

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE WAYTEMORE ROOM, THE
COUNCIL OFFICES, BISHOP'S
STORTFORD ON WEDNESDAY 5 APRIL
2006 AT 7.30 PM

PRESENT: Councillor R Gilbert (Chairman).
Councillors M R Alexander, W Ashley, S A Bull,
R N Copping, A F Dearman, J Demonti,
G L Francis, Mrs M H Goldspink,
M P A McMullen, D A A Peek, D Richards,
P A Ruffles, B W J Sapsford, G D Scrivener,
J J Taylor, M Wood.

OFFICERS IN ATTENDANCE:

Malcolm Amey	- Arboricultural Officer
Peter Biggs	- Development Control Manager
Simon Drinkwater	- Director of Corporate Governance
Francesca Hill	- Principal Planning Officer
Neal Hodgson	- Director of Regulatory Services
Peter Mannings	- Democratic Services Assistant
Kevin Steptoe	- Head of Development Control
Matthew Temperton	- Senior Planning Officer
Alison Young	- Enforcement Manager

758 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors K A Barnes, L O Haysey, S Rutland-Barsby
and M J Tindale.

759 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

He introduced and welcomed Kevin Steptoe, newly appointed Head of Development Control, to his first meeting of the Committee.

The Chairman announced that Peter Biggs, Development Control Manager, was attending his last meeting of the Development Control Committee and extended the Committee's gratitude to Peter for his contributions to many major applications that had come before the Committee.

The Chairman extended the Committee's thanks to Hertfordshire Highways for their presentation on highways considerations on planning applications prior to the meeting.

The Chairman advised that the items relating to applications E/06/0034/B Unauthorised erection of 2 satellite dishes at 54 Hertingfordbury Road, Hertford, and E/04/0012B Unauthorised use of agricultural land for the storage of non-agricultural items at Ashendene Farm, White Stubbs Lane, Bayford, Herts, had been withdrawn.

The Chairman announced that he had received numerous letters from the public, which praised the way the Committee had debated application 3/06/0200/PT for Hutchison 3G UK at the previous meeting of the Committee.

The Chairman reminded Members to attend the latest training sessions being held for members of the Development Control Committee.

The Chairman announced that a developer wished to give a presentation to the Development Control Committee and Hertford Members, prior to the next Development

Control Committee meeting on 3 May 2006, regarding a major development proposed for land in Marshgate Drive, Hertford.

760 DECLARATIONS OF INTEREST

Councillor R N Copping declared a personal and prejudicial interest in respect of applications (a) 3/05/1679/FP – Erection of 4 detached dwellings with associated private access, turning and parking/garage facilities (revised scheme) at Land north of The Clockhouse, Hoddesdon Road, Stanstead St Margaret's for Mr C J Gordon and (b) 3/06/0103/LB – Partial demolition of wall and re-building to a height of 650mm, with associated piers and capping detail, in order to provide adequate visibility splays in respect of planning application 3/05/1679/FP for Mr C J Gordon as he had already commented on this application and had requested its referral to the Committee. He left the room prior to consideration of these applications.

Councillor P A Ruffles declared a personal interest in respect of applications (a) 3/05/1679/FP – Erection of 4 detached dwellings with associated private access, turning and parking/garage facilities (revised scheme) at Land north of The Clockhouse, Hoddesdon Road, Stanstead St Margaret's for Mr C J Gordon and (b) 3/06/0103/LB – Partial demolition of wall and re-building to a height of 650mm, with associated piers and capping detail, in order to provide adequate visibility splays in respect of planning application 3/05/1679/FP for Mr C J Gordon, as he was a friend of the applicant.

Councillor Mrs M H Goldspink declared a personal interest in respect of East Herts Council Tree Preservation Order No. 10 2005 P/TPO 525 Title Avenue Road and Tuscan, Pine Grove, Bishop's Stortford, Herts as she lived in the vicinity.

Councillor W Ashley declared a personal interest in respect of applications (a) 3/05/1679/FP – Erection of 4 detached dwellings with associated private access, turning and parking/garage facilities (revised scheme) at Land north of

The Clockhouse, Hoddesdon Road, Stanstead St Margaret's for Mr C J Gordon and (b) 3/06/0103/LB – Partial demolition of wall and re-building to a height of 650mm, with associated piers and capping detail, in order to provide adequate visibility splays in respect of planning application 3/05/1679/FP for Mr C J Gordon, as the applicant's wife shared his role as an East Herts Magistrate.

