

MINUTES OF A MEETING OF
THE DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON WEDNESDAY 6 MAY 2009
AT 7.30 PM

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

ALSO IN ATTENDANCE:

Councillors J O Ranger and P A Ruffles.

OFFICERS IN ATTENDANCE:

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

748 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman advised that application 3/07/2531/FP had been withdrawn by Officers. The Chairman also advised

ACTION

that items E/08/0458/B and E/08/0163/A had been withdrawn as the garden centre and the smoking shelter had been removed from the sites concerned.

The Chairman reminded Members that the next meeting was due to take place on 10 June 2009 in the Council Chamber, Wallfields, Hertford, as the Waytemore Room would be unavailable following the elections on 4 June 2009.

Councillor Mrs M H Goldspink, on behalf of the Committee, submitted a vote of thanks to Councillor R Gilbert for his expertise and knowledge in chairing the Committee for many years. Councillor Gilbert thanked Members of the Committee for their support.

749 DECLARATIONS OF INTEREST

Councillor M R Alexander declared a personal and prejudicial interest in respect of application 3/09/0237/OP, as he received a pension from GlaxoSmithKline. Councillor Alexander left the room prior to consideration of this application.

RESOLVED ITEMS750 MINUTES

RESOLVED – that the Minutes of the meeting held on 8 April 2009 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 707 – Delete 9th paragraph –
 ‘(Note - Councillor Mrs M H Goldspink requested that her dissent from this decision be recorded.)’

ACTION

751 3/09/0245/FP – DEMOLITION OF EXISTING OUTBUILDINGS AND ERECTION OF NEW 40 BEDROOM WING, TOGETHER WITH CHANGE OF USE OF 5 NO. ASSOCIATED COTTAGES FROM CLASS C2 (RESIDENTIAL INSTITUTIONS) TO C3 (DWELLINGHOUSES) AT LIBURY HALL, GREAT MUNDEN, SG11 1JD FOR LIBURY HALL RESIDENTIAL HOME

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0245/FP, planning permission be granted subject to the conditions now detailed.

Councillor S A Bull commented that the application would be an asset to the community. Councillor Mrs M H Goldspink commented on whether energy efficiency and renewable energy measures could be incorporated. The Director advised that it was considered inappropriate to require this by condition as changes to the design and structure may be required as a result. He stated that renewable energy provisions were only a policy requirement on significant major applications.

Councillor J O Ranger, as the local ward Member, commented that the new wing would be purpose built for residents. He stated that it was probably too late to incorporate energy efficiency and renewable energy measures. He also stated that these measures often posed financial pressures that did not pay out in the long term.

Councillor Goldspink commented on whether the applicant could be requested to consider such measures. The Director commented that Officers could attach directives for the applicant to consider.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application

ACTION

3/09/0245/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED - that in respect of application 3/09/0245/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Programme of archaeological work (2E02)
3. Materials of construction (2E11)
4. Withdrawal of P.D. (Part 1 Class A) (2E20)
5. Withdrawal of P.D. (Part 1 Class E) (2E22)
6. Wheel washing facilities (3V25)
7. Prior to the commencement of development, details of the routing and access of construction vehicles shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the impact of construction vehicles on the local road network in accordance with policy TR20 of the East Herts Local Plan Second Review April 2007.

8. Tree retention and protection (4P05)
9. Landscape design proposals (4P12
b,c,d,e,i,j,k,l)
10. Landscape works implementation (4P13)
11. Construction hours of working - plant & machinery (6N07)
12. No further bedrooms, other than those shown

ACTION

on drawing 7955-105-B, shall be provided within the main building of Libury Hall without the prior written approval of the Local Planning Authority.

Reason: Given the special circumstances in this case and the financial justification for the development, and to control resident numbers in the Rural Area in accordance with policy GBC3 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL)
2. Street Numbering (19SN)
3. As part of the development hereby permitted, the Council would encourage the applicant to incorporate renewable energy technologies in order to enhance the energy efficiency and sustainability of the development. Further advice can be obtained from the Council's Environmental Coordinator.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD2, GBC3, GBC9, TR2, TR7, TR20, ENV1, ENV2, ENV4, ENV10, ENV11, BH1, BH2 and BH3. The balance of the considerations having regard to those policies and other material considerations relevant in this case is that permission should be granted.

