

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE
WAYTEMORE ROOM, BISHOP'S
STORTFORD ON WEDNESDAY 8
APRIL 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,
A F Dearman (substitute for Councillor
G E Lawrence), J Demonti, Mrs M H Goldspink,
D A A Peek, W Quince, G D Scrivener
(substitute for Councillor B M Wrangles),
J J Taylor, A L Warman (substitute for Councillor
S Rutland Barsby).

ALSO PRESENT:

Councillors D Andrews, R H Beeching, A D Dodd
and P A Ruffles.

OFFICERS IN ATTENDANCE:

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

694 APOLOGIES

Apologies for absence were submitted on behalf of Councillors G E Lawrence, S Rutland-Barsby and B M Wrangles. It was noted that Councillors A F Dearman, G D Scrivener and A L Warman were in attendance as substitutes for Councillors G E Lawrence, B M Wrangles and S Rutland-Barsby respectively.

695 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman advised that he had agreed for the following matters to be considered as an item of urgent business to ensure the efficient administration of the Development Control function and in light of the need to respond to changing circumstances rapidly in the submission of evidence to the Inquiries on the following applications:

- (a) 3/08/1268/FP - Redevelopment to provide new retail store, 54 residential units, a D1 community facility, A3 café, car parking, servicing, landscaping and associated ancillary development at Tesco, Ware Road, Hertford for Tesco Stores Ltd.
- (b) 3/08/1528/FP – Mixed use redevelopment of part of the McMullens Brewery site, comprising new foodstore, conversion of former brewery building to provide elements of the foodstore, including café, offices and commercial space, community space, associated car parking, landscaping, riverside walk, re-naturalisation of river bank, bridge link to town centre, re-routing of Hartham Lane and associated provision of new access and servicing points at McMullens Brewery Site, Hartham Lane, Hertford, for Sainsbury's Supermarkets Ltd.

The Chairman stated that application 3/09/0002/FP would be considered prior to application 3/08/0682/FP.

696 DECLARATIONS OF INTEREST

Councillor J Demonti declared a personal interest in application 3/09/0002/FP, on the basis that she lived in the vicinity of the site.

Councillor D A A Peek declared a personal and prejudicial interest in application 3/09/0002/FP, on the basis that he was an honorary member of the Cricket Club. He left the room prior to consideration of this item.

Councillor G D Scrivener declared a personal interest in application 3/09/0027/FP, on the basis that he was an acquaintance of the applicant.

Councillor D Andrews declared a personal and prejudicial interest in application 3/08/1528/FP, on the basis that he was an employee of Sainsburys. He had already left the meeting prior to consideration of this item.

RESOLVED ITEMS

697 MINUTES

RESOLVED – that the Minutes of the meeting held on 11 March 2009 be confirmed as a correct record and signed by the Chairman.

698 3/09/0002/FP – ERECTION OF FLOODLIT ALL WEATHER PITCH AT THE PLATEAU PITCH, CRICKETFIELD LANE, BISHOP'S STORTFORD FOR BISHOP'S STORTFORD HOCKEY CLUB

Mr Woolcot addressed the Committee in opposition to the application. Mr Smart spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/09/0002/FP, planning permission be refused for the reasons now detailed.

The Director submitted a detailed breakdown of the categorisations of development and the decision making process on planning applications. He commented that Members can request that applications are submitted to Committee with the consent of the Chairman.

The Committee was advised that application 3/09/0002/FP would not normally have been submitted to the committee as a minor application. However, the matter had been reported to Members because of significant local interest and at the request of the Committee Chairman. There had been some confusion that the Chairman had changed the decision of the Council on this matter. The Director clarified that this was not the case, as a decision had yet to be made.

The Director advised that 5 further letters of support had been received and 44 additional letters of objection. A letter from Mark Prisk MP had been received and commented that he would like to put on record his interest in this matter. A petition comprising 417 signatures had been received in objection to the application.

Councillor J Demonti expressed concerns that County Highways had not objected to the proposed scheme. She commented on the parking problems in Barrells Down Road and requested that a reason for refusal should be added to reflect the Committee's concerns in respect of parking problems and highways safety.

Councillor S A Bull acknowledged concerns in respect of car parking and the potential for the detrimental impact of the floodlighting on residents amenity. However, the all weather pitch would be an asset for young people and he referred to a similar facility in Buntingford.

