

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 10 OCTOBER 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, G Jones, G Lawrence,
P Moore, M Newman and T Page.

ALSO PRESENT:

Councillors W Ashley, G McAndrew and
N Symonds.

OFFICERS IN ATTENDANCE:

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

347 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 The Chairman advised that applications 3/12/0977/FP and 3/12/1207/OP had been withdrawn.

The Chairman reminded Members of the briefing due to be held on 17 October 2012 in respect of the Sainsburys site in Buntingford, at the Community Centre on the Bovis Estate and directions were available from Councillor S Bull.

The Chairman reminded the Committee that a training session had been arranged prior to the 7 November 2012 meeting of the Committee. The likely topic was the National Planning Policy Framework (NPPF) and how this document was bedding in with existing policies. Officers would e-mail Members with more details nearer the time.

Finally, the Chairman advised that application 3/12/1278/FO might be moved down the agenda as the local ward Member wished to address the Committee but was at another meeting in Bishop's Stortford until 7 pm.

348 MINUTES – 12 SEPTEMBER 2012 AND 25 SEPTEMBER 2012

RESOLVED – that the Minutes of the meetings held on 12 and 25 September 2012 be confirmed as correct records and signed by the Chairman.

349 3/12/1235/FP – PROVISION OF 1 NO. POLYTUNNEL AT LAND AT THE OLD COACH ROAD, BIRCH GREEN FOR JOSEPH ROCHFORD GARDENS LIMITED

Paul Rochford addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1235/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 3/12/1235/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 350 3/12/1242/FP – NEW SPORTS/ASSEMBLY/ACTIVITY HALL AND CLASSROOM WITH ASSOCIATED CHANGING ROOMS, TOILETS, SMALL KITCHEN/SERVERY AND STORAGE SPACE AT HERTINGFORDBURY COWPER JMI SCHOOL , BIRCH GREEN, HERTS, SG14 2LR FOR ALISON RICHARDS
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Caroline Brown addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1242/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 3/12/1242/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 351 (A) 3/12/1097/FO AND (B) 3/12/1103/LB – VARIATION OF CONDITION 3 (APPROVED PLANS) OF LPA REF. 3/11/1365/FP TO ALLOW CHANGES TO FENESTRATION TO MAIN BARN, PIGGERY AND EXTENSION, PROVISION OF EMERGENCY ESCAPE, RAISING OF EAVES/RIDGE AND ROOF TILES ON MAIN BARN AND BRICK FINISH ON EXTENSION AT WIDBURY HILL FARM, WIDBURY HILL, WARE, SG12 7QE FOR MR N BUXTON
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The Director of Neighbourhood Services recommended that, in respect of applications 3/12/1097/FO and 3/12/1103/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and votes taken, the Committee supported the recommendations of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of applications 3/12/1097/FP and 3/12/1103/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

352 3/12/0424/FP – CLOSURE OF RAILWAY FOOT-CROSSING AND CONSTRUCTION OF A NEW FOOTBRIDGE WITH RAMPED ACCESS AT JOHNSONS RAILWAY CROSSING, BISHOP'S STORTFORD FOR NETWORK RAIL

Nigel Giles addressed the Committee against the application. Richard Tew spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0424/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the additional representations schedule. Members were reminded that the Committee had previously indicated an unwillingness to pursue enforcement action, which the Director emphasised, did not constitute an approval of planning permission.

The Director advised that the only permission that had been in place was the authority granted to Network Rail to use the Council's land when installing the footbridge. Members were reminded of the important distinction

between planning issues and management issues relating to the new footbridge.

In response to a query from Councillor D Andrews, the Director stated that the most relevant issue for Members was the making good of the site. Officers had suggested a landscaping condition to encourage appropriate treatment for the area surrounding the footbridge. Officers had anticipated this might very likely involve the planting of grass.

The Director advised that any views regarding the use of the land around the footbridge was only speculation and was not a valid planning issue. Members were advised that the various services that surrounded the bridge had resulted in a wider span for the bridge due to where foundations could be adequately installed on the site.

In response to a comment from Councillor S Rutland–Barsby, the Director stated that any intention to use the padlocked area of land for storage or any other use would require planning permission.

Councillor A Burlton commented on what steps could be taken to prevent the hazard of water collecting on the flat sections of the bridge. Councillor T Page commended the applicant for installing the bridge quickly to address the issue of pedestrian safety. However, he criticised the applicant for vacating the site without restoring it to a tidy state.

Councillor T Page stated that a planting scheme for trees and shrubs would take away some of the starkness of the new footbridge. He also stated that he was concerned that the width of the ramps would allow for other uses that could endanger pedestrians.

Councillor T Page queried whether pinch points should be installed, given that there was a skate park close to the bridge. Councillor S Rutland–Barsby stressed that the width of the ramps was probably necessary to

accommodate wheelchair users.