ACTION

752 3/09/0238/FP – ERECTION OF DETACHED AGRICULTURAL GRAIN STORE AND HARD STANDING AND REMOVAL OF EXISTING EARTH BANK AT STOCKING PELHAM HALL, STOCKING PELHAM, SG9 0HT FOR MR E HITCHCOCK

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0238/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/09/0238/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED - that in respect of application 3/09/0238/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12)
2. Materials of Construction (2E11)
3. Prior to the first use of the building hereby approved or in accordance with a timetable agreed with the Local Planning Authority, the landscaping scheme as detailed on drawing no. 8 shall be implemented. Any trees that within a period of five years after planting are removed, die or become in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with other species, size and number as originally approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision,

ACTION

establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

4. The use of the building hereby permitted shall be limited solely to agricultural purposes.

Reason: To restrict the use of the building to one compatible with the surrounding rural area.

Directive:

1. This planning permission gives no entitlement to affect, alter or obscure the public right of way which is located to the north of the site.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular GBC3, GBC7, ENV1 and ENV2. The balance of the considerations having regard to those policies is that permission should be granted.

753 3/09/0190/OP – REDEVELOPMENT OF BIRCH FARM EQUESTRIAN CENTRE, LIMOUSINE STORAGE BARN AND FORMER KENNELS OF ENFIELD CHASE HUNT WITH FOUR DETACHED DWELLINGS AND DOUBLE GARAGE AT BIRCH FARM, WHITE STUBBS LANE, BROXBOURNE FOR MR AND MRS BARNES

Mr Barnes addressed the Committee in support of the application.

ACTION

The Director of Neighbourhood Services recommended that in respect of application 3/09/0190/OP, outline planning permission be refused for the reasons now detailed.

The Director advised that two additional letters of objection had been received. He commented that concerns raised focussed on the application being inappropriate in the Metropolitan Green Belt and in respect of the proposed development exacerbating traffic problems on White Stubbs Lane.

Councillor J Demonti commented that this was a brownfield site in the greenbelt that was comprised of a conglomeration of disused buildings. She supported the Parish Council's view that 4 houses would be better than the disused buildings on the site.

Councillor K A Barnes supported the application. He commented that an appeal inspector may support the application due to similar developments in the surrounding area. He commented that the application for 4 houses would be a significant improvement to the derelict buildings currently occupying the site.

Councillor J J Taylor supported the Officer's recommendation. She commented that the Committee should adhere to green belt policy and support the Officer's recommendation for refusal. She expressed concerns that the application could open the floodgates for similar developments on every farmyard in East Herts.

Councillor Mrs M H Goldspink proposed and Councillor K A Barnes seconded, a motion that outline application 3/09/0190/OP be approved, on the grounds that this was a brownfield site in the greenbelt and the application would improve the appearance of the site.

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

ACTION

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation that outline application 3/09/0190/OP be refused for the reasons now detailed.

RESOLVED – that in respect of application 3/09/0190/OP, outline planning permission be refused for the following reasons:

DNS

1. The application 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, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case that clearly outweigh the harm, and the proposal is therefore contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.
2. The indicative layout, building forms and upper height limit set out in the outline parameters represent a form of development that is out of keeping with the form and grain of development in the surrounding area, and the landscape character of the area contrary to policies ENV1 and GBC14 of the East Herts Local Plan Second Review April 2007.

754 3/09/0187/FP – RETENTION OF DWELLING WITHOUT COMPLIANCE WITH CONDITION NO 8 (EQUESTRIAN OCCUPANCY) OF PLANNING PERMISSION REF 3/03/1069/FP AT BARNES HALL MANOR, WHITE STUBBS LANE, BROXBOURNE FOR MR AND MRS BARNES

Jane Orsborn addressed the Committee in support of the

ACTION

application.

The Director of Neighbourhood Services recommended that in respect of application 3/09/0187/FP, planning permission be refused for the reasons now detailed.

Councillor Mrs M H Goldspink commented that Paradise Wildlife Park had received significant support from the Committee. She stated that resulting traffic noise and associated fumes had made the local environment unsuitable for equestrian activities. She concluded that it would be unreasonable not to approve the removal of the condition.

