

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON WEDNESDAY 18 NOVEMBER 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, R N Copping
(substitute for Councillor 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, B M Wrangles.

ALSO PRESENT:

Councillors D Andrews, L O Haysey, P A Ruffles
and G D Scrivener.

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

361 APOLOGY

An apology for absence was submitted on behalf of
Councillor A F Dearman. It was noted that Councillor
R N Copping was substituting for Councillor A F
Dearman.

362 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

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

363 DECLARATIONS OF INTEREST

Councillor S Rutland-Barsby declared a personal and prejudicial interest in application 3/09/1335/FP in that her house overlooked the site. She left the room whilst this matter was considered.

Councillor M R Alexander declared a personal interest in application 3/09/1207/FP, in that he used to work for the same company as the applicant.

Councillors S A Bull and J Demonti declared personal interests in application 3/09/1277/FP, in that they were East Herts Council representatives on South Anglia Housing Association.

Councillor G D Scrivener declared a personal and prejudicial interest in applications 3/09/1449/FP and 3/09/1450/LB in that he lived opposite the applicant. He left the room whilst these matters were considered.

RESOLVED ITEMS

364 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 21 October 2009 be confirmed as a correct record and signed by the Chairman.

365 3/09/1277/FP – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 5 BLOCKS COMPRISING OF 4 X 2 BED FLATS (INCLUDING 1 WHEELCHAIR UNIT), 6 X 2 BED HOUSES AND 8 X 3 BED HOUSES (INCLUDING 1 WHEELCHAIR UNIT) TOGETHER WITH ACCESS, PARKING AND LANDSCAPING AT 86 - 124, PLAW HATCH CLOSE, BISHOP'S STORTFORD, CM23 5BJ FOR SOUTH ANGLIA HOUSING

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1277/FP, subject to the applicants entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, planning permission be granted subject to the conditions now detailed.

Councillor Mrs M H Goldspink commented on whether energy efficiency measures could be incorporated into the application. The Director stated that Officers could add an appropriate condition. The Committee was advised that housing associations standards were generally more stringent than building regulation standards and therefore greater energy efficiency was provided than for private dwellings.

Councillor A L Burlton expressed concerns that the Section 106 contributions would not be used to benefit Bishop's Stortford. The Director commented that a primary objective for the Council was to secure affordable housing, which was being achieved in this case. In addition, in accordance with the Councils policy, it seemed appropriate to secure funding to public services that would be placed under extra demand as a result of the development.

Councillor D A A Peek welcomed the application and commented that it would help meet demand for accommodation in the District. He commented on whether Officers could attach a condition to ensure the

housing would be used solely for East Herts residents.

The Director commented that conditions restricting the housing for use by East Herts residents would be likely to fail all of the tests for conditions and would possibly be unlawful. He commented that local residents would very likely be given high priority on this housing. Such conditions would be liable to legal challenge and he was concerned that this could hold up this worthwhile development.

In response to strong concerns from Members on the allocation of affordable housing, the Director commented that the Choice Based Lettings scheme gave priority to local residents. The Committee was reminded that the scheme was operated by East Herts Council for the allocation of affordable housing in East Herts.

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 applicants entering into a legal obligation pursuant to section 106 of the Town and Country Planning Act 1990, application 3/09/1277/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 covering the following matters:

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1. A financial contribution of £7,324 for Secondary education, £24,682 for Primary education, £3,942 for Nursery Education, £1,294 for childcare, £120 for youth and £426 towards libraries.
2. Fire hydrant provision.

in respect of application 3/09/1277/FP, planning permission be granted subject to the following

DNS

conditions:

1. Three Year Time Limit (1T121)
2. Materials of construction (2E113)
3. Construction hours of working (6N07)
4. Boundary Walls and Fences (2E07)
5. Hard surfacing (3V213)
6. Landscape Design Proposals (4P12)
7. Landscape works implementation (4P13)
8. Prior to the commencement of development details to include drawings of the proposed sheds shall be submitted to, and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved plans and specification.

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

9. Prior to the commencement of development, an intrusive investigation of the site, as recommended in item 8 of the Phase1 desk study, shall take place to determine if the land is contaminated and the details of any necessary remediation measures shall be agreed in writing by the Local Planning Authority. Any necessary remediation shall include measures to decontaminate the site (specifying actions and target levels relating to any contaminants found) and prevent pollution of groundwater and surface water.