Councillor K A Barnes commented that he could appreciate

the arguments made for and against the application. He referred to the importance of protecting neighbour amenity and addressing the need for more sports and leisure facilities in Bishop's Stortford.

Councillor Barnes expressed concerns that the proposed fencing was out of keeping and the current application would be of detriment to the character of the area. He commented that he would support an application that offered more of a compromise. Councillor Mrs M H Goldspink supported the provision of improved sports facilities, but raised concerns in respect of the proposed fencing being obtrusive.

Councillor Mrs R F Cheswright expressed concerns in respect of light pollution and potential parking problems. She commented on the loss of green space and the impact on local wildlife.

The Director commented that the height of the fencing was required to contain stray hockey balls and also for management and security. He advised caution on an additional reason for refusal around highways safety as County Highways had not objected to the application.

Councillor A L Burlton stated that if the Committee did not challenge the issue of highways safety now, doing so at a later date would prove difficult. He commented on the likely increase in traffic resulting from the application.

The Director again advised caution on a reason for refusal around highways safety, due to the technical nature of the issues involved. He commented that Members concerns mostly related to the adequacy of parking provision in relation to the proposals.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/09/0002/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/09/0002/FP, planning permission be refused for the following reasons:

DNS

1. R0212 – Within MGB – EHLP
2. The proposed development, by reason of its size, extent of hard surfacing, the height and amount of fencing and the height and number of floodlight columns would be detrimental to the character and appearance of the site and the openness of the Green Belt, contrary to policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007.
3. The proposed development makes inadequate provision for vehicle parking and as a result would lead to an increase in on-street parking in the area. This would be detrimental to the free flow of traffic and would exacerbate existing highway and parking problems in the area. It would thereby be contrary to Policy TR7 of the East Herts Local Plan Second Review April 2007.

699 3/08/0682/FP – RETROSPECTIVE APPLICATION FOR THE CREATION OF A HAUL ROAD AND RETENTION OF ROAD FOR ACCESS FOR MAINTENANCE AND EMERGENCY VEHICLES TO THE HOCKEY PITCH AT BISHOP'S STORTFORD COLLEGE PLAYING FIELDS, OFF GREAT HADHAM ROAD, BISHOP'S STORTFORD, FOR BISHOP'S STORTFORD COLLEGE

The Director of Neighbourhood Services recommended that, in respect of retrospective application 3/08/0682/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendations of the Director of Neighbourhood Services that retrospective application 3/08/0682/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED - that in respect of retrospective application 3/08/0682/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (IT12)
2. The use of the access road hereby permitted shall be limited solely to purposes connected with the maintenance of the playing fields or emergency vehicle access and for no other purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To limit the use of the access road in the interests of safeguarding the amenities of the occupants of Claypits Farm House.

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, LRC1, ENV1 & ENV2. The balance of the considerations having regard to those policies is that permission should be granted.

700 3/08/2112/FP – NATURAL CEMETERY AT HARWOOD PARK CEMETERY, OFF WATTON ROAD, STEVENAGE FOR W. AUSTIN AND SONS LTD

Mrs Toll addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/2112/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that Datchworth Parish Council had requested that details of the pond and water feature be incorporated into condition 6. The Committee was advised that Officers felt that condition 6 was sufficiently robust to cover these details. The Director also responded to the Parish Council request over the monitoring of groundwater. Members were advised that the Environment Agency had stated that monitoring was unnecessary.

Councillor Mrs M H Goldspink expressed concern that neighbouring residents in the Borough of Stevenage had not been notified of this application. The Director commented that Officers had notified immediate neighbours and site notices had been put up. He commented that as there would be minimal visual obstruction resulting from the application, it was not considered that wider notification was required.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/08/2112/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED - that in respect of application 3/08/2112/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. No burials or land excavations shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the protection of and proper provision for any archaeological remains, in accordance with Government advice set out in PPG16 'Archaeology and Planning' and in accordance with policy BH2 of the East Herts

Local Plan Second Review April 2007.

