

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON WEDNESDAY, 7 JANUARY 2004 AT
7.30 PM

PRESENT: Councillor R Gilbert (Chairman).
Councillors M R Alexander, W Ashley, D R Atkins,
K A Barnes, S A Bull, N Burdett, A L Burlton,
R N Copping, A F Dearman, J Demonti,
G Francis, Mrs M H Goldspink, J Hedley,
M P A McMullen, T Milner, D A A Peek,
P A Ruffles, B W J Sapsford, J J Taylor,
A L Warman, M Wood.

ALSO IN ATTENDANCE:

Councillor M J Tindale.

OFFICERS IN ATTENDANCE:

Peter Biggs	- Development Control Manager
Michelle Diprose	- Democratic Services Assistant
Simon Drinkwater	- Assistant Director (Law and Control)
Harvey Fairbrass	- Development Control Manager
Jeff Hughes	- Head of Democratic Services
Paul Rossington	- Assistant Director (Development Control)

551 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors D Richards and S Rutland-Barsby.

552 CHAIRMAN'S ANNOUNCEMENTS

The Chairman wished all Members and Officers a Happy New Year.

The Chairman welcomed to the meeting newly elected Councillor Michael Tindale. It was likely that Councillor Tindale would be formally appointed to this Committee at the Council meeting to be held on 28 January 2004. The Chairman also welcomed Michelle Diprose, the newly appointed Democratic Services Assistant, to her first meeting.

The Chairman reminded Members that, at the last Council meeting, a petition had been presented relating to the St Michaels Mead Development, Bishop's Stortford. The Leader of the Council had thanked the petitioner and had stated that it was the Council's intention to review the situation and that a report on this matter would be submitted to the Development Control Committee. The Chairman advised that he had requested officers to ensure that the report came before a future meeting of the Committee when appropriate.

553 DECLARATIONS OF INTEREST

Councillor M R Alexander declared a personal interest in respect of application 3/03/1759/RP as his wife was the Vice-Chairman of the Board of Governors of a nearby school.

Councillor P A Ruffles declared personal interests in respect of applications 3/03/1759/RP and 3/03/2093/FP as he was a Member of Hertfordshire County Council's Adult Care Services Committee.

Councillor R N Copping declared personal interests in respect of applications 3/03/1759/RP and 3/03/2093/FP as he was a Member of Hertfordshire County Council.

Councillor A Warman declared a personal and prejudicial interest in respect of application 3/03/1759/RP as his

interest in respect of application 3/03/1759/RP as his mother-in-law resided across the road from the development site. Councillor Warman left the Chamber prior to the consideration of this application.

RESOLVED ITEMS

ACTION

554 MINUTES

RESOLVED - that the Minutes of the meeting held on 3 December 2003 be confirmed as a correct record and signed by the Chairman.

555 A) 3/03/0424/FP AND B) 3/03/0425/LB – REBUILDING OUTBUILDING FOLLOWING FIRE DAMAGE TO INCORPORATE 3 NO LETTING BEDROOMS AND ASSOCIATED STORES AT THE CATHERINE WHEEL PUBLIC HOUSE, PELHAM ROAD, ALBURY FOR PUBMASTER LTD

The Committee supported the recommendations of the Assistant Director (Development Control) that applications 3/03/0424/FP and 3/03/0425/LB should be granted planning permission and listed building consent respectively subject to the conditions detailed below.

RESOLVED - that (A) application 3/03/0424/FP be granted planning permission, subject to the following conditions:-

ADC

1. Five year time limit (1T01).
2. Levels (2E05).
3. Samples of materials (2E12).
4. No further windows (2E17).
5. Refuse disposal facilities (2E24).
6. Construction parking and storage (3V22).

