

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 12 SEPTEMBER 2012, AT
7.00 PM

PRESENT: Councillor S Rutland-Barsby (Chairman)
Councillors M Alexander, E Bedford, S Bull,
A Burlton, Mrs R Cheswright, G Jones,
M Newman, T Page, N Symonds and
G Williamson

ALSO PRESENT:

Councillors W Ashley and P Ruffles

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Control Team Leader
Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Tim Hagyard	- Development Control Team Leader
Peter Mannings	- Democratic Services Officer
Alison Young	- Development Control Manager

ALSO IN ATTENDANCE:

-

Apologies for absence were submitted on behalf of Councillors D Andrews, G Lawrence and P Moore. It was noted that Councillors N Symonds and G Williamson were in attendance as substitutes for Councillors P Moore and D Andrews respectively.

295 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman stated that as Members were aware, Councillor G Lawrence had suffered a heart attack, she commented that she was sure the whole Committee would join her in wishing Councillor G Lawrence a speedy recovery.

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 3/11/2137/SV – Modification of a Section 106 agreement in respect of the commercial buildings approved under ref: 3/04/0657/OP by the removal of a £125,000 Highways Contribution at 95-97 London Road, Bishop's Stortford, CM23 3DU for Tanners Wharf Ltd.

The Chairman advised that application 3/11/2137/SV would be determined prior to application 3/12/1094/FP. The Chairman reminded Members of the special meeting of the Committee due to be held on Tuesday 25 September 2012 in the Charis Centre, Bishop's Stortford at 7.00 pm.

The Chairman also reminded Members of the briefing due to be held in Bishop's Stortford in respect of the sites referred to as Bishop's Stortford North. The Chairman referred to the Secretary of State decisions relating to the schools applications in Bishop's Stortford and thanked Officers for their hard work in respect of these applications.

296 MINUTES - 15 AUGUST 2012

RESOLVED – that the Minutes of the meeting held on 15 August 2012 be confirmed as a correct record and signed by the Chairman.

297 3/11/0554/OP - REDEVELOPMENT OF THE SITE COMPRISING A RESIDENTIAL SCHEME OF UP TO 37,068 SQ.M (GIA) RESIDENTIAL FLOOR SPACE (CLASS C3) AND ANCILLARY FACILITIES AND SERVICES INCLUDING PROVISION OF OPEN SPACE AND LANDSCAPING; MEANS OF ACCESS; CYCLEWAYS AND PEDESTRIAN ROUTES; VEHICLES, MOTORCYCLE AND CYCLE PARKING; PROVISION AND/OR UPGRADING OF INFRASTRUCTURE; AND GROUNDWORKS AND RE-PROFILING OF SITE LEVELS AT TERLINGS PARK, EASTWICK ROAD, EASTWICK, CM20 2QR FOR ANGLE PROPERTY LTD

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 3/12/0554/OP, planning permission be granted subject to the conditions now detailed.

The Director referred Members to the additional representations schedule, in particular the amendments to plan references detailed in the report. Members were advised that Officers had recommended that the applicant be required to either, make highway improvements to the A414 to create a new Pelican Crossing or to provide a financial contribution of £60,000 towards such works.

The Director also stated that, further to Paragraph 7.27 of the Committee report, Essex County Council had been informed of highway improvements on their land requested by Hertfordshire Highways and Essex County Council had not raised any objections.

Councillor M Newman, as the local ward Member, stated that a previous application had not progressed as no agreement had been reached with that particular developer. He stressed that this application had resulted in a very positive dialogue between the applicant, the Parish Council and Officers.

Councillor M Newman praised all the parties for the very positive approach that had been taken towards this application. He acknowledged the reservations of the Parish Council regarding such a large application.

Councillor M Newman was pleased to see that the reservations of the Parish Council regarding affordable housing had been incorporated into the proposed conditions.

Councillor M Newman concluded that this scheme offered an ideal compromise between residential floor space, affordable housing and was a very well balanced proposal for what was currently a derelict industrial site.

Councillor G Jones praised the scheme as a good outline application. He referred to the concerns of Officers regarding the regimented nature of the internal designs of the proposed development. Councillor G Jones stated that he hoped a higher standard of design would come forward with the reserved matters application.

