

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON WEDNESDAY 08 MARCH 2006 AT
7.30 PM

PRESENT: Councillor R Gilbert (Chairman).
Councillors M R Alexander, W Ashley, D R Atkins,
K A Barnes, S A Bull, A L Burlton, R N Copping,
A F Dearman, J Demonti, Mrs M H Goldspink,
L O Haysey, J Hedley, M P A McMullen,
D Richards, P A Ruffles, S Rutland-Barsby,
B W J Sapsford, G D Scrivener, J J Taylor,
M Tindale, A L Warman, M Wood.

ALSO IN ATTENDANCE:

Councillors P R Ballam, H Penson.

OFFICERS IN ATTENDANCE:

Peter Biggs	- Development Control Manager
Kenneth Coyne	- Landscape Officer
Simon Drinkwater	- Director of Corporate Governance
Francesca Hill	- Principal Planning Officer
Neal Hodgson	- Director of Regulatory Services
Liz Humby	- Principal Planning Officer
Peter Mannings	- Democratic Services Assistant
Alison Young	- Enforcement Manager

685 APOLOGY

An apology for absence was submitted on behalf of
Councillor D A A Peek.

686 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

He reported that Hertfordshire Highways would give a presentation relating to Highways considerations to planning applications before the next meeting of the Committee between 6.00 and 7.00 pm.

The Chairman reported that Agenda item 7 relating to the Report by the Director of Direct and Contract Services would be considered before Agenda Item 5 relating to the Report by the Director of Regulatory Services.

The Chairman advised that the item relating to application 3/06/0200/PT Installation of an electronic communication base station under Agenda Item 5, Report by the Director of Regulatory Services, would be considered before the other applications.

687 DECLARATIONS OF INTEREST

Councillor L O Haysey declared a personal and prejudicial interest in respect of application 3/05/2318/FP as she was a friend of the applicant. Councillor Haysey left the room prior to consideration of this application.

Councillor S Rutland-Barsby declared a personal and prejudicial interest in respect of application 3/05/1783/FP as she was an acquaintance of an objector. Councillor Rutland-Barsby left the room prior to consideration of this application.

Councillor A L Burlton declared a personal and prejudicial interest in respect of application E/06/0038/A as he was a member of Great Hadham Golf Club. Councillor Burlton left the room prior to consideration of this application.

Councillors W Ashley and L O Haysey declared personal and prejudicial interests in respect of application

3/06/0200/PT as they were members of Hertford Civic Society. Councillors Ashley and Haysey left the room prior to consideration of this application.

Councillor A L Warman declared a personal interest in respect of application 3/06/0029/FP due to a business interest.

?

Councillor D Richards declared a personal interest in respect of applications 3/05/1244/FP and 3/051245/LB as she could see the site from her house.

Councillor W Ashley declared a personal and prejudicial interest in respect of Minute 689 – Confirmation of East Herts Council Tree Preservation Order, as he was an acquaintance of the applicant. Councillor Ashley left the room prior to consideration of this item.

Councillor P A Ruffles declared a personal interest in respect of application 3/06/0200/PT as he had a connection with 7 Elizabeth Close as churchwarden and was a Member of Hertford Civic Society.

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RESOLVED ITEMS

ACTION

688 MINUTES

RESOLVED - that the Minutes of the meeting held on 8 February 2006 be confirmed as a correct record and signed by the Chairman, subject to the amendment of Minute 597 – Declarations of Interest as follows:

Insert at end of first paragraph

‘Following advice from the Director of Corporate Governance, Councillors Taylor and Ballam withdrew their declarations of personnel and prejudicial interests in application 3/05/2440/FP and therefore remained in the meeting during consideration of this application.’

ACTION

Delete at end of first sentence 3rd paragraph –
 ‘.....although the nature of this interest was not
 stated.’

Replace with – ‘as the applicant had reported her to
 the Standards Board on another matter.’

689 CONFIRMATION OF EAST HERTS COUNCIL TREE
 PRESERVATION ORDER NO. 7 2005 P/TPO 522 TITLE
 NO. 91 WARE ROAD, HERTFORD

The Director of Direct and Contract Services submitted a report relating to an Application for tree work at 81 Ware Road, Hertford. The application was to prune beech trees along the Ware Road frontage and to fell one Eucalyptus in the centre of the rear garden.

Officers had considered it prudent to make a Provisional Tree Preservation Order (No 7.), which had been served on Mr and Mrs Davies, the applicants, on 9 September 2005. The Committee was requested to confirm this provisional order.

It was proposed and seconded that the Tree Preservation Order not be confirmed, on the grounds that the tree was of detriment to the garden and posed a danger to property and residents.

After being put to the meeting and a vote taken, the Committee rejected the recommendation of the Director of Direct and Contract Services, that Tree Preservation Order (No 7) be confirmed as an Opposed Order.

RESOLVED – that Tree Preservation Order (No 7)
 2005 not be confirmed as an Opposed Order.

DDCS

690 3/06/0200/PT – INSTALLATION OF AN ELECTRONIC
 COMMUNICATION BASE STATION COMPRISING A 12M
 ULTRA SLIMLINE MAST, THREE INTERNALLY
 MOUNTED AND SHROUDED ANTENNAS, EQUIPMENT

ACTIONCABINETS AND ANCILLARY DEVELOPMENT – 45M
WEST OF JUNCTION OF WELWYN ROAD AND
ELIZABETH ROAD BY HUTCHISON 3G UK

The Director of Regulatory Services advised Members that application 3/06/0200/PT had been widely advertised, 160 properties had been notified, individual letters had been sent to Sele, Hollybush and St Andrews Schools and a notice had been placed in the local press and on the Council's website.

Members were further advised that 39 objection letters had been received along with a petition comprising 520 names, and that Hertford Town Council had objected on health grounds and on the lack of technical need. Members were also advised that objection letters had been received from Sele and Hollybush Schools.

Councillor H Penson spoke against the application, as the local ward member. She outlined the strong concerns of local residents, which centred on the health concerns due to the proximity of the mast to homes and the 3 local schools. Councillor Penson advised Members of evidence of full Hutchison 3G coverage in the area, thus proving the lack of a technical need.

Members were advised that the application should be considered on planning policy alone and could not be refused solely on the grounds of residents' health concerns.

Councillor Ruffles moved and Councillor Rutland-Barsby seconded, a motion that application 3/06/0200/PT be refused planning permission on the grounds that the mast was of detriment to the character of the area, posed an unacceptable level of perceived health concern and that insufficient evidence of alternative sites and mast sharing options had been provided by Hutchison 3G.

After being put to the meeting and a vote taken, the Committee rejected the recommendation of the Director of

ACTION

Regulatory Services that application 3/06/0200/PT be granted planning permission for the reasons detailed in the report now submitted.

