

MINUTES OF A MEETING OF
THE DEVELOPMENT CONTROL
COMMITTEE HELD IN THE WAYTEMORE
ROOM, BISHOP'S STORTFORD ON
WEDNESDAY 7 MAY 2008 AT
7.30 PM

PRESENT: Councillor R Gilbert (Chairman).
Councillors M R Alexander, W Ashley,
K A Barnes, S A Bull, Mrs R F Cheswright,
R N Copping, J Demonti, Mrs M H Goldspink,
G E Lawrence, D A A Peek, P A Ruffles,
S Rutland-Barsby, J J Taylor, B M Wrangles.

ALSO IN ATTENDANCE:

Councillor D Clark.

OFFICERS IN ATTENDANCE:

Malcolm Amey	- Arboricultural Officer
Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Tim Hagyard	- Development Control Team Manager
Peter Mannings	- Democratic Services Assistant
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

683 APOLOGIES

An apology for absence was submitted on behalf of
Councillor A L Warman.

684 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman advised that application 3/08/0354/LB had been withdrawn by Officers as the Council was not permitted to determine applications for listed buildings owned by the Authority. The Chairman advised that the application would be determined by the Secretary of State.

The Chairman referred Members to an invitation from the City of London Street Scene Group for a visit to the City of London on 10 June 2008. He stated that 12 places were available and interested Members should contact Tim Hagyard by the end of this week.

685 DECLARATIONS OF INTEREST

Councillor R N Copping declared a personal interest in respect of application 3/08/0363/FP, as he was an acquaintance of the applicant.

Councillor W Ashley declared a personal interest in respect of application 3/08/0411/FP, as he frequently ran or cycled through the farm.

Councillor W Ashley declared a personal and prejudicial interest in respect of application 3/07/2674/FP, as he was related to one of the directors of the farming company. Councillor Ashley left the room prior to consideration of this matter.

Councillors K A Barnes, J Demonti, R Gilbert and D A A Peek declared personal interests in respect of application 3/07/2543/FP, in their capacity as Members of Bishop's Stortford Town Council.

RESOLVED ITEMS686 MINUTES

RESOLVED – that the Minutes of the meeting held on 9 April 2008 be confirmed as a correct record and signed by the Chairman.

687 3/08/0362/FP - DEVELOPMENT PROPOSING NEW BUILD OF: 8 TWO BEDROOM APARTMENTS, 1 GROUND FLOOR COMMERCIAL UNIT, 1 THREE BEDROOM TOWN HOUSE AT 87-89A RAILWAY STREET, HERTFORD, SG14 1RP FOR PARKHALL PROPERTY

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0362/FP, planning permission be refused for the reasons now detailed.

The Director reported that an additional letter of objection had been received from a resident of Chauncy Court raising concerns over the height of the proposed development, inadequate parking and increased traffic.

The Director stated that he was suggesting an additional reason for refusal as the proposed development had not made adequate provision for contributions towards sustainable transport matters to mitigate against the impact of the proposed development.

Councillor P A Ruffles stated that he would have liked to see the reasons for refusal covering the provision of a replica building to replace the highly valued listed building that had been demolished without permission on the site.

The Director advised that Officers had acknowledged similar representations and had taken the view that the demolished building was gone and a decision had to be made on what was appropriate in the conservation area.

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Councillor Mrs M H Goldspink questioned whether it was within the remit of the Committee to request a replica building on a future application. The Director advised caution in that the Committee would be setting policy with such a request. Councillor D A A Peek expressed concern with the Committee taking the approach of setting policy.

In response to a query from Councillor S Rutland-Barsby, the Director advised that, like the previously demolished building, the proposed replacement was 2 storeys in height.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/0362/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/08/0362/FP, planning permission be refused for the following reasons:

DNS

1. The proposed development by reason of its height, scale, massing and detailed appearance is of a poor standard of design, unsympathetic to the context of this prominent corner location and fails to enhance the character and appearance of the surrounding Conservation Area. The proposal is thereby contrary to policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007.
2. The proposal would be likely to result in an unacceptable degree of overlooking of, and loss of privacy to, residents of the adjoining dwellings in St. Johns Street, contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
3. The proposed development does not make adequate provision for contributions towards

ACTION

sustainable transport matters to mitigate against the impact of development. It would therefore be contrary to Policies IMP1 and HE9 of the East Herts Local Plan Second Review April 2007.

