

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 18 JULY 2012, AT 7.00 PM

PRESENT: Councillor S Rutland-Barsby (Chairman)
Councillors M Alexander, D Andrews,
E Bedford, S Bull, A Burlton,
Mrs R Cheswright, P Moore, M Newman and
T Page

ALSO PRESENT:

Councillors W Ashley, E Buckmaster,
Mrs D Hone, M McMullen and P Ruffles

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Control Manager

ALSO IN ATTENDANCE:

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199 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors G Jones and G Lawrence.

200 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman advised that application 3/12/0448/FP had been withdrawn from the agenda and would be determined at a meeting of the Development Control Committee on 22 August 2012, in the Charis Centre, Bishop's Stortford to enable local people to attend.

The Chairman advised that she had agreed to accept an urgent item of business onto the agenda in the interests of the efficient operation of the service and to avoid delay. This related to Public Speaking Arrangements for the Development Control Committee Meeting due to be held on 22 August 2012.

The Chairman reminded Members of the planning tour of the District due to take place on 31 August 2012. The Chairman also advised that, in respect of application 3/12/0076/FP at The Catherine Wheel, Gravesend, Albury, Officers did not have any conclusive information to report to Members so this application would be reported to the Committee meeting on 15 August 2012.

201 DECLARATIONS OF INTEREST

Councillor S Rutland-Barsby declared a personal and prejudicial interest in application 3/12/0272/FP, in that she had been extensively involved in the history of the site and could be seen to be predetermined in respect of this application. Councillor S Rutland-Barsby left the chamber and Councillor M Newman chaired the meeting during the debate in respect of this application.

202 MINUTES - 20 JUNE 2012

RESOLVED – that the Minutes of the meeting held on 20 June 2012 be confirmed as a correct record

and signed by the Chairman.

203 3/12/0597/FP – DEMOLITION OF SEVEN ACRES HOUSE AND ERECTION OF 28 NO. DWELLINGS (INCLUDING 11 NO. AFFORDABLE UNITS) AT SEVEN ACRES, 49 UPPER GREEN ROAD, TEWIN FOR TAYLOR WIMPEY NORTH LONDON

Mr Colin Huntley addressed the Committee against the application. Mr Marcus Lambert spoke for the application.

The Director of Neighbourhood Services recommended that, subject to the applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/12/0597/FP, planning permission be granted subject to the conditions now detailed.

The Director drew Members' attention to the additional representations schedule, in particular the extra condition that the development should be carried out in accordance with the details of the submitted bat survey dated June 2012 and the mitigation and compensation measures contained therein, in order to protect the habitats of bats, which were a protected species under the Wildlife and Access to the Countryside Act 1981 and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

In response to a query from Councillor A Burlton, the Director stated that work had commenced on an extant planning permission for 18 dwellings on the site. If Members approved this application, the applicant would benefit from two planning permissions and could choose which permission was implemented.

Councillor Mrs R Cheswright expressed concerns regarding yet another development of 4 or 5 bedroom houses where young people needed smaller properties of 2 to 3 bedrooms. She also echoed the objecting speaker's concerns regarding the poor design quality.

Councillor Mrs R Cheswright invited Officers to comment on whether the maximum parking standards under PPG13 had been abolished by the National Planning Policy Framework (NPPF).

The Director advised that there was quite a mix of residential development on the site, from large 4 to 5 bedroom dwellings to the affordable housing units, which were smaller 1 bedroom maisonettes and 2 to 3 bedroom houses.

Members were advised that there was no particular policy provision for any particular size or type of dwelling across the District. The Director stressed that, although the NPPF did not have maximum standards for parking provision, the East Herts Local Plan Second Review April 2007 still contained maximum standards. Members were advised that this application was in compliance with local plan policies in that the parking provision was only two spaces short of the maximum standard.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that, subject to the applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990, application 3/12/0597/FP be granted 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, in respect of application 3/12/0597/FP, planning permission be granted subject to the conditions detailed in the report now submitted and the following additional condition:

25. The development hereby permitted shall be carried out in accordance with the details of the submitted bat survey dated June 2012 and the mitigation and compensation measures

contained herein.