RESOLVED - That, subject to no further representations being received raising new material or substantial issues following the expiry of the press/site notices advertising application 3/06/0200/PT by 24 March 2006, prior approval is required and refused for the following reasons:-

DRS

1. The installation of a 12 metre high mast and associated equipment boxes (cabins) in this prominent roadside location, close to existing street furniture, would result in an unacceptable level of visual clutter, exacerbated by the fact that the mast itself would be significantly higher than existing lighting columns, and unduly visually prominent at this location. It would therefore be to the detriment of the character and appearance of this area, and contrary to policy ENV34(a) of the East Herts Local Plan Second Review (Written Statement showing Pre-Inquiry Changes, June 2005) and Government advice contained in PPG8 'Telecommunications'.
2. The mast, because of its position close to residential dwellings and prominent to the outlook from those dwellings, and in close proximity to the Sele School and Hollybush Primary School, would give rise to an unacceptable concern of perceived health risk, contrary to advice contained in PPG8.
3. Furthermore the Local Planning Authority considers that insufficient evidence has been provided by the applicant to demonstrate less environmentally damaging sites, site sharing, or mast sharing options within the vicinity have been properly investigated. The proposal is

ACTION

therefore contrary to Policy BE14 of the Adopted East Herts Local Plan and Policy ENV34(a) of the East Herts Local Plan Second Review (Written Statement showing Pre-Inquiry Changes, June 2005, Inquiry Changes version, June 2005) and Government advice in PPG8 'Telecommunications'.

- 691 (a) 3/05/2275/FP - USE OF BUILDINGS AND LAND FOR MANUFACTURE, STORAGE AND DISTRIBUTION OF TIMBER PRODUCTS AND ANCILLARY GOODS. (RETROSPECTIVE APPLICATION), AND (b) 3/05/2400/LB – EXTERNAL ALTERATIONS TO EX-CATTLE SHED - NEW ROOF COVERINGS WITH ROOFLIGHTS AND INSTALLATION OF GABLE DOORS. (RETROSPECTIVE) AT BRIGGENS HOME FARM, BRIGGENS PARK, STANSTEAD ABBOTTS FOR 414 TIMBER PRODUCTS AND MANUFACTURERS

The Director of Regulatory Services submitted a report proposing that these applications be refused for the reasons now detailed. The Director of Regulatory Services advised Members that building work had been started on Building D, which was unsympathetic to the character of the area.

The Committee was asked to approve the issue of a Section 172 Enforcement Notice, as the work undertaken was contrary to Policy RA6 of the East Hertfordshire Local Plan.

The Committee approved the recommendations of the Director of Regulatory Services as now detailed.

RESOLVED – that (A) planning permission be refused, in respect of 3/05/2275/FP, for the following reasons:-

DRS

1. The proposed use of the buildings includes large areas of outside storage and display which would be out of keeping with and detrimental to

ACTION

the open rural character of the area. If permitted the development would thereby be contrary to Policies RA2 and RA6 of the East Hertfordshire Local Plan.

2. The application site lies within the Metropolitan Green Belt where the reuse of buildings for business, leisure, tourism, community and other uses compatible with the rural area are considered to be appropriate. The retail element of the proposal is not considered to be an appropriate use within the rural area and this use, in addition to its associated display areas, would be detrimental to the open rural character of the area. If permitted the development would hereby be contrary to Policies RA2 and RA6 of the East Herts Local Plan.
3. The proposed alterations, by reason of the translucent roofing sheets are unsympathetic and detrimental to the special historic and architectural character of to the Grade II Listed cattle shed, which comprises a simple and traditional rural building form. The proposal is thereby contrary to Policy BE18 of the East Hertfordshire Local Plan.
4. The proposed alterations to Building D are unsympathetic to its rural character, which comprises a simple and traditional rural building form. The proposal would thereby be contrary to policy RA6 of the East Hertfordshire Local Plan.
5. Proposed Shed C by reason of its detailed appearance and materials of construction is of a poor standard of design, unsympathetic to the rural context of the site and detrimental to the openness of the Green Belt. The proposal would thereby be contrary to Policy RA2 and BE16 of the East Hertfordshire Local Plan.

ACTION

6. The proposed development may present a significant flood risk from the generation of surface water run-off. The application lacks a flood risk assessment to enable the Local Planning Authority to properly consider this element of the application, contrary to Policy BE9 of the East Hertfordshire Local Plan and PPG25 - Development and Flood Risk.

(B) listed building consent be refused, in respect of 3/05/2400/LB, for the following reasons:-

DRS

1. The proposed alterations, by reason of the translucent roofing sheets are unsympathetic and detrimental to the special historic and architectural character of the Grade II Listed cattle shed, which comprises a simple and traditional rural building form. The proposal is thereby contrary to Policy BE18 of the East Hertfordshire Local Plan.

(C) in addition to the authorisation already given by the Committee on 2 March 2005 to secure the cessation of unauthorised activities and removal of all unauthorised structures, the Director of Regulatory Services, in consultation with the Director of Corporate Governance, be authorised to serve an Enforcement Notice under Section 36 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any other steps as may be required to ensure the removal of the unauthorised translucent sheeting panels on the Grade II Listed cattle Shed and their replacement with corrugated steel sheets to match the remainder of the roof.

DRS

Period of compliance: 6 months

Reason why it is expedient to issue an Enforcement Notice:

ACTION

The proposed alterations, by reason of the translucent roofing sheets are unsympathetic and detrimental to the special historic and architectural character of to the Grade II Listed Cattle Shed, which comprises a simple and traditional rural building form. The proposal is thereby contrary to Policy BE18 of the East Hertfordshire Local Plan.

(D) the Director of Regulatory Services, in consultation with the Director of Corporate Governance be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and any other steps as may be required to secure the removal of the unauthorised alterations to Building D and the reinstatement of the building to its original state for the following reasons:

DRS

Period of compliance: 6 months.

Reason why it is expedient to take action:

The proposed alterations to Building D are unsympathetic to its rural character, which comprises a simple and traditional rural building form. The proposal would thereby be contrary to policy RA6 of the East Hertfordshire Local Plan.

692 3/05/2461/FP – AMENDMENT TO PLANNING PERMISSIONS 3/04/1424/FP AND 3/05/1297/FP TO INCLUDE HOME OFFICE ACCOMMODATION IN THE ROOF SPACE OF PLOTS D, E, F AND G – POTTERS GREEN INDUSTRIAL PARK, DANE END ROAD, POTTERS GREEN, DANE END, NR WARE BY MARCHFIELD DEVELOPMENTS LTD

The Director of Regulatory Services submitted a report proposing the granting of planning permission in respect of this application. The Director of Regulatory Services advised Members of the conditions in the application,

ACTION

restricting the use of the building to business use only. Members were reminded that robust reasons were required, should the Committee be minded to refuse the application.

Councillor Richards moved and Councillor Copping seconded, a motion that application 3/05/2461/FP be refused planning permission on the grounds that the application would result in over development.

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

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/2461/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED - That in respect of application 3/05/2461/FP, planning permission be granted subject to the following conditions:-

DRS

1. Three Year Time Limit (1T12)
2. Contaminated land survey and remediation (2E33)
3. Complete accordance (2E10)
4. Boundary treatment (2E07)
5. Following demolition of the existing buildings, the site shall be provided with temporary fencing along its western boundary, and on the southern side of FP27, until such time as the permanent boundary treatment, required by virtue of condition 4 above has been provided.

