

MINUTES OF A MEETING OF
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON WEDNESDAY 25 APRIL 2007 AT
7.30 PM

PRESENT: Councillor R Gilbert (Chairman).
Councillors M R Alexander, W Ashley,
K A Barnes, R N Copping, A F Dearman,
J Demonti, Mrs M H Goldspink, L O Haysey,
P A Ruffles, S Rutland-Barsby, G D Scrivener
(substitute for Councillor D A A Peek), J J Taylor,
M J Tindale.

ALSO IN ATTENDANCE:

Councillor A D Dodd.

OFFICERS IN ATTENDANCE:

Malcolm Amey	- Arboricultural Officer
Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Martin Ibrahim	- Senior Democratic Services Officer
Caroline Robins	- Solicitor
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

732 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors S A Bull, D A A Peek and M Wood.

733 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that he had agreed to accept an
item of urgent business onto the agenda relating to

ACTION

item of urgent business onto the agenda relating to Consultation by Hertfordshire County Council on an Application relating to Rickneys Quarry, on the grounds that a response needed to be sent without delay.

He also advised that application 3/07/0217/FP relating to the former car park to the Dolphin Public House, Mill Road, Hertford, had been withdrawn by the applicant.

The Chairman advised that Councillor G D Scrivener was attending the meeting as a substitute for Councillor D A A Peek.

Finally, the Chairman thanked all Members for their support over the previous year.

734 DECLARATIONS OF INTEREST

Councillor L O Haysey declared a personal interest in respect of application 3/07/0293/FP, as she was a governor at Haileybury College.

Councillor L O Haysey declared a personal and prejudicial interest in respect of the item relating to Rickneys Quarry, in that Hertford Civic Society had commented on this matter. She left the room prior to consideration of this matter.

RESOLVED ITEMSACTION735 MINUTES

RESOLVED - that the Minutes of the meeting held on 28 March 2007 be confirmed as a correct record and signed by the Chairman.

ACTION

736 3/07/0147/FP–CHANGE OF USE FROM MIXED USE AS CAR REPAIR AND SERVICE WORKSHOP INCLUDING MOT BAY AND CAR SALES TO MIXED USE FOR CLASS B1/B2/B8 AND ANCILLARY SHOWROOM AND EXTERNAL ALTERATIONS AT UNIT 1 BIRCHANGER INDUSTRIAL ESTATE, STANSTED ROAD, BISHOP'S STORTFORD FOR REM PROPERTIES LIMITED

The Committee supported the recommendation of the Director of Neighbourhood Services that in respect of application 3/07/0147/FP, planning permission be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/0147/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Refuse disposal facilities (2E24)
3. No external lighting (2E26)
4. Approved accesses only (3V04)
5. Prior to the first occupation of the development hereby permitted, the car and motorcycle parking areas for both staff and customer use shall be laid out to a scheme to be first submitted in accordance with a 1:200 scale detailed plan and subsequently agreed in writing with the Local Planning Authority. Such approved details shall thereafter be implemented, retained and maintained.

Reason: In order to control any intensification of use and consequent need for additional parking space at the site, in accordance with policy TR7 of the East Herts Local Plan Second Review April 2007.

ACTION

6. Cycle parking facilities (2E29)
7. Unless otherwise agreed in writing with the Local Planning Authority, no external storage or retailing of goods, articles or materials shall be undertaken.

Reason: To prevent the establishment of out of town retailing premises and in order to control any intensification of use and consequent loss of parking spaces and turning areas, and to safeguard the amenities of adjoining premises, in accordance with policies STC6, TR7 & ENV24 of the East Herts Local Plan Second Review April 2007.

8. Notwithstanding the provision of the Use Classes Order and the General Permitted Development Order, the units hereby permitted shall not be used for any purpose other than one falling within use Classes B1(c), B2 and B8 of the Town and Country Planning Use Classes Order 2005.