Reason: To protect the habitats of bats which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

204 3/12/0145/FP – CHANGE OF USE FROM RESIDENTIAL TO D1 (USE AS A MEETING HALL) TEMPORARY CONSENT FOR 3 YEARS AT THE BUNGALOW, ERMINE STREET, COLLIERS END, SG11 1ET FOR HERTFORD GOSPEL HALL TRUST

Mr Clive Roberts addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0145/FP, planning permission be refused for the reasons detailed in the report now submitted.

Councillor D Andrews commented that the former bungalow was in a poor state of repair so therefore any change of use was not inappropriate. He stated that the development referred to in the report was in fact the provision of a parking area to facilitate the proposed use.

Councillor D Andrews stressed that the East Herts Local Plan Second Review April 2007 stipulated a presumption against development in rural areas aside from land required from agriculture, forestry or small scale community facilities. He stressed that this application fell into the category of a small scale community facility.

Councillor D Andrews commented on the suggestion that the parking area was not in keeping with the open rural character of the site. He stressed that the applicant had commented to him that the parking area would be flat. Councillor D Andrews also stated that the current access

track was in a very poor condition and the use of 'grasscrete' or similar materials would render the parking area invisible from a very short distance.

Councillor D Andrews emphasised that sustainability would not be an issue given the limited bus service provision in the area. Residents, as was often the case across East Herts, had no option but to use the private car to get to this location, especially on Sundays.

Councillor D Andrews stated that Hertfordshire Highways and the Hertfordshire Biological Records Centre had not objected to the application. He stated that the impact of the application on the character and appearance of the area would be very minimal.

The Director advised that the Council's planning policies stipulated that community facilities should be located in or close to the main population centres across the District. Members were advised that as this site was within the rural area, the application did not sit comfortably with the Council's planning policies. Members could make judgements regarding the community benefits of the proposed development.

The Director stressed that unless Members added a particular condition stating otherwise, the proposed use would be open to any occupier of the site so long as this fell within the range of permitted use classes.

The Director advised that the applicant had indicated a willingness to accept a temporary planning permission on the site. In response to a query from Councillor S Bull, the Director stressed that no responses had been received from Standon Parish Council.

Councillor D Andrews proposed and Councillor Mrs R Cheswright seconded, a motion that application 3/12/0145/FP be granted on the grounds that the proposed development was acceptable as a small scale community facility in the rural area.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/0145/FP, planning permission be granted subject to conditions to be formulated by Officers in consultation with the local Ward Member.

205 3/12/0785/SV – MODIFICATION OF S106 AGREEMENT TO PLANNING PERMISSION 3/10/2040/OP IN RESPECT OF CLAUSE 1.1 AND THE DEFINITION OF AFFORDABLE DWELLINGS AT LAND OFF LONGMEAD, BUNTINGFORD FOR MATTHEW HOMES LIMITED

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0785/SV, Members agree, in principle, to the variation of clause 1.1 (definition of Affordable Dwellings) of the Section 106 agreement pursuant to application 3/10/2040/OP and authority be delegated to the Director of Neighbourhood Services, in consultation with the Director of Internal Services, to agree the detailed wording of the variation.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/0785/SV, planning permission be granted, in principle, for the variation of clause 1.1 (definition of Affordable Dwellings) of the Section 106 agreement pursuant to application 3/10/2040/OP.

206 3/12/0791/FP – ERECTION OF EXTENSION TO PROVIDE 43 EN-SUITE BEDROOMS AT FANHAMS HALL HOTEL, FANHAMS HALL, FANHAMS HALL ROAD, WARE, SG12 7PZ FOR EXCLUSIVE HOTELS

Mr Danny Pecorelli addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0791/FP, planning permission be refused for the reasons detailed in the report now submitted.