Councillor T Page expressed concern regarding the location of a pelican crossing on a busy section of the A414. He also expressed concern regarding instructing Essex County Council in this matter. He queried whether an alternative provision was possible, such as a tunnel in association with the railway bridge.

The Director advised that Essex County Council would be fully involved in respect of all aspects of the legal agreement process and the pelican crossing. Members were advised that it was not for East Herts Council to instruct Essex County Council where to locate a pelican

crossing. The Director stressed that other alternative crossings had the potential to be financially prohibitive and Members should determine the application based on the information detailed in the report.

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 3/12/0554/OP 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 the following amended matters:

1. A financial contribution towards Primary and Secondary Education and Nursery facilities to Hertfordshire County Council in accordance with the residential type and mix as approved in any subsequent planning application and the Hertfordshire Planning Obligations Supplementary Planning Guidance 2008;
2. A financial contribution to Essex County Council towards Childcare facilities in accordance with the residential type and mix as approved in any subsequent planning application and the Essex Developers Guide to infrastructure Contributions, 2010 Edition;
3. At the time of the Reserved Matters Application to submit to and obtain approval from the Council of a Scheme in respect of the provision of a new community centre or a financial contribution towards the existing local village hall in accordance with Table 4 of the East Herts Planning Obligations SPD, 2007;

4. A financial contribution towards outdoor sports facilities in accordance with the residential type and mix as approved in any subsequent planning application and the Planning Obligations Supplementary Planning Guidance 2008;
5. 20% affordable housing, 50 % of which would be rented and 50 % shared ownership;
6. 15% lifetime homes;
7. A detailed management scheme for the future maintenance of the proposed open space and where appropriate any financial contribution that may be required towards this maintenance; and
8. The undertaking of highway improvements to Burnt Mill Lane as detailed in the drawing entitled 'Improving pedestrian facilities and priority working on Burnt Mill Lane, Option 2'; The undertaking of highway improvements to the A414 to create a new Pelican Crossing in accordance with a drawing to be submitted and agreed by the Local Planning Authority, or to provide financial contribution of £60,000 towards such works.

in respect of application 3/12/0554/OP, planning permission be granted subject to the following amended conditions:

1. Outline permission time limit (1T03)
2. The residential development hereby permitted including ancillary buildings and any underground car parking shall not exceed a total gross internal floorspace of 37,068 sq.m.

Reason: To ensure that the amount of

development is compatible with the location of the site within the Metropolitan Green Belt.

3. Approved plans (2E10): (D1001 P3, D1005 P3, D1004 P4, D1003 P5, D1002 P6 and F1100 P1)
4. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") of the development shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

5. Prior to the occupation of the development the pedestrian and cyclist accesses shown on Plan No. D1004 P4 shall be provided and thereafter retained for such use.

Reason: To help achieve a sustainable development and promote the use of non car modes of transport in accordance with the aims of the NPPF.

6. Hours of working - plant and machinery (6N05)
7. Prior to the commencement of development the works specified within the Phase 1 Geo-environmental Assessment Report, March 2011, shall be carried out unless amendments to these works are agreed in writing by the Local Planning Authority. Following the completion of the works a validation report shall be submitted to and approved in writing by the Local Planning Authority prior to any

building works commencing on site.

Reason: To ensure the site no longer poses a potential risk to groundwater in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and the Technical Guidance to the NPPF.

8. Programme of archaeological work (2E02)
9. Prior to the commencement of development details of a surface and foul water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason: To ensure that adequate provision is in place in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

10. A Green Travel Plan, with the object of reducing travel to and from the development by private car, shall be submitted with the submission of any subsequent Reserved Matters for approval by the Local Planning Authority and the proposed measures shall be implemented to an agreed timetable.

Reason: To promote the use of non car modes of transport in accordance Policy TR4 of East Herts Local Plan Second Review April 2007.