3. Withdrawal of P.D. (Part 2 Class A) (2E21)
4. No external lighting (2E26)
5. Hedge retention and protection (4P06)
6. No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Proposed finished levels or contours (b) Means of enclosure (c) Pedestrian access and circulation areas (d) the pond/water feature (e) Hard surfacing materials (f) Planting plans (g) Written specifications (including cultivation and other operations associated with plant and grass establishment) (h) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

7. Landscape works implementation (4P13)
8. Tree Planting (4P15)
9. Details of earthworks/mounding (4P16)
10. Landscape maintenance (4P17)
11. Retention of landscaping (4P21)
12. No burials shall take place below 75m AOD, or 80m AOD for embalmed bodies. There shall be no double depth burials and no burials in saturated

ground.

Reason: The site lies on a major aquifer in a Source Protection Zone 3 around a potable public water abstraction borehole, and sufficient depth of unsaturated zone is needed to prevent pollution of groundwater in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

13. No more than 50 burials per year shall take place within the application site as edged in red on drawing 45705X/1000.

Reason: To prevent the pollution of groundwater in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other legislation (01OL)

Summary of Reasons for Decision:

The proposal has been considered with regard to the policies of the Development Plan (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, GBC12, GBC14, ENV1, ENV2, ENV10, ENV11, ENV20, ENV21, ENV23, BH1, BH2, BH3 and IMP1. The balance of the considerations having regard to those policies is that permission should be granted.

701 3/09/0124/SV – MODIFY SECTION 106 AGREEMENT TO PLANNING PERMISSION LPA REF: 3/96/0813/FP TO REMOVE THE CLAUSE RESTRICTING THE AGE OF OCCUPANCY TO THAT OF PERSONS OF AT LEAST 55 YEARS, AT 15 FINCHES END, WALKERN FOR MR W. ATKINSON

Mr Wakeley addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0124/SV, planning permission be granted to vary the section 106 agreement now detailed.

Councillor G D Scrivener, as the local ward Member, addressed the Committee in opposition to the application. He acknowledged the demand for housing for young people in Walkern. He commented that Walkern had an ageing population and there was significant demand for housing for the elderly.

Councillor J J Taylor expressed concern over the Officer's recommendation for approval. Councillor D A A Peek questioned the reasoning behind modifying the section 106 agreement.

The Director stated that Officers had been of the view that the current agreement did not meet all the relevant tests, as set out in circular 05/2005 on section 106 planning obligations. He commented that the Housing Development Officer had made no comment on the application.

Councillor G D Scrivener proposed and Councillor W Quince seconded, a motion that application 3/09/0124/SV be refused, on the grounds that there was a continuing need for the provision of accommodation for elderly persons within the village of Walkern.

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 3/09/0124/SV be granted planning permission for the reasons now detailed.

Councillor W Quince requested that Officers investigate the possible occupation of the property in breach of the requirements of the agreement, referred to by the public speaker in relation to 15 Finches End, Walkern.

RESOLVED – that in respect of application 3/09/0124/SV, planning permission be refused for the following reason:

1. Members felt that there was a continuing need for the provision of accommodation for elderly persons within the village of Walkern.

702 3/09/0118/FP - REDEVELOPMENT TO PROVIDE 10 NO. B1/B2/B8 INDUSTRIAL/WAREHOUSE UNITS WITH ASSOCIATED OFFICES, PARKING, SERVICING, LANDSCAPING AND DRAINAGE AT UNITS 1 - 8 RAYNHAM ROAD INDUSTRIAL ESTATE, RAYNHAM ROAD, BISHOP'S STORTFORD FOR HOWARD STANSTED LIMITED

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0118/FP, planning permission be granted subject to the conditions now detailed.

Councillor Mrs M H Goldspink expressed concerns that the application would result in an overbearing, dominant and overshadowing form of development that was detrimental of the amenity of neighbouring residents in Plaw Hatch Close.

Councillor Goldspink commented that the proposed development was still too high and the gap of 30 metres between the units and the dwellings in Plaw Hatch Close was insufficient. She also stated that 85 parking spaces was insufficient and the figures detailed in the report in respect of

car parking had caused confusion.

The Committee was advised that there were 85 allocated spaces and 95 unallocated spaces. Of the unallocated spaces, 54 were routinely used leaving 45 available. The Director stated that the sum of the 95 allocated spaces and the 45 available spaces was 130, which was higher than the 101 spaces required by parking standards.

The Director confirmed that numbers 70 to 76 Plaw Hatch Close were within 30 metres of the proposed units. The Committee was advised that this revised application sought permission for ridge heights of 8.4 to 8.6 metres with the eaves being between 6.6 and 8 metres. This represented a 1.4 metre reduction in the height of the eaves compared with the previous application, which would mean the new buildings being only 0.6 metres taller than the existing buildings.