The Director advised that the Highway Authority had clarified that the sustainable transport contribution would fund improvements to existing bus stop provision in the area in order to encourage bus use by staff. The applicant's agent had also written to confirm that the applicant was now willing to enter into a legal agreement in respect of the sustainable transport contribution. As such, the second reason for refusal was not required.

Councillor M Newman, as the local ward Member, referred to economic development and stated that an application that enhanced the economic viability of Fanhams Hall Hotel should be supported. In supporting the application, he commented that he would also support any initiative which enhanced the tourism potential of East Herts.

Councillor D Andrews, as the other local Member affected by the proposals, commented that the Conservation Officer had identified merit in the proposed development and also referred to the importance of economic viability for East Herts.

Councillor E Bedford stated that Fanhams Hall Hotel was a valuable employment asset which created a pleasing environment for anyone working or staying in the Hotel. He commented that his concerns regarding the loss of trees had been alleviated by the replanting plans included with the application.

The Director advised that this decision was a matter of balance as the site was within the Metropolitan Green

Belt and was therefore inappropriate development with regard to the planning policies in the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework (NPPF).

The Committee was reminded therefore to consider whether there were very special circumstances for going against policy. Officers felt that the benefits of the proposal did not clearly outweigh the harm caused to the Metropolitan Green Belt and other harm and the proposal was thereby contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and national planning policy in the NPPF.

Members were advised that, based on the information submitted by the applicant, Officers were of the opinion that refusing this application would not bring about the demise of Fanhams Hall Hotel as a business. English Heritage had qualified concerns regarding the application and were not satisfied that the benefits of the scheme outweighed the harm to the setting of a listed building.

Councillor D Andrews proposed and Councillor M Newman seconded, a motion that application 3/12/0791/FP be granted on the grounds that there were very special circumstances, in that the application supported the economic viability of Fanhams Hall Hotel and East Herts and the benefits of the application outweighed the harm to the Metropolitan Green Belt.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/0791/FP, subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of:

1. £11,000 towards Sustainable Transport.
2. Standard monitoring fee per clause.

planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Approved Plans (1004.2, 1004.3, 1004.4, 1004.5, 1004.6, 1004.7, Location/Site Plan, Site Survey-Revision A) (2E103)
3. Samples of materials (2E123)
4. Landscape design proposals (a, e, i, j, k, l) (4P124)
5. Landscape works implementation (4P133)
6. Details of tree planting, indicating positions or density, species, and planting size shall be submitted to and approved by the Local Planning Authority and planting shall be carried out: (a) prior to the occupation of the development for its permitted use (b) before the end of the current or first available planting season following practical completion of the development hereby permitted (c) in accordance with a timetable agreed in writing with the Local Planning Authority. Any such trees that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within five years of planting shall be replaced with specimens of a similar size and species as originally required.

Reason: To ensure the provision of the amenity value afforded by trees in respect of

the proposed development, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

7. Prior to the commencement of development a statement shall be submitted to outline the measures that will be undertaken in respect of protection of Great Crested Newts at the site. The statement shall be approved in writing the Local Planning Authority and thereafter, the development shall be completed in accordance with those approved details.

Reason: To protect Great Crested Newts which are a European Protected Species in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

8. Green Travel Plans (3V272)
9. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water (including drainage plan) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent pollution of controlled waters and to improve water quality in accordance with policies ENV18 and ENV20 of the East Herts Local Plan Second Review April 2007.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007, and in particular policies GBC1, ENV1, ENV2, ENV11, ENV16, ENV17, ENV18, ENV20, SD1, LRC10, BH16, TR1, TR2, TR3, TR4, TR7, TR20 and IMP1) and

the National Planning Policy Framework. The balance of the considerations having regard to those policies and the benefits that the proposal would have to the local economy is that permission should be granted.

