

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD,
ON WEDNESDAY 10 JUNE 2009, AT
7.30 PM

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

ALSO PRESENT:

Councillors R Beeching and M G Carver.

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood Services
Liz Humby	- Development Control Team Leader
Martin Ibrahim	- Senior Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

30 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors A L Burlton and J J Taylor. It was noted that
Councillors D Andrews and R N Copping were substituting
for Councillors A L Burlton and J J Taylor respectively.

31 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman referred to this meeting being his first as Committee Chairman. He thanked Councillor R Gilbert for his dedication and professionalism as Chairman for seven years. Councillor M R Alexander, on behalf of the Committee, expressed good wishes for the new Chairman and Vice-Chairman of the Committee.

The Chairman advised Members of some forthcoming dates for their diaries. There would be an 'open office' on 10 July 2009 for Members to visit the Development Control team for a look 'behind the scenes'. The first in a series of one hour training sessions would be held before the Development Control Committee meeting on 29 July 2009. Finally, the Chairman referred to the District Planning Tour, which would take place on 4 September 2009, and invited all Members to make suggestions for inclusion. Further details on all of these would be circulated by Officers.

32 DECLARATIONS OF INTEREST

Councillor S Rutland-Barsby declared a personal and prejudicial interest in application 3/09/0441/FP in that she did business with the applicant. She left the room whilst this matter was considered.

Councillor M R Alexander declared a personal interest in application E/08/0472/FP, in that he used the shop.

Councillor W Ashley declared a personal interest in application 3/09/0441/FP, in that the site adjoined his farm.

Councillor W Ashley declared a personal and prejudicial interest in application 3/09/0590/FP in that he was the applicant. He vacated the chair and left the room whilst this matter was considered. Councillor S A Rutland-Barsby

chaired the meeting for this item.

RESOLVED ITEMS

33 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 6 May 2009 be confirmed as a correct record and signed by the Chairman.

34 3/09/0419/FP - DEMOLITION OF EXISTING CHICKEN FARM BUILDINGS AND ASSOCIATED AGRICULTURAL BUNGALOW AND CONSTRUCTION OF FOUR DETACHED HOUSES TOGETHER WITH A TERRACE OF THREE AFFORDABLE DWELLINGS AT TWO ACRES, BARKWAY ROAD, ANSTEY, SG9 0BN FOR MR M HART

Mr Brewer, Chairman of Anstey Parish Council, addressed the meeting in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0419/FP, planning permission be refused for the reasons now detailed. He advised the Committee that the Environment Agency had now withdrawn its objections on the basis of two additional conditions relating to drainage and excess surface water being added to any approval.

Councillor M G Carver addressed the Committee in his capacity as the portfolio holder responsible for economic development. He supported the application and suggested that the proposed scheme represented a good example of sustainable development. He referred to the Local Development Framework context and suggested that future housing provision might need to be sought in rural areas rather than the towns.

Various Members expressed support for the application on the basis that, although a departure from policy, provided three affordable housing units and was supported by local

residents.

The Director advised that, if Members were minded to approve the application, the Committee would need to be clear about how the weight they attached to local circumstances justified departing from policy. He also advised that the Committee should ensure that it gave full weight to current policies in preference to potential future policy.

Councillor Mrs R F Cheswright moved, and Councillor M R Alexander seconded, a motion that the application be approved on the basis of a need to preserve and enhance the Conservation Area, the provision of affordable housing and the beneficial impact on service provision in the village.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/09/0419/FP be refused and agreed that the application be approved subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0419/FP, subject to the applicants entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

DNS

- the provision of three affordable dwellings

planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Programme of archaeological work (2E02)
3. Sample of materials (2E12)

4. Materials arising from demolition (2E32)
5. Contaminated land survey and remediation (2E33)
6. Wheel washing facilities (3V25)
7. Tree retention and protection (4P05)
8. Hedge retention and protection (4P06)
9. Landscape design proposals (4P12)

Delete a), b), c) d) f) g) h)

10. Landscape works implementations (4P13)
11. No clearance of the site, or demolition of the existing buildings shall be carried out between 01 March and 31 August (inclusive) unless otherwise agreed in writing by the Local Planning Authority and following a search of the site and/or buildings by a suitably qualified ecologist.

