

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE
WAYTEMORE ROOM, THE COUNCIL
OFFICES, THE CAUSEWAY, BISHOP'S
STORTFORD, ON WEDNESDAY 21
OCTOBER 2009, AT 7.30 PM

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

ALSO PRESENT:

Councillor R N Copping.

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

320 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman drew Members' attention to an update circulated by the Head of Planning and Building Control in respect of the Riverside Garden Centre in Bayford.

The Chairman also advised that item E/09/0363/A had been deferred.

The Chairman reminded Members that a training session would be held in the Waytemore Room, Bishop's Stortford at 6.00 pm prior to the Development Control Committee meeting on 16 December 2009.

Finally, the Chairman thanked Officers for organising the Town and Parish Council training events. The meetings had been well attended and well received by the Town and Parish Councils involved.

321 DECLARATIONS OF INTEREST

Councillor R N Copping declared a personal and prejudicial interest in application 3/09/1286/FP in that he was the applicant. He left the room whilst this matter was considered.

Councillors J Demonti and B M Wrangles declared personal interests in application 3/09/1286/FP, in that they were acquainted with the applicant.

RESOLVED ITEMS

322 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 23 September 2009 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 278 – 3/09/1113/FP - New secure public entrance lobby at Charringtons House, The Causeway, Bishop's Stortford, CM23 2ER for Henderson Global Investors LTD.

Insert as 10th paragraph –
.....'Councillor Mrs M H Goldspink requested that her abstention from voting on a recommendation to

approve, be recorded.'

323 3/09/1247/FP – ERECTION OF 1 NO THREE
BEDROOMED DWELLING AND GARAGE AT FORMER
BLISS VEHICLES SITE, LONDON ROAD, SPELLBROOK,
CM23 4AU, FOR MR AND MRS SMEETH

Mr Taylor addressed the Committee in opposition to the application. Mrs Smeeth spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1247/FP, planning permission be refused for the reasons now detailed.

Councillor R Gilbert referred to the site as brownfield land that had been previously owned by Bliss Vehicles. He referred to the surroundings of the site and stated that hedgerows were located on all the site boundaries.

Councillor Gilbert commented that the location of the proposed new dwelling was the key issue and that it should conform to the existing concrete base.

Councillor K A Barnes commented that the site had always been subject to some form of development and should not be considered greenbelt land. He also stated that the height of the proposed dwelling would not be more detrimental than a workshop on a neighbouring site.

The Director advised that the site was in the greenbelt and there was a presumption against development in the greenbelt. Officers had recommended refusal to control the intensification of ribbon development between Sawbridgeworth and Spellbrook. He commented on the importance of controlling the cumulative impact of future developments in the greenbelt.

The Director advised that policy PPG2 of the East Herts Local Second Review April 2007 was very clear in stating that no development should be permitted in the greenbelt unless very special circumstances could be demonstrated.

Government advice states that previously developed land should be used but this does not set aside other policies such as the green belt.

Councillor A L Burlton commented that the proposed location of the dwelling could allow the access road being routed to the rear of the site. He stated that the prospect of further housing behind the site was a cause for concern.

Councillor S Rutland-Barsby commented that a submission could be made to change the green belt policy applied to the land through the preparation of the Local Development Framework (LDF).

Councillor D A A Peek commented that although he had some sympathy with development in this location, paragraph 7.3 of the report now submitted, emphasised the greenbelt policy restrictions in the East Herts Local Plan Second Review April 2007.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1247/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/09/1247/FP, planning permission be refused for the following reasons:

DNS

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not 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 a rural area. No such special circumstances are apparent in this case, and the proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.

2. The proposed development by reason of its siting, size, scale and height would be overbearing and detrimental to the outlook of the adjoining dwelling, contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.

324 3/09/1286/FP - CONSTRUCTION OF A COMMUNITY BUILDING AND ANCILLARY CAR PARK AND EXTERNAL WORKS AT LAND ADJACENT TO 42 HODDESDON ROAD, STANSTEAD ABBOTTS FOR COUNCILLOR NIGEL COPPING

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1286/FP, planning permission be granted subject to the conditions now detailed.

