

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 15 AUGUST 2012, AT 7.00
PM

PRESENT: Councillor S Rutland-Barsby (Chairman).
Councillors M Alexander, D Andrews,
E Bedford, S Bull, Mrs R Cheswright,
G Jones, G Lawrence, P Moore, M Newman,
T Page and N Symonds.

ALSO PRESENT:

Councillors W Ashley, P Ruffles and
G Williamson.

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

248 APOLOGY

An apology for absence was submitted on behalf of Councillor A Burlton. It was noted that Councillor N Symonds was in attendance as substitute for Councillor A Burlton.

249 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman reminded Members of the planning tour of the District due to take place on 31 August 2012. Members should arrive at Wallfields at 8.30 am ready for the tour to start at 9 am.

The Chairman invited the Head of Planning and Building Control to brief the Committee in relating to requests from two applicants to brief Members in respect of significant proposals for development of the former Sainsburys Distribution Depot in Buntingford and in respect of Bishop's Stortford North. Following this, the Committee agreed, in principle, that Officers could formally arrange for both applicants and also any opposition groups to brief the Committee in respect of both sets of development proposals.

250 MINUTES

RESOLVED – that the Minutes of the meeting held on 18 July 2012 be confirmed as a correct record and signed by the Chairman.

251 3/12/0411/FP – SITE IMPROVEMENTS INVOLVING CONVERSION OF 67 EXISTING PITCHES INTO HARD STANDING, STANDARDISE 24 "L" SHAPED HARD STANDINGS, RESURFACE EXISTING CARAVAN STORAGE AREA AND RESURFACE EXISTING INTERNAL ACCESS ROAD AT THE CAMPING AND CARAVAN SITE, MANGROVE ROAD, HERTFORD FOR THE CAMPING AND CARAVANNING CLUB

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0411/FP, planning permission be granted subject to the conditions detailed in the report now submitted, and with condition 7 amended as detailed in the Additional Representations Sheet.

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 3/12/0411/FP, planning permission be granted subject to the conditions detailed in the report and with the amended condition 7:

1. The development hereby permitted shall be carried out in accordance with the drainage details received on 25 July 2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure surface and foul water is treated appropriately to prevent pollution of groundwater in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

252 3/11/2137/SV – MODIFICATION OF S.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

Mr Richard Coke addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/2137/SV, a variation of the Section 106 agreement pursuant to application 3/04/0657/OP, to remove the financial contribution detailed in the report be granted subject to the directive detailed in the report now submitted.

Councillor G Jones commented on sustainable transport infrastructure needs and the importance of section 106 contributions to meet these. As such, he was reluctant to

support the Officer's recommendation.

Councillor M Newman stated that, whilst approving this application to vary the Section 106 agreement might not provide the economic stimulus that resulted in this scheme being financially viable, any variation that provided a stimulus for a development to go ahead could only be a positive approach.

Councillor T Page commented that there had been no indication as to the length of the delay that could result in respect of this scheme should Members refuse to vary the Section 106 agreement, and urged Members to consider the additional burden for Council Taxpayers before approving the removal of the section 106 contribution.

Councillor N Symonds agreed with Councillors G Jones and T Page and advised that Bishop's Stortford Town Council had in fact objected to this application when it was first submitted.

In response to a query from Councillor M Alexander in respect of whether the £125,000 could be brought forward on a staged basis, the Director confirmed that Members could agree a number of variations to a Section 106 agreement and a staged or deferred payment arrangement was one such variation. Members were reminded that all parties to the Section 106 obligation would have to be in agreement with the applicant regarding any variation to this Section 106 obligation.

Councillor G Jones proposed and Councillor M Alexander seconded, a motion that application 3/11/2137/SV 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.

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 3/11/2137/SV, 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.

253 3/12/0076/FP – PART RETROSPECTIVE CONSENT FOR THE PROVISION OF OUTDOOR PLAY EQUIPMENT WITHIN THE EXISTING PUB GARDEN AND EXTERNAL ALTERATIONS TO PUB BUILDING INCLUDING AN OUTDOOR STORAGE BUILDING AT THE CATHERINE WHEEL, GRAVESEND, ALBURY, SG11 2LW FOR MR S HASLAM

Mr Salvatore Amico addressed the Committee against the application. Mr Steve Haslam spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0076/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Committee Chairman read out a statement on behalf of the local ward Member, Councillor M Tindale. Councillor M Tindale had stated his view that the applicant had met the concessions in height and scale and that the revised plans represented a more appropriate structure. Whilst acknowledging that some of the original objectors did not accord with his views, he had stressed that, given that Officers had recommended granting of the application before these amendments, and the fact that the Parish Council had not objected to either application, meant that this scheme should not be refused on issues pertaining to height and scale.

The Director stated that the Conservation Officer had commented that the reduced scale of the play equipment went towards overcoming previous concerns regarding the impact of the structure on the character and appearance of the wider setting.

The Conservation Officer had also recommended that the colour of the associated roofs serving the play equipment should be reconsidered in a dark green or grey or other suitable alternative colour and that the starkness of the existing boundary fences be addressed with the provision of planting.

Councillor S Bull expressed his satisfaction that Albury Parish Council was supportive of the application. He stated that noise resulting from children and young people playing was a fact of life and he would be supporting this retrospective application.

Councillor P Moore commented on the viability of local pubs that relied on fine dining to survive and did not have play areas in the garden.