11. Prior to the commencement of the development a construction management plan covering delivery and storage of materials, on-site parking during construction, wheel washing facilities and construction vehicle routing shall be submitted to and approved in writing by the Local Planning Authority and

thereafter implemented in accordance with the approved details.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

12. The development hereby permitted shall be carried out in accordance with the details of the Flood Risk Assessment (FRA), Revision 3, March 2011 and the mitigation measures contained therein unless it is superseded by any other FRA that is previously submitted to and approved in writing by the local planning authority.

Reason: To minimise flood risk in accordance with Policy ENV19 of the East Herts Local Plan Second Review April 2007.

13. The development hereby permitted shall be carried out in accordance with the details of the bat survey, December 2010 and the mitigation measures contained therein unless superseded by any subsequent submissions.

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 policy ENV16 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL)
2. Planning obligation (08PO)
3. Street name and numbering (19SN)
4. You are advised to carry out up to date ecological surveys to be submitted with the

submission of an application for the Reserved Matters.

5. Highway Works (05FC2)
6. Unsuspected contamination (33UC)

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, GBC4, SD1, SD2, SD3, HSG1, HSG3, HSG4, HSG6, TR1, TR2, TR3, TR4, TR7, TR8, TR20, EDE2, ENV1, ENV2, ENV3, ENV11, ENV16, ENV18, ENV19, ENV20, ENV21, ENV23, ENV24, BH1, BH2, BH3 and IMP1) and the policies of the NPPF. The balance of the considerations having regard to those policies is that permission should be granted.

298 3/12/1083/FP - CHANGE OF USE OF LAND FOR DOG WALKING AND ASSOCIATED FIELD SHELTER AT LAND AT CHASEWAYS, SAWBRIDGEWORTH FOR MS S ASHLEY

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1083/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor A Burlton referred to the suggested condition that a maximum of 20 dogs shall be exercised or contained within the land at any one time, he queried whether this condition was enforceable.

The Director stated that, whilst the Authority would not have a dog warden on site, Members were advised that if Officers became aware that an applicant was regularly breaching that condition then Officers would investigate. The Director stressed that Officers were of the opinion that the condition in respect of the number of dogs on site was enforceable.

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 3/12/1083/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

299 3/11/2137/SV - MODIFICATION OF SECTION 106 AGREEMENT IN RESPECT OF THE COMMERCIAL BUILDINGS APPROVED UNDER REF: 3/04/0657/OP BY THE REMOVAL OF A £125,000 HIGHWAYS CONTRIBUTION AT 95-97 LONDON ROAD, BISHOP'S STORTFORD, CM23 3DU FOR TANNERS WHARF LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/11/2137/SV, Members confirm that, if they had been able to determine the application, they would have agreed to the variation of the Section 106 agreement to remove the financial contribution detailed in the report now submitted.

The Director advised that, at the August meeting of the Committee, Officers had recommended a variation of the Section 106 agreement pursuant to application 3/04/0657/OP, to remove a highways contribution of £125,000 towards the Bishop's Stortford Transportation Plan.

The Director reminded the Committee that Members determined that a variation of the Section 106 agreement be deferred to enable Officers to negotiate with the applicant with regard to the potential for phased or staged payments of the current highways contribution.

The Committee was advised that the applicant had not responded to Officers requests regarding negotiation but had lodged an appeal against non determination of the application. The Director stated that Officers were now seeking to ascertain Members' views on the likely decision of the

Committee if Members had determined the application, so that Officers could advance a case at the forthcoming appeal.

Members were advised that, should the Committee resolve to waive the highways contribution of £125,000, then the applicant would be requested to withdraw the appeal.

In response to a query from Councillor G Jones, the Director advised that if Members decided to waive or amend the Section 106 highways contribution, the applicant would have to apply separately to Hertfordshire County Council and there was a separate appeal process if the County Council rejected that application.

Councillor G Jones stressed that the proposed development would impact on highway infrastructure and there should be a contribution towards such infrastructure. He stated that the Section 106 agreement was not a deciding factor in terms of whether the application was implemented if planning permission was approved.

Councillor G Jones stated that the Hertfordshire County Council agreed figure of £88,590 could be applied and he stressed that the highways contribution should not be removed completely. The Director emphasised that the Committee could reduce the Highways contribution to £88,590. Members were advised however that two sets of consultants had stated that the application was not viable with a highways contribution of either £125,000 or £88,590.

