

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 14 SEPTEMBER 2011, AT
7.00 PM

PRESENT: Councillor W Ashley (Chairman).
Councillors M Alexander, S Bull, A Burlton,
Mrs R Cheswright, J Demonti, G Jones,
G Lawrence, M Newman, S Rutland-Barsby,
J Taylor and B Wrangles.

ALSO PRESENT:

Councillors R Beeching, E Buckmaster,
P Moore, T Page and P Ruffles.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Lydia Dye	- Planning Officer
Peter Mannings	- Democratic Services Assistant
Martin Plummer	- Assistant Planning Officer
Alison Young	- Development Control Manager

285 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 3/11/1211/FP and 3/11/1212/LB – Refurbishment of premises including

internal alterations, relocation of main entrance to side, new covered rear terrace area, extension to car park and associated landscaping works at the Coach and Horses, Thorley Street, Thorley, Bishops Stortford, CM23 4AS for McMullen and Sons Limited had been withdrawn from the agenda.

The Chairman also advised that application 3/11/1286/FP would be determined after application 3/11/1067/FP and prior to the Enforcement Matters.

286 DECLARATIONS OF INTEREST

Councillor S Bull declared a personal interest in application 3/11/1033/FP in that he was acquainted with many of the residents of Greenways, Buntingford.

Councillor W Ashley declared a personal and prejudicial interest in application 3/11/1286/FP in that he was one of the partners of the firm that was the applicant. He left the room and Councillor S Rutland-Barsby chaired the meeting during consideration of this matter.

287 MINUTES

RESOLVED – that (A) the Minutes of the meeting held on 17 August 2011 be confirmed as a correct record and signed by the Chairman; and

(B) the Minutes of the meeting held on 25 August 2011 be confirmed as a correct record and signed by the Chairman, subject to the noting of the request for a recorded vote by Councillor J Taylor and the noting of the revised conditions now detailed and subject to the following amendment:

Insert as 19th paragraph –
'.....Councillor M Tindale commented that refusing the applications would be morally bankrupt.'

288 3/11/1033/RP - ERECTION OF 50 DWELLING HOUSES TOGETHER WITH ACCESS ROAD AND LANDSCAPING AT LAND OFF TYLERS CLOSE, WEST OF GREENWAYS, BUNTINGFORD, HERTS FOR LEACH HOMES

Mr Christopher Santer addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1033/RP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor S Bull, as the local ward Member expressed concerns that the proposed flats would be visually intrusive and the development would be clearly visible from the A10. He emphasised the importance of the road markings being put in place at the bottom of Greenways as soon as the applicant started to implement the application.

Councillor Bull also emphasised the importance of appropriate screening of the development to protect the privacy of rear gardens. He stressed that obscured windows should be in place where there was a risk of overlooking.

The Director stressed that Officers were of the opinion that the development, in particular the flats, would not be unduly prominent in this location. Members were advised that the concerns of Councillor Bull were all covered by the conditions detailed in the report now submitted.

Councillor A Burlton commented on why details of the locations of white line road markings had not been finalised prior to the application being reported to Members. The Director advised that the fine detail of the location of road markings was often finalised after an application was granted planning permission.

In response to concerns from Councillor Burlton in relation to the lack of on site amenity space, the Director advised that Members had supported the provision of off site amenity space when approving the outline application.

Councillor M Alexander expressed concerns that this application would not result in the best outcomes for Buntingford. He also expressed concerns that the social housing element was segregated from the rest of the proposed development. He commented on whether the Authority should encourage a more integrated approach. The Director advised that, ordinarily, Officers sought to encourage a pepper pot approach to the location of social housing. Members were advised that Officers felt that the clustering of the social housing was acceptable on balance in this instance.

In response to concerns from Councillor Alexander, the Director advised that Officers had been in dialogue with Hertfordshire Constabulary in relation to crime prevention measures and Officers considered the scheme to be acceptable from that point of view.

