

MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL  
COMMITTEE HELD IN THE  
WAYTEMORE ROOM, BISHOP'S  
STORTFORD ON WEDNESDAY  
31 MARCH 2004 AT 7.30 PM

PRESENT: Councillor R Gilbert (Chairman). Councillors  
W Ashley, K A Barnes, S A Bull, N Burdett  
R N Copping, A F Dearman, J Demonti,  
G Francis, Mrs M H Goldspink, J Hedley,  
M P A McMullen, D A A Peek, D Richards,  
P A Ruffles, S Rutland-Barsby, J J Taylor,  
M Tindale, A L Warman, M Wood.

ALSO IN ATTENDANCE:

Councillor A M Graham.

OFFICERS IN ATTENDANCE:

Miranda Steward	- Executive Director (Operations)
Peter Biggs	- Development Control Manager
Lorraine Blackburn	- Committee Secretary
Simon Drinkwater	- Assistant Director (Law and Control)
Harvey Fairbrass	- Development Control Manager
Andrea Gilmour	- Development Control Manager
Neal Hodgson	- Assistant Director (Regulatory Services)

736 APOLOGIES

Apologies for absence were submitted on behalf of  
Councillors M R Alexander, A L Burlton, T Milner,  
B W J Sapsford.

737 CHAIRMAN'S ANNOUNCEMENTS

The Chairman commented that application 3/03/0304/FP for public car park at Link Road, Bishop's Stortford had been withdrawn from consideration pending clarification on unresolved issues.

738 DECLARATIONS OF INTEREST

Councillor R Gilbert declared a personal interest in application 3/04/0179/OP by virtue of the fact that he personally knew the applicant.

Councillor Mrs Goldspink declared a personal interest in application 3/04/0179/OP by virtue of donations made by the Company submitting the application.

Councillor M Wood declared a personal interest in application 3/04/0179/OP as he knew the applicant personally.

Councillor D Peek declared a personal interest in application 3/04/0179/OP by virtue of his personal relationship with the applicant.

Councillor A F Dearman declared a personal and prejudicial interest in application 3/03/2542/FP as the owner of the land was a friend and he was the Director of a company that may be the developer. Councillor Dearman left the Chamber whilst the application was considered.

Councillor S Rutland-Barsby declared a personal and prejudicial interest in applications 3/99/0693/FP and 3/99/0694/LB by virtue of a personal friendship with the developers and had received hospitality in the past. Councillor Rutland-Barsby left the Chamber whilst the application was considered.

Councillor M McMullen declared a personal interest in application 3/99/0693/LB as he knew the developer.

Councillor J J Taylor declared a personal interest in application 3/03/2542/FP as her family reside at Bishop's Park and would be affected by the application.

Councillor R N Copping declared a personal and prejudicial interest in planning obligation reference number 04.06.026 as he was the applicant.

739 3/03/0304/FP – PERMANENT USE OF LAND FOR PUBLIC CAR PARK AT LINK ROAD, BISHOP'S STORTFORD FOR EAST HERTS DISTRICT COUNCIL

This application was withdrawn from the agenda as officers were awaiting clarification on issues. It would now be submitted to a future meeting for consideration.

740 3/02/2052/FP – USE OF LAND FOR CAR PARKING/STORAGE (RETROSPECTIVE APPLICATION) AT LAND NORTH OF 120A CAMBRIDGE ROAD, SAWBRIDGEWORTH FOR LASER MOTOR COMPANY LTD

Motions were duly proposed to defer, refuse and approve application 3/02/2052/FP. After being put to the vote each one was declared lost.

RESOLVED ITEMS

ACTION

741 MINUTES

RESOLVED – that the Minutes of the meeting held on 4 March 2004 be confirmed as a correct record and signed by the Chairman.

742 3/04/0049/FP – TWO STOREY SIDE AND REAR EXTENSION – 41 HEATH DRIVE, WARE BY MR D HEFFER AND MISS N COMPTON

The Assistant Director (Development Control) advised that an amended plan had been received.

ACTION

The Committee supported the recommendations of the Assistant Director (Development Control) that application 3/04/0049/FP be granted planning permission subject to the conditions detailed below.

RESOLVED – that application 3/04/0049/FP be granted planning permission, subject to the following conditions: -

ADC

1. Five Year Time Limit (1TO1)
2. Matching Materials (2E13)
3. Prior to the first occupation of the development hereby permitted, spaces shall be provided within the application site for the parking of cars and such spaces shall be retained at all times for use in connection with the development hereby permitted.