Councillor Mrs R Cheswright stated that there was no suggestion that the development was unviable because of the highways contribution or that removal of that contribution would make the scheme viable so there was no reason why the contribution should be completely removed.

Councillor N Symonds stated that the flats on London Road were virtually completed, whereas the office block currently looked awful. She stated that the highways contribution should be waived to ensure that all development on the site was completed.

In response to a query from Councillor M Newman, the Director stated that it was appropriate for Members to consider the viability assessments then consider whether to seek a Highways Contribution and at what level.

Councillor G Jones proposed and Councillor Mrs R Cheswright seconded, a motion that, if they were able to determine the application 3/11/2137/SV, Members would have refused to agree to a variation of the Section 106 agreement to remove the financial contribution.

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 – Members confirmed that, if they had been able to determine application 3/11/2137/SV, Members would have refused to agree to a variation of the Section 106 agreement to remove the financial contribution for the following reason:

1. The financial contribution towards sustainable transport measures is required to properly mitigate the impact of the additional traffic and activity generated by the development and to encourage the use of sustainable transport modes. The proposal would thereby be contrary to policy IMP1 of the East Herts Local Plan Second Review April 2007 and the aims and objectives of the NPPF.

300 3/12/1094/FP - THE ERECTION OF 4 PRIVATE DWELLINGS AND A NEW GARAGE FOR THE EXISTING HOUSE AT WHITEHALL LEYS, WHITEHALL ROAD, BISHOP'S STORTFORD, CM23 2JL FOR C AND W HAMPTON

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 3/12/1094/FP, planning permission be granted subject to the conditions now detailed.

In response to a query from Councillor A Burlton, the Director stated that Officers considered that, as the site formed part of the wider ASR land, then the current development should be considered as part of that larger site and there should be a proportionate contribution towards local services.

Members were advised that the reference to “Youth” should have read “Youth Facilities” and the funding for a community centre would apply to the closest centre to the site before the wider Bishop’s Stortford area was considered.

Councillor T Page stated that this was a well balanced application and the proposed development was in keeping with existing dwellings. He expressed concern however, that the Section 106 Legal Obligation was being considered as part of the wider ASR sites in Bishop’s Stortford.

In response to queries from Councillors G Jones and T Page, the Director advised that the level of Section 106 Planning Obligations was largely based on the size of a development, in particular the number of bedrooms. The wider implications of the development of a site may also be taken into account.

The Director advised that the commuted sum for affordable housing maybe available prior to completion of all 4 of the private dwellings, or prior to their occupation. This would be set out in the Legal Agreement. Members were advised that Officers had been made aware that contributions towards primary and nursery education were not required in this case.

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 3/12/1094/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 3/12/1094/OP, planning permission be granted subject to the conditions detailed in the report now submitted.

301 3/12/1140/FP - NEW DWELLING WITH PART FORMED OF CONVERSION OF EXISTING STABLE, ATTACHED GARAGE AND PARKING. LAND ADJACENT TO 99 HIGH STREET, WATTON AT STONE, HERTS SG14 3SZ FOR PAUL SPEARMAN

Mr Thomas addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1196/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred to paragraphs 1.8 to 1.10 of the report and Members were advised that the appeal Inspector granted Listed Building Consent for the development but dismissed the appeal on the full planning application.

Members should also note that the inspector stated that the Council had been unreasonable in refusing the 2011 applications as there had been no material change in planning policy since the 2005 approval, the inspector had therefore made an award of costs against the Council.

The Director advised that the inspector had judged the

proposed development to be acceptable. The inspector had concluded that the development would have had a negligible impact on the listed High Street building and would not appear over-dominant or out of scale and would sit comfortably with the street scene along White House Close and the surrounding Conservation Area.

The Director stated that, as far as the listed building was concerned, this application was an improvement on a lapsed planning consent from 2005. The appeal inspector had also stated that the 2005 planning permission should carry substantial weight as this application was such a significant improvement.