The Director commented that a late representation had been received that complimented the proposal in principle. However, a concern had been expressed in relation to the flat roof design.

The Committee was advised that the applicant had requested that the time limit for development be increased to 18 months to allow time for the completion of specialist studies.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1268/FP be granted subject to the conditions now detailed.

RESOLVED – that subject to the earlier Section 106 being amended to cover the following matters:

DNS

1. To amend the definition of “Community Building” in paragraph 1.1 to read:

“Community Building” means a building housing

a parish hall to be used for community and recreational purposes respectively with associated car parking all as located on the land shown edged brown on the Plan.

2. To amend paragraph 1.1 of Schedule 2 to require that the owner of the land will construct and complete, or procure the construction and completion of the Community Building within 18 months of the date of this decision.

in respect of application 3/09/0868/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Samples of materials (2E12)
3. Refuse disposal facilities (2E24)
4. Lighting details (2E27)
5. New Doors and Windows- unlisted buildings (2E34)
6. Sight lines (3V08 – 2.0m x 2.0m)
7. Before first occupation of the approved development all access and parking arrangements serving the development shall be completed in accordance with drawing 0714PA1C and constructed to the specification of the Highway Authority and Local Planning Authority.

Reason: In order to secure the provision of a suitable access and parking arrangement in the interests of highway safety and convenience.

8. Cycle Parking Facilities (2E29 – policy TR13)

only).

9. Tree retention and protection (4P05).
10. Landscape design proposals (4P12 – a,b,c,d,e,l,j,k).
11. Landscape works implementation (4P13)
12. Landscape maintenance (4P17)
13. Hours of working - plant and machinery (6N05)
14. Finished floor levels shall be set no lower than 29.3 Above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants.

15. Prior to the commencement of development, details of proposed solar panels and ground source heat pumps shall be submitted to and approved in writing by the Local Planning Authority.

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

Directives:

1. Other legislation.
2. The applicant should contact the East Herts Highways Area Office (01992 526900) to obtain the Highway Authority's permission and requirements for work undertaken on the public highway.

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, TR2, TR7, TR13, ENV1, ENV2, ENV4, ENV19, BH1, BH6, BH12 and IMP1. The balance of the considerations having regard to those policies is that permission should be granted.

325 3/09/1099/FP - SINGLE STOREY PORTACABIN EXTENSION ON STEEL FRAME WITH LINK TO MAIN BUILDING (TEMPORARY PERMISSION) AT RIVERS HOSPITAL, HIGH WYCH ROAD, SAWBRIDGEWORTH, CM21 0HH FOR RAMSAY HEALTHCARE UK LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1099/FP, planning permission be granted subject to the conditions now detailed.

Councillor M R Alexander expressed concern in case the single storey portacabin resulted in a cluster of similar structures. The Director confirmed that the authority retained control through the planning system due to the need to renew any temporary permission.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1099/FP be granted subject to the condition now detailed.

RESOLVED – that in respect of application 3/09/1069/FP, planning permission be granted subject to the following condition:

DNS

1. The building hereby permitted shall be removed on or before five years after the date of this

decision notice, and the land shall be reinstated to the satisfaction of the Local Planning Authority.

Reason: The development is a temporary expedient only.

Directive:

1. Groundwater protection zone (28GP) insert '*Redricks Lane*'.

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 and TR7. The balance of the considerations having regard to those policies and the specific need for the building is that permission should be granted.

326 3/09/1069/FP - CHANGE OF USE FROM KENNELS BUILDING TO DWELLING AT ROSEBORNE HOUSE, PARSONAGE LANE, SAWBRIDGEWORTH, CM21 0ND FOR MRS PAULA HARDING

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1069/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1069/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1069/FP, planning permission be granted

DNS

subject to the following conditions:

1. Three year time limit (1T12)
2. No further windows (2E17) remove '*in the flank*' insert '*including the roof*' and '*and in the interests of the appearance of the development in accordance with ENV1*'
3. Contaminated land survey and remediation (2E33)
4. New windows and doors- unlisted buildings (2E34)
5. Tree retention and protection (4P05)
6. Hedge retention and protection (4P06)
7. Prior to the commencement of development a scheme providing for the insulation of the proposed dwelling against the transmission of noise from the adjoining boarding kennels, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented and maintained in accordance with the approved scheme.