The Director commented that Officers had carefully considered the issue of parking. The Committee was advised that there were more spaces available than the amount used on a daily basis. He advised caution on using parking as a reason for refusal as the proposed provision was comfortably within parking standards.

Councillor W Quince commented that the applicant had gone some way to mitigating Members' concerns on the previously refused application.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/09/0118/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0118/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121)

2. Levels (2E05)
3. Materials of Construction (2E11)
4. Materials arising from demolition (2E32)
5. Provision and Retention of Parking Spaces (3V23)
6. Wheel Washing Facilities (3V25)
7. Prior to the commencement of works on site, details of the design of building foundations shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, and thereafter implemented in accordance with the approved details.

Reason: To ensure the protection of groundwater from contamination in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

8. Prior to the commencement of the development, a surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, and thereafter implemented in accordance with the approved plan.

Reason: To ensure the protection of groundwater from contamination in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

9. Prior to the commencement of the development hereby approved, details of noise attenuation measures to be used in the design and construction of the buildings 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 the amenities of nearby residents, in accordance with Policy ENV24 of the East Herts Local Plan Second Review April 2007.

10. No external working (6N06)
11. Construction hours of working- plant & machinery (6N072)
12. Tree retention and protection (4P053)
13. Tree Planting (4P154)
14. Lighting details (2E272)
15. No external loudspeakers (2E253)
16. Refuse disposal facilities (2E243)
17. The buildings hereby permitted shall be used for B1c, B2 and B8 and for no other purposes including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

Reason: To ensure that no alternative use is made of the premises which would be likely to result in a need for additional parking.

Directives:

1. In relation to condition 7 piling or other foundation designs using penetrative methods are unlikely to be deemed acceptable.
2. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

3. If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.

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 ENV1, ENV2, ENV20, ENV23, ENV24, EDE1, EDE4, BIS9 and TR7. The balance of the considerations having regard to those policies and the amendments made to the scheme following the refused application in November 2008 (ref. 3/08/1554/FP) is that permission should be granted.

703 3/09/0022/FP - CHANGE OF USE FROM A1 (RETAIL) TO A5 (HOT TAKEAWAY) AND INSERTION OF EXTRACTOR FLUES AT 51 ELIZABETH ROAD, BISHOP'S STORTFORD FOR MR RAMAZAN YAGIZ

Ozlem Ipek addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of application 3/09/0022/FP, planning permission be refused for the reasons now detailed.

Councillor W Quince commented that he supported the application, particularly as there had been no neighbour objections and two of the six units on Havers Parade were vacant. Councillor S A Bull also expressed his support for the application.

Councillor K A Barnes stated that his concerns over customers loitering outside the unit had been addressed by the public speaker. He commented on whether restrictions

could be imposed to control the hours of opening.

Councillor A L Warman reiterated some of the concerns of Bishop's Stortford Town Council as detailed in paragraph 4.1 of the report now submitted. He commented that the application was not in keeping with the surrounding area. Councillor A L Burlton commented that some of the Town Council's concerns would be addressed by the modern extractor fans now available.

Councillor Mrs M H Goldspink expressed concerns around the possibility of noise disturbance for the occupants of 75 Havers Lane. She acknowledged the potential benefits to local residents.

The Director commented that a condition covering the provision of litter bins would not be possible given that the frontage of the shop units was not under the control of the applicant. He also commented that granting a temporary consent would be inappropriate on this application. The Director confirmed that it was acceptable for Members to attach a condition restricting the hours of opening.

Councillor Peek commented that conditions covering the details of the extraction fan equipment should be delegated to Officers to agree with the applicant. Councillor M R Alexander requested that Officers investigate appropriate controls to ensure that there would be no fruit machine style equipment at the premises. The Director undertook to check whether any restrictions could be applied.

Councillor K A Barnes proposed and Councillor W Quince seconded, a motion that application 3/09/0022/FP be approved, on the grounds that there had been no neighbour objections and an approval would assist small businesses and facilitate the use of a vacant shop unit in Bishop's Stortford.

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 3/09/0022/FP be refused planning permission for the reasons now detailed.

Councillor A L Warman requested that his abstention from voting be recorded.