The Director stated that Officers consider that, given the original permission and the comments of the Planning Inspector on the recently refused proposal, there were no justifiable reasons to object to this latest scheme, in terms of its impact on the setting of the listed building or the character and appearance of the Conservation Area.

Members were also advised that, following a consultation response from No 1 Whitehouse Close, Officers were suggesting additional conditions in respect of working hours and the retention of obscured glazing.

Councillor S Rutland-Barsby commented that there were very few reasons to object to this application on planning grounds. She also stated that the hours of operation merited careful consideration due to the location of the site and its proximity to other dwellings.

Councillor S Rutland-Barsby also commented that concerns regarding "school runs" would be difficult to mitigate as this was a private road over which the Authority had no jurisdiction.

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 3/12/1196/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

302 3/12/1130/FP - ERECTION OF 1 NO. THREE BEDROOM DWELLING AND GARAGE AT FORMER BISS VEHICLES SITE, LONDON ROAD, SPELLBROOK, CM23 4AU FOR MR AND MRS SMEETH

Mrs Smeeth addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1130/FP, planning permission be refused for the reasons now detailed.

The Director referred to the 9 previous applications on the site since 1997, all but one of which were refused on Green Belt grounds. Furthermore, two of these refusals had been upheld on appeal. Members were advised that new dwellings were not normally permitted in the Metropolitan Green Belt.

Officers were of the view that the previous commercial operations had blended into the landscape and Officers had not accepted the Applicant's view that the application represented limited infilling of previously developed land.

The Director stated that the appeal inspector had stated in 2005 that the proposed development would result in an undesirable consolidation of development on London Road. The Inspector had further commented that the proposed development represented an undesirable incursion onto land that was currently open.

Members were advised that the NPPF stated that the Committee should give substantial weight to any harm to the Green Belt. Officers were of the opinion that this application was inappropriate in this location.

In response to a query from Councillor T Page, the Director confirmed that Spellbrook was not a category 1 or 2 village and was washed over as Green Belt land.

Councillor A Burlton commented that the proposed development of a single dwelling was in between 2 existing blocks of houses with a road to the front of the site. He stated that there would be no harm to the openness of the Green Belt.

Councillor T Page stated that there was very little to show this site and surrounding area was Green Belt land, he commented however that the policy regarding Green Belt land was very clear and the Committee had little option but to adhere to Green Belt policy.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/12/1130/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/12/1130/FP, planning permission be refused for the reason detailed in the report now submitted.

303 3/12/1194/FP - NEW GREENHOUSE STRUCTURE ON EXISTING GARDEN CENTRE AREA AT PARADISE WILDLIFE PARK, WHITE STUBBS LANE, BAYFORD, BROXBORNE, HERTS, EN10 7QA FOR MR P SAMPSON

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1194/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

3/12/1194/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

304 3/12/1195/FP - REPLACEMENT OF THE KITCHEN AND FOOD PREPARATION AREA TO THE MARQUEE AT PARADISE WILDLIFE PARK, WHITE STUBBS LANE, BAYFORD, BROXBORNE, HERTS, EN10 7QA FOR MR P SAMPSON

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1195/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 3/12/1195/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

305 3/12/1196/FP - REFURBISHMENT OF HOOVED ANIMALS ENCLOSURES, WITH RE-BUILDING OF CAMEL HOUSE AND TAPIR HOUSE AND NEW GIRAFFE HOUSE, TO "AFRICA WORLD" AND CONSTRUCTION OF ELEVATED OBSERVATION WALKWAYS ACROSS THE NEW AREAS AT PARADISE WILDLIFE PARK, WHITE STUBBS LANE, BAYFORD, BROXBORNE, HERTS, EN10 7QA FOR MR P SAMPSON

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1196/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 3/12/1196/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

306 3/12/0972/FP - TWO STOREY REAR, SINGLE STOREY SIDE EXTENSION AND SIDE DORMER WINDOW AT 1 LINDSEY ROAD, BISHOP'S STORTFORD, CM23 2TA FOR MRS C WARWICK

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0972/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 3/12/0972/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

307 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 advised that no application had been received to regularise the unauthorised development. Members were advised that if an application had been submitted, it was the view of Officers that planning permission would not have been refused. Officers were of the opinion that the additional 300mm of roof height was not significant enough to cause any harm in the vicinity of the site.