Reason: To ensure that adequate precautions are implemented to avoid nuisance and disturbance from the adjoining boarding kennels in accordance with policy ENV25 of the East Herts Local Plan Second Review April 2007.

8. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed at the kennels within the area shown edged blue on drawing no. 585.01 and any residents dependant.

Reason: To ensure that the local planning

authority retains control over the use and to provide for the needs of the kennels as identified by the applicant.

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, GBC9, TR2, TR7, TR14, ENV1, ENV2, ENV9 and ENV25. The balance of the considerations having regard to those policies is that permission should be granted.

327 3/09/1188/FP - FIRST FLOOR EXTENSION OVER FLAT ROOF WITH DORMER WINDOWS TO THE FRONT, REAR AND SIDE (REVISED SCHEME) AT RUSHWOOD, WARE PARK, WARE, SG12 0DU FOR MR AND MRS FAULKNER

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1188/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1188/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1188/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121)
2. The external materials of construction for the building works hereby permitted shall match those used for the existing building, unless

otherwise agreed in writing by the Local Planning Authority.

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

3. Tree retention and protection (4P05)
4. The annex accommodation hereby permitted shall only be used as ancillary accommodation to the residential use of Rushwood, and not as a separate dwelling.

Reason: The creation of an independent dwelling in the Green Belt would be inappropriate in accordance with policy GBC1 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other legislation (01OL)

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, GBC1, TR7, ENV1, ENV2, ENV5, ENV6 and ENV11. The balance of the considerations having regard to those policies, the weight given to 3/82/1082/FP, and the design benefits of the development, is that permission should be granted.

328 3/09/0702/FP - TWO STOREY REAR EXTENSION AT 56
SALTERS, BISHOP'S STORTFORD FOR MR NIGEL
EMERY

Mr Porter addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0702/FP, planning permission be granted subject to the conditions now detailed.

The Director commented that a resident had written to Officers to reiterate a number of objections previously submitted in response to consultation. Councillor J Demonti expressed concerns in respect of loss of light and privacy for neighbouring residents.

The Director stated that the key issue was the relationship between the site and neighbouring dwellings. He advised that the role of the authority was to ensure reasonable levels of amenity were protected but not that it was maintained unchanged. The Committee was advised that the proposed relationship between dwellings was a common situation across the District.

The Committee was advised that Officers considered that the impact on neighbouring dwellings was acceptable. The Director commented that any concerns could be mitigated by the provision of fencing between the properties.

Councillor R Gilbert commented that loss of light was not an issue due to the orientation of the properties involved. He commented on whether Officers could attach a condition to secure the provision of appropriate fencing. The Director confirmed that Officers could attach an appropriate condition.

Councillor M R Alexander commented that noise

disturbance could be an issue in summer months when patios were in constant use and doors to properties were often left open. Councillor D A A Peek commented that overlooking could be an issue when residents exited the side door of number 56 Salters. He referred to the importance of protecting residents' amenity.

The Director commented that permitted development legislation would allow the provision of doors in this location in many cases. Members were advised that it would be unreasonable to insist that the door be relocated. The Committee was reminded that conditions had to fulfil a number of tests and had to be reasonable.

Councillor Mrs M H Goldspink moved, and Councillor A L Burlton seconded, a motion that application 3/09/0702/FP be deferred to enable Officers to discuss with the applicant amendments to the scheme to ensure the protection of neighbours' amenity.

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 3/09/0702/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0702/FP, planning permission be deferred to enable Officers to discuss with the applicant amendments to the scheme to ensure the protection of neighbours' amenity.

DNS

329 3/09/1181/FP – CONSTRUCTION OF TWO STOREY EXTENSION, SINGLE STOREY CONSERVATORY WITH BALCONIES ABOVE INCLUDING CONSTRUCTION OF A NEW SLATE ROOF AND MINOR EXTERNAL ALTERATIONS AT BANSANG, QUEEN HOO LANE, TEWIN FOR J JAMES

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1181/FP, planning permission be granted subject to the conditions now detailed.