- 688 3/08/0363/FP – MATERIAL CHANGE OF USE TO MIXED USE AS MARKET GARDEN AND PLANT NURSERY WITH ANCILLARY SALES AND FOR THE CONVERSION, REDUCTION, PREPARATION AND STORAGE OF TIMBER, AND STORAGE AND SALE OF LOGS. (RETROSPECTIVE APPLICATION), AT WILDACRE, HARE STREET SG9 0AD FOR MR D WRIGHT

Mr Bayles addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0363/FP, planning permission be granted subject to the conditions now detailed.

Councillor S A Bull welcomed the report and complimented Officers on the recommendation. Councillor Mrs R F Cheswright expressed her support for the Officer's recommendation.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/0363/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/0363/FP, planning permission be granted subject to the following conditions:

DNS

1. The use of the land hereby permitted shall be restricted to market garden and plant nursery; conversion, reduction, preparation and storage of timber; and the storage and sale of logs, and for no other purposes without the prior consent

ACTION

in writing of the Local Planning Authority.

Reason: In the interests of the character of the rural area and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

2. The area for the conversion, reduction and preparation of timber shall be restricted to the eastern proportion of the site, as marked out green on plan CDB/9402, and within this area such operation and associated machinery may only be sited and operated at any one time on a single area not exceeding 15 by 15 metre (225square metres).

Reason: In the interests of the character of the rural area and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

3. The area for the storage of timber shall be restricted to the western proportion of the site, as marked orange on plan CDB/9402, and within this area no more than a total of 700 square metres shall be occupied for

Reason: In the interests of the character of the rural area and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. The provision of timber storage hereby approved, shall not exceed a maximum height of 3.5metres.

Reason: In the interest of the character of the rural area and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

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5. Lighting details (2E27)
6. Within six months of the grant of this permission detailed plans indicating modifications to the existing vehicle access to provide improvements to the visibility of and for vehicles turning right into the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall thereafter be implemented within a timescale to be agreed in writing.

Reason: To ensure the provision of an access appropriate to the development in the interests of highway safety.

7. No plant, tools, or machinery shall be operated at the site before 0730hrs on Monday to Saturday, nor after 1830hrs, nor at any time on Sundays or Bank holidays.

Reason: To safeguard the amenities of residents of nearby properties, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

8. Tree retention and protection (4P05)
9. Hedge retention and protection (4P06)

Directives:

1. Other legislation (01OL)
2. The applicant is advised that in order to comply with Condition 5 of this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the

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satisfactory completion of the access and associated road improvements. The applicant is advised to contact the East Herts Highways Area Office (01992 526900) to obtain the requirements on the procedure to enter into the necessary agreement with the highway authority prior to commencement of development.

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 Second Review April 2007, and in particular policy GBC3, ENV1, ENV2, ENV24, TR4 and TR20. The balance of the considerations having regard to that policy is that permission should be granted.

- 689 3/08/0295/FP – TWO STOREY PURPOSE BUILT FACILITY FOR THE TEACHING OF MODERN LANGUAGES WITH ANCILLARY ACCOMMODATION AND 2NO. RESIDENTIAL UNITS FOR TEACHING STAFF, AT HAILEY HOUSE, COLLEGE ROAD, HERTFORD HEATH, FOR HAILEYBURY COLLEGE

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0295/FP, planning permission be granted subject to the conditions now detailed.

Councillor W Ashley complimented Officers in respect of pre application negotiations with the applicant. Councillor Mrs M H Goldspink supported the Officer's recommendation and requested an additional condition in respect of energy efficiency measures.

The Director advised that Officers would add an appropriate condition in respect of this issue.

ACTION

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/0295/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/0295/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Sample of materials (2E12)
3. Lighting details (2E27)
4. New windows and doors (2E34)
5. Hard surfacing (3V21)
6. Tree retention and protection (4P05)
7. Hedge retention and protection (4P06)
8. Landscape design proposals (4P12)
9. Landscape works implementation (4P13)
10. The two units of living accommodation hereby approved shall only be occupied by persons employed solely by Haileybury College and for no other purpose without the prior consent in writing of the Local Planning Authority.

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

11. Prior to the commencement of above ground development, the applicant shall submit details of sustainable building technologies within the

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development, including inter alia renewable energy provisions, enhanced insulation measures and heat recovery ventilation systems.

Reason: To ensure the sustainable measures within the development in accordance with Policy SD1 and ENV1 of the adopted East Herts Local Plan.

Directives:

1. Other legislation (010L)

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 Second Review April 2007, and in particular policies GBC1, GBC4, TR7, ENV1, ENV2, ENV4 and BH12. The balance of the considerations having regard to those policies is that permission should be granted.