ACTION

7. Provision and retention of parking spaces (3V23).
 8. Wheel washing facilities (3V25).
 9. Landscape design proposals (4P12).
(b, e, i, j, k, l)
 10. Landscape works implementation (4P13).
 11. Retention of landscaping (4P21).
 12. No external lighting (2E26).
 13. The use of the development permitted shall remain ancillary to the use of the public house, located on the application site, at all times.
 14. No vehicles, materials or waste are to be stored, assembled or deposited within or on the boundary of the SSSI, and
- (B) application 3/03/0425/LB be granted listed building consent, subject to the following condition:-

ADC

Five year time limit (1T05).

556 A) 3/03/1852/FP AND B) E/03/0325/B – 1.1 M SATELLITE DISH MOUNTED ON REAR GARDEN WALL AT APPROXIMATE HEIGHT OF 1.52 METRE AT 16 MILLMEAD WAY, HERTFORD BY MR K BOND

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/03/1852/FP should be refused planning permission for the reasons detailed in the report now submitted.

The Committee further agreed to authorise the taking of enforcement action and such other steps as may be

ACTION

required to secure the removal of the unauthorised satellite dish at 16 Millmead Way, Hertford.

RESOLVED - that (A) application 3/03/1852/FP be refused planning permission for the following reasons:-

ADC

1. The satellite dish, by reason of its size and location has a detrimental effect on the character and appearance of the wall on which it is proposed, and the area as a whole. If permitted it would be contrary to the provisions of policy BE14 (III) of the East Hertfordshire Local Plan.
2. B181 - Character of Conservation Area. (Hertford Conservation Area), and

(B) the Assistant Director (Law and Control), in consultation with the Assistant Director (Development Control) be authorised to serve an Enforcement Notice under Section S172 of the Town and Country Planning Act 1990 and any such other steps as may be required to secure the following:

ALC
ADC

removal of the unauthorised satellite dish at 16 Millmead Way, Hertford.

557 3/03/2093/FP – CHANGE OF USE FROM HOTEL TO RESIDENTIAL CARE HOME AT VINTAGE COURT HOTEL, CAMBRIDGE ROAD, PUCKERIDGE FOR CARE UNLIMITED

The Assistant Director (Development Control) reported receipt of a letter of support from Hertfordshire County Council's Adult Care Services in respect of the proposed development associated with application 3/03/2093/FP.

The Committee supported the recommendation of the Assistant Director (Development Control) that application

ACTION

3/03/2093/FP should be granted planning permission subject to the conditions detailed below.

RESOLVED - that application 3/03/2093/FP be granted planning permission, subject to the following conditions:-

ADC

1. Five year time limit (1T01).
2. Retention of parking space (3V20).
3. Noise Attenuation (external noise) (6N01).
(Insert...a scheme for protecting the proposed care home from ...)

Directive: Other legislation (01OL).

558 3/03/2090/FP – ERECTION OF SINGLE STOREY BUILDING AT THE GREAT AMWELL SCOUT TROUP HQ, LONDON ROAD, WARE FOR THE TRUSTEES OF THE GREAT AMWELL SCOUT TROUP

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/03/2090/FP should be granted planning permission, subject to the conditions detailed below.

RESOLVED - that application 3/03/2090/FP be granted planning permission, subject to the following conditions:-

ADC

1. Five Year Time Limit (1T01).
2. Samples of materials (2E12).
3. The building hereby permitted, shall only be used for purposes falling within Use Class D1, excluding Class D1 (a), (b), (d), (e), (f) and (h), and for no other purposes whatsoever.

ACTION

4. Prior to the first occupation of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority, with regard to the provision of 12 additional car parking spaces on the site.

559 3/03/1759/RP – CONSTRUCTION OF 105 BED NURSING CARE HOME TRINITY CENTRE SITE, TOWER ROAD, WARE FOR WESTGATE HEALTHCARE LTD

The Committee supported the recommendation of the Assistant Director (Development Control) that reserved matters associated with application 3/03/1759/RP should be approved subject to the conditions detailed below.