RESOLVED – that in respect of application 3/09/0022/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Prior to the commencement of the use hereby permitted, the extraction equipment as shown on the submitted drawings shall be implemented and thereafter maintained in accordance with the approved drawings unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the amenities of nearby residential properties in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

3. The hours of opening of the premises shall be restricted to the hours of 11:00am to 10:00pm and no customers shall be admitted to the premises after 10:00pm.

Reason: In the interests of the amenities of nearby residential properties in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directive:

1. 010L1 Other Legislation.

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 Policy ENV1. The balance of the considerations having regard to those policies is that permission should be granted.

704 3/09/0106/FP – RETROSPECTIVE APPLICATION FOR BARN/STORAGE WITH PROPOSED CLADDING (ALTERATION TO DESIGN AND LAYOUT TO THAT APPROVED UNDER 3/82/0907/FP) AT EDGEWOOD FARM, BROXBOURNE COMMON FOR MR AND MRS FELTHAM

Mr Howard addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of application 3/09/0106/FP, planning permission be refused for the reasons now detailed.

Councillor W Ashley, as the local ward Member, detailed the specific site history prior to the submission of this retrospective application. He commented that agricultural style barns were acceptable in green belt locations. He also stated that the Committee should approve the application with a condition that the buildings were used solely for agriculture.

The Director advised that a certificate of lawful development application had been submitted, claiming that the building on site represented the implementation of the 1982 permission. However, this had been refused as it was considered that the building on the site did not comply with the plans approved under application 3/08/0907/FP. He commented that application 3/09/0106/FP could not be dealt with as a minor design change, as the initial building was considered unauthorised.

The Director submitted a detailed breakdown of the site history since 1982. He commented that due to the elapsed time since the 1982 permission and the modifications to the earlier permitted building, Officers had invited the applicant to submit details to justify the agricultural use.

The Committee was advised that no correspondence had been received from the applicant to justify the agricultural use. An agricultural viability assessment had been received in August 2006 in support of an application to discharge a legal agreement on the site. The Director commented that this assessment had concluded that the site was not viable for independent agricultural purposes.

Councillors D A A Peek and J J Taylor expressed concern that Officers had not been granted access to the site so that the nature and use of the unauthorised development could be established. Councillor W Quince highlighted concerns over the contents and tone of a letter sent to the Committee Members prior to the meeting.

Councillor A F Dearman queried when the main structure had been completed. The Director commented that the issue of works not being in accordance with that approved by application 3/82/0907/FP had come to the attention of Officers in mid-2006. Officers considered that a majority of the work had been carried out around this time.

The Director confirmed that Officers remained unable to access the site to establish the use of the barn. He stressed that Members should restrict their consideration of the matter to planning issues and, in response to concerns from Councillor D A A Peek, the Director advised that Officers had sufficient knowledge and information in relation to the site to enable a fully informed recommendation to be made and for Members to reach a decision.

Councillor A L Burlton proposed and Councillor A L Warman seconded, a motion that application 3/09/0106/FP be deferred to enable Officers to contact the applicant to establish a more

thorough knowledge around the use of the site.

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

Councillor W Ashley proposed and Councillor Mrs M H Goldspink seconded, a motion that application 3/09/0106/FP be approved on the grounds that the changes made to the barn were not significant enough to warrant a refusal and the barn was an acceptable use in the green belt.

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

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/09/0106/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/09/0106/FP, planning permission be refused for the following reasons:

DNS

1. Within MGB – EHLP (R021)
2. The Local Planning Authority is not satisfied of the overriding agricultural necessity for the retention of this building or that it meets the provisions of PPS7 'Sustainable Development in Rural Areas'. The development would thereby be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.
3. The storage barn, by reason of its siting, size and scale is harmful to the openness in this part of the Metropolitan Green Belt contrary to Policy GBC1 of the East Herts Local Plan Second Review April 2007 and PPG2 'Green Belts'.

705 E/06/0186/B – UNAUTHORISED ERECTION OF A BARN BUILDING AND ENTRANCE GATES AT EDGEWOOD FARM, COCK LANE, BROXBOURNE, HERTS

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/06/0186/B, Members endorse and re-confirm enforcement action that had previously been authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/06/0186/B on the basis now detailed.

(Note - Councillors W Ashley and Mrs M H Goldspink requested that their dissent from this decision be recorded.)