690 3/08/0305/FP – PROPOSED DEMOLITION OF EXISTING HOUSE AND CONSTRUCTION OF 12 NO. APARTMENTS WITHIN 3/4 STOREYS AT 100 RYE STREET, BISHOP'S STORTFORD FOR DOUGLAS AND WARNER PARTNERSHIP

Mr Sida addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0305/FP, planning permission be refused for the reasons now detailed.

Councillor K A Barnes concurred with the concerns of the public speaker in respect of increased traffic near to the Grange Paddocks entrance, an ill considered design, loss

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of amenity, pedestrian hazards and inadequate parking. Councillor Barnes also expressed concern in respect of building on the flood plain.

Councillor Barnes supported the concerns submitted by Bishop's Stortford Town Council and referred to the 95 objection letters and 265 signature petition as an indication of the level of local concern. He expressed strong concerns relation to overlooking and the dangerous ingress and egress at the site.

Councillor Barnes stated his concern in respect of the height of the proposed development resulting in a detrimental impact on the street scene. Councillor J Demonti referred to the concerns of the Highway Authority and expressed concerns relating to building on the floodplain.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/0305/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/0305/FP, planning permission be refused for the following reasons:

DNS

1. The proposal would result in overdevelopment of the site by virtue of its unsatisfactory plot sizes, the cramped and congested layout, and the poor relationship with adjoining development. It would therefore be contrary to policies HSG7 and ENV1 of the East Herts Local Plan Second Review April 2007.
2. The proposed development by reason of its height, scale and detailed appearance is unsympathetic to the context of the site and the character of the surrounding area. The proposal is thereby contrary to Policies HSG7 and ENV1 of the East Herts Local Plan Second Review

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April 2007.

3. The proposed development by reason of its siting, height and scale would be overbearing, detrimental to the outlook of the adjacent dwellings and would appear unduly prominent within the streetscene, contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.
4. To permit this proposal would result in an intensification of use of an existing modified access, which enters the public highway at a point where visibility is restricted and would lead to conditions detrimental to the safety and convenience to users of the access and users of Rye Street in general.
5. The proposed means of vehicle access is of insufficient width to allow a vehicle to enter the site whilst another is emerging which would result in vehicles having to wait within the public highway in conflict with the safe and free flow of traffic on Rye Street
6. There is insufficient information to demonstrate that adequate parking provision is made within the site to ensure that the development would not result in additional on-street parking that may cause obstruction to the free and safe flow of traffic, thereby exacerbating traffic congestion on the nearby road network; the proposal would therefore be contrary to policy TR7 of the East Herts Local Plan Second Review April 2007.
7. The amount of hardsurfacing proposed to rear of the site and the car parking layout is unsatisfactory as, together with the declining land levels, it would appear harsh and conspicuous within the site detrimental to the

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appearance of the development, contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.

8. There is insufficient information regarding archaeological remains at the site. Further investigations are required in order to assess the likelihood of the development having an impact on significant archaeology or the site containing remains worthy of preservation. The proposal is thereby contrary to Government advice set out in PPG16 'Archaeology and Planning' and policy BH2 of the East Herts Local Plan Second Review April 2007.
9. The proposed development has failed to demonstrate that a provision would be made for 15% lifetime homes and is thereby contrary to Policy HSG6 of the East Herts Local Plan Second Review April 2007.

691 3/08/0322/FP – CONTINUED USE OF EXISTING GOLF CLUB HOUSE FOR CONFERENCE AND OTHER EVENTS IN ASSOCIATION WITH EXISTING HOTEL, RETENTION OF LANDSCAPING AND MODIFICATION TO VEHICULAR ACCESS AT MANOR OF GROVES HOTEL, HIGH WYCH LANE, HIGH WYCH, CM21 0JU FOR MANOR OF GROVES

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0322/FP, planning permission be granted subject to the conditions now detailed.

Councillor R N Copping commented that the landscaping on the application was out of keeping and out of character with the surrounding area. The Director acknowledged that the landscaping features had not been what one would expect in a rural area. He stated that Officers had the view that the landscaping did not adversely affect the

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surrounding area and countryside.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/0322/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/0322/FP, planning permission be granted subject to the following conditions:

DNS

1. Within 3 months of the grant of permission the existing vehicle access to the site from High Wych Lane shall be widened in accordance with the approved drawing no. 6087/1.

Reason: To ensure the provision of an access appropriate to the development in the interests of highway safety and convenience.

2. Prior to the commencement of the alterations to the access to the site hereby approved, details of the materials to be used for the surface of the access shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not detract from the appearance of the locality or impact upon highway safety.