All details of any survey, assessment and proposed remediation works (complete with a timescale) pursuant to this condition shall be submitted to and agreed in writing by the Local Planning Authority and development shall only take place in accordance with the agreed details.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with policy SD5 of the East Herts Local Plan Second Review April 2007.

10. Prior to the commencement of the development hereby permitted details of energy efficiency measures to be used within the development shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be completed in accordance with those approved details.

Reason: To ensure that the development achieves the sustainable use of resources in accordance with policies SD1 and ENV1 of the East Herts Local Plan April 2007.

Directives:

1. Public Sewer (22PS3).
2. Street Naming and Numbering (19SN4).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review 2007), and in

particular SD1, SD2, SD5, TR1, TR7, ENV1, ENV2, ENV25, IMP1, HSG3, HSG4, HSG6. The balance of the considerations having regard to those policies is that permission should be granted.

366 3/09/0707/FP - ERECTION OF THREE ADDITIONAL STABLE BLOCKS AND RETROSPECTIVE PLANNING PERMISSION FOR EXISTING STABLE BLOCK AND HARDSTANDING AT WHITE HOUSE LODGE, HARE STREET, SG9 0DX FOR MS A STEWART

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0707/FP, planning permission be granted subject to the conditions now detailed.

The Director drew Members attention to the amended report and recommendation circulated to the Committee prior to the meeting. He stated that following further discussions between the applicant and Hertfordshire Highways, the Highway Authority was satisfied that visibility splays could be provided at the junction.

The Director commented that Officers were now satisfied that visibility splays could be provided without any detrimental impact to the site or the junction with the B1368. The Director advised that Officers were satisfied that they could now recommend application 3/09/0707/FP for approval.

In response to a query from Councillor R N Copping, the Director commented that application 3/09/0707/FP was for 3 additional stable blocks. The Committee was advised that Members were also being asked to authorise retrospective permission for another stable block that had not coincided with the plans approved as part of an earlier application.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the

Director of Neighbourhood Services that application 3/09/0707/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0707/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121)
2. Samples of materials (2E123)
3. Notwithstanding the details shown on the approved drawings, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure (including any gates, walls or fences associated with the development); hard surfacing materials; planting plans; schedules of plants noting species; planting sizes and proposed numbers/densities and a timetable for implementation.

Reason: To ensure the provision of amenity afforded by appropriate landscape design in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

4. All hard and soft landscape works shall be carried out in accordance with the details approved pursuant to Condition 3. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants that, within a period of 5 years after planting are removed, die or become damaged or

defective shall be replaced with others of the same species, size and number as originally approved unless the local planning authority has given written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

5. Prior to the commencement of the development hereby approved, visibility splays shall be provided on the north side of the access between a point 2.4 metres along and centre line of the access measured from the edge of the carriageway and a point 90.0 metres along the east side edge of the carriageway measured from the intersection of the centre line of the access. The areas contained within the splays shall be kept free of any obstruction exceeding 1.05 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the public highway and access.

6. Prior to the commencement of development, any gates provided shall be set back a minimum of 8.0 metres from the edge of the carriageway and shall open inwards into the site.

Reason: So that a vehicle may wait clear of the highway while the gates open or close, in the interests of highway safety.

Directives:

1. Other legislation (01OL1)
2. Attention is drawn to the small scale nature of the livery stabling and the Local Authority advises that the number of stables at the site should remain at 10 or less in order to protect the rural character of the area.

367 3/09/1335/FP – RETENTION OF CARAVAN AT TERRACEWOOD FARM, HERTINGFORDBURY, SG14 2LF FOR MR ANTHONY JOHNSON

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1335/FP, planning permission be refused for the reasons now detailed. The Director of Neighbourhood Services also recommended that, in respect of the site relating to 3/09/1335/FP, enforcement action be authorised on the basis now detailed.

Councillor L O Haysey, on behalf of the local ward Member, addressed the Committee in support of the Officer's recommendation. She referred to the conditions from a previous application, half of which had not been complied with.

Councillor Haysey commented that the application was inappropriate on the grounds that the agricultural usage had ceased many years ago. She stated that retaining the caravan for badger watching was an unacceptable use in a greenbelt location.

Councillor Haysey requested that Officers take timely enforcement action to satisfy residents concerns in respect of lorry movements and to prevent activity on the site from further blighting the area.