RESOLVED ITEMS

ACTION

761 MINUTES

RESOLVED – that the minutes of the meeting held on 8 March 2006 be confirmed as a correct record and signed by the Chairman.

762 3/05/2252/FO – REMOVAL OF CONDITION 23 OF PERMISSION 3/05/0316/FP (CONSTRUCTION AND RESURFACING OF THE CARRIAGEWAYS AND FOOTWAYS OF SPENCER STREET PRIOR TO THE OCCUPATION OF THE DWELLINGS COMPRISING THE DEVELOPMENT OF THE ABOVE SITE) AND MODIFICATION TO SECTION 106 AGREEMENT AT TXU SITE, MEAD LANE, HERTFORD FOR FLOWERTRAIL LTD

Officers advised Members that that no objections had been received from Hertford Town Council and Hertfordshire Highways.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/2252/FO be granted permission for the removal of condition 23 of permission 3/05/0316/FP for the reasons detailed in the report now submitted.

RESOLVED – that in respect of 3/05/2252/FO, the Director of Regulatory Services be authorised to grant the following recommendations: -

DRS

(A) That the Section 106 agreement dated 28 September 2005 pursuant to planning application 3/05/0316/FP be varied to allow for the payment of £70,000 to Hertfordshire County Council in respect of works to be carried out to Spencer Street and appropriate clauses to be inserted with respect to reasonable endeavours being made by the Local Highway Authority to carry out the works prior to the occupation of the development.

(B) That Condition 23 of planning application 3/05/0316/FP be removed.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies BE2, M6, HERT3; and policies TR20 and HE5 of the East Herts Local Plan Second Review Re-Deposit Version. The balance of the considerations having regard to these policies and the other material considerations in this case is that planning permission should be granted.

763 3/06/0304/FP – CHANGE OF USE OF FIRST FLOOR FROM OFFICES (B1) TO CHIROPRACTORS (D1) AT 2 OLD COLLEGE COURT, PRIORY STREET, WARE FOR DR F DANN

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0304/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED - that in respect of application 3/06/0304/FP, planning permission be granted subject to the following conditions: -

DRS

1. Three Year Time Limit (1T01)

2. The application site shall be used as a Chiropractic Centre only and for no other purposes, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

Reason: To ensure that no alternative use is made of the premises which would be likely to be a nuisance or annoyance to the occupants of adjoining premises.

Directives:

1. Other Legislation (01OL)

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, East Herts Local Plan and the East Herts Local Plan Second Review Re-Deposit version), and in particular policies BE2, BE15, BE18 & M8 and review policies ENV1a, BH1, BH7 & TR6. The balance of the considerations having regard to those policies is that permission should be granted.

764 3/06/0314/FP– ERECTION OF 8 NO ELDERLY PERSONS (DEFINED AS BEING OVER 50 YEARS OF AGE) DWELLINGS WITH ASSOCIATED CAR PARKING, GARAGES AND LANDSCAPE AT LAND AT STOCKING HILL LANE, COTTERED FOR DARLING HOMES LLP

The Director of Regulatory Services advised Members that 3 further letters of representation had been received expressing concern over traffic levels, loss of privacy and the design not matching the original bungalows.

Some Members put forward their concerns in respect of vehicular traffic passing safely, the density of the site in relation to potential future applications and the poor levels of public transport provision at the site.

The Director of Regulatory Services advised Members that part of the Section 106 agreement included a condition for

part of the Section 106 agreement included a condition for the creation of a passing bay/drop off point and any future development could be managed by this agreement.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0314/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that (A) subject to the applicants entering into an Agreement pursuant to S106 of the Town and country planning Act 1990 in respect of the following matters: -

DRS

1. All dwellings be occupied solely by persons over the age of 50 years.
2. Undertaking the necessary works to Stocking Hill Lane (RUPP6) in respect of its widening, resurfacing and repair.
3. The formation of a management company to oversee the maintenance of common areas and the 'meadow' shown on the approved plan and the removal of refuse from the site.
4. The creation of a passing bay/drop off point.

the Director of Regulatory Services be authorised to grant planning permission in respect of application 3/06/0314/FP, subject to the following conditions:

1. Three year time limit (1T12)
2. Boundary walls and fences (2E07)
3. Complete accordancy (2E10) insert 'unless other wise agreed in writing by the Local Planning Authority'
4. Materials of construction (2E11)

5. No further windows (2E17)
6. Withdrawal of Permitted Development (Part 1 Classes A, B and E, Part 2 Class A) (2E22)
7. Hard surfacing (3V21)
8. Parking Space (3V19)
9. Retention of parking space (3V20)
10. Vehicular use of garages (5U10)
11. Tree retention and protection (4P05)
12. Hedge retention and protection (4P06)
13. Landscape works implementation (4P12)
14. Retention of landscaping (4P21)
15. None of the development hereby permitted shall be occupied until the access road (Stocking Hill) from the application site to the junction with the A507, has properly been consolidated and surfaced in accordance with a detailed specification to be previously agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Appendix A (D) of the East Herts Local Plan.