3. Prior to the commencement of the alterations to the access details of the construction of the surface drainage system at the access to the site from High Wych Lane shall be submitted to and approved in writing by the Local Planning Authority, and thereafter carried out in accordance with the approved details.

Reason: To ensure that surface water from the site does not discharge onto the highway.

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4. Tree Retention and Protection (4P05)
5. No live or recorded music shall be played anywhere on the site, other than within the buildings.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. Highways Works (05FC)
3. This decision notice should be read in conjunction with permission ref. 3/89/0120/ZA, and your attention is drawn particularly to the ongoing requirements of condition 5 of that permission.

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 GBC1, TR7, TR20, ENV2, ENV11, ENV24, BH6 and BH12. The balance of the considerations having regard to these policies is that planning permission should be granted.

- 692 (A) 3/08/0432/LC – DEMOLITION OF ALL EXISTING BUILDINGS IN ASSOCIATION WITH PROPOSED REDEVELOPMENT OF SITE FOR PART RETAIL AND PART RESIDENTIAL PURPOSES; AND (B) 3/08/0431/FP – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF GROUND FLOOR RETAIL UNIT AND 8 NO. TWO BED AND 4 NO. ONE BED RESIDENTIAL UNITS WITH UNDERGROUND PARKING AT FORMER KWIK FIT PREMISES, 26 WARE ROAD, HERTFORD FOR ESTATE MANAGEMENT INVESTMENTS
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The Director of Neighbourhood Services recommended that, in respect of applications 3/08/0432/LC and 3/08/0431/FP, conservation area consent and planning permission be refused for the reasons now detailed.

Councillor P A Ruffles expressed concern that the application was before the Committee. He referred to the importance of protecting the street scene and retaining the buildings on the site.

Councillor Mrs M H Goldspink sought and was given clarification in respect of the second reason for refusal under part A of the Officer's recommendation in the report now submitted.

The Director read out the full wording of policy B182 relating to the conservation area consent for application 3/08/0432/LC.

The Committee supported the recommendations of the Director of Neighbourhood Services that application 3/08/0432/LC be refused conservation area consent and application 3/08/0431/FP be refused planning permission, for the reasons now detailed.

RESOLVED – that (A) in respect of application 3/08/0432/LC, conservation area consent be refused for the following reasons:

DNS

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1. Insufficient justification has been submitted for the demolition of the existing 2-storey building located on the corner of Ware Road and Baker Street and there is no evidence to suggest that the building could not be repaired and restored and incorporated within proposals for the redevelopment of the site. The proposed demolition would therefore be detrimental to the character of the Conservation Area and contrary to Policy BH4 of the East Herts Local Plan Second Review April 2007.
2. Conservation Area Consent – no satisfactory replacement (B182) “after buildings” insert: “and in particular the Victorian building on the north west corner”.

(B) in respect of application 3/08/0431/FP, planning permission be refused for the following reasons:

DNS

1. The proposed development would result in an overdevelopment of the site by virtue of its cramped and congested layout, out of character with the form and density of existing development in the area and of poor relationship with adjacent development, and would thereby be contrary to the aims and objectives of Policy ENV1 of the East Herts Local Plan Second Review (April 2007).
2. The proposed buildings by reason of their height, scale, massing, detailed appearance and lack of adequate landscaping are of a poor standard of design, unsympathetic to the context of the site and fails to take the opportunities available for improving the character of the Ware Road, the Baker Street streetscape and the locality in general, nor does it preserve or enhance the character and setting of the Hertford Conservation Area. The

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proposal is thereby contrary to Policies ENV1, ENV2 and BH6 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' para 34, and Planning Policy Guidance Note 15 — Planning and the Historic Environment para 4.19.

3. The proposed buildings by reason of their height, bulk and siting, would have an unacceptable impact upon the amount of daylight received, would further lead to unacceptable overshadowing, loss of privacy and would create an overbearing impact upon the outdoor amenity area currently enjoyed by the occupier of no. 4 Hampton House. The proposal is thereby contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.
4. The proposed development does not make adequate provision for contributions towards sustainable transport matters, other infrastructure improvements and other County Council Services to mitigate against the impact of development. It would therefore be contrary to Policies IMPI and HE9 of East Herts Local Plan Second Review April 2007.