In response to a query from Councillor R N Copping, the

Director stated that the site owner had 14 days to use the site for quad biking each year without permission. Local residents had been logging such activity and as far as Officers were concerned the allocation had been met for this year. Officers had written to the applicant stating that there should be no further quad biking this year and all jumps should be removed.

Councillor R Gilbert commented on whether a wider range of reasons for refusal and taking enforcement action could be imposed. The Director commented that Officers would take this on board in any further investigations.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1335/FP be refused planning permission for the reasons now detailed and that enforcement action be authorised in respect of the site on the basis now detailed.

RESOLVED – that (A) in respect of application 3/09/1335/FP, planning permission be refused for the following reason:

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.

(B) in respect of 3/09/1335/FP, the Director of Neighbourhood Services, in consultation with

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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 caravan from the site.

DIS

1. Period for compliance: 1 month.

368 3/09/1190/SV - VARIATION TO SECTION 52 TO REDUCE THE EXTENT OF THE LAND REFERRED TO IN THE AGREEMENT AT BROOKFIELD FARM, WEST END ROAD, WORMLEY WEST END, HERTS EN10 7QN FOR JOHN AND LINDA SMITH

In respect of application 3/09/1190/SV, the Director of Neighbourhood Services recommended that Officers be authorised to approve the variation of the Section 52 agreement dated 8 April 1983, to substitute a revised plan in place of that originally agreed delineating the land which was the subject of the agreement.

In response to a query from Councillor Mrs R F Cheswright, the Director confirmed that one letter of objection had been received. The Director stated that the applicant had made the application to regularise an inconsistency between the Section 52 Agreement and the situation relating to current lawful development on the site.

In respect of application 3/09/1190/SV, the Committee supported the recommendation of the Director of Neighbourhood Services that Officers be authorised to approve the variation of the Section 52 agreement dated 8 April 1983, to substitute a revised plan in place of that originally agreed delineating the land which was the subject of the agreement.

RESOLVED - that in respect of application 3/09/1190/SV, the Director of Neighbourhood Services be authorised to approve the variation of

DNS

the Section 52 agreement dated 8 April 1983, to substitute a revised plan in place of that originally agreed delineating the land which is the subject of the agreement.

369 3/09/1207/FP – PROPOSED TWO STOREY
EXTENSION TO PROVIDE GARAGING AND
RESIDENTIAL ANNEXE AT WELLCROFT,
CAMBRIDGE ROAD, WADESMILL, HERTS, SG12 0TT
FOR MR AND MRS RAY

Mr Ray addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1207/FP, planning permission be refused for the reasons now detailed.

Councillor D Andrews, as the local ward Member, commented that although there were some substantial dwellings in the area, these could not be seen from the A10 or the B158. He also reminded the Committee that no objections had been received from the Parish Council or from local residents.

The Director commented that a key consideration for Officers had been whether the site was in a more built up part of the village. Officers had been concerned in policy terms in respect of avoiding a coalescence of development in a Green Belt location.

Councillor M R Alexander commented that the proposed extension could be referred to and used as a true annexe. Councillor R I Taylor commented that the Committee should approve the application. He stated that this would not set a precedent as applications were considered on their own merits.

Councillor B M Wrangles moved, and Councillor R Gilbert seconded, a motion that application 3/09/1207/FP be approved on the grounds that the proposed extension

would not result in a building of excessive size that was out of keeping with the character and appearance of the original dwelling, to the detriment of the rural character and openness of the Green Belt, and the Thundridge Conservation Area.

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 3/09/1207/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/09/1207/FP planning permission be granted subject to the conditions now detailed:

DNS

1. Three year time limit (1T121).
2. Materials of construction (2E113).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1, ENV5, ENV6, ENV8 and BH5. The balance of the considerations having regard to those policies is that permission should be granted.

370 (A) 3/09/1449/FP AND (B) 3/09/1450/LB RESTORATION OF THE FIRE DAMAGED LISTED COTTAGE AND RECONFIGURATION OF THE TWO STOREY SIDE EXTENSION WITH ADDITIONAL DEVELOPMENT TO THE REAR OF THE COTTAGE AT MOOR HALL COTTAGE, MOOR GREEN, ARDELEY SG2 7AT FOR MR N DOWER

Mr Crump addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of applications 3/09/1449/FP and 3/09/1450/LB, planning permission and listed building consent be granted subject to the conditions now detailed.