RESOLVED – that in respect of E/06/0186/B, the updated report be endorsed and it be re-confirmed that the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, continues to take enforcement action under section 179 of the Town and Country Planning Act 1990 and any such further steps that may be required to secure the removal of the unauthorised developments.

DNS/
DIS

Reasons why it is expedient to continue with enforcement action:

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 developments for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to the rural area. No such special circumstances are apparent in this case, and the developments are therefore contrary to policy

GBC1 of the East Herts Local Plan Second Review April 2007.

2. The unauthorised barn development results in a significant development on open grazing land which results in a loss of openness of this part of the Metropolitan Green Belt, contrary to national advice in PPG2: Green Belts and policy GBC1 of the East Herts Local Plan Second Review April 2007.
3. The unauthorised gates, by reason of their scale, siting and design, would be out of keeping with the rural lane the openness of the surrounding Green Belt. If permitted the development would be contrary to Policy BE2 of the East Herts Local Plan and Policy ENV1a of the Local Plan Second Review.

706 3/09/0053/SV – VARIATION TO SECTION 52 AGREEMENT TO ALLOW THE ANNEXE TO BE USED AS A SEPARATE DWELLING AT CHANNOCKS FARM, CHANNOCKS LANE, GILSTON FOR MR A BICKMORE

Mr Bickmore addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of application 3/09/0053/SV, planning permission be refused for the reasons now detailed.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/09/0053/SV be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/09/0053/SV, planning permission be refused for the following reason:

1. The Section 52 agreement states that the outbuilding in question cannot be sold, leased or

otherwise disposed of as a separate dwelling from the property known as Channoeks Farm. The Council considers that removal of this Section 52 agreement will result in a separate residential dwelling in the designated Green Belt area. Within such areas, 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, and the proposal would therefore be contrary to Policy GBC1 of the East Herts Local Plan Second Review April 2007, and detrimental to the character and appearance of the surrounding rural area.

707 3/09/0027/FP – CHANGE OF USE OF REDUNDANT BARN TO A SINGLE RESIDENTIAL UNIT AT HOME FARM, YOUNGSBURY, WADESMILL FOR MRS JANET SMITH

Mrs Smith addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of application 3/09/0027/FP, planning permission be refused for the reasons now detailed.

Councillor D Andrews, as the local ward Member, addressed the Committee in support of the application. He commented that there had been no local objection and there appeared to be no traffic implications.

Councillor Andrews stated that significant effort had been made to make the farm a viable proposition. He emphasised there was a need for the residential use. Councillor S A Bull expressed support for the application, as the scheme seemed to be an acceptable natural diversification in this location.

Councillor A L Warman commented on paragraph 3.1 of the report now submitted in reference to the likelihood of the barn

being used as a roost site for bats. The Director commented that the applicant's agent had suggested a condition that would ensure the unit could not be sold as a separate private dwelling.

Councillor S A Bull proposed and Councillor W Ashley seconded, a motion that application 3/09/0027/FP be approved on the grounds that the building is worthy of retention and the introduction of a residential use would not detract significantly from the rural character and appearance of the area in accordance with policy GBC9 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 3/09/0027/FP be refused planning permission for the reasons now detailed.

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

RESOLVED – that in respect of application 3/09/0027/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Boundary walls and fences (2E073)
3. Materials as on plan (2E422)

after "plans" insert "and detailed within the application"
4. Bats (2E412)
5. Withdrawal of Permitted Development (2E203)

6. The development hereby permitted shall be occupied solely in association with the land and buildings comprised in the holding known as Home Farm, Youngsbury.

Reason: Due to the location of the building in close proximity to the operations on the farm and the associated noise and disturbance in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

7. Contaminated Land (2E33)

Directive:

1. Other Legislation (01OL1)

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 ENV1, GBC3, GBC9, GBC10, ENV16, ENV25, SD5, ENV9, and the particular circumstances of the applicant and the operation of the farm. The balance of the considerations having regard to those policies is that permission should be granted.

708 E/08/0152/A - THE ERECTION OF AN UNAUTHORISED BUILDING AT CHRISTIAN OUTREACH CENTRE, PORTLAND ROAD, BISHOP'S STORTFORD, CM23 3SL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0152/A, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation for

enforcement action to be authorised in respect of the site relating to E/08/0152/A on the basis now detailed.