Directive:

1. Other Legislation (01OL)

The construction works and operation of the proposed development should be done in accordance with the relevant British Standards and Best Management Practices. For further information you should refer to CIRIA Publication C532 “Control of water pollution from construction – guidance for consultants and contractors.”

743 3/03/2542/FP – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 4 NO. DWELLINGS AT STORTFORD PARK COTTAGES, BISHOP’S STORTFORD FOR K X HOWARD LIMITED

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

ACTION

3/03/2542/FP should be refused planning permission for the reasons detailed below.

RESOLVED - that application 3/03/2542/FP be refused planning permission, for the following reasons: -

ADC

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan to which Policy RA2 applies. This policy states that development within the Metropolitan Green Belt will only be allowed for certain specific purposes and allows for replacement dwellings which do not materially exceed the size of the original in terms of floor space and height. In this case there is no justification for the development as the proposed replacement dwellings materially exceed the size and bulk of the original dwellings on the site, in terms of floor space and height.

The development therefore would be contrary to the aims and objectives of Policy RA2 of the East Hertfordshire Local Plan.

2. The proposal would be likely to result in an increase in vehicular traffic accessing the site to the detriment of the safety and amenity of users of Bishop's Stortford Bridleway 014. The proposal would thereby be contrary to Policy BE2 of the East Hertfordshire Local Plan.

ACTION

744 3/04/0179/OP – DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES, REMOVAL OF STORAGE BAYS AND REDEVELOPMENT OF BUILDER’S MERCHANTS YARD FOR 12 NO. RESIDENTIAL APARTMENTS (9 NO. 2 BEDROOM AND 3 NO. 1 BEDROOM) AMENITY AREAS, CAR AND BICYCLE PARKING FACILITIES AND ASSOCIATED INFRASTRUCTURE. LEWIS PEASLEY YARD, STORTFORD HALL PARK, BISHOP’S STORTFORD, FOR PETER JAMES

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/04/0179/OP should be granted planning permission subject to the conditions detailed below:-

RESOLVED – that application 3/04/0179/OP be granted planning permission subject to the following conditions: -

ADC

1. Outline permission time limit (1T03)
2. Outline – submission of details (2E01)
3. Levels (2E05)
4. Unless otherwise agreed in writing with the local planning authority, the development hereby approved shall have a mixture of ridge heights and storey heights, which shall broadly be in accordance with the drawings hereby approved.
5. Provision and retention of parking spaces (3V23)
6. Approved accesses only (3V04)
7. Prior to the first occupation of the development hereby permitted, the following items shall be constructed, in accordance with further details to be first agreed in writing with the Local Planning Authority:

ACTION

- (a) the width of the access onto Stortford Hall Park to be a minimum of 4.1 metres;
- (b) provision of a 2.4 metre x 90 metre sight line in a northern direction from the junction between the access to the application site and Stortford Hall Park;
- (c) provision of a 2.4 metre x 80 metre sight line in a southerly direction from the junction between the access to the application site and Stortford Hall Park;
- (d) all areas in advance of approved sight lines to be kept permanently clear of any obstruction between 600mm and 2.4 metres above verge level;
- (e) the junction radii onto Stortford Hall Park shall be improved to 4.5 metres;
- (f) extension of 1.4 metre wide footway into the site;
- (g) provision of a properly surfaced turning facility within the site to enable service vehicles to enter and exit in a forward gear onto Stortford Hall Park;
- (h) demarcation of the extent of public highway.

Such approved details shall thereafter be implemented, retained and maintained.

8. Before the development hereby permitted commences on site, a soil survey of the site shall be undertaken and the results provided to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for decontamination of the site shall be submitted and approved by the Local Planning Authority in writing and the scheme, as

ACTION

approved, shall be fully implemented and completed before any residential unit hereby permitted is first occupied.