The Director reported that a further written representation had been received from the public speaker, raising broadly the same points raised in his verbal submission. The Society for the Protection of Ancient Buildings (SPAB) had raised concerns in respect of floor levels and other issues of detail in relation to the proposals. The Director commented that, if the committee felt the need for additional control, the conditions proposed could be amended to address issues of this nature.

Councillor G D Scrivener, as the local ward Member, addressed the Committee in respect of both applications. He was pleased the scheme was moving forward as the site had been in a sorry state for some time.

Councillor Scrivener referred to the historic nature of the building and commented that it would be completed in a modern and historic manner. He left the room for the duration of the debate.

In response to a query from Councillor S A Bull, the Director advised that elements of the original building that had been lost in the fire would be rebuilt. An

additional two storey side extension was proposed, along with additional development to the rear of Moor Hall Cottage.

The Director commented that the remainder of the fire damaged building was still listed and would be rebuilt to the original style. The Committee was advised that the frontage in particular would retain the original appearance.

The Director stated that if the applicant had a legal right of access to the site then the Council should not seek to interfere with this. He commented that Officers considered the use on the site as residential, with traffic levels consistent with a residential use. The building materials used would be controlled by conditions.

Councillor R Gilbert commented with some concern that the size of the property would increase by 156%. He expressed concern over the designation of the dwelling as a cottage.

The Director stated that although the provisions of policy ENV5 had not been met, Officers felt that the application was acceptable as the weight to be attached to the restoration of the listed building and therefore the improvement in the appearance of the area should be greater than the concern in relation to the size of the proposed additions.

In response to a query from Councillor R Gilbert, the Director confirmed that what remains of the building, the ground floor, was still listed. The Committee was advised that, prior to the fire, the applicant had been given permission for a significant extension on the site.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1449/FP and 3/09/1550/LB be granted planning permission and listed building consent subject to the

conditions now detailed.

RESOLVED – that (A) in respect of application 3/09/1449/FP, planning permission be granted subject to the following conditions: DNS

1. Three year time Limit (1T12)
2. Samples of Materials (2E12)

(B) in respect of application 3/09/1550/LB, listed building consent be granted subject to the following conditions: DNS

1. Listed Building Three year Time Limit (1T14)
2. Samples of Materials (2E12)
3. Listed Building: New timber frame (8L02)
4. Listed Building: New windows (8L03)
5. Listed Building: New doors (8L04)
6. Listed building: New External rendering (8L08)
7. Listed Building: New rainwater goods (8L09)
8. Repairs Schedule (8L11)

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 policy BH10. The balance of the considerations having regard to

those policies is that listed building consent should be granted.

371 3/09/1250/FP - ERECTION OF SUMMERHOUSE (FINNLIFE KOKKA/TARINA) IN REAR GARDEN OF PROPERTY AT WINDMILL COTTAGE, 18 ERMINE STREET, THUNDRIDGE, WARE, HERTFORDSHIRE, SG12 0SY FOR MR MATHEW PETTIPHER

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1250/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1250/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1250/FP, planning permission be granted subject to the following condition:

DNS

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 East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1, ENV5, BH6 and BH12. The balance of the considerations having regard to those policies and the grant of permission of a summerhouse at no.18A Ermine Street (ref: 3/06/1135/FP) is that permission should be granted.

372 E/08/0051/B – UNAUTHORISED CHANGE OF USE OF LAND AND USE OF CARAVANS FOR RESIDENTIAL PURPOSES AT CALVES GROVE, WHITE STUBBS LANE, BAYFORD, HERTS, SG13 8QA

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0051/B, enforcement action be authorised on the basis now detailed.

The Director commented that an application for a certificate of lawful development had been received to regularise the situation. This application had not been formally registered so Officers were unaware whether this application was complete.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/08/0051/B on the basis now detailed.

RESOLVED – that in respect of E/08/0051/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 steps as may be required to secure the cessation of the residential use of the land and the removal of the unauthorised caravans.

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Period for compliance: 6 Months.

Reason why it is expedient to issue an enforcement notice:

1. The unauthorised material change of use of the land for the siting of 2 residential caravans, is inappropriate development within

the Metropolitan Green Belt. The development is thereby contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.