Reason: For the avoidance of doubt as to the scope of this permission, and to retain a suitable employment base in line with policies EDE1 and BIS9 of the East Herts Local Plan Second Review April 2007.

9. The permission hereby granted relates to a total provision of 374sq metres of ancillary retailing floorspace as indicated hatched green on drawing no. G.F.002. The creation of any further retail floorspace at the site or within the building shall not be undertaken without the prior written consent of the Local Planning Authority.

Reason: For the avoidance of doubt as to the

ACTION

scope of this permission, to prevent the establishment of out of town retailing premises and in order to control any intensification of use and consequent need for additional parking space at the site in accordance with policies STC6 and TR7 of the East Herts Local Plan Second Review April 2007.

10. Landscape design proposals (4P12)
(a), (b), (c), (d), (e), (g), (i), (j), (k)
11. Landscape works implementation (4P13)
12. Green Travel Plans (3V27)
Delete “prior to the use of” and insert “Prior to the first occupation of”
13. External details of extraction equipment (2E37)
14. New doors & windows – unlisted buildings (2E34)

Directives

1. Other legislation (01OL)
2. The applicant’s attention is drawn to the fact that all vehicle deliveries are to be off loaded within the site, and not from the public highway.
3. Street numbering (19SN)

Summary of Reasons for Decision

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

ACTION

County Structure Plan, Waste Local Plan and the East Herts Local Plan Second Review April 2007), and in particular Government Advice contained within PPS1 – Delivering Sustainable Development; PPG4 – Industrial & Commercial Development & Small Firms; PPG13 – Transport and Local Plan policies: TR7 (including Appendix II Vehicle Parking Standards), TR13, EDE1, STC6, ENV1, ENV2, ENV23, ENV24 and BIS9.

737 3/07/0293/FP – THE ERECTION OF AN AIR HALL TO PROVIDE COVERED TENNIS COURTS PLUS OUTDOOR COURTS AT HAILEYBURY, HERTFORD FOR HAILEYBURY COLLEGE

The Director of Neighbourhood Services recommended that, in respect of application 3/07/0293/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that in respect of the proposed section 106 agreement, a financial contribution of £24,000 by the applicant had now been negotiated.

Councillor W Ashley supported the application but expressed concern with the proposed section 106 agreement. He commented that the funding acquired from the Lawn Tennis Association should be used for the purposes it was intended for and not highways matters. He referred to existing public activities at the college and believed that granting this application would not generate significant additional traffic movements. Therefore, he proposed and Councillor J J Taylor seconded an amendment whereby the section 106 agreement should be removed from the planning permission.

Some Members expressed support for this amendment.

In response to a query from Councillor M R Alexander, the Director referred to the differences between the County Highways Area Transport Plan and Green Travel Plans

ACTION

required by virtue of planning conditions.

In response to a query from Councillor Mrs M H Goldspink regarding community use of the facilities, the Director referred to proposed conditions 10 and 12.

Councillor M J Tindale cautioned against removing the section 106 agreement and commented that the application should be considered on planning grounds.

After being put to the meeting, and a vote taken, the Committee supported the amendment proposed by Councillor W Ashley.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/06/2371/FP be granted planning permission, subject to the conditions as amended and now detailed.

RESOLVED – that subject to the application being referred to the Secretary of State as a departure application to the Development Plan, in respect of application 3/07/0293/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12)
2. Levels (2E05)
3. Complete Accordance (2E10) add 'unless otherwise agreed in writing by the local planning authority'
4. No External Lighting (2E26)
5. Cycle Parking Facilities (2E29)
6. Retention of Parking Space (3V20)
7. Green Travel Plans (3V27)

ACTION

8. Tree Retention and Protection (4P05)
9. Hedge Retention and Protection (4P06)
10. Restriction of Use (buildings) 5U02) add 'for a purpose ancillary to the school use of the site'.
11. Noise Emission (6N02) add 'emitted by plant and machinery'.
12. Prior to the first use of the development hereby permitted details of the measures/schemes proposed for the dual use of the facilities shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the development makes suitable and appropriate provision for the dual use of the facility, in the interests of wider community and in accordance with Policy LRC2 of the East Herts Local Plan Second Review (April 2007).