693 3/00/0657/FP – ERECTION OF 20 HOUSES, CONVERSION OF EXISTING HOUSE AND WORKSHOP TO 4 DWELLINGS AND ANCILLARY WORKS, SWORDERS GARAGE, HIGH STREET WALKERN BY TAYWOOD HOMES

The Director of Neighbourhood Services recommended that, in liaison with the Director of Internal Services, Officers be authorised to vary the Section 106 agreement dated 2 July 2001 in relation to the approved development (Ref: 3/00/0657/FP) of the former Sworders Garage, Walkern, to allow the Schedule 2 Contribution to be used

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“for the refurbishment of the existing Jubilee pavilion or other equivalent community facility within the Parish of Walkern.”

The Director stated that the report was before the Committee to facilitate greater flexibility in allocating the section 106 contribution.

The Committee supported the recommendation of the Director of Neighbourhood Services that, in liaison with the Director of Internal Services, Officers be authorised to vary the Section 106 agreement dated 2 July 2001 in relation to the approved development (Ref: 3/00/0657/FP) of the former Sworders Garage, Walkern, to allow the Schedule 2 Contribution to be used “for the refurbishment of the existing Jubilee pavilion or other equivalent community facility within the Parish of Walkern.”

RESOLVED – that the Director of Neighbourhood Services, in liaison with the Director of Internal Services, be authorised to vary the S106 agreement dated 2 July 2001 in relation to the approved development (Ref: 3/00/0657/FP) of the former Sworders Garage, Walkern, to allow the Schedule 2 Contribution to be used “for the refurbishment of the existing Jubilee pavilion or other equivalent community facility within the Parish of Walkern.”

DNS/DIS

694 3/07/2674/FP – RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF BUILDINGS B AND C TO STORAGE (B8) ANCILLARY TO WORKSHOP (B1) AND STORAGE USE OF BUILDING D, AND WITH IMPROVED ACCESS AT LITTLE SAMUELS FARM, WIDFORD ROAD, HUNSDON, SG12 8NN, FOR A T BONE AND SONS

Mr Jed Griffiths addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2674/FP, planning

ACTION

permission be refused for the reasons now detailed.

The Director referred to additional representation from objectors emphasising concerns in relation to noise, hours of use, the size of vehicles and the general activity on the site. He reported that the applicant's solicitor had requested that the information submitted with the previous report be considered.

The Director advised that the applicant had requested the application be deferred so that traffic information could be clarified. He stated that a solicitor on behalf of the objectors had commented that there was no justification for deferral.

The Director stated that the Committee should not debate the definitions of specific site usages. He commented that Members should make a judgement on whether a B1 and B8 usage was appropriate on the site.

The Director acknowledged that the vehicle data submitted contained disparities and could not be guaranteed to be 100 percent accurate. He stated that the figures gave an indication of the level of activity on the site. Members were advised that the County traffic models gave an average for a B1 use.

Councillor M R Alexander commented that the Committee had a clearer picture of vehicle movements in the vicinity of the site. He referred to the differing sets of data submitted in respect of vehicle movements.

Councillor Alexander stated that Aiver had offered conditions to control the use of the site. He concluded by advising that the application should be approved for the vitality of the village and local employment benefits.

Councillor R N Copping supported the Officer's recommendation and expressed concern in respect of farm diversification in the rural area. Councillor J Demonti expressed concerns in respect of potential increases in

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traffic near to a residential area.

Councillor D Clark, as the local ward Member, addressed the Committee in opposition to the application. Councillor Clark detailed the extensive planning knowledge of the public speaker in opposition to the application.

Councillor Clark stated that there was a sound case for refusing the application. She commented that the CCTV evidence that had been submitted was subject to errors in accuracy. Councillor Clark raised strong concerns in respect of the traffic implications of the application and expressed her support for the Officer's recommendation.

Councillor M R Alexander referred to differing figures at paragraph 7.18 of the Officer's report as now submitted. The Director stated that any change of use had the potential to cause an increase in traffic to and from the site.

Councillor M R Alexander proposed and Councillor B M Wrangles seconded, a motion that application 3/07/2674/FP be approved on the grounds that the application would benefit local employment and would improve the vitality of the village.

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

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2674/FP be refused, for the reasons now detailed.

RESOLVED – that in respect of application 3/07/2674/FP, planning permission be refused for the following reason:

DNS

1. The proposed uses, in addition to the uses already taking place on Little Samuels Farm, will have the impact of creating significant additional traffic movements to and from the site. These vehicle movements, which include

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evening, weekend and public holiday traffic generation, will have a significant and detrimental impact on the amenity of residents of adjoining properties, by virtue of activity, noise and disturbance. The proposal is therefore contrary to policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

695 3/08/0075/FP – PROPOSED NEW LOG CABIN (4M BY 5.5M) TO BE USED IN PART AS OFFICE AND IN PART AS A MEETING ROOM FOR HERTS YOUNG FARMERS CLUB AT MENTLEY FARM, MENTLEY LANE WEST, GREAT MUNDEN, SG11 1TW FOR MRS LINDA WATTS

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0075/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/0075/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/0075/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12)
2. The use of the building hereby permitted shall be solely used as an office and meeting room for HEAS Young Farmers Club and local community groups and for no other purpose whatsoever without the prior consent in writing of the Local Planning Authority.