The Director referred to the extent of the site and stated that the Council did own land adjacent to the footbridge so land could be made available for further landscaping if the Council was supportive of that approach.

The Director reminded Members that Officers would have to consult with colleagues in other service areas. Officers were mindful of the adjacent public open space at Grange Paddocks and the importance of not compromising other users of that open space.

The Director confirmed that installing barriers or pinch points on the ramped areas of the bridge to avoid inappropriate uses could in turn act as a barrier to legitimate users of the bridge. Members were reminded that the bridge met all modern standards and introducing barriers would be inappropriate.

Councillor G Jones referred to the importance of wildlife and archaeological surveys, as well as other steps normally undertaken prior to the granting of a planning permission. He stated that he was pleased the applicant's representative was present to hear his concerns. He referred to the potential for accidents involving cyclists as he had observed an example of a cyclist arriving at the bridge at considerable speed.

Councillor G Jones stated that the green colour used for the bridge helped to mask the structure. However, the yellow handrails were inappropriate and additional landscaping plus a more appropriate shade of green for the whole bridge would make the structure less visible from a distance.

The Director confirmed that a condition regarding the colour treatment of the bridge could be applied and Officers could amend the wording of the landscaping condition. Officers could also have a dialogue with colleagues regarding the planting of vegetation on other

land adjacent to the bridge. Members were supportive of Officers carrying out these tasks.

In response to a query from Councillor M Alexander in respect of condition 4, the Director confirmed that, as far as officers were aware, no lighting had been fixed to the bridge

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 3/12/0424/FP, planning permission be granted subject to the following amended conditions:

1. Within two months of the date of this decision, full details of soft landscaping to replace that which was removed from the site, and the adjoining public open space to the west of the site, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include (a) Planting plans (b) Written specifications (including cultivation and other operations associated with plant and grass establishment) (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (d) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

2. Landscape works implementation (4P13).
3. The measures set out in the Habitat

Management Plan - Reptiles (Appendix D JBA Consulting Bespoke Ecological Report, Draft Report dated July 2012), or such other measures as may be submitted to and agreed in writing by the Local Planning Authority shall be implemented in accordance with a timetable that shall be agreed by the Local Planning Authority. That timetable shall be submitted within six months of the date of this permission.

Reason: To protect the habitats of protected species in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007

4. No external lighting shall be provided without the prior written permission of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

5. Within two months of the date of this decision, details of the colour to be applied to the handrails of the footbridge and ramps hereby permitted shall be submitted to and approved in writing by the local planning authority. Once agreed, those details shall be implemented within a further period of one month.

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

6. Approved Plans (2E10) insert:- "Site Location Plan, 1NR/121979/FAR/DRG/1AB/0021 A01, 1004-UA004342/01, 2003-UA004342/01,

2004-UA004342/01, 2005-UA004342/01 and 2006-UA004342/01.”

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

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, in particular policies GBC1, ENV1, ENV2, ENV11, ENV14, ENV16, ENV17, ENV18, ENV21, ENV23, BH1, BH6 and LRC9). The balance of the considerations having regard to those policies and the National Planning Policy Framework is that permission should be granted.

353 3/12/1278/FO – REMOVAL OF CONDITION OF PLANNING REFERENCE 3/97/1447/FO TO ALLOW THE PETROL FILLING STATION TO OPERATE 24 HOURS A DAY, 7 DAYS A WEEK AT TESCO STORES LTD, LANCASTER WAY, BISHOP'S STORTFORD, CM23 4DD FOR TESCO STORES LTD

John Ivens addressed the Committee against the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1278/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred to a statement from the applicant, which had been summarised in the additional representations schedule. Members were advised that the applicant's speaker, Paul Manning, had declined to

attend and speak as his views had been submitted in writing to Officers.

Councillor G McAndrew, as the local ward Member, strongly objected to Tesco's application on behalf of a number of local residents. He stated that the Tesco store was located in a residential area and should not be open for any period of 24 hours because of noise disturbance to residents and the inevitable anti-social behaviour.

Councillor G McAndrew stated that this application would result in increased noise and disturbance from additional vehicles visiting the petrol station at unsociable hours. He stated that some motorists were not very considerate and were often rowdy and played music loud in their cars late at night.

Councillor G McAndrew commented that young adults and youths were likely to visit the site at unsociable hours when the main store was closed at weekends, thereby leading to further anti-social behaviour. He was also concerned in respect of parking and litter problems on estate roads close to the site.

Councillor G McAndrew concluded that the application should be refused in order to safeguard the quality of life for residents of the surrounding area, as well as generally helping to encourage more respectful and responsible citizens and to reduce the already proven noise and anti-social behaviour problems caused by the existing unsociable trading hours at this site.