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

RESOLVED – that in respect of application 3/11/1033/RP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 289 3/11/1103/FP - CHANGE OF USE OF AISLED BARN TO MIXED USE (D1 ART GALLERY AND SUI GENERIS WEDDING CEREMONY/RECEPTION USE), CHANGE OF USE OF THE CONSERVATORY IN DANE TREE HOUSE TO MIXED USE (B1 OFFICE AND SUI GENERIS WEDDING CEREMONY/RECEPTION USE) AND ASSOCIATED CAR PARKING AT DANE TREE HOUSE, PERRY GREEN, MUCH HADHAM, SG10 6EE FOR THE HENRY MOORE FOUNDATION
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The Director of Neighbourhood Services recommended that, in respect of application 3/11/1103/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

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

RESOLVED – that in respect of application 3/11/1103/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 290 3/11/1239/FP - ERECTION OF A TERRACE OF 3 X 2 BEDROOM DWELLINGS WITH PARKING AT LAND TO THE REAR OF 20 TO 22 SAYESBURY AVENUE, SAWBRIDGEWORTH, CM21 0ED FOR RAVEN ESTATES LTD
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Mr Joseph Fitzgerald addressed the Committee in objection to the application. Jane Orsborn spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1239/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the additional representations schedule for a revised wording for

condition 13. Members were also advised that the Authority was required by policy PPS3 of the East Herts Local Plan Second Review April 2007 to identify suitable land for development, with a particular priority given to previously developed brownfield land.

The Director advised that the policies of the local plan tended to encourage development closer to the major towns and settlements. Members were advised to pay particular attention to policy HSG7 when determining this application.

Councillor R Beeching addressed the Committee in opposition to the application on behalf of the ward Members for Sawbridgeworth. He stressed that when on site, Members would have seen the reality of the likely impact of this application.

Councillor Beeching stated that the scheme was contrary to policy HSG7 and would have a significant detrimental impact on surrounding properties and green space. He referred to the likely impact on nearby trees, some of which were under consideration for tree preservation orders. He also stated that some of the trees were already the subject of protective covenants.

Councillor Beeching expressed concerns that the access road was not adopted. He referred to the unacceptable impact of the application in relation to sewage drainage capacity and issues around the inadequacy of parking provision and manoeuvring issues for vehicles. He also expressed concerns in relation to the loss of light for nearby residents' gardens, particularly as the building line was set back from existing buildings.

Councillor E Buckmaster expressed concerns that the proposed development was unduly overbearing in relation to the surrounding street scene. Councillors Beeching and Buckmaster urged the Committee to refuse the application.

Councillor M Newman stated that there was no need for the set back of the proposed development. He expressed concerns that Nos 12 and 13 Stoneleigh would lose a view of trees and gardens and would instead see a blank side wall of the proposed development.

Councillor Mrs Cheswright expressed concerns over the proposed height of the roof pitch and was particularly concerned that this would facilitate further development in the roof leading to further unacceptable overlooking for neighbouring properties.

The Director stated that the application would result in some overshadowing and impact in terms of height and appearance. Members were advised however, that Officers considered that the application was not unduly overbearing and the impact was not so severe as to warrant a recommendation for refusal.

Councillor J Demonti stated that the proposed development would be dominant, oppressive and overbearing in this location. She stressed that she would be able to support a development that had adhered to the existing building lines.

Councillor J Demonti proposed and Councillor G Jones seconded, a motion that application 3/11/1239/FP be refused on the grounds that the application was detrimental to the street scene and general neighbour amenity, was poorly sited and unduly intrusive and intensive and was contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.

After being put to the meeting and a vote taken, there being an equality of votes, this motion was declared LOST on the Chairman's casting vote.

After being put to the meeting and a vote taken, there being an equality of votes, the Chairman exercised his casting vote and the Committee supported the recommendation of the Director of Neighbourhood

Services as now submitted.

RESOLVED – that in respect of application 3/11/1239/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 291 (A) 3/11/1043/FP AND (B) 3/11/1044/LB - CONVERSION OF FIVE REDUNDANT FARM BUILDINGS TO B1 LIGHT INDUSTRIAL WORKSHOPS AND REPLACEMENT OF ONE UTILITARIAN BUILDING WITH B1 LIGHT INDUSTRIAL WORKSHOP AT NEW HOUSE FARM, WARESIDE, SG12 7QT FOR MR N BUXTON
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The Director of Neighbourhood Services recommended that, in respect of applications 3/11/1043/FP and 3/11/1044/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

Councillor B Wrangles expressed concerns in relation to the narrow lane that was the access to the site.