207 3/12/0268/FP – CHANGE OF USE OF RESERVOIR FIELD TO ALLOW THE SITING OF 5 STATIC HOLIDAY CARAVANS IN THE FORM OF LOG CABINS AND OF A RECEPTION BUILDING, TOGETHER WITH RESHAPING AN EXISTING RESERVOIR TO ALLOW FOR USE FOR ANGLING, ASSOCIATED GROUND WORKS, LANDSCAPING AND MANAGEMENT OF DALMONDS WOOD (COUNTY WILDLIFE SITE 71/018) AT DALMONDS WOOD FARM, MANGROVE LANE, NR HERTFORD, HERTS, SG13 8QJ FOR EAMON BOURKE

Mr Eamon Bourke addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0268/FP, planning permission be refused for the reasons detailed in the report now submitted.

The Director referred Members to the additional commentary detailed in the additional representations summary. Officers had remained consistent in the pre-application advice given to the applicant.

Councillor P Moore commented that the proposal appeared to be aimed at the physically fit and there appeared to be little consideration given to people who were less able. The Director indicated that it might well be possible for a disabled person to park and then gain access to some of the proposed cabins via a footpath.

In response to a query from Councillor D Andrews, the Director stressed that, in relation to the issue of farm diversification and the viability of the business, the Council's legal team had advised that it was possible for funds to be set aside in the form of a bond, which would subsequently be released to ensure the removal of the

log cabins were the business to fail.

In response to a query from Councillor A Burlton, the Director advised that the log cabins would very likely be in place all year round as they were substantial and would not be easily moved once in position.

Councillor M Newman commented that the site was essentially a bare field with an unattractive industrial reservoir but this applicant had submitted an attractive application which sought to make something of the site. He stated that there could be economic development benefits for the applicant and also for the District as a whole.

Councillor M Newman commented on whether a temporary permission was an option that Members could consider. The Director stressed that the extensive remodelling of the reservoir and the financial investment involved as a whole meant that a temporary permission would not be appropriate for this application.

The Director stated that the key issue for Members should be the protection of the Green Belt. Members were advised to be cautious in that the issue of Green Belt protection was more relevant for this application when compared to application 3/12/0791/FP, in that Fanhams Hall Hotel was an existing business whereas this scheme was a completely new business model.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/0268/FP, planning permission be refused for the reasons detailed in the report now submitted.

208 3/12/0922/FP – CHANGE OF USE TO COMMUNITY YOUTH CAFE (D2) WITH COFFEE SHOP FACILITY FOR LOCAL SHOPPERS AND BUSINESSES (A3), AND NEW

SHOPFRONT AT 76 SOUTH STREET, BISHOP'S
STORTFORD, CM23 3AZ FOR BISHOP'S STORTFORD
COMMUNITY CHURCH

Mr Nicholas Lines addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0922/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the additional representations summary, in particular the extra conditions suggested by Environmental Health Officers regarding air extraction and filtration. Councillor T Page stated that this application was a great idea and he would gladly support approval of planning permission.

Councillor E Bedford was also supportive of the application. He stated however that he had concerns over the loss of the timber shop frontage in the conservation area of Bishop's Stortford. The Director commented that cost may well have been the reason why an aluminium shop frontage was proposed. A condition regarding the retention of the wooden shop frontage could be attached, if approved.

Councillors E Bedford and A Burlton both commented that the cost should not be an issue and the wooden frontage should be retained.

Councillor D Andrews referred to the proposed A3 use and commented on the size of extraction and filtration equipment. He stated that the equipment should be in proportion whilst being sufficient to prevent harm to the neighbourhood should another user of the site wish to cook and prepare more food on site than was proposed by this application.

The Director stressed that this issue was a balance of not

being overzealous whilst having necessary controls in place should a future occupier of the site undertake more food preparation and cooking than was proposed as part of this application.

Members were advised that the Committee could defer the application to allow reconsideration of the materials for the shop frontage.

Councillor T Page stated that a number of retail units in Bishop's Stortford already had aluminium shop frontages and there was no need to defer this application. The Director suggested that the conditions could be amended to seek to include a more proportionate wording regarding the extraction and filtration equipment on this site.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/0922/FP, planning permission be granted subject to the following amended conditions:

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10) - Insert 2568-03 and 2568-04.
3. Prior to any building works being first commenced, detailed drawings of the replacement shop front including a section of the glazing and frame and the colour of the frame shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall accord with the approved details.