Councillor A L Burlton commented that Officers had indicated that an equestrian use may no longer be viable on the site. The Director advised that Officers had not received sufficient evidence that the equestrian use was unviable.

The Committee was advised that Officers were not satisfied that sufficient marketing of the site had taken place to confirm that a functional need no longer remained for the dwelling to be occupied by those employed in the management of an equestrian centre or similar rural business.

The Director also commented that the Committee must be certain that there were no alternative uses that could be viable on the site. Councillor M R Alexander commented on the detailed planning history of the site. He stated that the equestrian use had clearly been failing in 2000 when the use was changed to the storage of limousines.

Councillor W Ashley stated that the site had been marketed for a considerable period of time. He commented that local plan policy did make provision for conditions on planning applications becoming unviable. He commented that the Committee should approve the application on that basis.

ACTION

Councillor J J Taylor commented that the Committee should support the Officer's recommendation as suitable alternative uses had not been demonstrated. Councillor Mrs M H Goldspink referred to paragraph 7.3 on page 35 of the report now submitted. She commented this clearly demonstrated that efforts had been made to market the stables in 2006 and 2007.

In response to a query from Councillor D A A Peek, the Director commented that it would be appropriate to defer the application to allow the applicants to provide more information to show that acceptable marketing had taken place.

Councillor Mrs M H Goldspink proposed and Councillor K A Barnes seconded, a motion that application 3/09/0187/FP be approved, as refusing the application to remove the condition was unreasonable on the grounds that the equestrian use was no longer viable on the site.

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

Councillor S Rutland-Barsby proposed and Councillor D A A Peek seconded, a motion that application 3/09/0187/FP be deferred to enable the applicants to provide more information to show that acceptable marketing had taken place.

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

The Committee rejected the Director's recommendation that application 3/09/0187/FP be refused for the reasons now detailed.

RESOLVED – that in respect of application 3/09/0187/FP, planning permission be deferred to enable the applicants to provide more information to show that acceptable marketing had taken place.

DNS

ACTION

755 3/08/1821/FP – NEW MIXED USE DEVELOPMENT
 COMPRISING CAR PARKING, RESTAURANT/ CAFÉ/
 WINE BAR, RETAIL UNIT, OFFICES AND 5NO. 1 BED
 AND 12NO. 2 BED UNITS AT J DAY AND SONS, BRIDGE
 WORKS, STATION ROAD, BISHOP'S STORTFORD FOR
 J DAY AND SON LTD

Mr Dalton addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that in respect of application 3/08/1821/FP, planning permission be refused for the reasons now detailed.

Councillor Mrs M H Goldspink commented that the application should be refused for all the reasons stated in the report now submitted. Councillor Goldspink also referred to inadequate car parking provision and the potential for the application being prejudicial to the widening of Station Road Bridge.

The Committee supported the Director's recommendation that application 3/08/1821/FP be refused for the reasons now detailed.

RESOLVED – that in respect of application
 3/09/1821/FP, planning permission be refused for
 the following reasons:

DNS

1. The proposed development by reason of its layout, height, scale, massing, landscaping, materials of construction and detailed appearance is of a poor standard of design, unsympathetic to the context of the site and fails to take the opportunities available for improving the character, quality and functioning of the area and the river environment. The proposal is thereby contrary to Policies ENV1, ENV2, BH6, BIS10 and BIS12 of the East Herts Local Plan

ACTION

Second Review April 2007.

2. The proposed development by reason of its layout, height, scale, massing, materials of construction and detailed appearance would be detrimental to the character and appearance of Bishop's Stortford Conservation Area wherein the site is situated, contrary to Policy BH6 of the East Herts Local Plan Second Review April 2007.
3. The proposed development is prejudicial to the implementation of the widening of Station Road bridge scheme identified in the Local Transport Plan, the Eastern Herts Area Plan together with the Bishop's Stortford Transport Plan. The proposal would thereby be contrary to Policies TR19 and BIS15 of the East Herts Local Plan Second Review April 2007.
4. The proposed basement car parking spaces do not comply with the Council's minimum dimension sizes nor is there sufficient space for cars to manoeuvre within the basement as outlined in Appendix C of the Supplementary Planning Document on Vehicle Parking at New Development, and the proposed layout is likely to result in conflict between users and insufficient parking space being provided. The proposal therefore fails to comply with the requirements of Policy TR7 of the East Herts Local Plan Second Review April 2007.
5. The proposed development will be exposed to an unacceptable level of noise nuisance from existing noise generating sources which would be detrimental to the amenities of future occupiers contrary to Policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007.