Reason: To prevent the introduction of a use which would be inappropriate in the

ACTION

surrounding rural area.

3. External timberwork (2E16) (insert ‘...for the elevations of...’)
4. New Doors and Windows- unlisted buildings (2E34)
5. Lighting details (2E27)
6. Landscape design proposals (4P12) (parts b, e, l, j, k, l)
7. Landscape works implementation (4P13)
8. Prior to the commencement of development details of the external finishes for the building 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 policy ENV1 of the East Herts Local Plan Second Review April 2007.

9. Should the building no longer be required for its permitted use the building shall be removed and the land restored to its former condition.

Reason: In the interests of the appearance of the area and taking into account the circumstances of the case, in accordance with policy ENV1 and GBC3 of the East Herts Local Plan Second Review 2007.

Directives:

1. Other Legislation (01OL)

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2. Development works should proceed with caution and any disturbance to existing buildings should be kept to a minimum. In the event of bats being found, which are European protected species, work must stop immediately and Natural England informed; telephone (01206) 796666.

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 Second Review April 2007), and in particular policies GBC2, GBC3, GBC14, TR7, TR20, ENV1, ENV2, ENV14, BH1, BH2, BH3 and BH12. The balance of the considerations having regard to those policies and the other material considerations relevant to this case is that permission should be granted.

696 3/06/0159/FP – INSTALLATION OF WATER FEATURE AND ANCILLARY WORKS AND ADDITIONAL LANDSCAPING PROPOSALS – TUDOR SQUARE, WEST STREET, WARE FOR WARE TOWN COUNCIL

The Director of Neighbourhood Services recommended that, in respect of application 3/06/0159/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/06/0159/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/06/0159/FP, planning permission be granted subject to the following conditions:

DNS

ACTION

1. Three years (1T12)
2. Samples of materials (2E12)
3. Archaeology (2E02)
4. No works or development shall take place until a detailed specification and drawings of the new paving, street furniture and tree planting have been submitted to and approved in writing by the Local Planning Authority. These details shall provide for sustainable drainage measures and for a matching quality of materials to the existing natural stone paved areas. Thereafter the development shall be carried out solely in accordance with the approved details.

Reason: In the interests of the appearance of the development and the Ware Conservation Area and to ensure the provision of amenity afforded by appropriate landscape design, and in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

5. Prior to the commencement of works details of a small stone upstand or plinth for the water sculpture, shall be submitted for the approval in writing of the local planning authority. Thereafter the development shall be carried out solely in accordance with the approved details.

Reason: In the interests of the appearance of the development and the Ware Conservation Area and to ensure the provision of amenity afforded by appropriate landscape design, and in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

ACTION

6. The sculpture shall be located as indicated on the amended plan TH1, or as otherwise agreed in writing by the local planning authority.

Reason: For the avoidance of doubt and in the interests of the appearance of the development and the Ware Conservation Area and to ensure the provision of amenity afforded by appropriate landscape design, and in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

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, ENV2 and BH6 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.

697 3/07/2543/FP – NEW COMBINED PARISH CENTRE FOR ST MICHAELS AND ST JOSEPHS CHURCHES IN CAR PARK OF MONASTERY GARDENS, WINDHILL, BISHOP'S STORTFORD FOR ST MICHAELS AND ST JOSEPHS CHURCHES

Mr Barrat and Mr Barrance addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2543/FP, planning permission be refused for the reasons now detailed.

The Director submitted a detailed update on the likely effect of the foundations of the proposed building on the trees located at the site. Councillor K A Barnes

ACTION

complimented the Director on the advice of the Council's Arboricultural Officer. Councillor D A A Peek acknowledged the inevitable loss of trees on the site if the application was approved.

Councillor Peek referred to the report submitted to Members by the applicant detailing opinions of professional structural engineers. Councillor Peek stated that the applicant proposed to replace some of the trees that would be lost if the application was approved.

Councillors R N Copping and K A Barnes expressed concerns relating to the impact of the application on the trees on the site. Councillor Mrs M H Goldspink praised the application as being of potential benefit to a whole community.