Reason: In the interest of the appearance of the development in accordance with policies ENV1, BH5 and BH14 of the East Herts Local

Plan Second Review April 2007.

4. Prior to the commencement of the new use hereby permitted, a scheme for the extraction and filtration of cooking fumes shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall thereafter be implemented, retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

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

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007, and in particular policies TR7, STC3, ENV1, BH5 and BH14) and the National Planning Policy Framework. The balance of the considerations having regard to those policies and the limited harm to the vitality and viability of this part of South Street or the town centre as a whole is that permission should be granted.

209 3/12/0272/FP – ALTERATIONS TO AND RETENTION OF THE SERVICE ROAD, TOGETHER WITH ASSOCIATED RE-GRADING OF THE DEPOSITED MATERIAL AT OLD CLAY PIT, ST MARY'S LANE, HERTINGFORDBURY, SG14 2LE FOR MR DANIEL GREEN

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0272/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor Mrs D Hone, as the local ward Member stressed that residents had some serious concerns

regarding this application, such as the lack of utility services and also in relating to future development of the site, particularly in relation to vehicle movements and pollution from diesel fumes. Residents were mindful of the prevailing south westerly wind carrying noise and fumes towards nearby houses.

Councillor Mrs D Hone stated that residents had access concerns, namely that height and weight restrictions on local roads would increase traffic volumes due to the smaller nature of the vehicles involved. Residents were concerned that the rural nature of the area, in particular the village of Hertingfordbury, was retained.

Councillor Mrs D Hone concluded that residents remained concerned in respect of the future use of the site and its impact on Hertingfordbury, both in terms of wildlife and residents should this application be approved.

The Director advised that the first condition was to be amended to a six month time limit. Members were also advised that paragraph 7.9 of the report now submitted made reference to bats. The Director stated that bats had not been found and this reference should have been to birds and badgers. Members were advised that the longer term impact of the scheme was judged to be an acceptable solution by Officers.

Councillor D Andrews expressed concerns regarding the likely numbers of vehicle movements required to move 2000 tonnes of material in and out of the site on roads that were wholly unsuitable for such activity. He also expressed concerns as to how the quality of the clay material could be monitored.

The Director stressed that Officers would only investigate whether the applicant had adhered to planning conditions if they had reason to believe this was not the case. Members were advised that Officers would have to call in expertise from the Environment Agency regarding the quality of material being deposited on the site.

Councillor D Andrews commented that he was concerned that the conclusion of the 6 month time limit would be in the winter and queried whether deposits of clay material should be avoided during the winter.

The Director stressed that restricting works to certain months of the year could prolong matters in respect of this application. He commented that such a condition in recent weeks would have created as much deposits on the road as in the winter considering the current wet weather conditions.

The Director advised that vehicle wheel washing could be requested as a condition should the application be approved. The Committee was advised that Officers felt it would not be reasonable to stipulate that works must be completed within a set timescale. Members were reminded that Officers did have the option to enforce the requirements of the outstanding enforcement notice if this application was not implemented.

In response to comments from Councillor M Newman and the Director, there was a general discussion regarding the options available to Members regarding this site and the application detailed in the report now submitted.

In response to comments from Councillors A Burlton and T Page regarding the Great Hadham Golf Club, the Director stressed the need to be proportionate in that soil movements on that site were significantly greater than what was proposed by this application. The Director also advised that conditions regarding road repairs and road cleansing would not satisfy the usual tests that were applied to planning conditions.

Councillor Mrs R Cheswright proposed and Councillor E Bedford seconded, a motion that application 3/12/0272/FP be refused on the grounds that the development, by virtue of the changed land form that would result from the further importation of material,

would be one that resulted in unacceptable harm to the character and appearance of the site and surrounding area and was therefore contract to policy ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework (NPPF).