Reason: To protect the habitats of nesting birds which are protected from disturbance under The Wildlife and Countryside Act 1981 (as amended) in accordance with policy ENV16 of the East Herts Local Plan Second review April 2007.

12. Prior to the commencement of development details of a surface and foul water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason: To ensure that adequate provision

is in place in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Highway Works (05FC)
2. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
3. If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.
4. You are advised to contact the Environment Agency on 08708 506506 to apply for a consent to discharge from the package treatment plant.

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 2007), and in particular SD1, SD2, HSG3, HSG4, HSG5, GBC2, GBC3, GBC6, GBC10, TR1, TR2, TR20, ENV1, ENV2, BH6, BH12 and the need to preserve and enhance the character of the Conservation Area and to provide affordable housing to support local services.

35 3/09/0381/FP - SINGLE STOREY SIDE EXTENSION TO EXISTING GARAGE TO FORM RESIDENTIAL ANNEXE AT BRADLEY COTTAGE, PATIENT END, FURNEUX PELHAM FOR MR DAVID PIGG

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0381/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0381/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0381/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121)
2. The annexe hereby permitted shall not be occupied at anytime other than for purposes ancillary to the residential use of the dwelling known as Bradley Cottage as identified on drawing number 1A.

Reason: To ensure the Local Planning Authority retains control over any future residential development and in accordance with Policy ENV8 of the East Herts Local Plan Second Review.

3. Samples of materials (2E123)
4. Retention of parking space (3V204)
5. New Doors and windows – unlisted buildings (2E342)

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 2007), and in particular GBC2, GBC3, ENV1, ENV5, ENV6, ENV8 BH12 and TR7. The balance of the considerations having regard to those policies and the previous decision within LPA reference 3/08/1488/FP, is that permission should be granted.

- 36 3/09/0309/FP - CONVERSION OF 2 NO. DOUBLE GARAGES TO SINGLE GARAGES WITH ADDITIONAL RESIDENTIAL ACCOMMODATION, PROVISION OF 2 NO. SURFACE PARKING SPACES AND ALTERATIONS TO BIN STORE AT LAND AT STOCKING HILL LANE, COTTERED FOR DARLING HOMES LLP

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0309/FP, planning permission be granted subject to the conditions now detailed.

He advised Members of the contents of a letter received from the local Member, Councillor J O Ranger, requesting that the Committee refuse the application on the basis that the additional residential accommodation would result in inadequate parking provision on the site.

Various Members expressed opposition to the application on the basis of inadequate parking provision and a lack of suitable alternative options.

A motion to approve the application was put to the meeting and LOST.

A motion to refuse the application on the grounds of inadequate parking provision which would likely be

exacerbated by a lack of suitable alternative options was put to the meeting and CARRIED.

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/09/0309/FP be granted and agreed that the application be refused for the reasons now detailed.

RESOLVED – that in respect of application 3/09/0309/FP, planning permission be refused for the following reason:

DNS

1. Given the proposals would result in the creation of additional bedroom spaces inadequate provision is made within the site for the parking of vehicles in accordance with the Council's adopted standards, particularly given that limited nearby alternative provision is available. The proposal would hereby be contrary to policy TR7 of the East Herts Local Plan Second Review April 2007.

37 3/09/0277/FP - TWO-STOREY SIDE EXTENSION AT FINCH CROFT, THORLEY LANE WEST, BISHOP'S STORTFORD, CM23 4BN FOR MR COLIN SAVILLE

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0277/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0277/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0277/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121)
2. Matching materials (2E13)

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 GBC1, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies and the previous grants of permission for the proposed extension, most recently granted in 2006 (ref: 3/06/0393/FN) is that permission should be granted.