Members were advised that it was not an offence to build development that was not approved.

The Director confirmed that Officers judged that it was not expedient to take enforcement action. In the event of an appeal against any notice, this would be difficult to defend and if no appeal was lodged, Officers would have to consider whether it was expedient to pursue Offences at the magistrate's court if the offence of failing to comply with enforcement action was committed.

The Director concluded that the issue over whether or not to take Enforcement Action should be considered on a fact and degree basis and expressed the view that a subsequent appeal by the appellant maybe likely be successful. Officers were firmly of the view that no further action should be taken.

Councillor Mrs R Cheswright expressed her disappointment and frustration that Linden Homes had not responded to Officers' requests for an application to regularise the unauthorised development. She commented on how angry she was regarding the attitude of the appellant regarding the unauthorised development.

In response to a query from Councillor M Newman, the Director reiterated that building not in accordance with approved plans was not an offence as such. An offence was only committed if there was a failure to comply with any enforcement notice. Members were advised that development could often be larger by a brick or two in height or width and a judgement had to be made on a fact

and degree basis as to whether such an amendment would have been approved as part of an original planning application.

After being put to the meeting and a vote taken, Members endorsed 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.

RESOLVED – that, in respect of the site relating to E/12/0052/A, Members endorsed 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.

308 E/11/0229/A - UNAUTHORISED CONVERSION OF GARAGE INTO TWO STUDIO FLATS AT THE OLD MISSION HALL, CHIPPING, BUNTINGFORD, SG9 0PQ

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0229/A, enforcement action be authorised on the basis now detailed.

Councillor S Bull commented that this building had been in situ for very many years and it was not possible to determine the use of the building from the main road. He stated that, if Officers were satisfied that the appellant had not demonstrated a continuous use of the site for the required 4 years, then he would support the recommendation for enforcement action.

In response to a query from Councillor G Jones, the Director stressed that continuous use of a site was judged on a fact and degree basis. Members were advised that, if a landlord had a 3 to 4 week gap between tenants whilst decorations were carried out, Officers would classify that as continuous use.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/12/0229/A on the basis now detailed.

RESOLVED – that in respect of E/12/0229/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

309 E/11/0365/B - UNAUTHORISED USE OF AN EXTENDED BARN TO CREATE A RESIDENTIAL UNIT AT MAYVILLE, COTTERED, BUNTINGFORD, SG9 9QB

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0156/A, enforcement action be authorised on the basis now detailed.

The Chairman advised that she had been asked read out a statement on behalf of the local ward Member, Councillor J Ranger. Councillor J Ranger had requested that Members accept the Officers recommendation as detailed in the report.

Councillor J Ranger had also stated that as the site of the barn had not been visible from the road the unauthorised extension was not noticed at first by the village. However, when a letter box was placed at the entrance track to the site and the residents in unauthorised occupation were seen to be using the site for residential purposes for nearly the last two years, concerns were raised.

Councillor J Ranger had then requested that Enforcement Officers visit the site to check out the situation. As there had been other similar instances in the ward, the Local Member had advised that the Parish Council would like to see appropriate enforcement action taken in this case.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for

enforcement action to be authorised in respect of the site relating to E/12/0156/A on the basis now detailed.

RESOLVED – that in respect of E/12/0156/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

310 UPDATE ON ENFORCEMENT STATISTICS AND AUTHORISED ACTION

The Director of Neighbourhood Services submitted a report updating Members on enforcement statistics and recently authorised enforcement action. The Committee congratulated the Enforcement Officers for their hard work in what was a challenging aspect of Council business.

Councillor M Alexander commented on the prevalence of the Esbies Estate in the report now submitted. Councillor S Bull praised the difficult work carried out by the Enforcement Officers. The Chairman echoed this praise on behalf of the Development Control Committee.

The Committee noted the report as now detailed.

RESOLVED – that the report be noted.

311 ITEMS FOR REPORTING 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