Reason: In the interests of users of the adjoining site and FP27.

ACTION

6. Materials of construction (2E11)
7. Hard surfacing (3V21)
8. The turning head of the access road as approved hereby shall be delineated by 2 rows of granite setts where it abuts private vehicular areas, prior to first occupation of the dwelling hereby permitted.

Reason: To ensure adequate room for refuse freighters and other large vehicles to turn within the site.

9. Landscape design works (4P12)
10. Landscape works implementation (4P13)
11. The development hereby permitted shall not be occupied until such time as the non-indigenous evergreen trees, outlined in purple on plan A123 revD approved under planning application 3/05/1297/FP, have been removed, and replaced by trees and/or hedgerows in accordance with condition (9) above.

Reason: In the interests of the visual amenity of the area, in accordance with Policy BE8 of the East Herts Local Plan.

12. Vehicular use of garages (5U10)
13. Withdrawal of P.D. (Part 1 Classes A-H) (2E23) (development within the curtilage of a dwellinghouse)
14. Withdrawal of P.D. (Part 2 Class A) (2E21)
15. The office studio accommodation as shown

ACTION

outlined in green on the drawings referenced A307 Rev C, A308 Rev C, A309 Rev C and A310 Rev C shall be used for Class B1 Business Use as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 and for no other purpose.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity.

16. The attic space as shown outlined in blue on the drawings referenced A307 Rev C, A308 Rev C, A309 Rev C and A310 Rev C shall be used only for ancillary accommodation to the main dwelling and shall not be used for any habitable purposes.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity.

Directive

1. Public rights of way (18FD)

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 and East Herts Local Plan and the East Herts Local Plan Second Review), and in particular policies RA3, BE2, BE7 and BE8 and Local Plan Review Re-Deposit Version November 2004 including Pre-Inquiry changes GBC5, GBC6, EDE8, EDE8a, ENV1a, ENV5 and ENV14. The balance of the considerations having regard to those policies is that permission should be granted.

ACTION

693 A) 3/05/2425/FP AND B) 3/05/2426/LB – CONVERSION, ALTERATION AND EXTENSION OF EXISTING BUILDINGS TO FORM SINGLE FAMILY DWELLING AT FANSHAWS FARM, BRICKENDON GREEN, BRICKENDON BY MR & MRS NEOCLEOUS _____

The Director of Regulatory Services submitted a report proposing that planning permission be granted for this application as now detailed.

He reported that comments had been received from County Archaeology, which requested that a condition be placed on any grant of permission requiring an archaeological survey to be undertaken. It was further recommended that a condition be attached to any grant of permission requiring that details of the deposit of excavated spoil be agreed.

Members expressed concern in relation to the condition relating to survey work if protected species were found on the site. Members felt that another survey should occur prior to commencement of the development, to protect the habitats of bats and great crested newts.

The Committee supported the recommendation of the Director of Regulatory Services that applications 3/05/2425/FP and 3/05/2426/LB be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that (A) planning permission for application 3/05/2425/FP be granted subject to the following conditions:-

DRS

1. Three year time limit (1T12)
2. Samples of materials (2E12)
3. Boundary walls and fences (2E07)
4. Bats (2E41)

ACTION

Alter to “Prior to the commencement of any works on the site and at an appropriate time of year a survey of bat activity and great crested newt activity...”

and alter reason to “To protect the habitats of bats and great crested newts...”

5. Landscaping (4P12) – b, c, e, g, l, j, k and l
6. Landscape works implementation (4P13)
7. Hard surfacing (3V21)
8. Vehicular use of garage (5U10)
9. Conservation area clearance of site (8L13)
10. Withdrawal of P.D. (Part 1 Class A) (2E20)
11. Withdrawal of P.D. (Part 1 Class E) (2E22)
12. The building hereby permitted as shown on plan number 1002-005 (Building E) shall only be used for a purpose incidental to the enjoyment of the dwellinghouse, e.g. storage, games room not for habitable accommodation, within the application site and for no other purpose.

Reason: To ensure the Local Planning Authority retains control over any future development

13. Prior to the first occupation of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of the location for deposit of the excavated spoil from the formation of the basement.

Reason: In the interest of the rural character of the area, in accordance with Policy RA2 of the East Herts Local Plan.

ACTIONSummary 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 and East Herts Local Plan and the East Herts Local Plan Second Review), and in particular policies RA2, RA6, BE6, BE8, BE18, BE16, M8, RA13C and RA13D and review policies GBC2, GBC3, GBC11, BH7, BH8, ENV5, BH13, BH14, TR6, ENV9, ENV10, ENV21 and ENV22. The balance of the considerations having regard to those policies and the material consideration of the improved setting to the collection of listed buildings and continued preservation of the buildings together with the appeal decision (reference APP/J1915/A/03/1116802) is that permission should be granted.

(B) listed building consent for application 3/05/2426/LB be granted subject to the following conditions:-

DRS

1. Listed Building three year time limit (1T14)
2. Samples of materials (2E12)
3. Listed building (timber structure) (8L01)
4. Listed building (new timber frame) (8L02)
5. Listed building (new windows) (8L03)
6. Listed building (new doors) (8L04)
7. Listed building (new plasterwork) (8L05)
8. Listed building (new brickwork) (8L06)
9. Listed building (new boarding) (8L07)

ACTION

10. Listed building (new external rendering) (8L08)
11. Listed building (new rain water goods) (8L09)
12. Listed building (making good) (8L10)
13. Listed building repairs schedule (8L11)

Directive

1. Listed building advice (25LB)

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 and East Herts Local Plan and the East Herts Local Plan Second Review), and in particular policy BE16 and review policies BH13 and BH14. The balance of the considerations having regard to those policies and the material consideration of the improved setting to the collection of listed buildings and continued preservation of the buildings is that permission should be granted.

694 3/05/2334/FP – EXTENSION AND CONVERSION OF CART SHED TO A RESIDENTIAL UNIT, DEMOLITION OF THE PORTAL BARN AND ERECTION OF STABLES – BROCKHOLDS FARM, OLD HALL GREEN, WARE BY MR B CUNNINGHAM

The Director of Regulatory Services advised Members that further to a request by the applicant, condition 10 be amended from “Prior to the commencement” to “Prior to first occupation”.

The Committee supported the recommendation of the Director of Regulatory Services that application

ACTION

3/05/2334/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/05/2334/FP, planning permission be granted subject to the following conditions:-

DRS

1. Three year time limit (1T12)
2. Samples of materials (2E12)
3. Bats (2E41)
4. Landscaping (4P12) - e, l, j, k and l
5. Landscape works implementation (4P13)
6. Withdrawal of P.D. (Part 1 Classes A-H) (2E23) (development within the curtilage of a dwellinghouse)
7. Withdrawal of P.D. (Part 2 Class A) (2E21)
8. Hard surfacing (3V21)
9. Construction parking and storage (3V22)
10. Prior to first occupation of the dwelling hereby permitted, the following matters shall be carried out:
 - the portal framed barn as indicated on plan number BRO 1 as demolished, has been demolished;
 - the stables have been erected and in use as stables;
 - the existing storage of building materials use

ACTION

has ceased; and

- any remaining building materials have been removed from the site.