Councillor R Gilbert expressed concerns that the dwelling was getting progressively larger in a greenbelt location.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1181/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1181/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T113)
2. Matching materials (2E133)

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 and ENV6. The balance of the considerations having regard to those policies that permission should be granted.

330 3/09/1226/FP - SINGLE STOREY REAR EXTENSION, INCLUDING A NEW PITCHED ROOF TO THE REAR WING AND A NEW GARAGE AT 87 STATION ROAD, PUCKERIDGE, WARE, HERTS, SG11 1TF FOR MR AND MRS NICHOLAS EGERTON

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1226/FP, planning

permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1226/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1226/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121).
2. Sample of materials (2E123).
3. Prior to the commencement of the development hereby permitted all buildings marked for demolition on the approved plan no. 090709.01A shall be demolished and materials removed from the site.

Reason: In the interest of the free flow of floodwater and to maintain the capacity of the flood plain, in accordance with Policy ENV19 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Party wall act (24PW1).

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 ENV1, ENV5, ENV6, ENV19 and TR7. The balance of the considerations having

regard to those policies is that permission should be granted.

331 E/09/0047/B – THE UNAUTHORISED USE OF AN OUTBUILDING AS A SELF-CONTAINED RESIDENTIAL UNIT AT 80 HIGH STREET, WALKERN, SG2 7PG

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0047/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/09/0047/B on the basis now detailed.

RESOLVED – that, in respect of E/09/0047/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 building.

DNS/DIS

Period for compliance: 6 months.

Reason why it is expedient to issue an enforcement notice:

1. The residential unit, by reason of its size, siting and layout, fails to complement the existing pattern of residential development in the surrounding area. The lack of private amenity space and separate access and its relationship to neighbouring uses also fails to provide for an adequate level of residential amenity for future occupiers. The proposal is thereby contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

332 E/09/0174/B – THE UNAUTHORISED CHANGE OF USE OF THE SITE FROM A PRINTERS TO A TANNING STUDIO (SUI GENERIS) AT 14B HIGH STREET, STANSTEAD ABBOTTS, SG12 8AB

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0174/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/09/0174/B on the basis now detailed.

RESOLVED – that, in respect of E/09/0174/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 building.

DNS/DIS

Period for compliance: 6 months.

Reason why it is expedient to issue an enforcement notice:

1. The development has resulted in the loss of a retail unit and creates an unacceptable concentration of non-shop uses within the Secondary Shopping Frontage. The development is thereby detrimental to the vitality and viability of Stanstead Abbots town centre contrary to policy STC4 of the East Herts Local Plan Second Review April 2007.

333 PLANNING APPEAL PERFORMANCE AND TRENDS APRIL - SEPTEMBER 2009

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

The Director advised that for April to June 2009 the national performance figure had increased to 35% of appeals allowed. East Herts performance at 37.7% was slightly worse than national performance when compared to last year's figures and the first quarter of this year. The number of appeals received to date was 55.

The Committee was advised that the percentage of appeals allowed for new residential development of a minor nature was 21.4%. This was regarded as a good success rate. Members were advised that due to the small numbers of applications in some categories, just one or two decisions had significant impacts on the percentages.

The Committee was advised that it was not possible to draw many conclusions from the percentages, as detailed in Essential Reference Paper 'B', because of this. The Director raised the issue of costs in appeal proceedings and reminded Members that the Authority could be held liable for an appellant's costs if the Authority was proved to have acted unreasonably.

The Committee was reminded of the need for caution as appellants can now claim for costs on written representation appeals. Members were reminded to be cautious and vigilant so the Authority was always seen to be acting reasonably. The Director commented that Officers would cover the changes that had been made to the appeals system in the training due to be held prior to the December meeting of the Committee.

The Committee noted the report as now detailed.

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

334 UPDATE ON AUTHORISED ENFORCEMENT ACTION

The Director of Neighbourhood Services submitted a report updating Members on recently authorised enforcement action. The Director commented that there had been 433 enforcement cases to date in 2009 and the annual projection was 562.

The Committee noted the report as now detailed.

RESOLVED – that the report be noted.

335 ITEMS FOR REPORT AND NOTING

RESOLVED – that the following reports be noted:

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

The meeting closed at 8.25 pm

Chairman
Date