ACTION

6. The proposed development does not provide adequate facilities for the storage and disposal of refuse which would be detrimental to the amenities of both neighbouring and future occupiers contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.

756 3/09/0237/OP – REMOVAL OF CONDITION 3 OF PLANNING PERMISSION 3/06/1886/FP FOR THE ERECTION OF A RESEARCH AND DEVELOPMENT BUILDING (BUILDING 9); EXTERNAL ALTERATIONS TO BUILDING 3; CONSTRUCTION OF NEW FOOTPATH AND ASSOCIATED LANDSCAPE, AND ALTERATIONS TO LAYOUT OF CAR PARK AT GLAXOSMITHKLINE, PARK ROAD, WARE FOR GLAXOSMITHKLINE

The Director of Neighbourhood Services recommended that in respect of application 3/09/0237/OP, outline permission for the removal of condition 3 be granted for the reasons now detailed.

The Committee supported the Director's recommendation that in respect of application 3/09/0237/OP, outline permission for the removal of the condition be granted for the reasons now detailed.

RESOLVED - that in respect of application 3/09/0237/OP, outline permission for the removal of condition 3 be granted for the reasons now detailed.

DNS

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies ENV1 and TR7 of the East Herts Local Plan Second Review April 2007. The balance of the considerations having regard to these policies and

ACTION

the previous approval ref. 3/06/1886/FP dated 20 December 2006 is that planning permission should be granted.

757 3/09/0202/FP – SUBDIVISION OF EXISTING DWELLING INTO 5 DWELLINGS AND NEW GARAGES AT THORLEY PLACE, THORLEY LANE EAST, BISHOP’S STORTFORD FOR MR N THURLEY

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0202/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/09/0202/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED - that in respect of application 3/09/0202/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121)
2. Samples of materials (2E123)
3. Boundary Walls and Fences (2E073)
4. Withdrawal of P.D. (Part 1 Class A) (2E203)
5. Withdrawal of P.D. (Part 2 Class A) (2E213)
6. Withdrawal of P.D. (Part 1 Class E) (2E223)
7. Withdrawal of P.D. (Part 1 Class B) (2E223)
8. Provision and retention of parking spaces (3V23)

ACTION

9. Tree retention and protection (4P053)
10. Hedge retention and protection (4P063)
11. Tree Protection: excavations (4P094)
12. Landscape design proposals (4P124) c) e) i) j) k)
13. Landscape works implementation (4P133)
14. Vehicular use of garages (5U103)
15. Exiting access closure (3V051)
16. Prior to the commencement of the development hereby permitted, detailed drawings of the bin store shall be submitted to and approved in writing by the local planning authority, and thereafter implemented in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007

Directives:

1. Other Legislation (01OL)
2. Highway Works (05FC2)
3. Street Numbering (19SN)
4. For the avoidance of doubt, this permission does NOT relate to the provision of the lay-by parking area originally shown to the front of the site. This element of the scheme was deleted, with the written agreement of the applicant, on

ACTION

21st April 2009.

5. Date of Plans received (10DP1)

“11.02.09 and amended on 21.4.09”.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies GBC1, ENV1, ENV2, ENV9, ENV11 and TR7. The balance of the considerations having regard to these policies and the grant of permission under LPA reference 3/971360/FP in this case is that planning permission should be granted.

758 3/09/0145/FP – SINGLE STOREY REAR AND SIDE EXTENSIONS AND EXTENSION TO PARKING AREA AT THE RED WHITE AND BLUE, HAZELEND ROAD, BISHOP’S STORTFORD FOR MR KADIR

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0145/FP, planning permission be granted subject to the conditions now detailed.

Councillor J J Taylor addressed the Committee in support of the application. She expressed concern however, that traffic turning left out of the car park had a dangerously restricted view of traffic approaching from the right. Councillor Taylor queried how visibility was to be improved if the hedgerows were protected by condition.

The Director commented that Officers could attach a further condition and change those proposed, to require that improvements to the access be implemented at the same time as protecting the hedging at the site, where these two objectives were compatible.