Reason: In the interests of the visual amenity of the area, in accordance with Policy RA3 of the East Herts Local Plan.

11. Materials arising from demolition (2E32)
12. Vehicular use of garages (5U10)
13. Retention of parking space (3V20)
14. Notwithstanding the consent hereby granted, none of the timbers forming the structural frame of the building shall be cut, removed or otherwise altered without the prior consent in writing of the Local Planning Authority.

Reason: To ensure the architectural character of the building is properly maintained, in accordance with policy BE2 of the East Herts Local Plan

15. Prior to any building works being first commenced, detailed drawings showing the new and/or replacement timber frame, together with specific dimensions and details of the timber and the method of jointing or connecting the timber which it is proposed to install, shall be submitted to and approved in writing by the Local Planning Authority. If timber other than new semi-seasoned oak is proposed this shall be specifically agreed in writing by the Local Planning Authority.

Reason: To ensure the architectural character of the building is properly maintained, in accordance with policy BE2 of the East Herts Local Plan.

ACTION

16. New doors and windows – unlisted buildings (2E34)
17. External timberwork (2E16)
18. All new or replacement rain water goods shall be in black painted cast iron.

Reason: To ensure the architectural character of the building is properly maintained, in accordance with policy BE2 of the East Herts Local Plan.

Directives

1. Public rights of way (18FD)
2. Street numbering (19SN)
3. Please inform the Local Planning Authority one month in advance of the intention to start works so that all outstanding conditions attached to the planning permission and schedules of work and specifications can be fully agreed.
4. Advice should be sought from the Health and Safety Executive so as to ensure the asbestos wall and roofing are removed safely and in accordance with the Control of Asbestos at Work Regulations 2002. This may require the use of licensed contractors and disposal at a licensed waste site.

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 and East Herts Local Plan and the East Herts Local Plan Second Review), and in particular policies RA3, RA6, BE2, BE7 and BE8 and Local Plan Review

ACTION

Re-Deposit Version November 2004 including Pre-Inquiry changes GBC5, GBC6, GBC10, ENV1a, ENV5 and ENV14. The balance of the considerations having regard to those policies and the material consideration of the improvement to the setting of the listed building and cessation of the storage of building materials is that permission should be granted.

695 3/05/2318/FP – PROPOSED PERIMETER FENCING, CHARLES HOUSE, GREAT AMWELL FOR C.U. PHOSCO LIGHTING LTD

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/2318/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED - that in respect of application 3/05/2318/FP, planning permission be granted subject to the following conditions:-

DRS

1. Three Year Time Limit (IT12)
2. Landscape Design Proposals (4P12)
3. Landscape Works Implementation (4P13)
4. Tree Planting (4P15)
5. Landscape Maintenance (4P17)
6. Prior to the commencement of the development hereby permitted, the colour for the external finish of the perimeter fencing hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and in accordance with Appendix 1(D)

ACTION

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 (East Herts Local Plan and the Local Plan Review, Second Review Re-Deposit Version November 2004), and in particular policies BE2 and BE8 and Re-Deposit policies ENV1a and ENV5. The balance of considerations having regard to those policies is that permission should be granted.

- 696 3/05/2352/FP – CONSTRUCTION OF CATTLE COMPOUND AND LOADING AREA AND RE-SITING OF CONSENTED MANAGERS HOUSE, ELBOW LANE FARM, ELBOW LANE, HERTFORD HEATH FOR J.C. BOURKE ESQ

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/2352/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED - that in respect of application 3/05/2352/FP, planning permission be granted subject to the following conditions:-

DRS

1. Three Year Time Limit (IT12)
2. The occupation of the dwelling shall be limited to a person responsible for or employed in the equestrian activity of the site, or the widow or widower of such a person and to any dependent residents.

Reason: The dwelling is situated in the Metropolitan Green Belt, where the Local Planning Authority would not be prepared to grant permission for a dwelling, other than in connection with looking after

ACTION

the animals on the land.

3. Materials of construction
4. Vehicle access to the site shall be obtained via the existing block paved access road accessing Lord Street to the south of the site.
5. The retention and protection (4P05)
6. Hedge retention and protection (4P06)
7. Landscape design proposals (4P12)
8. Landscape works implementation (4P13)
9. The planning permission hereby granted shall not be exercised in the event that the dwelling or any part of it permitted under reference 3/02/2645/FP is constructed, and no part of the dwelling permitted under reference 3/02/2645/FP shall be constructed following the implementation of the permission hereby granted.

Reason: To prevent the establishment of an excessive number of dwellings within the Metropolitan Green Belt, contrary to policies RA2 and RA5 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 Plan, Minerals Local Plan, Waste Local Plan, and East Herts Local Plan), and in particular policies RA2, RA5 and BE8 of the Adopted Local Plan, and GBC3, GBC8a and ENV5 of the Review Local Plan. The balance of the considerations having regard to those policies and

ACTION

all other material considerations relevant in this case, is that permission should be granted.

697 3/05/1783/FP – NEW 2 BEDROOM BUNGALOW WITH DETACHED GARAGE INCLUDING DEMOLITION AND RECONSTRUCTION OF EXISTING GARAGE, LAND TO SIDE AND FORMING PART OF DORMY, 10, SPRING VIEW ROAD, WARE FOR MR P R COOPER

The Director of Regulatory Services submitted a report proposing that planning permission be granted in respect of this application.

The Chairman advised Members that he had received the results of a survey into bats at the site. On the invitation of the Chairman, Councillor Ballam spoke against the application, citing the reasons why the Committee should refuse it.

Councillor Ballam advised Members of residents' anxiety relating to the location of the bungalow, and also the potential construction problems relating to access to the site. Further to this, Councillor Ballam warned of potential access problems due to the gradient and narrow nature of the shared drive.

Members were also advised of the unusual housing layout proposed in the plans. Councillor Ballam argued that residents could suffer noise intrusion and this development could impact on the peaceful enjoyment of those living in neighbouring properties.

Councillor Alexander moved and Councillor Sapsford seconded, a motion that application 3/05/1783/FP be refused planning permission on the grounds that the application would result in loss of amenity, undesirable backland development and problems relating to parking.

After being put to the meeting and a vote taken, the Committee rejected the recommendation of the Director of Regulatory Services that application 3/05/1783/FP be

ACTION

granted planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/05/1783/FP, planning permission be refused for the following reasons:-

DRS

1. Overdevelopment (B021)
2. Undesirable backland development (B012)
3. Harm to trees (B082)
4. The potential loss of trees resulting from the proposed development would have an adverse affect upon the habitat of known bats within the vicinity of the application site. The proposed development would thereby be contrary to policy RA13 of the Local Plan.