RESOLVED - that the reserved matters associated with application 3/03/1759/RP be approved, subject to the following conditions:-

ADC

1. Materials of construction (2E11).
2. Boundary walls and fences (2E07).
3. Hedge retention and protection (4P06).

Directive: Outline permission relationship (07OP).
Insert 20 November 2002
3/02/1724/OP

560 3/03/1815/FP – CHANGE OF USE FROM A1 TO MANICURE SHOP RETROSPECTIVE AT 9 BIRCHELEY GREEN, HERTFORD FOR MR KHANH DONG VU

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/03/1815/FP should be granted planning permission.

ACTION

RESOLVED - that application 3/03/1815/FP be granted planning permission.

ADC

561 3/03/1446/FP – DEMOLITION OF EXISTING BUILDING AND ERECTION OF 44, 1 AND 2 BED FLATS AND 4 NO GROUND FLOOR RETAIL UNITS AT 90/96 SOUTH STREET, BISHOP’S STORTFORD FOR STATUS PROPERTY GROUP LTD

The Assistant Director (Development Control) reported on further representations received from Bishop’s Stortford Town Council and local residents in respect of this application. The Committee noted the nature of these representations.

The Committee supported the Assistant Director’s recommendation that, subject to the applicants entering into a legal obligation under the provisions of the Town and Country Planning Act 1990 in respect of the matter now identified, application 3/03/1446/FP should be granted planning permission subject to the conditions detailed below.

RESOLVED - that subject to the applicants entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matter:-

ALC

the provision of a minimum of 13 units for affordable housing, to be secured through a Registered Social Landlord, such units to be of an agreed mix and form,

the Assistant Director (Development Control), be authorised to grant planning permission subject to the following conditions:-

ADC

1. Five year time limit (1T01).
2. Details of the means of enclosure to all balconies,

ACTION

to include dimensions, materials of construction and external paint finish, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any development.

3. Levels (2E05).
4. Boundary walls and fences (2E07).
5. Samples of materials (2E12).
6. Refuse disposal facilities (2E24).
7. No further windows (2E17)
Insert "in any part of the flats"
8. Materials arising from demolition (2E32).
9. Prior to any building works being first commenced, detailed drawings of the new windows including a section of the glazing bars and frame moulding (if applicable), which it is proposed to install, clearly showing the position of the window frame in relation to the face of the wall, depth of reveal and sill detail, shall be submitted to, and approved in writing by the Local Planning Authority.
10. Details of the security measures to be provided in respect of the basement area, to include detailed scaled drawings of the entrance gates/ barriers and/or roller shutters shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.
11. Approved accesses only (3V04).
12. Completion of roads (3V13).

ACTION

13. Hard surfacing (3V21).
14. Construction Parking and Storage (3V22).
15. Provision and Retention of Parking Spaces (3V23).
16. Wheel washing facilities (3V25).
17. Landscape Design Proposals (4P12).
(e), (f), (i), (j), (k), (l)
18. Landscape Works Implementation (4P13).
19. No works of site preparation or construction of the development hereby permitted shall take place outside the hours of 08:00 – 18:00 hours Mondays to Fridays; 08:00 – 13:00 Saturdays. No works shall take place on Sundays or Bank Holidays.
20. Prior to the commencement of the development hereby permitted, details and specifications for:
 - a) Pedestrian visibility splays of 2.0 x 2.0 metres on either side of the southern access where it adjoins South Street;
 - b) Widening of the northern access road at its junction with South Street to 4.1 metres to include the widest possible kerb radii; and
 - c) A dedicated pick up/ drop off point for users of the adjoining Kingdom Hall.

shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall thereafter be carried

ACTION

out in accordance within an agreed timetable with the Local Planning Authority and shall thereafter be maintained and retained.