Directive

1. Other Legislation (01OL)

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 SD1, GBC1, GBC4, TR1, TR3, TR4, TR7, TR8, TR13, TR20, ENV1, ENV2, ENV4, ENV14, BH12, LRC1, LRC2, LRC9, IMP1 of the East Herts Local Plan Second Review April 2007. The balance of the considerations having regard to these policies in this case is that planning permission should be granted.

ACTION

738 3/07/0269/FP – RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF LAND AND ENGINEERING WORK TO CREATE CAR PARK, PICNIC AREA AND ASSOCIATED LANDSCAPING AT LAND ADJACENT TO RAILWAY CROSSING, CANNONS MILL LANE, BISHOP'S STORTFORD FOR EAST HERTS COUNCIL

The Director of Neighbourhood Services recommended that, in respect of application 3/07/0269/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that the Environmental Agency had now withdrawn their objection subject to condition 1 being amended to include reference to finished ground levels or contours.

Councillor Mrs M H Goldspink expressed her concern over the narrow access. The Director commented that the Highways Authority had not expressed any objections.

Councillor M J Tindale commented that as this was a picnic area, the narrow access discouraged traffic and therefore would provide a more amenable setting.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0269/FP be granted planning permission, subject to the conditions as amended and now detailed.

RESOLVED – that in respect of application 3/07/0269/FP, planning permission be granted subject to the following conditions:

DNS

1. Landscape Design Proposals (4P12)

Within 7 months of the date of this permission full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning

ACTION

Authority. These details shall include, as appropriate: (a) Finished ground levels or contours (b) Means of enclosure (c) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting) (d) Planting plans (e) Written specifications (including cultivation and other operations associated with plant and grass establishment) (f) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (g) Implementation timetables

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy BE8 of the East Herts Local Plan.

2. Landscape works implementation (4P13)
3. Hours of Use and Locked (5U08)

The use of the premises hereby permitted shall be restricted to the hours 0800 to 1900 Monday to Sunday. Outside of these hours of use the gate to the site shall be permanently locked, and there shall be no overnight parking.

Reason: In the interests of the amenities of the occupants of nearby properties and to ensure that the site is used for its intended use only and not for other uses that may be inappropriate within the Metropolitan Green Belt.

ACTION

739 3/07/0413/FP – ERECTION OF A DETACHED DWELLING. LAND ADJACENT TO 5/6 HALL COTTAGES, HALL LANE, GREAT HORMEAD, FOR MRS AND MRS QUINNEY

The Director of Neighbourhood Services recommended that in respect of application 3/07/0413/FP, planning permission be granted subject to the conditions now detailed.

Councillor R N Copping referred to his comments made at the previous Executive meeting on 3 April 2007 relating to the adoption of the Local Plan Second Review. Then, he had expressed the view that achieving affordable housing units in rural areas in accordance with the Local Plan policy would not be practical. He commented that a house with a cellar and five parking spaces, such as that in the application concerned, would not achieve affordable housing. The Director confirmed that, as only one house was being proposed by that application, the affordable housing policy did not apply.

Councillor M J Tindale referred to his opposition to the previous applications on this site and commented that given the approval of the previous applications, it would be difficult to refuse this one.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0413/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/0413/FP, planning permission be granted subject to the conditions now detailed:

DNS

1. Three Year Time Limit (1T12)
2. Levels (2E05)

ACTION

3. Samples of materials (2E12)
4. No further windows (2E17)
5. Withdrawal of P.D. (Part 1 Class A) (2E20)
6. Withdrawal of P.D. (Part 1 Class E) (2E22)
7. Withdrawal of P.D. (Part 1 Class B) (2E23)
8. Provision and Retention of Parking Spaces (3V23)
9. Tree retention and protection (4P05)
10. Hedge retention and protection (4P06)
11. Tree protection: restrictions on burning (4P08)
12. Landscape design proposals (4P12) (b) (e)
13. Landscape works implementation (4P13)
14. Hours of working - plant and machinery (6N05)
15. Prior to any building works being commenced, details of the foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment.
16. Before any works commence on site, details of earthworks shall be submitted to and approved in writing by the Local Planning

ACTION

Authority. These details shall include how any spoil will be removed from the site, or if appropriate, details of how it is proposed to be used within the site.