- 373 E/08/0497/B – UNAUTHORISED DEVELOPMENTS IN THE FORM OF (A) A DOUBLE MARQUEE, ASSOCIATED COVERED WALKWAY, ASSOCIATED AIR CONDITIONING UNITS, ASSOCIATED TOILETS, (B) TIMBER GAZEBO IN THE GARDEN AREA TO THE REAR OF THE UNAUTHORISED MARQUEE, (C) 4 JUMBO UMBRELLAS OUTSIDE THE TEWINBURY PIE RESTAURANT AND 3 JUMBO UMBRELLAS TO THE SOUTH OF THE STABLES, (D) THE MATERIAL CHANGE OF USE OF LAND TO CAR PARK AND ASSOCIATED ENGINEERING WORKS, (E) A MATERIAL CHANGE OF USE OF THE DWELLING HOUSE, KNOWN AS WESTLEY WOOD FARMHOUSE TO HOTEL ACCOMMODATION IN ASSOCIATION TO THE TEWINBURY FARM HOTEL, AT TEWINBURY FARM HOTEL, HERTFORD ROAD, WELWYN, AL6 0JB

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0497/B, enforcement action be authorised on the basis now detailed.

The Director advised that Officers had been informed that the owner of Westley Wood Farm House had returned to live in the property. Officers wanted to ensure that the house was retained as a single use property.

Councillor L O Haysey, as the local ward Member, addressed the Committee in support of enforcement action. She commented that there had been a constructive dialogue between Officers and the site owner. The owner was keen to rectify the aspects of development on the site that did not benefit from planning permission.

Councillor Haysey stated that enforcement action would stop the clock on the 4 year timescale for unauthorised developments becoming authorised. She commented that negotiations could then continue around regularising the unauthorised developments. Councillor Haysey requested that the Committee consider extending the proposed time limit for compliance to 12 months to protect the viability of the business.

In response to a query from Councillor A L Burlton, the Director stated that Officers had been told in good faith that the owner of Westley Wood Farm House had returned to live in the property. Officers would be seeking to check this information for accuracy.

The Director commented that a period of 12 months for compliance was reasonable in this case, provided that the enforcement notice was served prior to February 2010. Councillor R I Taylor commented that, given that unauthorised developments had been in place contrary to law for almost 4 years, he was concerned over any extensions to the 2 month period for compliance.

In response to the concerns of Councillor R I Taylor, the Director commented that developments on the site constituted a breach of planning control but were not illegal. If an enforcement notice was breached then that was an offence.

Councillor A L Burlton commented that an extension to 12 months was a significant extension and was too long. Councillor R Gilbert stated that the site facilitated a significant contribution to the economy in East Herts. He commented however that some action must be taken on the site.

The Director stated that a timescale for compliance of 6 months would allow time for Officers to enter into further discussions with the owners of the site. The Committee was advised that such discussions could result in

applications being submitted to regularise the unauthorised developments.

Councillor J Demonti moved, and Councillor Mrs M H Goldspink seconded, a motion that enforcement action be authorised in respect of the site relating to E/08/0497/B, with a period for compliance of 6 months.

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

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/08/0497/B on the basis now detailed.

RESOLVED – that in respect of E/08/0497/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; (a) secure the removal of the unauthorised marquees and associated unauthorised developments; (b) secure the removal of the timber gazebo in the garden area to the rear of the unauthorised marquee, (c) secure the removal of the 4 jumbo umbrellas outside the Tewinbury Pie Restaurant and the 3 jumbo umbrellas to the south of the Stables, (d) the cessation of the unauthorised use of the land for car parking and the reinstatement of the land, (e) the cessation of the unauthorised use of the dwelling on site, known as Westley Wood Farm House, as an annexe to the hotel on site.

DNS/
DIS

Period for compliance: 6 months

Reasons why it is expedient to issue enforcement notices:

1. The 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, limited extensions to existing dwellings or for other uses appropriate to a rural area. The development of the marquees; associated structures; gazebo; umbrellas; car parking areas and associated engineering works however represent inappropriate development in the Green Belt and no very special circumstances are apparent in this case to justify an exception to Green Belt policy. The buildings, car parking areas and structures are therefore contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and PPG2.
2. The marquee and its associated developments and structures by reason of their scale, bulk, detailed design and appearance are detrimental to the openness and character of the surrounding countryside; are of a poor standard of design; unsympathetic to the context of the site and fail to take the opportunities available for improving the character of the area. They are therefore contrary to Policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' paragraph 34.
3. The jumbo umbrellas obscure important elevations of the listed buildings to the detriment of their setting and historic character and appearance. As such, they are contrary to policy BH12 of the East Herts

Local Plans April 2007.

