in respect of E/08/0008/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 215 of the Town and Country Planning Act 1990 and such other steps as may be required to secure the improvement of the site by the rebuilding of the rear wall of the property in accordance with either its former appearance, prior to its partial demolition, or in accordance with planning permission granted under application number 3/04/2492/FP together with the reconstruction of the roof of the property or construction of the dormer window approved under application number 3/04/2492/FP; the repair or replacement of windows in the front elevation; the

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cleaning of paintwork, replacement of any missing render to the building, repainting all paint free or discoloured areas in a matching colour paint and to leave the building in a weathertight condition and the site in a clean and tidy condition.

Period for compliance: 3 months.

Reason why it is expedient to issue an enforcement notice:

1. The condition of the land and building is detrimental to the amenity of the surrounding area by reason of the poor state of the dwelling.

584 E/09/0040/B - UNAUTHORISED INSTALLATION OF TWO GENERATORS AT BP FILLING STATION, RUSH GREEN, HERTFORD, SG13 7SH

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0040/B, enforcement action be authorised on the basis now detailed.

In response to a query from the Chairman, the Director advised that the 28 day period for compliance would run from the date the notice became effective. If there was an appeal the period for compliance would go into abeyance.

The Chairman commented on the possibility of a planning application to regularise the development. The Director advised that if Officers had considered there was a likelihood of a planning application being submitted, then he would not be seeking an enforcement notice.

The Director updated the Committee on the present situation on the site. The main problem for BP as the site owner was regaining access to the national grid. The Director confirmed that the generators caused noise and vibration disturbance for local residents.

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The Director confirmed that the infrastructure to facilitate connection to the national grid was present on the site. He stated that the key issue was gaining access to that part of the site.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/09/0040/B on the basis now detailed.

RESOLVED – that in respect of E/08/0040/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 development from the land.

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Period for compliance: 28 days.

Reasons why it is expedient to issue an enforcement notice:

1. The unauthorised installation of two generators, by reason of their size, siting, form and design is out of keeping with and detrimental to the design and appearance of the existing buildings, contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
2. The unauthorised installation, by reason of their size, siting, form and design do not respect the amenity of occupiers of neighbouring properties and fails to ensure that their environment is not harmed by noise and disturbance, contrary to ENV1 of the East Herts Local Plan Second Review April 2007.

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The meeting closed at 6.20 pm

Chairman

Date

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