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

The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/0272/FP, planning permission be refused for the following reason:

1. The development by reason of the changed land form that would result from the further importation of material would be one that results in unacceptable harm to the character and appearance of the site and surrounding area. It is therefore contract to policy ENV1 of the East Herts Local Plan Second Review April 2007 and National Planning Policy Framework.

210 3/12/0605/FP - ERECTION OF 2.5 METRE HIGH SECURITY FENCE AND GATES AT A414 TIMBER AND FENCING COMPANY, BRIGGENS HOME FARM, BRIGGENS PARK ROAD, STANSTEAD ABBOTTS, SG12 8LB FOR A414 TIMBER AND FENCING COMPANY

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0605/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/0605/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

211 E/12/0052/A - THE ERECTION OF TWO DWELLINGHOUSES WITH A ROOF RIDGE HEIGHT WHICH EXCEEDS THAT GRANTED PLANNING PERMISSION UNDER PLANNING REFERENCE 3/09/1370/FP, AT PLOTS 13 AND 14, LINDEN HOMES DEVELOPMENT, LAND SOUTH OF GRAVELLY LANE, BRAUGHING, (NOW ALSO KNOWN AS 1 AND 2 TOTTS COTTAGES, POUND CLOSE, BRAUGHING), SG11 2BH

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0052/A, Members endorse the view that it was not expedient to issue and serve a planning enforcement notice in respect of the breach of planning control relating to the increased height of the two dwelling houses.

The Director referred Members to the additional representations summary, in particular, the objection from Braughing Parish Council and the response of Officers to that objection.

Councillor Mrs R Cheswright expressed her concerns that this was another retrospective application situation. She was very concerned that the unauthorised increase in roof height of 300mm would allow future conversion of these properties into 4 and 5 bedroom houses at a later date.

Councillor T Page commented that not taking enforcement action went against what this Committee was tasked to achieve and the authority of the Committee would be undermined. He stressed that taking no action would set a precedent that it was acceptable for developers to alter the specification of a development without permission.

Councillor A Burlton stated that if these houses had been

applied for as they stood now, a planning permission might have been approved by the Committee. He queried whether the extra roof height would have made any difference if this was an application due for a decision on the basis of the current size and scale of the two dwellings.

In response to comments from Councillor Mrs R Cheswright, the Director stated that the preferred option was for an application to be submitted to regularise the current situation. The developer involved had indicated an application was forthcoming but to date this had not been submitted.

Members were advised that they should set aside the principle of the development being not in accordance with the plans. The Director stated that the second option was to consider whether the application would have been approved had it been submitted on the basis of the current size and scale of the two dwellings.

The final option open to the Committee was to take formal enforcement action but Members must consider whether the unauthorised development was sufficiently harmful to justify such action. The Committee would have to clearly articulate the harm in case a decision to enforce was subsequently challenged on appeal.

In response to a query from Councillor M Alexander, the Director advised that there was no indication as to why the roof height was too high. This could have been a simple error of construction or an error that related to the materials used in building the two houses and a consequential need for a higher roof pitch.

In response to a query from Councillor Mrs R Cheswright, the Director stated that, if the developer had sold both houses, any enforcement notice would have to be served on the current occupiers of the properties.

In response to a comment from Councillor M Alexander,

Councillor S Rutland-Barsby commented that if the houses had already been sold, no enforcement issues would currently appear on a local authority land charges search.

Councillor T Page proposed and Councillor M Newman seconded, a motion that, in respect of E/12/0052/A, the matter be deferred to the September 2012 meeting of the Committee.

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

The Committee rejected the Director's recommendation that it was not expedient to issue and serve a planning enforcement notice in respect of the breach of planning control relating to the increased height of the two dwelling houses.

RESOLVED – that in respect of E/12/0052/A, the matter be deferred to the September 2012 meeting of the Committee.

212 E/12/0190/B - UNAUTHORISED ERECTION OF AN ENTRANCE GATE TO DEVELOPMENT AT CROSIER PLACE, ST JOHN STREET, HERTFORD, SG14 1RX

The Director of Neighbourhood Services recommended that, in respect of the sites relating to E/12/0190/B, enforcement action be authorised on the basis now detailed.