Councillor Goldspink stated that the applicant had engaged professional engineers prior to submission of the application and detailed solutions had been submitted in support of the application. The Director commented that metal matting could be installed above the root structures of trees to protect roots from damage resulting from construction traffic.

Councillor W Ashley referred to the lack of objection from English Heritage and the likely community benefits of the application. Members sought and were given further clarification relating to the likely impact of the application on the root structure of trees.

Councillor R Gilbert expressed concerns relating to vehicular access to the site and the likely impact on the trees.

Councillor R Gilbert proposed and Councillor J Demonti seconded, a motion that application 3/07/2543/FP be deferred to enable Officers to seek further information in relation to the method of foundation construction for the proposed development and access arrangements during

ACTION

construction and for subsequent use.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/07/2543/FP be refused planning permission for the reasons now detailed.

RESOLVED – that application 3/07/2543/FP be deferred to enable Officers to seek further information in relation to the method of foundation construction for the proposed development and access arrangements during construction and for subsequent use.

DNS

- 698 3/08/0411/FP – INTERNAL CONVERSION OF 2 X WCS, 2 X OFFICES, 1 X STAFFROOM TO PROVIDE A LIVING ACCOMMODATION FOR GROOMS EMPLOYED IN THE ADJACENT EQUESTRIAN CENTRE, AT ELBOW LANE FARM, ELBOW LANE, HERTFORD HEATH FOR MR JAMES C. BOURKE
-

The Director of Neighbourhood Services recommended that, in respect of application 3/07/0411/FP, planning permission be refused for the reasons now detailed.

The Director reported that additional letters of representation had been received from the planning agent, the applicant and solicitors on behalf of the applicant. He also advised that representation had been received from the British Horse Society.

The Director advised that the solicitor for the applicant, the applicant and applicant's agent had put forward representations stating that the application complied with national policy. He concluded by advising that the British Horse Society had commented that the application was essential for the safety and security of horses on the site.

ACTION

Councillor W Ashley expressed concern in respect of the Officer's recommendation. He referred to the need for accommodation for staff employed for the benefit of animal welfare. Councillor Ashley stated that this top quality equestrian centre was a major local employer which had been embraced by the community.

Councillor W Ashley stated that the application had not gone against planning policies GBC5, GBC9 and national policy PPG2. He commented that the application would have a limited impact on the greenbelt.

The Director clarified the definitions of policies GBC1 and PPG2. He stated that separate residential uses in the greenbelt went against national policy PPG2 and the Authority's own planning policies.

Councillor S A Bull stated that no outside works had been proposed as part of the application, aside from two new external doors. Councillor Bull commented that the proposed dwelling was essential for the care of sick animals.

The Director advised caution in approving a residential use in the greenbelt. He emphasised the importance of a specific condition stipulating that only employees working for the care of horses be permitted to occupy the proposed accommodation.

Councillor M R Alexander referred to the need for full time specialist employees being on site for the welfare and care of the horses.

Councillor W Ashley proposed and Councillor S A Bull seconded, a motion that application 3/07/0411/FP be approved on the grounds that the application was necessary for the supervision, health and welfare of horses on the site.

After being put to the meeting and a vote taken, this motion

ACTION

was declared CARRIED.

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/07/0411/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/0411/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121)
2. The residential accommodation hereby permitted shall be occupied only by persons fully employed in the care of horses at the equestrian centre known as East Herts Equestrian Centre whilst that use remains operational. The accommodation shall not be occupied by persons employed in security or other supporting services for the centre.

Reason: The proposed accommodation is situated in the Metropolitan Green Belt wherein permission would not normally be granted for the creation of new residential accommodation and this permission is granted solely to fulfil an identified and essential need on the equestrian centre.

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 GBC1, GBC5, GBC9 and ENV1 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.

699 E/07/0631/A - THE STATIONING OF TWO
UNAUTHORISED SHIPPING CONTAINERS ON LAND
OPPOSITE THE PIGGERIES, PIG LANE, BISHOP'S
STORTFORD, CM22 7PA

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/07/0631/A, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0631/A on the basis now detailed.

RESOLVED – that in respect of E/07/0631/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised shipping containers.

DNS/DIS

Period for compliance: 1 month

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, essential small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. The development does not fall within these criteria and does not maintain the openness of the area. It is thereby contrary to policy GBC1 of the East Herts Local Plan Second Review April

ACTION

2007.

2. The shipping containers, by reason of their size, design, materials and detailed appearance, are unduly prominent and visually intrusive in the surrounding area, detrimental to the rural character and appearance of the locality. Accordingly they are contrary to Policy ENV1 of the East Hertfordshire Local Plan Second Review April 2007.