21. Prior to the commencement of the development hereby permitted, details and specifications of the proposed new shopfronts shall be submitted to and approved in writing with the Local Planning Authority. Such approved details shall include a window display which shall be maintained and retained at all times unless otherwise agreed in writing with the Local Planning Authority.
22. No external lighting (2E26).
23. Communal TV facilities (2E28).
24. Cycle parking facilities (2E29).
25. Prior to the commencement of any building works, details of on site drainage works and surface water source control measures shall be submitted to and approved in writing by the Local Planning Authority; such a scheme shall be carried out in accordance with the approved drawings and specification prior to the first occupation of the development hereby permitted.

Directives:

1. Other Legislation (01OL).
2. Ownership (02OW).
3. Planning Obligation (08PO).
4. Street Numbering (19SN).

ACTION

5. You are advised to contact Hertfordshire Highways, The Rotunda, Old London Road, Hertford, Herts, Tel: 01992 412300, with regard to the re-siting of a lamp column and directional sign; the demarcation of a 2.0 metre wide footway around the service lay-by and its dedication as public highway; and the provision of a traffic regulation order to restrict the use of the lay-by to loading and unloading under Section 278 of the Highways Act 1980, prior to the commencement of the works proposed on highway.
6. The shop units hereby approved are A1 general retail only and no other uses within this class i.e. A2/A3 of the Town & Country (Use Classes) Order 1987 may be undertaken without separate planning permission.
7. You are advised that any increase in the volume of sewage effluent discharge must be within the scope of any existing discharge consent.
8. You are advised that all sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Utilities as its sewerage agent.
9. Date of plans received (10DP).

562 REQUIREMENT TO PROVIDE A SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION AND LISTED BUILDING CONSENT

The Assistant Director (Law and Control) submitted a report upon new legislative requirements coming into force with effect from the 5 December 2003.

ACTION

Under this new legislation, local authorities were required to provide a summary of the reasons for granting planning permission or listed building consent on relevant decision notices.

The Committee noted that under previous regulations, decision notices granting planning permission or listed building consent were required to include clear reasons for any conditions that were attached to the consent, together with reference to the relevant policies of the development plan which justified the imposition of the condition(s). In addition, where consent was refused, clear reasons together with their policy basis must also be set out.

The Government had introduced revised regulations which required that, when granting planning permission or listed building consent, a local authority decision notice should include a summary of the reasons for the granting of planning permission together with the summary of the policies and proposals in the development plan which were relevant to the decision granted.

The Committee noted that the requirement now detailed related to all planning permissions, listed building consents and conservation area consents on applications submitted from the 5 December 2003 or on applications submitted before that date where the decision would be taken on or after the 5 March 2004.

The Assistant Director confirmed that all officer reports recommending an application be granted planning permission would incorporate a paragraph summarising the relevant policies and reasons for the grant of permission. A system would be introduced to meet the new legislative requirements in relation to delegated matters.

The Committee noted that in those cases where it resolved to grant planning permission notwithstanding an officer's recommendation of refusal of permission, it would need to

ACTION

indicate the reasons for granting planning permission, together with the summary of the relevant policies.

The Assistant Director stressed that failure to incorporate the summary of relevant policies on a grant of permission would render the permission liable to challenge.

The Assistant Director confirmed that the additional work created by the new legislative requirements would be met from within existing resources.

The Committee agreed to receive the report on this matter.

RESOLVED - that the report be received.

563 CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER (NO 7) 2003, 17 PARK LANE, PUCKERIDGE, HERTS

The Assistant Director (Direct and Contract Services) submitted a report inviting the Committee to confirm a Tree Preservation Order in respect of three mature Scotch Pine Trees at 17 Park Lane, Puckeridge.

The Committee noted the basis for issuing a Tree Preservation Order in respect of the trees now detailed and the consultation process that had been followed and the nature of representations received.

The Committee supported the Assistant Director's recommendation that Tree Preservation Order (No 7) 2003 should be confirmed as an opposed order.

RESOLVED - that Tree Preservation Order (No 7) be confirmed as an opposed order and that the Assistant Director (Development Control) be authorised to bring it into operation.

ADC

The meeting closed at 8.17 pm.