ACTION

Councillors A L Burlton and J Demonti supported the application.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/09/0145/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED - that in respect of application 3/09/0145/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121)
2. Materials of construction (2E113)
3. Provision and retention of parking spaces (3V23)
4. Tree retention and protection (4P053)
5. Hedge retention and protection (4P06)

after “removed” insert “or otherwise required to be removed or reduced in height in order to meet the requirements of Condition 8”.
6. Landscape design proposals (4P124)

a) b) c) d) e) i) j) k) l)
7. Landscape works implementation (4P133)
8. Prior to the commencement of the development details to be submitted to and agreed in writing by the Local Planning Authority setting out improvements to be implemented to highway visibility at the junction of the site and Michaels Road. Once agreed those improvements to be implemented prior to the first occupation of the

ACTION

new extensions, and thereafter retained.

Reason: In the interests of highway safety.

Directive:

1. You are advised to contact Environmental Health at Wallfields, Pegs Lane, Hertford. Tel: 01279 655261, with regard to necessary food, hygiene and sanitary standards.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies GBC1, ENV1, ENV2 and TR7. The balance of the considerations having regard to these policies in this case and that the proposed extensions will facilitate a viable and economic use for the site is that planning permission should be granted.

759 3/09/0402/FP – ERECTION OF NEW DWELLING AT LAND ADJACENT TO 5 HALL LANE, GREAT HORMEAD FOR MR AND MRS QUINNEY

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0402/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/09/0402/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED - that in respect of application 3/09/0402/FP, planning permission be granted

DNS

ACTION

subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Levels (2E05)
3. Samples of materials (2E12)
4. Withdrawal of P.D. (Part 1 Class A) (2E20)
5. Withdrawal of P.D. (Part 1 Class E) (2E22)
6. Withdrawal of P.D. (Part 1 Class B) (2E23)
7. Provision and Retention of Parking Spaces (3V23)
8. Tree retention and protection (4P05)
9. Hedge retention and protection (4P06)
10. Tree protection: restrictions on burning (4P08)
11. Landscape design proposals (4P12) (b) (e)
12. Landscape works implementation (4P13)
13. Hours of working - plant and machinery (6N05)
14. 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.

Directives:

ACTION

1. Other Legislation (01OL)
2. Street Numbering (19SN)
3. Discharge of conditions (ZDC)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC3, ENV1, ENV2, ENV9, ENV11, TR7 and BH6. The balance of the considerations having regard to those policies and the permissions previously granted under LPA references 3/02/1692/OP, 3/02/1691/OP, 3/05/0036/FP, 3/06/1161/FP, 3/07/0413/FP and 3/08/1468/FP is that permission should be granted.

760 3/09/0304/FP – SINGLE STOREY EXTENSION TO SHOP BUILDING AT BROOKFIELD FARM, ASTON END ROAD, ASTON FOR MR AND MRS WOLFE

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0304/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/09/0304/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED - that in respect of application 3/09/0304/FP, planning permission be granted subject to the following conditions:

DNS

ACTION

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The materials and finishes to be used in the construction of the building works hereby permitted shall match those used for the existing building.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review 2007.

3. The resultant shop hereby permitted shall be used solely for the sale of goods produced on the farm, together with ancillary sale of produce from other local farms, and ancillary use as village stores and Post Office and for no other retail use without the prior consent in writing of the Local Planning Authority.

Reason: The site is within the Green Belt where the Planning Authority would not grant permission for retail development except where required to provide services to the local population, in accordance with policies GBC1, OSV8 and STC9 of the East Herts Local Plan Second Review 2007.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local

ACTION

Plan and East Herts Local Plan Second Review April 2007), and in particular policies OSV8, ENV1, GBC1 and STC9. The balance of the considerations having regard to those policies is that permission should be granted.

761 3/09/0379/FP – RETENTION OF DWELLING WITH SINGLE STOREY FRONT EXTENSION, REAR CONSERVATORY AND DOUBLE GARAGE (RETROSPECTIVE) AT THE MILL HOUSE, WOODHOUSE LANE, BROXBOURNE, EN10 7QA FOR MR PETER SAMPSON

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0379/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/09/0379/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED - that in respect of application 3/09/0379/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Withdrawal of P.D. (Part 1 Class A) (2E20)
3. There shall be no new pedestrian or vehicular access to the site from Woodhouse Lane over and above that already existing on site.