Councillor G Jones stated that the key issue was whether the outdoor play equipment was inappropriate in this location. He commented that this issue should be weighed against the viability of the business. Councillor G Jones was concerned that the applicant had stated that the pub was barely breaking even, even though the play equipment was already installed.

Councillor T Page stated that the arguments against this application were thin and there did not seem to be a significant weight of objections aside from a small number of the immediate neighbours. He stressed that there was no evidence of harm and it was not for the Committee to inform the applicant how his business should be run.

Councillor Mrs R Cheswright expressed sympathy with the immediate neighbours. She commented on the expense and quality of the installed play equipment and shared the concerns of Councillor P Moore regarding retrospective applications.

Councillor M Newman commented that the changes made since the previous application should mitigate the noise concerns. He stated that the Conservation Officer's suggested use of colour should reduce the visual impact

the play equipment would blend into the surrounding landscape.

Councillor M Alexander reminded Members that the key issue was whether or not this application complied with policy GBC3 of the East Herts Local Plan Second Review April 2007, in terms of whether the impact of the play equipment was appropriate or inappropriate.

The Director stressed that the retrospective nature of the application should have no bearing on the decision and that the Committee should only consider the planning issues relevant to the application. The Director also advised against comparisons with other applications across the District which were likely to result from different circumstances.

Members were advised that the issue of business viability could be given some weight in that the play equipment would attract a family clientele which could enhance the viability of the pub. The Director stressed that the key issue however, was whether the benefit of the development outweighed the harm that was caused by virtue of inappropriate development in the rural area.

Councillor G Jones proposed and Councillor P Moore seconded, a motion that application 3/12/0076/FP be refused on the grounds that the proposed development constituted inappropriate development in the Rural Area and the visual impact of the play equipment and the noise and disturbance associated with its use would cause harm to the rural character of the site and its surroundings. The development was therefore contrary to policies GBC3, ENV1 and BH6 of the adopted East Herts Local Plan April 2007, and the National Planning Policy Framework.

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.

The Committee also authorised enforcement action on the basis now detailed.

RESOLVED – that (A) in respect of application 3/12/0076/FP, planning permission be refused for the following reason:

1. The proposed development constitutes inappropriate development in the Rural Area. The visual impact of the play equipment and the noise and disturbance associated with its use causes harm to the rural character of the site and its surroundings. The development is therefore contrary to policies GBC3, ENV1 and BH6 of the adopted East Herts Local Plan April 2007, and the National Planning Policy Framework.

(B) the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the existing unauthorised play equipment.

Period for compliance: 2 months

Reason: The proposed development constitutes inappropriate development in the Rural Area. The visual impact of the play equipment and the noise and disturbance associated with its use causes harm to the rural character of the site and its surroundings. The development is therefore contrary to policies GBC3, ENV1 and BH6 of the adopted East Herts Local Plan April 2007, and the National Planning Policy Framework.

254 E/11/0196/B – UNAUTHORISED REMOVAL OF TWO TRADITIONAL SHOP BLINDS WITH ASSOCIATED FITTINGS AND THE ERECTION OF TWO ADVERTISING CANOPIES TO A GRADE II LISTED BUILDING AT 31 - 33 BELL STREET, SAWBRIDGEWORTH, CM21 9AR

The Director of Neighbourhood Services recommended that, in respect of the sites relating to E/11/0196/B, enforcement action be authorised on the basis now detailed.

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 sites relating to E/11/0196/B on the basis now detailed.

RESOLVED – that in respect of E/11/0196/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

255 PUBLIC SPEAKING ARRANGEMENTS FOR DEVELOPMENT CONTROL COMMITTEE ON 25 SEPTEMBER 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 on 25 September 2012.

The Director advised that, as two applications were now due to be considered in the same meeting, Members should reconsider the public speaking arrangements previously agreed.

The Committee was advised that Officers had written the report on the basis that the original arrangements of 6 minutes with multiple speakers would be applied to both applications.

The Director advised that Officers felt, on further

consideration, that may be excessive and instead, objecting speakers should be permitted 10 minutes in total for all speakers with the applicant being offered the same total time. This arrangement would apply to both applications and multiple speakers would be expected to coordinate to share the time allowed if there was obvious duplication once the various speakers had submitted a summary of the points they wished to raise.

In response to concerns from Councillor T Page, the Chairman and the Director stressed that whilst these applications were significant, they were not considered to be uniquely so and many applications of a similar scale were dealt with within the normal speaking arrangements.

The Committee could retain the usual 3 minute rules on public speaking. The Committee was advised that enhanced arrangements took account of the recent public interest in the applications.

The Chairman commented that she had been contacted by a number of elderly residents and wheelchair users who wanted to attend the meeting.

Councillor S Bull proposed and Councillor M Alexander seconded, a motion that objecting speakers would be permitted 10 minutes in total with the applicant being offered the same total time. This arrangement would apply to both applications and all speakers would be expected to provide a summary of the points they wished to raise. If there was obvious duplication then multiple speakers would be expected to coordinate to share the time allowed.

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

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 25 September 2012,

the public speaking arrangements be approved as now detailed.

256 ITEMS FOR REPORTING AND NOTING

The Chairman advised that the public enquiry in respect of the Benington Wind Turbine would commence on 13 November 2012 for an expected duration of 3 days.

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 8.04 pm

Chairman
Date