16. Prior to the first occupation of the development details of the means of removing refuse from the site and its disposal shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity, in accordance

with Appendix 1 (D) of the East Herts Local Plan.

Directives

1. Other legislation (01OL)
2. Ownership (02OW)
3. Planning Obligation (08PO)
4. Public rights of way (18FD)
5. Attention is drawn to the status of the access road, which is a RUPP (Road Used as a Public Path). This route must be kept free of obstruction at all times, and measures should be taken to ensure the safety of pedestrians and horse riders during the course of works.

Summary of Reason for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan and the Local Plan Second Review Re-Deposit Version, November 2004), and in particular policies RA3, RA11, BE2, M8 and M11 and Re-Deposit policies GBC5, GBC6, GBC16b and TR21. The development proposed does not comply with the above Structure or Local Plan policies. However it is of material consideration that there is an extant planning permission on the site for residential development (LPA Ref 3/02//0696). The proposed development will not result in an unacceptable incursion into the countryside nor will it be harmful to the rural character of the area. Therefore on the balance of consideration permission should be granted.

765 3/06/0077/FP – ERECTION OF 6NO. DETACHED DWELLINGS AT TRUNDLES YARD, ACORN STREET, HUNSDON FOR WISTERIA HOMES

The Director of Regulatory Services reported that local Building Control and the Environment Agency had raised no objections. In response to a letter from the Environment Agency, Members were requested to consider amending condition 27 to reflect an 8 o'clock start time for all work at the site on Saturdays.

The Chairman advised Members that he had received letters in relation to the distance of the proposed dwellings to existing properties and that the application was a modification to an application previously agreed by the Committee.

A Member sought and was given clarification that Directive 2 on page 24 of the report now submitted should have stated conditions 27, 30 and 31.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0077/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that the Director of Regulatory Services be authorised to grant planning permission in respect of application 3/06/0077/FP subject to the following conditions: -

DRS

1. Three year time limit (1T12)
2. Boundary wall & fences (2E07)
3. Samples of materials (2E12)
4. Hard surfacing (3V21)
5. Refuse disposal facilities (2E24)

6. Withdrawal of permitted development (2E23)
(Part 1 Classes A, B, C, D, E, F, G & H)
7. Construction parking and storage (3V22)
8. Prior to any site works being commenced, sight lines of 2.5m x 55m (north) and 2.5m x 90m (south) shall be provided each side of the means of access within which there shall be no obstruction to visibility between 0.6m and 2.0m in height above adjoining carriageway level. Full details of the access design shall be submitted to and agreed in writing by the Local Planning Authority prior to its construction.

Reason: In the interests of highway safety in accordance with policies M8 and M11 of the East Herts Local Plan.

9. Prior to the commencement of any development hereby permitted, details shall be submitted to, and approved in writing, by the Local Planning Authority, of alterations to the existing access to incorporate the following:-
 - a) a minimum width of 5.5 metre;
 - b) radii kerbs of 6.0 metres; and
 - c) a defined pedestrian route around the radius leading into the site.

Reason: In the interests of highway safety in accordance with policy M11 of the East Herts Local Plan.

10. Turning facility (3V17)
11. Wheel washing (3V25)
12. Tree survey (4P01)

13. Tree retention and protection (4P05)
14. Tree Protection: No Burning (4P08)
15. Tree Protection: Excavations (4P09)
16. Tree Protection: Earthworks (4P10)
17. Tree surgery (4P11)
18. Landscape design proposals (4P12)
(a, b, c, d, e, f, g, h, i, j, k, l)
19. Landscape works implementation (4P13)
20. Tree planting (4P15)
21. Details of Earthworks (4P16)
22. Landscape Maintenance (4P17)
23. Tree Protection: Access Road (4P19)
24. Tree Protection: From foundation (4P20)
25. Retention of Landscaping (4P21)
26. Vehicular use of garage (5U10)
27. No works of construction shall take place outside the hours of 07:30 to 18:00 Monday to Fridays; 08:00 to 13:00 Saturdays. No such works shall take place on Sundays or Bank Holidays.