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

RESOLVED – that in respect of E/06/0152/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 building.

DNS/
DIS

Period for compliance: 3 months.

Reason why it is expedient to issue an enforcement notice:

1. The portacabin by reason of its size, design, materials of construction and external appearance is detrimental to the character and appearance of the locality and the Bishops Stortford Conservation Area wherein the site is situated. The proposal is thereby be contrary to policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007.

709 E/07/0463/A – UNAUTHORISED CHANGE OF USE OF LAND FROM AGRICULTURAL TO RESIDENTIAL GARDEN AND ERECTION OF SHED AT LAND REAR OF THE OLD POST OFFICE COTTAGE, BARLEYCROFT, FURNEUX PELHAM, SG9 0LL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/07/0463/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/07/0463/A on the basis now detailed.

RESOLVED – that in respect of E/07/0463/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 land and the removal of the shed and any domestic paraphernalia situated thereon.

DNS/
DIS

Period for compliance: 1 month

Reasons why it is expedient to issue an enforcement notice:

1. The extension of the curtilage of the dwelling represents an incursion into the countryside which has had an adverse effect on the rural character and appearance of the local landscape, and is therefore contrary to policy ENV7 of the East Herts Local Plan Second Review April 2007.
2. The Local Planning Authority considers that the shed is not required for any agricultural use of the land and, by reason of its siting and design, is out of keeping with and detrimental to the rural character and appearance of the locality, and is contrary to policies GBC3 and ENV1 of the East Herts Local Plan Second Review April 2007.

710 3/09/0229/FP – ERECTION OF 2 DETACHED, 4 BEDROOM DWELLINGS AT BONKS HILL HOUSE, BONKS HILL, SAWBRIDGEWORTH FOR MR O HOOKWAY

Mr Hammans addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0229/FP, planning permission

be granted subject to the conditions now detailed.

The Director advised that a number of additional representations had been received, raising broadly similar concerns to those raised by the public speaker. He commented that the Landscape Officer had advised that the plots were in the best possible juxtaposition to the trees on the site.

The Director also stated that representation had been received from Councillor N P Clark, reiterating the concerns raised by Sawbridgeworth Town Council.

Councillor A D Dodd, as a local ward Member, addressed the Committee in opposition to the application. He expressed concern that the application had changed very little from the previously refused application. He commented that Bonks Hill House was a listed building and of historic interest to Sawbridgeworth.

Councillor Dodd expressed concerns relating to the impact of the application on the listed building. He also emphasised strong concerns relating to the dangerous and narrow entrance to the site, which was in close proximity to the main road through Sawbridgeworth between Bishop's Stortford and Harlow. He commented that Bonks Hill Road was used by up to 29,000 vehicles a day. He highlighted the dangerous situation that arose when stationary vehicles blocked the entrance to the site. Refuse or emergency vehicles also could not enter the site due to the narrow entrance.

Councillor Dodd concluded by commenting that the highway engineers' suggestion of a keep clear sign would have little impact as motorists often ignored such signs and monitoring rarely occurred. He referred to a petition signed by a significant number of local residents. Councillor Dodd urged the Committee to endorse their original decision to refuse the application.

Councillor R H Beeching, also as a ward Member, commented that although he was not against building in

gardens, special circumstances should exist, particularly to avoid a detrimental impact on a listed building.

Councillor Beeching commented that the issue of landscaping was a major reason why the application should be refused. He stated that the historic ambiance of the garden must be conserved due to historic significance.

The Director advised that a reason for refusal on highways grounds was not sustainable or justifiable in the face of representation from highways that had not raised any concerns on the application.

Councillor W Quince proposed and Councillor K A Barnes seconded, a motion that application 3/09/0229/FP be refused on the grounds that the proposed development would be detrimental to the setting of the Listed Building and contrary to policy BH12 of the East Herts Local Plan Second Review April 2007 and the proposed development, by virtue of the design and appearance of the dwelling, would be out of keeping with and therefore detrimental to, the existing character of the site and surrounding area and contrary to policies ENV1 and HSG7 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 3/09/0229/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED - that in respect of application 3/09/0229/FP, planning permission be refused for the following reasons:

DNS

1. The proposed development would be detrimental to the setting of the Listed Building, and contrary to policy BH12 of the East Herts Local Plan Second

Review April 2007.