700 E/07/0610/B - THE UNAUTHORISED USE OF THE LAND FOR PURPOSES INCIDENTAL TO THE RESIDENTIAL USE OF BAYFORDBURY MANSION AND THE ERECTION OF AN UNAUTHORISED GREENHOUSE AND RAISED HORTICULTURAL BED ON LAND AT BAYFORDBURY, HERTFORD, SG13 8RE

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/07/0610/B, enforcement action be authorised on the basis now detailed.

The Director reported that Officers had received a letter from the site owner requesting that the Committee refrain from authorising enforcement action on the grounds that Officers' concerns could be overcome by sensible landscaping.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0610/B on the basis now detailed.

RESOLVED – that in respect of E/07/0610/B, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the cessation of the unauthorised use of the land; the removal of the unauthorised greenhouse and raised

DNS/DIS

ACTION

horticultural bed and the restoration of the land to its former condition.

Period for compliance: 1 month

Reasons why it is expedient to issue an enforcement notice:

1. The land forms part of a Grade II* registered park and garden of special historic interest, listed by English Heritage as being considered to be of national importance. The allotment style use and development of the site, ancillary to the residential use of Bayfordbury Mansion, significantly harms the special character and appearance of the park and the setting of the listed mansion. Accordingly the development is contrary to Policy BH16 of the East Hertfordshire Local Plan Second Review April 2007 as supplemented by the Historic Parks & Gardens Supplementary Planning Document September 2007.
2. The site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, essential small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. The development does not fall within these criteria and does not maintain openness in the area. It is therefore contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.
3. The greenhouse and raised bed, by reason of their size, design, appearance, materials, are detrimental to the character and appearance of the surrounding area. Accordingly they are contrary to Policy ENV1 of the East

Hertfordshire Local Plan Second Review April
2007.

701 VALIDATION OF PLANNING APPLICATIONS – ‘LOCAL LIST’ CONSULTATION

The Director of Neighbourhood Services submitted a report providing an update on information and details that were required to be submitted in order to validate planning applications.

The Director reported that Officers had undertaken a 6 week consultation exercise and a summary of the responses received had been attached to the report along with a list of the changes that had been made following receipt of thirteen formal responses to the consultation.

Councillor Mrs M H Goldspink stated the local list should include details relating to sustainability and energy efficiency. The Director commented that these were building control issues that would not be covered in the Local Plan.

The Committee supported the Director's recommendation that the proposed amendments to the 'local list' of validation requirements be endorsed and the adoption of the list for Development Control purposes be authorised from 1 June 2008.

RESOLVED – that (A) the proposed amendments to the 'local list' of validation requirements be endorsed; and

(B) the adoption of the list for Development Control purposes be authorised from 1 June 2008.

DNS

(Note - Councillor Mrs M H Goldspink requested that her dissent from this decision be recorded.)

ACTION702 PLANNING APPEAL PERFORMANCE AND TRENDS
OCTOBER 2007 - MARCH 2008

The Director of Neighbourhood Services submitted a report providing a summary of planning appeal performance for a six month period covering October 2007 to March 2008.

RESOLVED – that the performance of the Council in relation to planning appeal decisions be noted.

703 PLANNING OBLIGATIONS UNDER SECTION 106 OF
THE TOWN AND COUNTRY PLANNING ACT 1990

The Director of Neighbourhood Services submitted a report recommending that an extension of time of six months from the date of this meeting, be granted for the completion of the planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of the following applications and, if an obligation is completed, the Director of Internal Services be authorised to grant permission in respect of the planning applications submitted in the report.

The Committee supported the recommendation of the Director of Neighbourhood Services that an extension of six months be granted for the conclusion of planning obligations detailed in the report now submitted.

The Committee noted the planning obligations at Appendix B of the report now submitted.

RESOLVED – that (A) an extension of time of six months from the date of this meeting be granted for the completion of the planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of the following applications and, if an obligation is completed the Director of

DIS

ACTION

Internal Services be authorised to grant permission in respect of the following Application:

<u>Planning Reference</u>	<u>Site and Proposals</u>
04.06.694	New Barns Farm, Barns Lane, Anstey Change of use and alteration of redundant farm buildings to office/workshop/studio.

(B) the Director of Internal Services report back following the grant of planning permission or on 7 May 2008, whichever is the sooner. DIS

704 ITEMS FOR REPORT AND NOTING

Councillor M R Alexander praised the Development Control Team on maintaining the consistently high percentages in the performance figures. He also expressed concern that that application 3/07/1546/FO had been allowed at appeal.

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 10.15 pm

Chairman
Date