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 in respect of applications 3/11/1043/FP and 3/11/1044/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

- 292 3/11/1200/FP - REPLACEMENT TRIPLE GARAGE AT WILLOW COTTAGE, 12 WATERFORD COMMON, WATERFORD, SG14 2QD FOR MR S DALE
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The Director of Neighbourhood Services recommended that, in respect of application 3/11/1200/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

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

RESOLVED – that in respect of application 3/11/1200/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

293 3/11/1067/FP - CHANGE OF USE FROM RESIDENTIAL GARAGE TO 3NO BOARDING KENNELS AT THORLEY WASH COTTAGE, THORLEY STREET, BISHOP'S STORTFORD, CM23 4AS FOR MR STACEY

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1067/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

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

RESOLVED – that in respect of application 3/11/1067/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

294 3/11/1286/FP - SOLAR PANELS ON THE SOUTH AND WEST FACING PITCHES OF 4NO. AGRICULTURAL BUILDINGS AT MONKS GREEN FARM, MONKS GREEN LANE, HERTFORD, SG13 8QL FOR MR WILLIAM ASHLEY

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1286/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

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

RESOLVED – that in respect of application

3/11/1286/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

295 E/11/0167/B - THE UNAUTHORISED RESIDENTIAL USE OF AN OUTBUILDING AT THE REAR OF 3 PILGRIMS ROW, WESTMILL, SG9 9LQ

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0167/B, enforcement action be authorised on the basis now detailed.

The Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/11/0167/B on the basis now detailed.

RESOLVED – that in respect of E/11/0167/B, the Director of Neighbourhood Services, in conjunction 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 removal of the physical elements of the development that form part and parcel of, and an integral part of, the use, as now submitted.

296 E/11/0037/B - UNAUTHORISED ERECTION AND DISPLAY OF INTERNALLY ILLUMINATED ADVERTISEMENTS AT UNIT 4A AND 4B STAR STREET, WARE, HERTS, SG12 7AQ

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0037/B, enforcement action be authorised on the basis now detailed.

The Director advised that although an application had been received for new illuminated signage, this

application had not been registered or validated.

The Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/11/0037/B on the basis now detailed.

RESOLVED – that in respect of E/11/0037/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action under Section 224 of the Town and Country Planning Act 1990 and any such other steps as may be required to secure the removal of the unauthorised fascia advertisements at the site, as now submitted.

297 UPDATE ON ENFORCEMENT ACTION ON THE LAND NORTH OF THE OLD COACH ROAD, BIRCH GREEN, HERTFORD, SG14 2LP

The Director of Neighbourhood Services submitted a report that updated the Committee on current enforcement action at the land north of the Old Coach Road, Birch Green, Hertford, SG14 2LP.

The Director advised Members that an injunction had been served on the site on 27 August 2011, and enforcement notices had also been served on 1 September 2011. Members were advised that the enforcement notices would come into force on 30 September 2011 and were subject to the usual 6 month right of appeal.

The Director requested that Members endorse the actions taken by Officers to date and delegate authority to the Council's solicitor, in consultation with the Chairman of the Development Control Committee, to take further action to prevent further breaches of planning control on the site.

In response to concerns from Councillor Mrs R Cheswright in relation to the response time of the Council,

the Director confirmed that Officers had acted as swiftly as the breach of planning control had been reported to the Authority. Councillor M Alexander confirmed this.

Councillor Alexander complimented Officers on the efficiency of their response, in particular, the Head of Legal Services, for securing the injunction at 3.00 pm on the Saturday of a Bank Holiday weekend. He also thanked the Principal Planning Enforcement Officer for acting swiftly in serving the injunction. The Police were also praised for their assistance.

The Director stated that Officers had considered an Article 4 notice that enabled the Authority to enforce against works that would normally be classed as permitted development. Councillor Alexander stressed that the Authority would continue to do all it could within the law to repatriate this piece of land.

The Committee supported the Directors' recommendation as now detailed.

RESOLVED - that (A) enforcement action taken to date in respect of this site, be endorsed; and

(B) authority be delegated to the Director of Neighbourhood Services, in consultation with the Chairman of the Development Control Committee, to take all necessary action to prevent further breaches of planning control on the site.

298 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 8.01 pm

Chairman

Date