Reason: To ensure the continued amenity value afforded by the trees and hedgerows fronting Woodhouse Lane, in accordance with policy ENV11 of the East Herts Local Plan Second Review April 2007.

ACTION

4. The occupancy of the dwelling hereby permitted shall be limited to a person solely or mainly employed in the security and welfare of animals at Paradise Wildlife Park, or a widow or widower of such a person, or to any resident dependants.

Reason: The site lies in the Green Belt where the Local Planning Authority would not otherwise be prepared to grant permission for a new dwelling, in accordance with policies GBC1 and GBC6 of the East Herts Local Plan Second Review April 2007.

5. Within six months of the date of this decision, mobile home 1, identified by an asterix on plan HS/1 shall be removed from site and the land re-instated to the satisfaction of the Local Planning Authority.

Reason: The site lies in the Green Belt wherein permission would not otherwise be granted for a new dwelling in accordance with policy GBC1 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 (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1, GBC5, GBC6, GBC14, TR2, TR7, ENV1, ENV2, ENV11 and BH1. The balance of the considerations having regard to those policies and other material considerations relevant in this case is that permission should be granted.

ACTION

762 3/08/1362/FP – NEW DETACHED DWELLING AS 'ENABLING DEVELOPMENT' FOR REFURBISHMENT AND REPAIR OF BENGEO HALL AND COTTAGE AT BENGEO HALL, ST. LEONARDS ROAD, HERTFORD, SG14 3JN

Mr Macleod addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1362/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that the local MP had advised of his constituents' concerns that the proposal may be in breach of English Heritage requirements. The Director commented that Members had received e-mails from 2 local residents reiterating a number of objections to the application, namely that it failed to meet the tests of enabling development and would impact on the open landscape setting.

Councillor S Rutland-Barsby expressed concerns that the radical changes proposed by this application would have a severe detrimental impact on Bengo Hall. Councillor R N Copping commented that the figures detailed in paragraph 7.19 of the report now submitted should not be considered as they were not a relevant planning issue.

The Director commented that the financial information was a relevant issue in this case. He stated that it was for Members to decide what weight to give to this information. The Director advised against discarding the information completely from the Member debate.

Councillor W Ashley commented that Bengo Hall was a lovely house in similarly lovely grounds. He expressed concerns that approving the application would severely damage the setting of the Hall. The Director stated that the

ACTION

main consideration before the Committee here was to consider the question of harm to the setting of the building balanced against the need to secure the reuse of the Hall.

Councillor A L Burlton commented that the application should be refused as the site was within the grounds of a listed building and was out of keeping with a grade two star listed building.

Councillor S Rutland-Barsby commented on whether an appeal inspector would consider a scheme that proposed a reduced amount of new development if additional income could be secured by way of grant funding. The Director commented that an inspector would only be able to consider the case being submitted for a decision.

Councillor S Rutland-Barsby proposed and Councillor J J Taylor seconded, a motion that application 3/08/1362/FP be refused on the grounds that the application would have a detrimental impact on the landscaped setting of the listed building and the character of the Conservation Area, the proposals had not met the tests of enabling development and as a result, the harmful impact of the development outweighed the potential benefits and would, therefore, be contrary to policies BH6, BH12 and BH17 of the East Herts Local Plan Second Review April 2007.

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 3/08/1362/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1362/FP, planning permission be refused for the following reasons:

DNS

1. The development, although proposed as a form of enabling development to ensure the

ACTION

restoration of the listed Bengoe Hall building on site, is considered to have a harmful and detrimental impact on the landscaped setting of the listed building and the character of the Conservation Area. The proposals do not meet the tests of enabling development. As a result the harmful impact of the development is considered to outweigh the potential benefits. It would therefore be contrary to policies BH6, BH12 and BH17 of the East Herts Local Plan Second Review April 2007.

2. Within MGB (RO21).

763 (A) 3/09/0270/FP AND (B) 3/09/0271/FP - SINGLE STOREY EXTENSION TO AN EXISTING OUTBUILDING TO PROVIDE AUXILIARY RESIDENTIAL ACCOMMODATION AT GODDARDS, HUNSDON ROAD, WIDFORD, HERTS, SG12 8SE FOR MRS N RADFORD

The Director of Neighbourhood Services recommended that, in respect of applications 3/09/0270/FP and 3/09/0291/LB, planning permission and listed building consent be granted subject to the conditions now detailed.