698 3/06/0029/FP – ERECTION OF TWO THREE BEDROOM HOUSES ON LAND TO REAR OF 59 HIGH STREET, BUNTINGFORD, HERTS FOR BRICE HENDERSON ASSOCIATES

The Director of Regulatory Services submitted a report proposing that planning permission be granted in respect of this application.

The Director of Regulatory Services advised Members that representation had been received from the existing landowner expressing concern in relation to access to the site across the car park.

Members were advised that Buntingford Town Council had objected on the grounds that the design was unsympathetic to the area and the access was insufficient via the car park for vehicular access, particularly for construction traffic, deliveries and refuse collection.

Members were also advised of a necessary amendment to recommendation (B), condition 1, which should detail a

ACTION

recommendation (B), condition 1, which should detail a Three Year Time Limit.

Councillor S A Bull spoke against the application on the grounds of inappropriate use of a public car park, loss of car parking, the issue of access for refuse collection, no compliance with previous points of refusal and inaccurate claims of ownership.

Councillor Bull moved and Councillor Goldspink seconded, a motion that application 3/05/0029/FP be refused planning permission on the grounds that the application resulted in inadequate parking, over development, problems with refuse and delivery services and inappropriate use of a public car park.

After being put to the meeting and a vote taken, the Committee rejected the recommendation of the Director of Regulatory Services that application 3/05/0029/FP be granted planning permission for the reasons now detailed.

RESOLVED – that planning permission be refused for the following reasons:

DRS

1. The proposed development would result in inadequate amenity space for residents of the proposed dwellings and overdevelopment of the site by virtue of its unsatisfactory plot size. The proposal is therefore unduly cramped, and would be harmful to the character and appearance of the area, contrary to Policy BE2 of the East Herts Local Plan.
2. Inadequate parking (M081)
3. No conclusive information on ground conditions has been provided. Inadequate measures have been indicated for sustainable drainage solutions to address ongoing issues of poor drainage within the vicinity of the site. Inadequate information has been provided for

ACTION

the Council to properly consider this aspect of the development.

699 3/05/2422/FP – ERECTION OF 9 FLATS AT CLAYHALL, LONDON ROAD, SAWBRIDGEWORTH FOR PHASE 4 DEVELOPMENTS LTD

Councillor D Richards expressed her disappointment that this application had been submitted to the Committee and expressed concern relating to proposed increases to the height and footprint of the building compared to that proposed in a previous application for more flats than was proposed in this application.

The Director of Regulatory Services advised Members that while the proposal displayed an increase in height, the footprint would remain unchanged.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/2422/FP be refused planning permission for the reasons detailed in the report now submitted.

RESOLVED – that in respect of application 3/05/2422/FP, planning permission be refused for the following reasons:

DRS

1. The proposal would be out of keeping and detrimental to the character and appearance of the Sawbridgeworth Conservation Area wherein the site is situated due to its scale and form, contrary to Policy BE18 of the East Herts Local Plan.

700 3/05/0806/FP – PARTIAL CONVERSION OF GARAGE BLOCK TO PROVIDE 2 NO. 1 BED FLATS, GILSTON PARK HOUSE, GILSTON, FOR CITY AND COUNTRY RESIDENTIAL

The Director of Regulatory Services submitted a report that planning permission be granted in respect of this

ACTION

application.

Members expressed concern in relation to such applications constituting creeping development into the Metropolitan Green Belt.

Councillor Tindale proposed that the application be refused on the grounds that it was unsympathetic to the setting and character of the area. Councillor Copping supported Councillor Tindale on this proposal.

The Committee rejected the recommendation of the Director of Regulatory Services that application 3/05/0806/FP be granted planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/05/0806/FP, planning permission be refused for the following reasons:-

DRS

1. Within Metropolitan Green Belt (R021)
2. The District Council is not satisfied that this building is of sufficient historical or architectural importance to justify its conversion, and the proposal would be harmful to the setting and character of the area, contrary to policy RA6 of the East Herts Local Plan.

701 3/06/0015/AD – BRUSHED STAINLESS STEEL DISPLAY BOARDS (6), INTERNALLY ILLUMINATED AT CASTLE HALL, THE WASH, HERTFORD, SG14 1PS FOR EAST HERTS COUNCIL.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/0015/AD be granted planning permission subject to the conditions detailed in the report now submitted.

ACTION

RESOLVED – that in respect of application 3/05/0015/AD, advertisement consent be GRANTED subject to the following conditions:

DRS

1. Standard advertisement (7A01)
2. Removal of existing signs (7A05)
3. Type of illumination (7A07)

Summary of reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire 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 Adopted Plan policies BE2, BE15, BE18, and BE25 and Re-Deposit Local Plan policies ENV1a, BH1, BH7 and BH18. The balance of the considerations having regard to those policies is that permission should be granted.

- 702 a) 3/05/1244/FP – CHANGE OF USE OF EXISTING OFFICE BUILDING TO A SINGLE DWELLING (b) 3/05/1245/LB – CONVERSION OF EXISTING OFFICE BUILDING TO A SINGLE DWELLING AT PISHIOBURY HOUSE, PISHIOBURY DRIVE, SAWBRIDGEWORTH FOR MR. D. HARRIS
-

The Director of Regulatory Services recommended that Members approve an additional condition that prior to development, a landscape plan be submitted to the planning authority, to ensure the application conforms to Policy BE16, thus ensuring officers maintained control over internal development.

The Chairman and Officers allayed Members' concerns in relation to unauthorised work by reminding the Committee that work could not be undertaken without planning

ACTION

consent.

The Committee supported the recommendations of the Director of Regulatory Services that application 3/05/1244/FP be granted planning permission subject to the conditions detailed in the report now submitted and that the Director of Regulatory Services be authorised to grant listed building consent in respect of application 3/05/1245/LB.

RESOLVED – that (A) in respect of application 3/05/1244/FP, planning permission be granted subject to the following conditions:

DRS

1. Three year time limit (1T12)
2. Withdrawal of Permitted Development (unspecified) (2E23)
Insert “Part 1, Classes E, F and G”
3. Prior to the commencement of development, a Landscape Management Plan for the Grade II Listed Pishiobury Park Gardens shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented thereafter.

Reason: To ensure that Pishiobury Park Gardens are properly maintained in accordance with Policy BE16 of the East Herts Local Plan.

Directives:

1. Other legislation (01OL)
2. Street numbering (19SN)
3. This permission should be read in conjunction with the specifications and conditions attached to the listed building

ACTION

consent granted under LPA ref:
3/05/1245/LB.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan and East Herts Local Plan), and in particular policies RA2, BE2, BE16 and M8 of the Adopted East Herts Local Plan 1999 and policies GBC2, GBC3, ENV1a, BH14 and TR6 of the East Herts Local Plan Second Review Re-Deposit Version (November 2004). The balance of the considerations having regard to these policies is that planning permission should be granted.