4. The change of use of the dwelling to an annexe and extension to the hotel is inappropriate development in the Green Belt by reason of an encroachment of the business into the open countryside and the unrestricted sprawl of the hotel complex. There are no special circumstances apparent in this case to justify the development contrary to Green Belt policy and the material change of use is therefore contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and PPG2.

374 E/07/0319/B - BREACH OF A SECTION 106 AGREEMENT, WHICH RESTRICTS THE BUNGALOW TO BE OCCUPIED BY PERSONS OVER 55 YEARS OF AGE, AT 15 FINCHES END, WALKERN

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/07/0319/B, legal proceedings be authorised on the basis now detailed.

The Director stated that although a planning application had been received from the owner of the site, this had not been registered formally by Officers. Councillor G D Scrivener, as the local ward Member, addressed the Committee in support of legal proceedings in respect of the site relating to E/07/0319/B.

The Director commented that should the Committee authorise enforcement action, Officers could consider whether to pursue the case as a civil matter in the County Court.

The Committee supported the Director's recommendation for legal proceedings to be authorised in respect of the site relating to E/07/0319/B on the basis now detailed.

RESOLVED – that in respect of E/07/0319/B, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take legal proceedings under Section 106(3) of the Town and Country Planning Act 1990 and any such further steps as may be required to secure compliance with the s106 agreement.

DNS/
DIS

Reason why it is expedient to require compliance with the details of the section 106 agreement:

1. It is considered that there is a continuing need for the provision of accommodation for elderly person within the village of Walkern.

375 E/08/0600/B - BREACH OF CONDITION 7 (IMPROVEMENTS TO CAR PARKING AREAS) ATTACHED TO PLANNING PERMISSION, REFERENCE 3/04/0326/FN, (RENEWAL OF PLANNING APPROVAL 3/99/0056) FOR 3 NEW FLATS OVER THE ROOF OF THE EXISTING FLATS AT PEREGRINE HOUSE, THE BLANES, WARE, SG12 0XD

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0600/B, enforcement action be authorised on the basis now detailed.

Councillor J J Taylor, as the local ward Member, addressed the Committee in support of enforcement action in respect of the site relating to E/08/0600/B. She commented that the disgraceful condition of the site was unfair on nearby residents. Councillor B M Wrangles referred to the site as an eyesore.

In response to a concern from Councillor R Gilbert on Heavy Goods Vehicles (HGVs), the Director commented that Officers could not reasonably request a widening of the access road to the site.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/08/0600/B on the basis now detailed.

RESOLVED – that, in respect of E/08/0600/B, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 187A of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the compliance with the condition.

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Period for compliance: 2 months.

Reason why it is expedient to issue an enforcement notice:

1. The compliance of the condition is necessary to ensure the provision of improved car parking to meet the demands associated with the approved development of 3 flats (3/04/0326/FN). It is considered that the condition meets the tests of national guidance as set out in Circular 11/95.

376 PLANNING OBLIGATIONS UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990

The Director of Internal Services submitted a report recommending that an extension of time of six months from the date of this meeting be granted for the completion of the planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of the following applications and, if an obligation was completed, the Director of Neighbourhood Services be authorised to grant permission in respect of the planning applications submitted in the report.

The Committee noted the updated schedule of planning obligations as now submitted and supported the recommendation of the Director of Internal Services that an extension of six months be granted for the conclusion of planning obligations detailed in the report now submitted.

RESOLVED – that (A) an extension of time of six months from the date of this meeting be granted for the completion of the planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of the following application and, if an obligation is completed, the Director of Neighbourhood Services be authorised to grant permission in respect of the following application:

DNS

Planning
Reference

Site and Proposals

1. 04.06.729

Two Acres, Barkway Road, Anstey. Demolition of existing chicken farm buildings and associated agricultural bungalow and construction of 4 detached houses, terrace of 3 affordable dwellings.

(B) the Director of Internal Services report back following the grant of planning permission, or within 6 months of this meeting, whichever is the sooner.

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377 ITEMS FOR NOTING AND REPORTING

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 9.17 pm.

Chairman
Date