Councillor D Andrews sought clarification regarding the operating hours of the store and petrol station in relation to hours applied for as part of this application for a removal of a planning condition. He commented that a 24 hour filling station was unnecessary in this location due to the facilities at the nearby M11 junction.

Councillor P Moore commented that, as the approach roads were all in complete darkness, approaching traffic

would have full lights on. She stated that this, along with the banging of car doors, would cause significant disruption for residents and she could not support the application.

Councillor T Page stated that there were a number of planning reasons why the application should be refused, such as noise and lack of security for the site. Councillor M Alexander referred to the additional fuel tanker movements should this application be approved.

The Director advised Members of the existing hours of the supermarket and the petrol station. Members were advised that it was not Members' role to regulate business and the Committee should focus solely on the proposal's potential to cause harm. Members should also give no weight to comments relating to the character of an applicant.

The Director referred to issues raised by Members regarding noise and disturbance and stressed that Environmental Health Officers had considered these issues at some length and had concluded that there would be no significant disturbance for residents.

The Director stated that Lancaster Drive was a public access road and traffic would use this road in any event. Residents would not be able to differentiate any additional noise or lighting disturbance as vehicles could be travelling to or from private dwellings.

The Director advised that issues relating to disruption from refuelling tankers could be controlled by reasonable conditions. Members were advised that any additional information held by the police regarding anti-social behaviour would have to be presented to the applicant so that the planning process was transparent and open. The Director stated that allowing the applicant time to see such information would mean that the application would have to be deferred.

The Director advised caution in that many of the issues of concern were impacts that would already be experienced by residents, such as vehicle noise and light disturbance. Councillor G Jones, as the other local Member, stated that the application constituted a 60% increase in operating hours and there would be an impact in terms of vehicle noise, car doors closing and the occasional raised voice.

In response to comments from Councillor T Page, the Director stated that if this was a fresh application for new housing, then good principles of crime prevention would be applied, i.e. avoiding blind alleys and undercroft areas.

The Director advised caution in that the reasons for refusing the application referred to by Members had not been highlighted as significant issues for concern by the Council's own Environmental Health Officers.

Councillor G Jones proposed and Councillor Mrs R Cheswright seconded, a motion that application 3/12/1278/FO be refused on the grounds that the application was contrary to policies ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007 and national planning policy contained in the NPPF and would result in additional noise and disturbance to nearby residential properties and would also be likely to result in an increased opportunity for crime and/or anti-social behaviour in the area during unsociable hours.

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 3/12/1278/FO, planning permission be refused for the following reason:

1. The site lies adjacent to a residential area and

the proposed increased opening hours of the petrol filling station would be likely to result in additional noise and disturbance to nearby residents. It would also be likely to result in an increased opportunity for crime and/or anti-social behaviour in the area during unsociable hours. The proposal is thereby contrary to policies ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007 and national planning policy contained in the NPPF.

354 3/12/0868/AD – PROPOSED TWO EXTERNALLY ILLUMINATED FASCIA SIGNS, TWO EXTERNALLY ILLUMINATED PANEL SIGNS AND FIVE NON-ILLUMINATED PANEL SIGNS AT POST OFFICE, BALDOCK ROAD, BUNTINGFORD, SG9 9BL FOR MR BASRA

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0868/AD, planning permission be granted for fascia signs 1, 2, 3, 4, 8 and 9 subject to the conditions detailed in the report now submitted. The Director of Neighbourhood Services also recommended that, in respect of application 3/12/0868/AD, planning permission be refused for fascia signs 5, 6 and 7 for the reasons detailed in the report now submitted.

Councillor S Bull praised Officers for safeguarding the conservation area. He referred to paragraph 4.1 of the report now submitted and queried whether it was correct that the illuminated advertisements were already in place and the only change was the name of the Post Office.

Councillor D Andrews stated that the existing signs detracted from the existing street scene and commented on whether these signs would be removed so that the façade was more in keeping with the street scene.

The Director advised that Officers were unsure as to how long signs 5, 6 and 7 had been in situ and these signs did

not currently have advertisement consent. Members were advised that this application was for all of the signs on the site.

The Director stated that Officers felt that the clutter created by all of the signs was unacceptable in this location. Officers were of the view that negotiation for more appropriate signage should take place before there was any formal enforcement action. Members could however authorise enforcement action if they felt particularly strongly about signs 5, 6 and 7.

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

RESOLVED – that (A) in respect of application 3/12/0868/AD, planning permission be granted for fascia signs 1, 2, 3, 4, 8 and 9 subject to the conditions detailed in the report now submitted; and

(B) in respect of application 3/12/0868/AD, planning permission be refused for fascia signs 5, 6 and 7 for the reasons detailed in the report now submitted.