Reason: In the interest of maintaining the amenity value of the area, in accordance with policy ENV2 of the East Herts Local Plan Second Review.

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 GBC3, ENV1, ENV2 and BH6 of the East Herts Local Plan April 2007. The balance of the considerations having regard to these policies and to the permissions previously granted under lpa refs: 3/02/1692/OP, 3/02/1691/OP, 3/05/0036/FP and 3/06/1161/FP is that planning permission should be granted.

740 3/07/0537/FL – TEMPORARY SITING OF MOBILE HOME, CARAVAN AND DECKING ON SITE WHILST WORKS PROGRESS FOR FAMILY ACCOMMODATION, AT COWARD'S BARN THUNDRIDGE HILL, THUNDRIDGE, FOR MR S. MANN

The Director of Neighbourhood Services recommended that in respect of application 3/07/0537/FL, planning permission be granted subject to the conditions now detailed.

ACTION

Rebecca Litherland addressed the Committee in opposition to the application. Mr S Mann spoke for the application.

The Director advised the Committee of the practical circumstances relating to the siting of the mobile home.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0537/FL be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/0537/FL, planning permission be granted subject to the following conditions:

DNS

1. The use of the land hereby permitted shall cease, and the structures be removed from the site, within 12 months of the date of this decision. The land shall thereafter be reinstated to the satisfaction of the Local Planning Authority.

Reason: The development is a temporary expedient only and would be contrary to the provisions of the Development Plan and unacceptable on a permanent basis

2. Carried out in Accordance (2E92)

Directive

Other legislation (010L)

Summary of Reason 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 GBC1 and BH12 of the East Herts Local

ACTION

Plan April 2007. The balance of the considerations having regard to these policies in this case is that temporary planning permission should be granted.

741 3/07/0515/FP – ERECTION OF A CONSERVATORY AT REAR OF 29 PYNCHBEK, BISHOP'S STORTFORD, HERTS, CM23 4DH FOR MR AND MRS HOLLEBON

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0515/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/0515/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Matching materials for conservatory (2E14)

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 ENV1, ENV5 & ENV6 of the East Herts Local Plan Second Review April 2007. 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.

ACTION

742 E/06/0469/B – UNAUTHORISED CHANGE OF USE OF LAND AND BUILDINGS FROM A MIXED USE OF AGRICULTURE AND LAWFUL COMMERCIAL STORAGE (AND ANCILLARY OFFICE) TO A MIXED USE OF AGRICULTURE; AUTHORISED STORAGE (B8); ANCILLARY OFFICE; TOGETHER WITH ADDITIONAL UNAUTHORISED STORAGE (B8); SALE OF CARS (SUI GENERIS) OFFICE (B1) AND STORAGE OF BUILDING MATERIALS (B8) AT POUND FARM, HOLLYBUSH LANE, DATCHWORTH

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/06/0469/B on the basis now detailed.

RESOLVED – that in respect of E/06/0469/B, the Director of Neighbourhood Services, in consultation with the Head of Legal, 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 commercial uses.

DNS

Period for compliance: 2 months

Reason why it is expedient to issue an enforcement notice:

1. The site lies within the Metropolitan Green Belt wherein permission will not be given except in very special circumstances for changes of use of land other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such very special circumstances are apparent in this case, and the use of the site for the storage and sale of cars and storage of building materials is contrary to policy GBC1 of the adopted East

ACTION

Herts Local Plan Second Review 2007.