Reason: In the interests of local amenity in accordance with policy BE10 of the East Herts Local Plan.

28. The excavated spoil from the formation of the proposed basements for plots 1-2 and plots 4-6

hereby permitted shall be removed from the application site, unless otherwise agreed in writing by the Local Planning Authority, and deposited in a location which shall have been previously approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment, and in the interests of the appearance of the site, in accordance with policy RA3 of the East Herts Local Plan.

29. Unless otherwise agreed in writing with the Local Planning Authority, the areas of landscaping adjacent to the main access road within the site (as coloured green on the approved layout plan A411 003 Rev H) shall remain as communal informal landscaped areas and shall not be incorporated into any residential curtilage.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of the appearance of the site, in accordance with policy RA3 of the East Herts Local Plan.

30. No development shall take place until full details of the means by which foul waste from the proposed development will be disposed of, have been submitted to and approved in writing by the Local Planning Authority. Such approved details shall be put in place prior to the first occupation of the development hereby approved and shall thereafter be retained and maintained.

Reason: For the avoidance of doubt as to the scope of this permission and to prevent pollution of the water environment.

31. Notwithstanding the measures detailed in Environmental Protection Strategies Ltd risk

assessment and the method statement dated 14th December 2005. Details of proposed remedial actions and post remedial monitoring shall be submitted to and approved in writing prior to remediation works being carried out on the site.

Reason: To prevent pollution of the water environment.

Directives

1. Other legislation (01OL)
2. You are advised to contact this Council's Environmental Health Unit at Wallfields, Pegs Lane, Hertford, tel: 01279 655261 with regard to discharging conditions 27, 30 and 31 of the above planning permission.
3. You are advised to contact the East Herts Highways Area office, tel: 01992 526900 with regards to discharging the requirements of conditions 8, 9, 10 and 11 attached to the above planning permission.
4. The applicant is advised that Hertfordshire County Council as highway authority will not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.
5. Street numbering (19SN)
6. Ground water protection zone (28GP)

Summary of Reason for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan and the East

Herts Local Plan Second Review Re-Deposit Version, November 2004), and in particular Government advice contained within PPS1 – Delivering Sustainable Development; PPG3 – Housing; PPG15 – Planning and the Historic Environment; PPS23 – Planning and Pollution Control and Adopted Local Plan policies RA3, RA11, BE1, BE2 & Appendix I, BE8, BE10, BE16, H6, M8 and M11 and Re-deposit policies SD16, SD17, SD22a, HSG8, HSG9, GBC5, GBC6, GBC16b, TR6, TR21, ENV1a, ENV3, ENV5, ENV29, BH12 and OSV1. The balance of considerations having regard to these policies and the material considerations consisting of the renewal of outline planning consent (LPA Ref: 3/04/1033/ON), the improved setting of adjacent listed buildings and the enhancement of both the rural locality and landscape conservation area setting, is that planning permission should be granted.

- 766 3/05/1963/SV – MINOR MODIFICATION TO AREA OF PUBLIC OPEN SPACE ADJACENT TO THE CRÈCHE AS CONTAINED IN THE S106 FOR THE PLANNING PERMISSION REF 3/02/1545/FP AT HERTFORDSHIRE & ESSEX GENERAL HOSPITAL, HAYMEADS LANE, BISHOP'S STORTFORD FOR BARRATTS HOMES

The Director of Regulatory Services submitted a report recommending that the Section 106 planning obligation for planning permission reference 3/02/1545/FP be varied to allow a change to the area of public open space as shown on the plan attached to the report now submitted.

Members expressed concerns in relation to loss of amenity space on what was to be a highly developed site and with the high density of the site and the resulting traffic.

The Directory of Regulatory Services advised Members that a play area was still to be provided and the Committee should consider the likely impact on amenity and the fact that the setting of the listed buildings would not be affected. Members were further advised that the nursery buildings

could potentially increase in size.

A Member sought and was given clarification as to the size of the Leap in Square Metres.

Councillor Goldspink moved and Councillor Wood seconded, a motion that application 3/05/1963/SV be refused a variation to the Section 106 agreement as the variation would result in a loss of open space and amenity value. After being put to the meeting and a vote taken, this motion was declared CARRIED.