(B) subject to referral to the Secretary of State as an application involving works to a Grade II* listed building, the Director of Regulatory Services be authorised to grant Listed Building consent in respect of application 3/05/1245/LB, subject to the following conditions:

DRS

1. Listed building three year time limit (1T14)
2. Listed building – new doors (8L04)
3. Listed building – new plasterwork (8L05)
4. Prior to the building works being first commenced, detailed drawings showing the new stud partition walls, together with a full specification of the specific dimensions and the methods that will be used to join or connect these walls to the existing property shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the historic and architectural character of the building is properly maintained, in accordance with policy BE16 of the

ACTION

East Herts Local Plan.

5. Prior to the building works being first commenced, detailed elevation, section and plan drawings showing both proposed and existing internal and external functional services (eg. Internal and external drainage and mains service runs, including wet services and air handling units) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the historic and architectural character of the building is properly maintained, in accordance with policy BE16 of the East Herts Local Plan.

6. Listed building – making good (8L04)
7. Repairs schedule (8L11)

Directives:

1. Other legislation (01OL)
2. Listed Building advice (25LB)
3. This consent should be read in conjunction with the specifications and conditions attached to the full planning permission granted under LPA ref: 3/05/1244/FP.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan and East Herts Local Plan), and in particular policy BE16 of the Adopted East Herts Local Plan 1999 and policy BH14 of the East Herts Local Plan Second Review Re-Deposit

ACTION

Version (November 2004). The balance of the considerations having regard to these policies is that planning permission should be granted.

703 E/05/0490/A – UNAUTHORISED REMOVAL OF BOUNDARY FENCING FROM TWO GRADE II LISTED BUILDINGS AND THE CREATION OF UNAUTHORISED ACCESSES ONTO THE A1184, LONDON ROAD, SAWBRIDGEWORTH AT 66 AND 68 LONDON ROAD, SAWBRIDGEWORTH.

The Committee supported the recommendation of the Director of Regulatory Services that enforcement action be taken to secure the removal of the unauthorised access and hardstanding and the replacement of the picket style timber fence with one of a style, design and of materials that should be previously approved by this local planning authority.

RESOLVED – that, in both cases, 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 Act 1990 and any such further steps as may be required to secure:- a) the removal of the unauthorised access and hardstanding, and b) the replacement of the picket style timber fence at the front of the property with one of a style, design and of materials that shall be previously approved by this local planning authority.

DRS

Period for compliance: a) 28 days.
 b) 6 months

Reasons why it is expedient to issue listed building and planning enforcement notices in each case:-

1. The removal of the white picket fence from the curtilage of this Grade II Listed Building is

ACTION

detrimental to its historic character and appearance as is the associated installed brick paviour hardstanding, which jointly form an unauthorised access to the A1184 London Road, to create a parking area within the front garden. The development is thereby contrary to Policy BE16 of the Local Plan.

2. The unauthorised access onto the classified road results in vehicles either reversing into or out of the site, which is detrimental to highway safety in the area.

704 E/05/0304/B – UNAUTHORISED INSTALLATION OF AN EN-SUITE BATHROOM WITHIN THE FIRST FLOOR FRONT ROOM OF THE PROPERTY AND OTHER UNAUTHORISED ALTERATIONS TO THE LISTED BUILDING AT 25 ST ANDREWS STREET, HERTFORD

The Committee supported the recommendation of the Director of Regulatory Services that enforcement action be taken to secure the removal of unauthorised works.

RESOLVED – that the Director of Regulatory Services, in consultation with the Director of Corporate Governance, be authorised to take enforcement action under 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 works.

DRS

Period for compliance: 28 days

Reasons why it is expedient to issue a Listed Building Enforcement Notice:

- a) The scale, mass and design of the en-suite bathroom in the first floor bedroom is over dominant in relation to the intrinsic architectural features and character of the interior of the

ACTION

listed building, fails to respect the special details and proportions of the room and is detrimental to the preservation of the architectural character and historic elements of the interior of the listed building. It is thereby contrary to Policy BE16 of the East Herts Local Plan.

- b) The use of plastic pipes for the exterior soil stacks is detrimental to the historic character and appearance of this Grade II listed building. It is thereby contrary to Policy BE16 of the East Herts local Plan.

705 E/05/0168/A – UNAUTHORISED FRONT PORCH AT OLD HALL COTTAGE WEST, KETTLE GREEN ROAD, MUCH HADHAM

The Committee supported the recommendation of the Director of Regulatory Services that enforcement action be taken to secure the removal of the unauthorised structure and the reinstatement of the land to its former state.

RESOLVED – that 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 any such further steps as may be required to secure the removal of the unauthorised structure and the reinstatement of the land to its former state.

DRS

Period for compliance: 1 month.

Reason why it is expedient to issue an enforcement notice:

1. The front porch extension, by reason of its prominent siting, size, height, width, bulk, form and design appears out of keeping with the surrounding rural setting and is thereby

ACTION

detrimental to the character and appearance of the Rural Area and Landscape Conservation Area, contrary to Policies RA3 and RA11 of the East Herts Local Plan.

2. The front porch extension, by reason of its size, siting, height, width, bulk, form and design, together with the extensions previously added to the property, have resulted in development out of keeping with the design and appearance of the original dwellinghouse, to the detriment of the character, appearance and setting of the site. The development is thereby contrary to Policies RA3, RA11 and BE6 of the East Herts Local Plan.

706 E/05/0451/A – ERECTION OF AN UNAUTHORISED BUILDING IN THE FRONT GARDEN AT 15 MAZE GREEN ROAD, BISHOPS STORTFORD

The Committee supported the recommendation of the Director of Regulatory Services that enforcement action be taken to secure the removal of the garden building (including its concrete base) from the garden and the reinstatement of the garden's soft landscaping.

RESOLVED – that 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 such other steps as may be required to secure a) the removal of the garden building (including its concrete base) from the front garden and b) the reinstatement of the garden's soft landscaping.

DRS

Period of Compliance: a) 28 Days

b) 2 months

Reasons why it is expedient to issue an

ACTION

Enforcement Notice:

1. The construction, by reason of its siting and design, appears to be a significant threat to the viability of a group of protected trees contrary to policy RA9 of the Adopted East Herts local Plan.
2. The unauthorised building, by reason of its siting; height; design; and materials of construction, appears unduly prominent within the street scene, out of keeping with the character of the surrounding development, and detrimental to the character area contrary to policy BE2 of the Adopted East Herts Local Plan.

707 E/05/0426/A – UNAUTHORISED CONVERSION OF PART OF A STABLE BLOCK FOR RESIDENTIAL PURPOSES AT ROBINS, GANGIES HILL, HIGH WYCH

The Committee supported the recommendation of the Director of Regulatory Services that enforcement action be taken to secure the cessation of the unauthorised residential use.

RESOLVED – that the Director of Regulatory Services in consultation with the Director of Corporate Governance, be authorised to take enforcement action under s.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 residential use.