- 38 3/09/0441/FP - ERECTION OF SINGLE STOREY REAR EXTENSION AND FIRST FLOOR FRONT EXTENSION WITH DORMER WINDOW AT 1 SWALLOW GROVE FARM COTTAGES, MANGROVE LANE, BRICKENDON, HERTFORDSHIRE FOR MR AND MRS S SAVILLE

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0441/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0441/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0441/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (IT12)

2. Matching Materials (2E13)

Directives:

1. Other Legislation (01OL)

39 3/09/0519/FP - CHANGE OF USE FROM RESIDENTIAL TO OFFICE USE AT FIRST FLOOR OF 13/13A BRIDGE STREET, BISHOP'S STORTFORD FOR MR NEIL COOPER OF COOPERS OF BISHOP'S STORTFORD

Mr Cooper addressed the meeting in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0519/FP, planning permission be granted subject to the conditions now detailed. He advised that Bishop's Stortford Town Council had no objections to the application.

Councillor M G Carver addressed the Committee in his capacity as the portfolio holder responsible for economic development. He referred to Coopers as a vibrant business and an important employer within Bishop's Stortford. He requested that the Committee support the application.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0519/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0519/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Restriction of Use (buildings) (5U021)

Insert 'offices' and 'B1'

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 EDE3, STC5 and ENV1. The balance of the considerations having regard to those policies is that permission should be granted.

40 3/09/0590/FP - CONSTRUCTION OF A TRIPLE BAY CARPORT/GARAGE WITH FIRST FLOOR STORAGE/OFFICE AT HATCH GROVE, MONKS GREEN FARM, MONKS GREEN LANE, BRICKENDON FOR WILLIAM ASHLEY & PARTNERS

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0590/FP, planning permission be granted subject to the conditions now detailed. He advised that Brickendon Liberty Parish Council had no objections to the application and that the HCC Archaeological Officer had advised of no comments.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0590/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0590/FP, the Director of Neighbourhood Services be authorised to grant planning permission subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Materials of construction (2E11)

3. The garage and car ports shall be retained for the housing of private vehicles and not as additional living accommodation or for any commercial activity.

Reason: To ensure that the Local Planning Authority retains control over any future development within the Metropolitan Green Belt and in the interest of amenity.

4. The first floor of the building hereby permitted shall only be used for a purpose incidental to the enjoyment of the dwellinghouse of Hatch Grove and for no other purpose.

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

Directive

1. Other legislation (010L)

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 GBC1, ENV1, ENV5, ENV9, BH1, BH2 and BH3. The balance of the considerations having regard to those policies is that permission should be granted.

41 E/08/0472/B - UNAUTHORISED ERECTION OF METAL SHUTTERS AT 21 THE GREEN, WARE, HERTS, SG12 0QW

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0472/B, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/08/0472/B on the basis now detailed.

RESOLVED – that in respect of E/08/0472/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 metal shutters, shutter box and guide rails.

DNS

Period for compliance: 2 months

Reason why it is expedient to issue an enforcement notice:

The solid steel shutters, shutter box and guide rails introduce an unattractive and fortified appearance which harms the perception of the area as a desirable shopping and leisure destination. They are harmful to the vitality of the shopping centre and the character of the area and are therefore contrary to policies ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007.

42 ITEMS FOR REPORT AND NOTING

RESOLVED – that the following reports be noted:

- (A) Update on Authorised Enforcement Action;
- (B) Appeals against Refusal of Planning Permission/Non-Determination;
- (C) Planning Appeals Lodged;
- (D) Planning Appeals: Inquiry and Informal Hearing Dates; and
- (E) Planning Statistics.

The meeting closed at 8.42 pm

Chairman
Date