Councillor M R Alexander expressed concerns over the outbuilding being extended into a private garden. He commented that this was contrary to policy ENV8 of the East Herts Local Plan Second Review April 2007.

The Director commented that it was considered that more harm would result if the extension was to be attached to the listed building. He reminded Members that the application was for an extension to an existing outbuilding rather than to the main building on the site.

Councillor M R Alexander proposed and Councillor S A Bull seconded a motion that applications 3/09/0270/FP and 3/09/0271/LB be refused on the grounds that the proposed development, by virtue of its size and scale, would be detrimental to the historic character, setting and

ACTION

appearance of the listed building and would not operate as an integral part of the existing dwelling on the site. It would, therefore, be contrary to policies ENV8, BH10 and BH12 of the East Herts Local Plan Second Review April 2007.

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

The Committee rejected the recommendations of the Director of Neighbourhood Services that applications 3/09/0270/FP and 3/09/0271/LB be granted planning permission and listed building consent, subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/09/0270/FP, planning permission be refused for the following reason:

DNS

1. The proposed development by virtue of its size and scale would be detrimental to the setting of the listed building and would not operate as an integral part of the existing dwelling on the site. It would therefore be contrary to policies ENV8 and BH12 of the East Herts Local Plan Second Review April 2007.

(B) in respect of application 3/09/0271/LB, listed building consent be refused for the following reason:

DNS

1. The proposed development by virtue of its size and scale would be detrimental to the historic character and appearance of the listed building. It would therefore be contrary to policy BH10 of the East Herts Local Plan Second Review April 2007.

ACTION

764 E/09/0139/A – ALLEGED FAILURE TO COMPLY WITH A PLANNING CONDITION REQUIRING AN INCREASE IN HEIGHT OF FENCE PANELS AT 30 MAZE GREEN ROAD, BISHOP’S STORTFORD, CM23 2PJ

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0139/A, no further enforcement action be taken on the basis now detailed.

Councillors K A Barnes and J Demonti expressed concerns that no action was suggested when a planning condition had been breached and a neighbour’s privacy was being compromised.

The Director reported that Officers had taken photographs at eye level towards neighbouring properties from the window in question. Officers considered that privacy was not being compromised and no more could be seen of neighbouring dwellings than in many similar locations in East Herts.

The Director cautioned Members that the Committee should not take action purely because there had been a breach of planning control. The Committee was advised that Members must carefully consider whether any actual harm was being caused by the unauthorised development.

In response to a query from a Member, the Director defined the enforcement notice and breach of condition notice as options available to the Committee. The Director commented that if Members were minded to authorise enforcement action, an enforcement notice was more appropriate as this enabled a right of appeal.

Councillor K A Barnes proposed and Councillor Mrs R F Cheswright seconded a motion that, in respect of the site relating to E/08/0139/A, the Director of Neighbourhood Services, in consultation with the Director of Internal

ACTION

Services, be authorised to take enforcement action under section 172 of the Town and Country Planning Act 1990.

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

The Committee rejected the Director's recommendation that no further enforcement action be taken in respect of the site relating to E/09/0139/A on the basis now detailed.

RESOLVED – that in respect of E/09/0139/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 provision of solid boundary fencing to comply with the aims of Condition 1 of planning permission 3/08/2049/FO.

DNS/DIS

Reason: The addition of a trellis to the fencing does not adequately safeguard the privacy of the neighbouring property contrary to the provisions of policy ENV1 of the East Herts Local Plan Second Review April 2007.

765 E/08/0392/B - THE UNAUTHORISED CHANGE OF USE FROM PUBLIC HOUSE WITH ANCILLARY RESIDENTIAL ACCOMMODATION TO A DWELLING HOUSE AT THE SUN AND HARROW, FANHAMS ROAD, WARE, SG12 7DQ

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0392/B, enforcement action be authorised on the basis now detailed.

The Director advised that a letter had been received from the agent requesting that enforcement action be held in abeyance, pending the outcome of an appeal to a planning

ACTION

application to regularise the unauthorised use.