DRS

Period for compliance: 6 months

Reasons why it is expedient to issue enforcement notices:

The site lies within the Rural Area beyond the Metropolitan Green Belt, as defined in the East

ACTION

Hertfordshire Local Plan, wherein there is a presumption against changes of use except in certain specified circumstances. Residential use is not one of the circumstances specified in policy RA3 of the Local Plan; nor, in this case, does the unauthorised residential use constitute an appropriate re-use of this building as defined in policy RA6A. The development is thereby contrary to both policies and there appear to be no material considerations in this case to justify a departure from the Local Plan.

708 E/05/0447/B – UNTIDY CONDITION OF LAND AT 104 HIGH STREET, WALKERN

The Enforcement Manager reported that she had been to look at the site, which had been tidier than recently, but she advised Members to approve enforcement to prevent the untidy condition reoccurring.

The Committee supported the recommendation of the Director of Regulatory Services that enforcement action be taken to secure the improvement of the site.

RESOLVED – that the Director of Regulatory Services, in consultation with the Director of Corporate Governance, be authorised to issue and serve a Notice under Section 215 of the Town and Country Planning Act 1990 and such other steps as may be required to secure the improvement of the site by:

DRS

removing all items of rubbish and waste materials from the site such as waste timber; building and roofing materials; tyres; rubble; sacks; plastic sheeting etc and leave the site in a clean and tidy condition.

Period for compliance: 30 days

ACTION

Reasons why it is expedient to issue a s.215 Notice:

The condition of the land is detrimental to the amenity of the surrounding area (which lies within the Conservation Area of Walkern) by reason of the accumulation of rubbish and waste materials etc.

709 E/06/0038/A – DEVELOPMENT WORKS BEING CARRIED OUT ON SITE WITHOUT COMPLIANCE WITH PLANNING PERMISSION 3/03/1499/FP INCLUDING THE CREATION OF AN UNAUTHORISED RAISED ROADWAY USING CONSTRUCTION WASTE AT GREAT HADHAM GOLF COURSE, MUCH HADHAM, HERTS

The Enforcement Manager reported that temporary Wheel Washing facilities had been installed on site. She further reported to Members that the periods for compliance should be amended to detail 'immediate' under steps A and B of the recommendation.

Members were advised of the strong concerns held by the Environment Agency to the importation of construction and demolition waste onto the site and the serious implications this posed to the surrounding area.

The Enforcement Manager advised Members of the options open to Officers, should the Committee be mindful to approve enforcement action. She undertook to contact the applicant to agree a way forward.

The Committee supported the recommendation of the Director of Regulatory Services that enforcement action be taken as now detailed.

RESOLVED – that the Director of Regulatory Services, in consultation with the Director of Corporate Governance, be authorised to take enforcement action under sections 183; 187A and 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to

DRS

ACTION

secure:-

- a) the cessation of the importation of construction/demolition waste onto the site;
- b) the cessation of any further earthworks until all planning conditions have been discharged;
- c) the removal of the unauthorised roadway; and any other unauthorised works already carried out such as lagoons
- d) the removal of the construction material from the site.
- e) compliance with planning conditions imposed on permission 3/03/1499/FP

Period for compliance: a) & b) Immediately (via Stop Notice if appropriate)

c) 1 month

d) 1 month

e) Prior to any further implementation works being carried out.

Reason why it is expedient to issue an enforcement notice:

1. The Council considers that the unauthorised works, including the roadway, are not required for genuine development purposes in line with planning permission on the site under reference 3/03/1499/FP. No justification has been provided for the need for such a development and it will have a detrimental effect on the visual quality of the surrounding Rural Area which also lies within a Landscape

ACTION

Conservation Area. The development is thereby contrary to policies RA3 and RA11 of the adopted East Herts Local Plan.

2. The traffic generated on local rural roads, were material to continue to be imported to the site, would result in a significant adverse effect on the local environment. This would be to the detriment of both the rural character of the road and residential properties along it. Furthermore there would be an increased risk of accidents. The development is, therefore, contrary to policy M11 of the adopted East Herts Local Plan.

710 (a) 3/06/0149/FP & (a) 3/06/0150/LB – PARTIAL DEMOLITION, EXTENSIONS AND ALTERATIONS TO HOTEL TO PROVIDE ADDITIONAL BEDROOMS, LEISURE AND CONFERENCE FACILITIES, CAR PARKING, LANDSCAPING AND DETACHED GOLF CHANGING ROOM, AT BRIGGENS HOUSE HOTEL, BRIGGENS PARK, STANSTEAD ROAD, STANSTEAD ABBOTTS FOR MENTMORE HOTELS & LEISURE (HERTFORDSHIRE) LIMITED AND CORUS HOTELS PLC

The Director of Regulatory Services advised Members that a letter had been received from the adjoining landowner expressing concerns over the size and scale of the development.

The Committee supported the recommendations of the Director of Regulatory Services that application 3/06/0149/FP be granted planning permission subject to the conditions detailed in the report now submitted and that the Director of Regulatory Services be authorised to grant listed building consent in respect of application 3/06/0150/LB.

RESOLVED – that subject to (1) the applications being referred to the Secretary of State as a

DRS

ACTION

departure application to the Development Plan, and

(2) the applicants within six months from the date of the resolution of the Secretary of State entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of the following matters:-

1. The implementation of an agreed schedule of repairs to Briggens House in accordance with a timetable to be agreed by the Local Planning Authority and in compliance with the 'Historic Building Audit' document.
2. The implementation of a programme of landscape enhancements and management programme relating to:
 - listed kitchen garden wall
 - implementation of detailed landscaping proposals adjacent to approved development
 - restoration to historic Edwardian pleasure garden and terraces to the south east of the Hotel
 - implementation of scheme of planting over parkland area to replicate the avenue as detailed on the Ordnance Survey map (1920)
 - strengthening the avenue approach to the Briggens House from the North
 - enhancements to views of the canal to the west of the site, the canal basin and Briggens Home Farm in accordance with a timetable to be agreed by the Local Planning Authority
 - long term active, appropriate management of

ACTION

the Wildlife Site (WS61/024) known as Hunsdon Mill House Meadow

- reconfiguration of the golf course (hole numbers 1-3) and maintenance of golf course
 - repair and resurfacing of tennis court, and repairing or replacing fencing around them.
3. The implementation of an agreed schedule of repairs to the Victorian Walled Garden in accordance with a timetable to be agreed by the Local Planning Authority and in compliance with the 'Victorian Walled Garden Report'.
 4. Programme of long term maintenance of the buildings in the form of management agreement, in accordance with the principles of the English Heritage document – "Developing guidelines for the management of listed buildings".
 5. Approval of a Green Travel Plan for the site to include proposals for all to travel by modes other than the private car for journeys to and from the site. The approved travel plan shall be implemented thereafter.
 6. Permit the use of the complete length of the driveway between the two gates and linking areas of existing highway for use as a bridleway by the general public.