Councillor S Rutland-Barsby, as the local ward Member, commented that she had received e-mails from residents of Crosier Place, expressing concerns regarding the 30 or so vehicles, not belonging to residents, that often turned into and out of this site in an inappropriate manner.

Councillor S Rutland-Barsby commented that she would support enforcement action but with a delay of 3 months before any enforcement notice was served to allow the

developer the opportunity to consider the installation of a less obtrusive barrier.

Councillor D Andrews stated that, whilst he had some sympathy with the residents of Crosier Place, East Herts was an inclusive District where crime was low and detection rates were on the increase. He expressed concern that a gated development had been created on this site. He commented on whether rising bollards could be installed to avoid the current fortress-like appearance of the site.

Councillor Mrs R Cheswright sought advice on what type of gate/barrier would be acceptable once the current unauthorised gate was removed. The Director stated that the shared nature of the space between the properties meant that any resolution to conflict between cars and pedestrians would have to be a design solution for the developer.

The Director commented that Crosier Place was located at the end of a cul-de-sac so preventing cars from turning around at the end of the street was always going to be a difficult issue. Members were advised that any solution would be based around the design and management of the space.

Councillor S Rutland-Barsby proposed and Councillor M Alexander seconded, a motion that enforcement action be authorised so long as the service of the enforcement notice would not take place before the expiry of a period of 3 months from the date of this meeting.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/12/0190/B and the service of any notice shall not take place before the expiry of a period of 3 months from the date of this meeting.

RESOLVED – that in respect of E/12/0190/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 and the service of any notice shall not take place before the expiry of a period of 3 months from the date of this meeting.

Period for compliance: 1 month.

Reasons why it is expedient to issue an enforcement notice:

1. The gates introduce an unattractive and fortified appearance detrimental to the overall design of the site, disconnecting it from the approach via St Johns Street. The development is thereby harmful to the appearance and character of the Conservation Area and contrary to local plan policies ENV1, ENV3 and BH6 of the adopted East Herts Local Plan April 2007.
2. When closed, the gates would create an unwarranted barrier to movement that would be detrimental to the use of site by pedestrians, cyclists and the disabled. It would thereby be contrary to Policies TR1 and TR4 of the East Herts Local Plan Second Review April 2007, the objectives of the local transport plan to encourage the use of sustainable transport modes as well as the provisions of the National Planning Policy Framework (para 35 and 69).
3. The gates have not been justified on security grounds and would be more likely to create social division and add to the perceived fear of

crime contrary to the provisions of the National Planning Policy Framework (para 58 and 69).

213 ITEMS FOR REPORTING AND NOTING

The Director of Neighbourhood Services advised that the Enforcement Notice in respect of E/09/0443/A – Highlands, Braughing Friars, had been withdrawn and the associated public enquiry would not now take place on 11 September 2012.

In response to a query from Councillor S Bull, the Chairman confirmed that any further outstanding issues on this site would be addressed under delegated powers.

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.

214 PUBLIC SPEAKING ARRANGEMENTS FOR DEVELOPMENT CONTROL COMMITTEE MEETING ON 22 AUGUST 2012

The Director of Neighbourhood Services submitted a report inviting Members to consider public speaking arrangements for the additional meeting of the Development Control Committee due to be held on 22 August 2012.

In response to queries from Councillor A Burlton, the Director confirmed that objecting speakers would be offered 6 minutes and multiple speakers would be permitted in objection. Also, objecting speakers would be

asked to submit a brief outline of the issues they wished to raise. If, as a result, there appeared to be duplication, speakers would be asked to combine their presentations. The supporting speakers, i.e. the applicant, would then be offered the combined total time taken by the objecting speakers.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of the meeting of the Committee due to be held on 22 August 2012, the revised arrangements for public speaking be approved as detailed in the report now submitted.

The meeting closed at 9.30 pm

Chairman
Date