

Little Hadham Parish Council

Minutes of the twenty second meeting of the Little Hadham Parish Council **Planning Committee** (2003 – 2007 Session) held on Monday 6th November 2006 at 8:00 pm in the Village Hall, Little Hadham.

Present:	Mr M Fairchild	Chairman
	Mr T Feather)
	Mrs M Gibson)
	Mr A Morris) Councillors
	Mr T Skidmore)
	Mr S Stigwood)

Mr B Evans – Clerk, and **12** members of the public.

22.1 **Absent** – Cllr P Foreman – away on business.

22.2 **Democratic 10 minutes** The Chairman outlined the history of the planning applications for the cottages next to May Cottage, Cradle End. The Council had to respond to the third application to re-develop the two Grade II listed cottages (the cottages are in the Green Belt but not in a Conservation Area). An application in 2004 had been granted subject to conditions to ensure that the character of cottages was maintained. In breach of the conditions, the developers partially demolished the cottages, and EHDC served an enforcement notice. The second application, earlier this year, was an attempt to regularise the position. It was to demolish the cottages and rebuild. Following a meeting attended by many Cradle End residents, the Council objected to the plans on design and scale and was critical of the district council for lack of robust action. The Council said the cottages were being systematically destroyed. It also commented on the conduct of the contractors and their alleged harassment of the tenant of May Cottage. Police were involved in allegations of criminal damage. That application was refused by EHDC on the grounds that the builders had failed to justify the demolition of a listed building. In the latest application, the proposed design is identical to the previous one. At the insistence of EHDC, certain original timbers are to be incorporated into the structure but their use is fairly cosmetic. With regard to the reason for the previous refusal (ie failure to justify the demolition of a listed building), although not addressed directly, the developers justify part demolition on the grounds that the building is unsafe and uninhabitable and that the timber is too decayed to allow any significant use in the new building.

Cllr Fairchild said that he had spoken to local residents including the tenant of May Cottage who says he was never consulted by EHDC. Cllr Fairchild said that he had seen a detailed letter from one resident whose views are shared by neighbours. He spoke of a war of attrition; disregard of planning and building consents; EHDC being ineffective. He believed the application should be rejected and that the enforcement notice and prosecution for unauthorised demolition should be pursued. Other residents Cllr Fairchild had spoken to favoured refusal because of the conduct of the developers – even if the eyesore remained. He had spoken to Mr Matthew Temperton of Development Control at EHDC who admitted to a ‘communication breakdown’ but the planning office had acted as soon as it was alerted to the demolition. Having consulted English Heritage and the Conservation Officer, Mr Temperton said he was likely to approve the latest application. He would take the decision under delegation

from the planning committee. At same time, EHDC is proceeding with legal action over breach of conditions – a fine could be ‘several thousands to £20k’.

Cllr Fairchild then invited members of the public to comment this and any other matter on the agenda.

A resident thought the handling of the matter had been deplorable. The developers seemed to change their name but it was the same builders who had shown a threatening attitude to neighbours including the tenant of May Cottage. The resident asked what would happen to the pond behind the cottage that contained newts. Another resident thought that the developers should be obliged to rebuild the cottages using old timbers that could be sourced from salvage sites. A third resident advised the Council to get EHDC to put in writing that it would continue to pursue the prosecution.

22.3 **Declarations of interest** None.

22.4 **Minutes** of the meeting held on Monday 2nd October 2006 were agreed and signed as a true record.

22.5 **Matters arising**

22.5.1 Cllr Fairchild reported on a letter from EHDC in response to the Council’s enquiry concerning the construction of garages with residential accommodation. It appears that if the garage is within 5m of a house it is dealt with as an annex to the house and would usually need planning approval. If the application indicated that accommodation would be included, each case is dealt with on its merits such as its dominance over its surroundings, height, whether the main property was listed and how easily the new accommodation could be used as part of the main dwelling. Beyond 5m, a garage would be considered as separate from the main building – planning approval would be required.

22.6 **Planning applications considered by the Council**

22.6.1 1861/06 3 Baud Close, Hadham Hall. Amended scheme for two storey extension. Considered by Cllr Morris and Cllr Stigwood.
Cllr Morris proposed there be no objection. Agreed

22.6.2 1905/06 Cottages adjoining May Cottage, Cradle End. Part demolition and part conversion of existing cottages to form converted family homes (2 no.). Considered by Cllr Fairchild and Cllr Morris.