2. The proposed development by virtue of the design and appearance of the dwellings would be out of keeping with and therefore detrimental to the existing character of the site and surrounding area contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.

At this point (10.27 pm), the Committee passed a resolution that the meeting should continue until 11.00 pm.

711 ITEMS FOR REPORT AND NOTING

The Director of Neighbourhood Services advised that the dates for the public enquiry on application 3/08/1268/FP for Tesco Stores Ltd, Ware Road, Hertford had been cancelled with new dates to be arranged. He also advised that the dates for the enquiry into the Esbies Estate in Sawbridgeworth had been set for 8 and 9 September 2009.

The Director stated that there would now be an informal hearing for the application for the Northern Maltings, Ware, although Officers were not aware of the date for this hearing.

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
- (D) Planning Statistics.

- 712 (A) 3/08/1268/FP - REDEVELOPMENT TO PROVIDE NEW RETAIL STORE, 54 RESIDENTIAL UNITS, A D1 COMMUNITY FACILITY, A3 CAFÉ, CAR PARKING, SERVICING, LANDSCAPING AND ASSOCIATED ANCILLARY DEVELOPMENT AT TESCO, WARE ROAD, HERTFORD FOR TESCO STORES LTD; AND (B) 3/08/1528/FP – MIXED USE REDEVELOPMENT OF PART OF THE MCMULLENS BREWERY SITE, COMPRISING NEW FOODSTORE, CONVERSION OF FORMER BREWERY BUILDING TO PROVIDE ELEMENTS OF THE FOODSTORE, INCLUDING CAFÉ, OFFICES AND COMMERCIAL SPACE, COMMUNITY SPACE, ASSOCIATED CAR PARKING, LANDSCAPING, RIVERSIDE WALK, RE-NATURALISATION OF RIVER BANK, BRIDGE LINK TO TOWN CENTRE, RE-ROUTING OF HARTHAM LANE AND ASSOCIATED PROVISION OF NEW ACCESS AND SERVICING POINTS AT MCMULLENS BREWERY SITE, HARTHAM LANE, HERTFORD, FOR SAINSBURY'S SUPERMARKETS LTD
-

The Director of Neighbourhood Services recommended that the Committee endorse the investigation and advancement, at the forthcoming Inquiry or Inquiries as appropriate, of a case that includes, in addition to that based on the reasons set out on the refusal notice in relation to the Tesco's proposals, information surrounding the combined retail need and impact of both sets of retail proposals.

The Director also recommended that authority be delegated to the Head of Planning and Building Control to further adapt the Council's case, as submitted to the Inquiry or Inquiries, as appropriate, to ensure that further changes in circumstances were reflected in the Council's case and that the case submitted is the most appropriate.

The Director referred to the Chairman's announcement as the reason for the urgency for this report to be considered by the Committee. He advised that Officers sought Member endorsement of the Authority's submission to the public enquiries in respect of applications 3/08/1268/FP and

3/08/1528/FP.

The Director commented that there had been a deadline of 26 April 2009 for the submission of evidence to the Tesco enquiry. He stated that the urgency had now diminished as this enquiry had been cancelled. The Committee was advised that the Secretary of State had called in the Sainsbury's application after this had been referred to GO East by Officers.

The Director stated that recommendation C, as detailed in the report now submitted, was no longer required as the Secretary of State had agreed to deal with both applications in a single conjoined enquiry. The Committee was advised that Officers would be seeking appropriate advice from consultants to ensure the Authority presented the best possible submission at a conjoined enquiry.

The Director commented that progress reports might be submitted to Committee when necessary to update Members on further developments.

The Committee approved the proposals as now detailed.

RESOLVED that (A) the investigation and advancement, at the forthcoming Inquiry or Inquiries as appropriate, of a case that includes, in addition to that based on the reasons set out on the refusal notice in relation to the Tesco's proposals, information surrounding the combined retail need and impact of both sets of retail proposals, be endorsed; and

DNS

(B) authority be delegated to the Head of Planning and Building Control to further adapt the Council's case, as submitted to the Inquiry or Inquiries, as appropriate, to ensure that further changes in circumstances are reflected in the Council's case and that the case submitted is the most appropriate.

DNS

The meeting closed at 10:35 pm

W:\BSWP\NPS\DevCon\2008-09\8 April 2009\Minutes 9 April 2009.doc

Chairman
Date