The Committee agreed that application 3/06/1963/SV be refused a variation to the Section 106 agreement for the reasons now detailed.

RESOLVED – that in respect of application 3/05/1963/SV, the variation to the Section 106 be refused for the following reason: -

DRS

1. The approved open space is considered to be of significant amenity value to local residents particularly given the deficiency of similar open spaces in the local area. As a result reduction in this open space would be contrary to Policy BE2 and L1 of the East Herts Local Plan and policies LRC1 & ENV3 of the East Herts Local Plan Second Review Re-Deposit Version November 2004 including pre Inquiry Changes.

767 3/06/0137/FP – NEW DRY STORE AND FABRICATION UNIT AT L A PACKING COMPANY, BARWICK FORD, NRE WARE FOR L A PACKING COMPANY.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0137/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED - that planning permission be granted subject to the following conditions: -

DRS

1. Three Year Time Limit (1T12)
2. Boundary walls and fences (2E07)
3. Samples of materials (2E12)
4. No external lighting (2E26)
5. Prior to the development commencing, details of the areas proposed for parking within the site shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Appendix 1(D) of the East Herts Local Plan.

6. Retention of parking (3V20)

Amend “shown” to “approved under Condition 5”

7. Tree retention and protection (4P05)
8. Tree protection: Excavations (4P09)
9. Tree surgery (4P11)
10. Landscape design proposals (4P12)
(c), (e), (i), (l)
11. Landscape works implementation (4P13)
12. Tree protection from foundations (4P20)
13. Personal permission (5U01)
“LA Packing Company Ltd”
14. No additional commercial floorspace (5U06)
Insert “707 sq.m”

Add to reason, “in accordance with policies

RA3 and M8 of the East Herts Local Plan”.

15. Before development commences, additional site layout plans, drawn to an appropriate scale, must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly show the manoeuvring paths/wheel tracking for heavy vehicles turning on the site.

Reason: The above condition is required to demonstrate that an acceptable standard can be achieved.

16. No development approved by this permission shall be commenced until details of the existing and proposed finished floor levels have been submitted to and approved by the Local Planning Authority. Finished Floor Levels are required to be no lower than 57.7m AOD. This level is 300mm above the predicted 100 year flood level, taking into account the effect of climate change.

Reason: To ensure that the development is subject to minimum risk of flooding.

17. Before the development is commenced a detailed site investigation shall be carried out to establish if the site is contaminated, to assess the degree and nature of the contamination present and to determine its potential for the pollution of the water environment. The method and extent of this site investigation shall be agreed with the Planning Authority prior to commencement of the work. Details of appropriate measures to prevent pollution of groundwater and surface water including provisions for monitoring shall then be submitted to and approved in writing by the Planning Authority before development commences. The development shall then

proceed in strict accordance with the measures approved.

Reason: To prevent pollution of the water environment.

18. No soakaways shall be constructed in contaminated ground.

Reason: To prevent pollution of groundwater

19. The construction of the surface and foul drainage system shall be carried out in accordance with details submitted to and approved in writing by the Planning Authority before the development commences.

Reason: To prevent pollution of the water environment.

20. The construction of the site foundations shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences.

Reason: To prevent pollution of groundwater.

Directives:

1. Other Legislation (01OL)
2. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or development to a surface watercourse.

Summary of Reason for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire

County Structure, East Herts Local Plan and the East Herts Local Plan Second Review Re-Deposit version), and in particular policies RA3, RA11, BE8, M8 and review policies GBC5, GBC16a, GBC16b, ENV5 and TR6. The balance of the considerations having regard to those policies, together with previously approved application ref: 3/00/1346/FP, is that permission should be granted.

- 768 (A) 3/05/1679/FP – ERECTION OF 4 DETACHED DWELLINGS WITH ASSOCIATED PRIVATE ACCESS, TURNING AND PARKING/GARAGE FACILITIES (REVISED SCHEME) AT LAND NORTH OF THE CLOCKHOUSE, HODDESDON ROAD, STANSTEAD ST MARGARET’S FOR MR C J GORDON AND (B) 3/06/0103/LB – PARTIAL DEMOLITION OF WALL AND RE-BUILDING TO A HEIGHT OF 650MM, WITH ASSOCIATED PIERS AND CAPPING DETAIL, IN ORDER TO PROVIDE ADEQUATE VISIBILITY SPLAYS IN RESPECT OF PLANNING APPLICATION 3/05/1679/FP FOR MR C J GORDON
-

Officers reported that a letter had been received from the applicant, requesting the Committee to defer this application in order to allow Members to debate the inclusion of a mini roundabout to the proposal.