Cllr Fairchild said that the residents had been let down by the planning authority and the Police for not taking firm action, and to some extent by this council because its powers are limited. The choices open to the Council were: (a) argue for refusal because of breach of original conditions and the conduct of the developers, with the prospect that the saga would continue and the cottages collapse; (b) bearing in mind that EHC assure us they will pursue the prosecution, raise no objection but insist that, this time, strict conditions are imposed and enforced.

Cllr Feather thought that the residents had been treated very badly by the developers and by the district council. He thought that second hand timbers should be used. Cllr Stigwood said that despite everything, what was done was done and the Council had to move on. Cllr Fairchild read a draft response he had prepared addressed to Mr Matthew Temperton of Development Control:

The planning application for the above property was discussed at the Council meeting yesterday following consultation with residents of Cradle End and a

conversation between you and Cllr Fairchild to clarify certain points. Before commenting on this latest application, we wish to make four points:

1. The residents of Cradle End feel deeply let down by the failure of East Herts Council to protect a listed building, hedgerows and other environmental aspects, and failure to enforce its own conditions relating to planning and building regulations. Although it is outside the remit of planning, the conduct of the developers has added to the distress experienced by residents.
2. We fully support the views of residents who feel that if permission is granted, the developers will achieve their original intention through what one resident has described as a 'war of attrition'. We are concerned that the granting of permission will send the wrong signal to unscrupulous developers who may try to exploit loopholes in the planning process and take advantage of a lack of robustness by the planning authority.
3. The second application was turned down because the developers had failed to justify the demolition of a listed building. In the latest application, although the reason for the previous refusal is not addressed directly, it would appear the justification is that the building is now unsafe. The unauthorised demolition has no doubt contributed to this status.
4. The applicants refer to the creation of two 'family homes' but this seems hardly justified by the amount of accommodation. The size of each cottage would be more appropriate to affordable housing

However, we also have to consider what is in the best interests of the community in the long term and how this long-running saga, with all its unpleasantness, can be resolved.

On that basis, we raise no objection to the planning application as such, but with the following conditions:

- That before work commences, Development Control, through regular site inspections that are required under building and planning regulations, satisfies itself that the contractors have the necessary skills and resources to satisfactorily undertake the work to the standard required for a listed building. Evidence to date shows that not to be the case.
- That everything is done to protect the interests of the tenant of May Cottage and occupants of neighbouring properties. This includes considerate working practices with regard to reasonable hours, noise, the maintenance of services such as water, free access for the tenant to his home through the building site, and respect for the privacy of adjoining properties.
- That everything is done to restore the character of the cottages as far as is practicable including carrying out all the requirements stipulated by the Conservation Officer.
- That East Herts Council pursues the prosecution of the developers for breach of the enforcement notice.

In addition, we seek clarification on matters first raised by this council in connection with the first application, namely:

- What steps will be taken to provide safe access to a site that is on a dangerous bend?
- Will the two cottages share a common driveway? If not, what are the proposals for separate access to May Cottage? Will there be garages and where will they be sited?

- How will the boundaries between May Cottage and the two converted cottages be made clear?
 - What form of sympathetic landscaping will be used around the site?
- If the Council is minded to approve this latest application, this council requests that assurances are received on all the above points **before** permission is granted.

Cllr Fairchild proposed that, with the addition to a reference to the pond and second hand timbers, this letter be sent as the Council's response. Agreed.

22.6.3 2049/06 Ford House, The Ford. Single storey greenhouse and open porch. Considered by Cllr Feather and Cllr Morris. Cllr Morris proposed there be no objection. Agreed

22.7 **Planning decisions received from EHDC – to note**

- 22.7.1 1549/06 Bury Green Farm House, Bury Green. Proposed two storey side extension to existing dwelling with minor alterations. Granted
- 22.7.2 1619/06 Glentara, Albury Road. Replacement of existing double garage and extending 1.5m further forward to become single garage + store room + small office in roof space. Refused.
- 22.7.3 1652/06 Church End. Change of use of land from agricultural to roadway and parking area. Refused.
- 22.7.4 1653/06 Church End. Re-align existing access road (part adopted and part private). Refused.
- 22.7.5 1697/06 Moredown, Standon Road. Outline application for 13m x 10m x 7.5m high detached chalet bungalow. Refused.
- 22.7.6 1761/06 Oak Lodge, Cradle End. Dormers to south east, north east and south west elevations. Granted.
- 22.7.7 1763/06 Oak Lodge, Cradle End. Garage with first floor accommodation and external staircase. Refused.
- 22.8 **Any other business.** None.
- 22.9 **Date of next meeting – Monday 4th December 2006.**
- 22.10 **Chairman closed the meeting to the Public and the Press at 8:35 p.m.**