2. The use of the site for the storage and sales of cars represents an inappropriate use of the rural area, which in terms of sustainability would more appropriately be located in an urban area. It generates additional traffic on the very narrow surrounding rural roads to the detriment to the rural character of the area and is therefore contrary to the aims and objectives of policies GBC9 and GBC10 of the East Herts Local Plan Second Review 2007 and the sustainability principles contained in National Planning Policy Statement PPS1.
3. The use of the land and farm buildings for building material storage and ancillary commercial office purposes has resulted in unacceptable intensification of the commercial uses of the site, with traffic generation accessing the site by very narrow country lanes. It is considered that this level of commercial use is contrary to the aims and objectives of Policies GBC9 and GBC10 of the Second Review of the East Herts Local Plan 2007.
4. The mixed use to include car storage and sales together with building material storage and commercial office is not considered to be part of a diversification scheme for the farm business. It is therefore considered to be contrary to Policy GBC10 of the East Herts Local Plan Second Review 2007.

ACTION

743 E/06/0194/A – UNAUTHORISED ERECTION OF A NEW FRONT BOUNDARY ENCLOSURE AT 2 FALCONERS COTTAGE, HARLOW ROAD, SAWBRIDGEWORTH

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/06/0194/A on the basis now detailed.

RESOLVED – that in respect of E/06/0194/A, the Director of Neighbourhood Services in consultation with the Head of Legal 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 the removal of the unauthorised enclosure.

DNS/DIS

Period of Compliance: 28 days

Reasons why it is expedient to issue an Enforcement Notice:

The enclosure, by virtue of its height, materials of construction and design is detrimental to the visual amenities of the surrounding area. The enclosure is therefore contrary to policy BE2 of the East Herts Local Plan and policy ENV1(a) of the East Herts Local Plan: Written Statement Showing Pre-Inquiry Changes (June 2005).

744 CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER (NO 6) 2006 P/TPO 532 TITLE '35 WARE ROAD, HERTFORD, HERTS'

The Director of Customer and Community Services submitted a report seeking confirmation for the Tree Preservation Order (TPO) (No 6) 2006.

The Committee noted the circumstances in which the TPO had been served as now detailed in the report submitted.

ACTION

One objection had been received and the Director had recommended that the Order be confirmed as an opposed Order.

Councillor M J Tindale expressed his opposition to confirming the Order on the basis of the damage that the tree was causing an adjacent wall. He also questioned the process by which the Committee was asked to confirm TPOs and suggested that in practice, the Committee did not have much choice but to support the Officer's recommendation.

Councillor P A Ruffles expressed his support for the Officer's recommendation.

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation to confirm the Order as now detailed.

RESOLVED – that Tree Preservation Order (No 6) 2006 be confirmed as an opposed order and that the Director of Neighbourhood Services be authorised to bring it into operation.

DNS

745 ITEMS FOR REPORT AND NOTING

In respect of the recent decision on the Jackson Square appeal, the Director of Neighbourhood Services undertook to provide full details to those interested Members.

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non determination,
- (B) Planning appeals lodged, and
- (C) Planning statistics.

ACTION

746 CONSULTATION - RICKNEYS QUARRY

The Director of Neighbourhood Services referred to an application to Hertfordshire County Council in respect of the Rickneys Quarry site. The District Council had been invited to comment prior to consideration by the County Council.

The Council's response had been forwarded last year and a follow-up Officer letter dated 5 April 2007, had been sent recently. However, because of the deferral of the matter from the County Council's committee, the Director now sought the endorsement by Members of the Officer's letter, which had been circulated by e-mail. He advised that this reaffirmed the Council's previously adopted position.

The Committee endorsed the Officer's letter and reaffirmed its previously adopted view.

RESOLVED – that the Council's previously adopted view be reaffirmed by endorsement of the Officer's letter dated 5 April 2007.

The meeting closed at 8.32 pm

Chairman
Date