Councillor J J Taylor, on behalf of the local ward Member Councillor R N Copping, spoke against the application and outlined the reasons why application 3/06/0103/LB should be refused, namely that the loss of the wall would have a major adverse effect on the area.

Councillor Taylor highlighted the concerns of the Parish Council, which centred on the location of the wall in an Area of Archaeological Significance and a Conservation Area. She urged Members to refuse the applications.

The Director of Regulatory Services reminded Members that part A of this application could be approved whilst refusing part B.

A Member acknowledged that whilst it was regrettable that part of the wall was to be demolished, this was necessary to prevent damage to a listed building. The Member asked the Committee to consider the implications of the alternative access through the Clock Tower, which would result in greater damage to the listed building than what would be caused to the wall.

The Head of Development Control reminded Members of the conflicting views and wide range of issues before the Committee and urged Members to take into account all the advice the Committee had received.

The Director of Corporate Governance, in response to a Member's query as to the legal implications of demolishing part of a listed building, advised the Committee that the listed building could not be demolished without consent.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1679 be granted planning permission for the reasons detailed in the report now submitted.

Councillor Goldspink moved and Councillor Taylor seconded, a motion that listed building consent for application 3/06/0103/LB be refused. After being put to the meeting and a vote taken, the motion was declared CARRIED.

The Committee agreed that application 3/06/0103/LB be refused listed building consent for the reason now detailed.

RESOLVED – that (A) planning permission for application 3/05/1679/FP be granted subject to the following conditions: -

DRS

1. Three year time limit (1T12)
2. Programme of archaeological work (2E02)

3. Boundary walls and fences (2E07)
4. Complete accordance (2E10)
5. Materials of construction (2E11)
6. Samples of materials (2E12)
7. No further windows (2E17)
8. Obscured glazing (2E18)

The proposed door and window on the northern elevation of plot 2...

9. Withdrawal of PD rights (Part 1 Class A) (2E20)
10. Withdrawal of P.D. rights (2E23)
Part 1 Class B
11. Refuse disposal facilities (2E24)
12. Lighting details (2E27)
13. Sight lines (3V08)
2.4m x 55m
14. Provision and retention of parking spaces (3V23)
15. Construction parking and storage (3V22)
16. Wheel washing facilities (2V25)
17. Ecological survey (4P04)
18. Tree retention and protection (4P05)

19. Tree/natural feature protection (4P07)
20. Tree protection: no burning (4P08)
21. Tree protection: excavations (4P09)
22. Tree protection: earthworks (4P10)
23. Tree surgery (4P11)
24. Landscape design proposal (4P12)
(a), (e), (i), (j), (k), (l)
25. Landscape works implementation (4P13)
26. Tree planting (4P15)
27. Landscape maintenance (4P17)
28. Hours of working (6N05)
29. The construction of the foul water drainage system shall be carried out in accordance with details submitted to and approved in writing by the Planning Authority before the development commences.

Reason: To prevent pollution of the water environment.

30. Prior to the commencement of development an eight metre wide buffer zone between the pond and the new development shall be established in accordance with details to be submitted to and approved in writing by the Local Planning Authority. This buffer zone shall be free of structures, hard standing, car parking, access roads and fences and should not be incorporated into garden areas.

Reason: To protect the ecological and landscape

value of the watercourse.

31. Prior to the commencement of development details of the existing and proposed finished floor levels shall be submitted to and approved by the Local Planning Authority.

Reason: To minimise the risk of flooding to the new development.

Directives

1. Other Legislation (01OL)
2. Street Numbering (19SN)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies BE2, BE15, BE18, H3, DP1 and STAB2a; the St Margaret's Farm Stanstead St Margaret's Development Brief; and policies ST1, ENV1a, BH2, BH8 and BH15 of the East Herts Local Plan Second Review Re-Deposit Version. The balance of the considerations having regard to these policies and the other material considerations in this case is that planning permission should be granted.

(B) listed building consent for application
3/06/0103/LB be refused for the following reason:

DRS

1. The extent of demolition of the listed wall proposed would result in the partial loss of an important listed structure of significant value in its own right and in terms of its contribution to the character and appearance of the Conservation Area. This would be contrary to policies BE16 & BE18 of the East Herts Local

Plan.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies BE2, BE16 and BE18; the St Margaret's Farm Stanstead St Margaret's Development Brief; and policies ENV1a, BH8, BH12 and BH15 of the East Herts Local Plan Second Review Re-Deposit Version. The balance of the considerations having regard to these policies and the other material considerations in this case is that planning permission should be granted.