(A) the Director of Regulatory Services be authorised to grant planning permission in respect of application 3/06/0149/FP subject to the following conditions:-

DRS

1. Three year time limit (1T12)

ACTION

2. Boundary walls and fences (2E07)
3. Samples of materials (2E12)
4. Hard surfacing (3V21)
5. Levels (2E05)
6. Protection of bats (2E19)
7. Refuse disposal facilities (2E24)
8. Parking space (3V19) add "... unless otherwise agreed in writing by the Local Planning Authority."
9. Retention of parking space (3V20)
10. Construction parking and storage (3V22)
11. Tree survey (4P01)
12. Full survey (4P02)
13. Ecological survey (4P04)
14. Tree retention and protection (4P05)
15. Tree Protection : No Burning (4P08)
16. Tree Protection : Excavations (4P09)
17. Tree Protection : Earthworks (4P10)
18. Tree surgery (4P11)
19. Landscape design proposals (4P12)

ACTION

(a, b, c, d, e, f, g, h, i, j, k, l)

20. Landscape works implementation (4P13)
21. Tree planting (4P15)
22. Details of Earthworks (4P16)
23. Landscape Maintenance (4P17)
24. Tree Protection : From Foundation (4P20)
25. Listed Building (new windows) (8L03)
26. Listed Building (new doors) (8L04)
27. Listed Building (new external rendering) (8L08)
28. Conservation Area (demolition) (8L12)
29. Prior to any building works being first commenced, detailed drawings of the rainwater goods shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the historic and architectural character of the building is properly maintained.
30. Programme of Archaeological Work (2E02)
31. Cycle parking facilities (2E29)
32. Prior to the commencement of the development hereby permitted, detailed scaled plans and specification drawings of the informal area within the kitchen walled garden shall be submitted to and approved in

ACTION

writing by the Local Planning Authority, and shall be carried out in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the setting of the Listed wall, in accordance with Policy BE16 of the East Herts Local Plan.

33. Prior to the commencement of the development hereby permitted detailed scaled specification drawings of the parts of the wall surrounding the kitchen walled garden to be rebuilt shall be submitted to and approved in writing by the Local Planning Authority, and shall be carried out in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance and setting of the listed wall, in accordance with Policy BE16 of the East Herts Local Plan.

Directives

1. Other Legislation (01OL)
2. You are advised that in the event of bats being found, work must stop immediately and English Nature informed. They can be contacted on (01206) 796666.
3. Before any work affecting bats or roosts starts, a Habitat Regulations Licence must be applied for and obtained from: Department of Environment, Food and Rural Affairs, European Wildlife Division, Zone 1/08, Kite Wing, Temple Quay House, 2 The Square, Bristol, BS1 6EB.

ACTION

Tel no. (0117) 372 8182.

4. You should be aware that the site is located within the groundwater protection zone of Roydon pumping station. This is a public water supply comprising a number of chalk boreholes operated by Three Valleys Water.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction – guidance for consultants and contractors".

5. To enable fire appliances to gain access to all buildings and structures under possible emergency conditions, hard standing access should be provided in accordance with Regulation B5 of the Building Regulations 1991 as detailed in Approved Document B2000.
6. Fire hydrants should be provided throughout the entire development and conform to BS 750 fed from a minimum 100mm main.

Hydrants should be a maximum of 300m apart.

7. The plans have been examined and it is noted they are such as to attract the need for the Local Authority to consult with the County Council's Fire and Rescue Service, when they

ACTION

are submitted for approval under the Building Regulations comments will therefore be reserved until such time as this mandatory consultation occurs.

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 the Local Plan Second Review Re-deposit Version, November 2004), and in particular Adopted Local Plan policies RA2, RA8, RA12, RA13, BE8, BE15, BE16, L6, M8, and M10; and Re-deposit policies SD20, GBC2, GBC3, TR3, TR3b, TR4, TR6, TR12, TR13, TR18, ENV1(a), ENV3, ENV5, ENV18, ENV20, BH1, BH2, BH3, BH13, BH15, BH20, and LRC12. The proposed development is a departure to the Council's in principle Green Belt policy. However, the proposal would result in significant improvements to the Grade II listed buildings and surrounding grounds, would result in encouraging tourism within the District in compliance with policy L6 of the Adopted Local Plan and PPG21; and, there is a previous permission granted on the site for a similar development. The proposed development would also not adversely affect the vitality and viability of nearby town centres as assessed under the requirements of PPS6, and the proposal promotes sustainable means of access to and through the site encouraged by PPG13. The balance of the considerations having regard to those policies and other material considerations is that permission should be granted.

(B) the Assistant Director of Development Control be authorised to grant listed building consent in respect of application 3/05/0150/LB, subject to the following conditions:-

DRS

ACTION

1. Listed building three year time limit (1T14)
2. Listed building (new windows) (8L03)

Add: “Doors, balconies, handrails and steps”

“Such windows as may be approved by the Local Planning Authority shall be installed and permanently so retained in all details, including size and shape of window opening and materials of construction.”
3. Listed Building (new doors) (8L04)

Add: “Such doors as may be approved by the Local Planning Authority shall be installed and permanently so retained in all details, including size and shape of window opening and materials of construction.”
4. Listed Building (making good) (8L10)
5. Complete Accordance (2E10)
6. Listed building (new boarding) (8L07)

Change “weatherboarding” to “timber cladding”
7. Listed building (new brickwork) (8L06)
8. Prior to any building works being first commenced, detailed drawings showing the construction and finish of the roof shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the historic and architectural character of the building is properly maintained.

ACTIONDirective

1. Listed Building advice (25LB)

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 the Local Plan Second Review Re-deposit Version, November 2004), and in particular Adopted Local Plan policy BE16 and Re-deposit policy BH13, BH15, and BH20. The balance of the considerations having regard to those policies and other material considerations relating to the restoration and preservation of the Grade II listed building and its setting, is that permission should be granted.

711 PUBLIC SPEAKING AT DEVELOPMENT CONTROL COMMITTEE

The Director of Regulatory Services presented a report relating to the introduction of public speaking at Development Control Committee. The report identified the key issues public speaking raised and sought authority for the details of the scheme to be drawn up. Members were asked for their comments to enable officers to report back to a future meeting of the Committee.

The Committee was advised that speaking was proposed for planning applications, enforcement issues and Tree Preservation Orders. Members sought and were given clarification as to who could speak on the above issues.

Councillor M P A McMullen reminded Members of the importance of the views of Town and Parish Councils.

Councillor M Wood suggested that examples of good practice needed to be fed into the proposals.

ACTION

Councillor Rutland-Barsby sought, and was given clarification by the Chairman, as to why Parish Councils could speak when a written representation had been received.

The Chairman reminded the Committee of the need to avoid further delay and proposed that Members send their representations to officers to enable the Director of Regulatory Services to report back to the Committee.

RESOLVED – that, based on Members’ representations, Officers draw up a detailed scheme for the introduction of public speaking at Development Control, and this be reported back to a future meeting.

DRS

712 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.

The meeting closed at 10:20 pm.

Chairman
Date