355 3/12/1214/FP – ERECTION OF DETACHED DOUBLE GARAGE AT 12 THORNFIELD ROAD, BISHOP'S STORTFORD, CM23 2RB FOR MR W. PARRY

Wyn Parry addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1214/FP, planning permission be refused for the reasons now detailed.

Councillor T Page commented that Bishop's Stortford Town Council had not objected to the application. He stated that the proposed garage was well set back from

the road and the applicant had made an effort to overcome the objections to the application.

Councillor T Page referred to paragraph 7.10 of the report submitted, in that Officers felt that the height and roof form of the proposed building was such that the proposal would not, in Officers' opinion, result in significant harm to the amenity of No 10a Thornfield Road. He stated that refusing the application would be wrong in this location.

Councillor P Moore commented that the proposed garage did not comply with policy ENV1 (l)(b) of the East Herts Local Plan Second Review April 2007. She stated that the application did not sit well with the surrounding area and the garage would be in a prominent location in the front garden of the application site.

Councillor G Jones stated that the street scene had already been compromised by a nearby extension and the proposed garage would not exacerbate the situation or adversely affect the neighbouring property. He commented however that he would like to see some additional planting, which would go some way to screening the proposed development.

In response to a query from Councillor A Burlton, the Director advised that a condition stating that the use must be restricted to a garage would not meet the standard tests for conditions. Members were reminded that the applicant would have to apply for a change of use in any event. The Committee was also reminded to focus solely on this application site and to weigh up the impacts of this application on the street scene.

Councillor G Jones proposed and Councillor D Andrews seconded, a motion that application 3/12/1241/FP be granted as the application was not detrimental to the street scene, subject to a condition relating to planting to screen the proposed detached garage.

After being put to the meeting and a vote taken, this

motion was declared LOST. 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 3/12/1214/FP, planning permission be refused for the reason detailed in the report now submitted.

356 E/11/0046/B – UNTIDY CONDITION OF LAND AT 17 PAGET COTTAGES, DANE END, WARE, SG12 0NL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0046/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 site relating to E/11/0046/B on the basis now detailed.

RESOLVED – that in respect of E/11/0046/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.

357 E/12/0048/A – UNAUTHORISED DISPLAY OF VERTICAL BANNERS AND A FASCIA ADVERTISEMENT, AT GRILL 55, FIRST FLOOR, 55 - 61 SOUTH STREET, BISHOP'S STORTFORD, CM23 3AL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0048/A, legal proceedings be authorised on the basis now detailed.

The Director referred Members to the comments detailed in the additional representations schedule.

After being put to the meeting and a vote taken, the

Committee accepted the Director's recommendation for legal proceedings to be authorised in respect of the site relating to E/12/0048/A on the basis now detailed.

RESOLVED – that in respect of E/12/0048/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to commence legal proceedings on the basis now detailed.

358 E/11/0058/B – UNAUTHORISED ADVERTISEMENT BY CHANGING COLOURED LIGHTING TO THE FRONT ELEVATIONS OF THE NAVIGATOR PUBLIC HOUSE, BRIDGE FOOT, WARE, SG12 9DW

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0058/B, legal proceedings be authorised on the basis now detailed.

Councillor D Andrews commented that the Committee had previously approved enforcement action for the removal of two lights opposite this site, which was in a conservation area. He stated his unhappiness with the unauthorised changing coloured lighting.

Councillor E Bedford agreed that the unauthorised development was very prominent and was wholly inappropriate in a conservation area.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for legal proceedings to be authorised in respect of the site relating to E/11/0058/B on the basis now detailed.

RESOLVED – that in respect of E/11/0058/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to commence legal proceedings on the basis now detailed.

- 359 E/12/0270/A – THE UNAUTHORISED REMOVAL OF HISTORIC ARCHITECTURAL FEATURES OF A GRADE II LISTED BUILDING AT ST ANNE'S CHURCH, SLOUGH ROAD, ALLENS GREEN, SAWBRIDGEWORTH, HERTS, CM21 0LR
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The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0270/A, 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 site relating to E/12/0270/A on the basis now detailed.

RESOLVED – that in respect of E/12/0270/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.

- 360 E/11/0306/A – UNAUTHORISED ERECTION OF A MARQUEE IN THE REAR GARDEN OF THE CATHERINE WHEEL PUBLIC HOUSE, GRAVESEND, ALBURY, SG11 2LW
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The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0306/A, enforcement action be authorised on the basis now detailed.

Councillor S Bull commented that the unauthorised development had been in place since May 2011 and the appellant had been given ample time to remove the marquee.

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/11/0306/A on the basis now detailed.

RESOLVED – that in respect of E/11/0306/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.

361 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 8.53 pm

Chairman
Date