769 3/06/0256/FP – SINGLE STOREY FRONT EXTENSIONS AT 5 & 7 SALMONS CLOSE, WARE FOR MR SMITH AND MR HAUXWELL.

Members were advised that no objections had been submitted by Ware Town Council.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0256/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that planning permission be granted subject to the following conditions: -

DRS

1. Three year Time Limit (1T12)
2. Matching Materials (2E13)

Summary of Reason for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan and the Local

Plan Review Re-Deposit Version November 2004), and in particular policy BE5 and Re-Deposit policies ENV9 and ENV10. The balance of the considerations having regard to those policies and the grant of permission at nos. 17 and 19 for single storey front extensions (refs. 3/88/2399/FP and 3/88/2239/FP) is that permission should be granted.

770 3/06/0165/FP – ALTERATION OF HIPPED ROOF TO GABLES AT EITHER END AND FORMATION OF DORMER WINDOWS, 37, BARRELLS DOWN ROAD, BISHOP'S STORTFORD, CM23 2ST, FOR MR & MRS MCGARRY.

Members expressed concerns relating to loss of amenity for residents of Elm Road, as they would be overlooked by the proposed development.

Councillor Goldspink moved and Councillor Demonti seconded, a motion that application 3/06/0165/FP be refused, as the proposed development would result in loss of amenity for the residents of Elm Road.

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

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Regulatory Services that planning permission be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/06/0165/FP, planning permission be granted subject to the following conditions:

DRS

1. Three year time limit (1T12)
2. Matching materials (2E13)
3. Complete accordance “unless otherwise agreed in writing by the Local Planning Authority”

(2E10)

4. Obscure Glazing (2E18) (first floor rear bathroom window)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan), and in particular adopted policies BE2, BE5 and Appendix I and Second Review Policies ENV1a, ENV9, and ENV10. The balance of the considerations having regard to those policies is that permission should be granted.

771 E/05/0446/B – INSTALLATION OF UNAUTHORISED FENESTRATION IN WARE GOODS SHED, STATION ROAD, WARE.

The Enforcement Manager advised Members that officers had met with the developer on site to discuss the design detail of the windows, in particular the depth of reveal. Members were advised that an increase in depth to 9 inches or 23 centimetres had been agreed with the developer. Members were requested to approve the recommendation should officers need to take Enforcement Action.

Members expressed concerns over with the officer's recommendation, and felt that if the Committee was to approve enforcement action, a deferral period of a month should be agreed.

Councillor Ashley moved and Councillor Dearman seconded, a motion that enforcement application E/05/0446/B be deferred, pending negotiations between the developer and Enforcement Officers that were ongoing.

After being put to the meeting and a vote taken, there being an equality of votes, the Committee authorised the

Director of Regulatory Services to take enforcement action on the basis of the Chairman's casting vote.

RESOLVED – that in respect of E/05/0446/B, the Director of Regulatory Services, in consultation with the Director of Corporate Governance, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and/or Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such other steps as may be required to secure the removal of the unauthorised fenestration from Ware Goods Shed, Station Road, Ware.

DRS

Period of Compliance: 28 days

Reasons why it is expedient to prosecute/issue an Enforcement Notice

The unauthorised windows, by reason of their design, construction and siting within the existing apertures, do not respect the industrial character of the listed building and are detrimental to its historic character and appearance. The unauthorised works are thereby contrary to Policy BE16 of the East Herts Local Plan.

772 E/06/0048/A – UNAUTHORISED ERECTION OF AN ADVERTISING BLACKBOARD AND BANNER TO THE FRONT OF A GRADE II* LISTED BUILDING AT THE MARKET HOUSE HOTEL, 42 KNIGHT STREET, SAWBRIDGEWORTH.

Councillor D Richards, as the local ward Member, spoke in favour of enforcement action.

The Committee authorised the Director of Regulatory Services to take enforcement action to secure the removal of the unauthorised advertising blackboard and banner from the front of the Grade 2 listed building at the Market House Hotel, 42 Knight Street, Sawbridgeworth.

RESOLVED – that in respect of E/06/0048/A, the Director of Regulatory Services in consultation with the Director of Corporate Governance be authorised to take enforcement action and/or legal proceedings under the Planning (Listed Building and Conservation Areas) Act 1990, and the Town and Country Planning (Control of Advertisements) Regulations 1992 and any such further steps as may be required to: - 1) secure the removal of the unauthorised signage, and 2) to make good any damage to the fabric of the building to a conservation standard that shall be previously agreed by this local planning authority.