The Committee was advised that the applicant had stated that the former public house would be used as a dwelling until works had been completed to enable the property to be sold. The Director requested that Members authorise an enforcement notice which could then be served at the appropriate time.

Councillor M R Alexander commented on whether the picket fence could be included in the enforcement notice. The Director stated that the fence height had been reduced to 1 metre and this now complied with General Permitted Development Order (GPDO) regulations.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/08/0392/B on the basis now detailed.

RESOLVED – that in respect of E/08/0392/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 use of site as a dwelling house.

DNS/DIS

Period for compliance: 4 months.

Reason why it is expedient to issue an enforcement notice:

1. The development involves the loss of an employment and community facility in this local centre, without the provision of sufficient evidence to show that the existing public house use is no longer commercially viable, or that alternative uses have been fully explored, contrary to the provisions of policies EDE2 and STC8 of the East Herts Local Plan Second Review April 2007. Its loss would be detrimental

ACTION

to the local community and a significant reduction in the level of such provision locally available.

766 E/08/0595/A – UNAUTHORISED CHANGE OF USE OF GARAGE FROM RESIDENTIAL TO COMMERCIAL PURPOSES AT 2 CHALK HILL COTTAGES, CLAPGATE, ALBURY, SG11 2LF

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0595/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/08/0595/A on the basis now detailed.

RESOLVED – that in respect of E/08/0595/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 cessation of the unauthorised use of the garage.

DNS/DIS

Period for compliance: 2 months.

Reason why it is expedient to issue an enforcement notice:

1. The site lies within the rural area as defined in the East Herts Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The development is prejudicial to this policy as set out in policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007.

ACTION

2. The use of the building for a commercial office has resulted in an increase in vehicle usage of the access to and from the site which is substandard in terms of its visibility. The development is therefore prejudicial to highway safety and a potential danger to road users.

767 E/08/0052/B - THE UNAUTHORISED USE OF AN OUTBUILDING AS A DOG HYDROTHERAPY CENTRE AT EASTVIEW, NASTY, SG11 1HP

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0052/B, enforcement action be authorised on the basis now detailed.

The Director commented that representation had been received advising that the client intended to cease the use and move to new premises within three months. He advised that Officers had considered the possibility of the use becoming lawful and felt that, due to the lack of clarity in the owner's previous communications, it was expedient to take enforcement action.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/08/0052/B on the basis now detailed.

RESOLVED – that in respect of E/08/0052/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.

DNS/DIS

Period for compliance: 6 months.

Reason why it is expedient to issue an enforcement notice:

ACTION

1. The site lies within the Rural Area as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. This development is prejudicial to this policy, set out at policies GBC2 and GBC3 within the East Herts Local Plan Review April 2007.

768 E/08/0617/B – UNAUTHORISED CONSTRUCTION OF FRONT WALL AND GATE 105B NEW ROAD, WARE, SG12 7BY

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0617/B, 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/08/0617/B on the basis now detailed.

RESOLVED – that in respect of E/08/0617/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 removal of the unauthorised wall and gates.

DNS/DIS

Period for compliance: 2 months.

Reason why it is expedient to issue an enforcement notice:

1. The front wall and gate by reason of their siting and height are detrimental to the character and appearance of the Ware Conservation Area wherein the site is situated, contrary to policy

ACTION

BH6 of the East Herts Local Plan Second Review April 2007.

2. The wall by reason of its siting and height restricts visibility for vehicles entering and exiting the site. The wall is detrimental to the safety and convenience of highway users both on the adjacent footway and New Road, contrary to policy TR2 of the East Herts Local Plan Second Review April 2007.
3. The gate by reason of its siting leads to vehicles obstructing New Road, whilst waiting to enter the site, which is prejudicial to the free flow of traffic on the highway and causes danger and obstruction to other road users contrary to policy TR2 of the East Herts Local Plan Second Review April 2007.

769 PLANNING APPEAL PERFORMANCE AND TRENDS
OCTOBER 2008 – MARCH 2009

The Director of Neighbourhood Services submitted a report providing a summary of planning appeal performance for the six month period covering October 2008 to March 2009.

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

770 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;
- (C) Planning Appeals: Inquiry and Informal Hearing Dates; and

ACTION

(D) Planning Statistics.

The meeting closed at 9.50 pm

Chairman

Date

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