DRS

Period for Compliance: 1) 28 days.

2) Within 2 months of the removal of the unauthorised signage.

Reason why it is expedient to issue a listed building enforcement notice

The addition of the significant blackboard and plasticised banner to this Grade II* Listed Building is detrimental to both its historic character and appearance and to that of the conservation area of Sawbridgeworth, in which it lies.

773 DEVELOPMENT CONTROL BEST VALUE ACTION PLAN

The Head of Development Control updated the Committee on the Best Value Action Plan.

In response to Members' queries about Committee feedback on the Action Plan, the Chairman and Officers advised Members that some of the actions had already been achieved and that Members could direct comments to the Executive Member with responsibility for Development Control or to Officers.

The Director of Regulatory Services reminded Members that the purpose of the Action Plan was to update the Committee.

A Member raised the issue of seating arrangements for Development Control Committee meetings. The Chairman proposed that the Member submit suggestions for consideration at the next meeting of the Committee.

RESOLVED - that the progress that had been made with regard to the implementation of the Development Control Best Value Action Plan, be noted.

774 ITEMS FOR REPORT AND NOTING

RESOLVED - that the following reports be noted:-

- (A) Appeals against refusal of planning permission/non determination,
- (B) Planning Appeals Lodged, and
- (C) Planning Statistics.

775 CONFIRMATION OF EAST HERTS COUNCIL TREE PRESERVATION ORDER NO. 6 2005 P/TPO 521 TITLE WHITE OAKS, WALNUT CLOSE, KETTLE GREEN ROAD, MUCH HADHAM, HERTS.

The Director of Direct and Contract Services submitted a report advising that a Tree Preservation Order had been made to protect a tree at White Oaks, Walnut Close, Kettle Green Road, Much Hadham.

The Committee noted the background leading to the making of the order and details of objections to its confirmation.

The Committee supported the Director's recommendation that Tree Preservation Order (No 6) be confirmed as an

ACTION

Opposed Order.

RESOLVED – that Tree Preservation Order (No 6) 2005 be confirmed as an Opposed Order.

DDCS

776 CONFIRMATION OF EAST HERTS COUNCIL TREE PRESERVATION ORDER NO. 8 2005 P/TPO 523 TITLE NO. 132 LONDON ROAD, BISHOP’S STORTFORD, HERTS.

The Director of Direct and Contract Services submitted a report advising that a Tree Preservation Order had been made to protect a tree at 132 London Road, Bishop’s Stortford.

The Committee noted the background leading to the making of the order and details of objections to its confirmation.

The Committee supported the Director’s recommendation that Tree Preservation Order (No 8) be confirmed as an Opposed Order.

RESOLVED – that Tree Preservation Order (No 8) 2005 be confirmed as an Opposed Order.

DDCS

777 CONFIRMATION OF EAST HERTS COUNCIL TREE PRESERVATION ORDER NO. 9 2005 P/TPO 524 TITLE “THE GROTTA”, WARE, HERTS

The Director of Direct and Contract Services submitted a report advising that a Tree Preservation Order had been made to protect trees at “The Grotto” Ware, Herts.

The Committee noted the background leading to the making of the order and details of comments received to its confirmation.

The Committee supported the Director’s recommendation that Tree Preservation Order (No 9) be confirmed as an

ACTION

unopposed Order.

RESOLVED – that Tree Preservation Order (No 9) 2005 be confirmed as an Unopposed Order.

DDCS

778 CONFIRMATION OF EAST HERTS COUNCIL TREE PRESERVATION ORDER NO. 10 2005 P/TPO 525 TITLE AVENUE ROAD AND TUSCANS, PINE GROVE, BISHOP’S STORTFORD, HERTS

The Director of Direct and Contract Services submitted a report advising that a Tree Preservation Order had been made to protect trees at Avenue Road and Tuscans, Pine Grove, Bishop’s Stortford, Herts.

The Committee noted the background leading to the making of the order and details of comments received to its confirmation.

The Committee supported the Director’s recommendation that Tree Preservation Order (No 10) be confirmed as an opposed Order.

RESOLVED – that Tree Preservation Order (No 10) 2005 be confirmed as an opposed Order.

DDCS

The meeting closed at 9.10 pm.

Chairman
Date