9. Wheel washing facilities (3V25)
10. Refuse disposal facilities (2E24)
11. Prior to the commencement of any building works, details of site drainage works, surface water control measures and sewerage infrastructure 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 specifications prior to the first occupation of the development hereby permitted.
12. Construction parking and storage (3V22)
13. Tree retention and protection (4P05)
14. Landscape design proposals (4P12) (all except (h))
15. Landscape works implementation (4P13)
16. No works of site preparation or construction of the development hereby permitted shall take place outside the hours of 07:30 – 18:30 hours Mondays to Fridays; 07:30 – 13.30 Saturdays. No works shall take place on Sundays or Bank Holidays.
17. Materials arising from demolition (2E32)

Directives:

1. Other legislation (01OL)
2. Street numbering (19SN)



ACTION

3. You are advised to contact The District Manager, Hertfordshire Highways, Sanctuary House, The Rotunda, Old London Road, Hertford SG13 7XP tel: 01992 526900, with regard to the carrying out of any works on any footpath, carriageway, verge or other land forming part of the highway and the adoption of roads and footpaths as public highway and the discharging of condition 7 of the above planning permission.
4. You are advised to contact this Council's Environmental Health Unit at Wallfields, Pegs Lane, Hertford, tel: 01279 655261, with regard to adopting the best practicable means to minimise dust nuisance during demolition and construction activities and the discharging of condition 8 of the above planning permission.

745 3/03/2039/FP – ERECTION OF 7 DWELLINGS, ASSOCIATED LANDSCAPING AND PARKING, LAND AT OLD CROSS AND NICHOLAS LANE, HERTFORD FOR MARRON HOMES LTD

The Assistant Director (Development Control) advised that comments had been received from Hertfordshire County Council, but it had no overall objections to application 3/03/2039/FP.

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/03/2039/FP be granted planning permission subject to the conditions detailed below;-

RESOLVED – that application 3/03/2039/FP be granted planning permission subject to the following conditions:-

ADC

1. Five year time limit (1T01)
2. Complete accordance (2E10)

ACTION

3. Programme of archaeological works (2E02)
4. Access for archaeological inspection (2E04)
5. Submission of foundation design in relation to archaeological findings.
6. Investigation and remediation regarding site contamination.
7. All property boundary treatments shall be brick walls of a height, design and material to be agreed in writing by the Local Planning Authority, prior to the commencement of development.
8. Samples of materials (2E12)
9. No further windows (2E17)
10. Hard surfacing (3V21)
11. Provision and retention of parking spaces (3V23)
12. None of the dwellings hereby permitted shall be occupied until such time as Nicholas Lane and New Lane have been constructed, drained, surfaced and lit in accordance with detailed plans which shall have been submitted to and approved in writing by the Local Planning Authority.
13. Landscape design proposals (4P12)
14. Landscape works implementation (4P13)
15. Tree retention and protection (4P05)
16. Communal TV facilities (2E28)
17. Withdrawal of Permitted Development rights

ACTION

- (Part 1 Class A) (alterations and extensions)  
(2E20)
18. Withdrawal of Permitted Development rights  
(Part 2, Class A) (walls, fences and  
enclosures (2E21)
  19. Withdrawal of Permitted Development rights  
(Part 1, Class E) (outbuildings) (2E22)
  20. Prior to the commencement of development,  
detailed plans showing the proposed gazebo,  
mooring posts and riverside boundary  
treatment, shall be submitted to and approved  
in writing by the Local Planning Authority, and  
the development shall be carried out in  
accordance therewith.

Directives:

1. Other Legislation (01OL)
2. Street naming and numbering (19SN)
3. Attention is drawn to the need to ensure that  
contractors and employees vehicles do not cause  
obstruction to adjoining businesses and residents  
during construction work.
4. Attention is drawn to the need to ensure that  
Agreements are in place in accordance with  
Section 278 of the Highways Act, prior to  
carrying out any works to Nicholas Lane and  
New Lane.

ACTION

- 746 E/03/0333/B– UNAUTHORISED DISPLAY OF ADVERTISEMENT SIGN ON THE FLANK SIDE FIRST FLOOR ELEVATION OF 1A, FROGHALL LANE, WALKERN, STEVENAGE, SG2 7PH

The Committee supported the recommendation of the Assistant Director (Development Control) that legal proceedings in accordance with Section 224 of the Town and Country Planning Act 1990 and such other steps as may be necessary be authorised for the removal of the unauthorised advertisement at 1A Froghall Lane, Walkern, Stevenage SG2 7PH.

RESOLVED – that the Assistant Director, Law and Control, in consultation with the Assistant Director Development Control, be authorised to institute legal proceedings in accordance with Section 224 of the Town and Country Planning Act 1990, and such other steps as may be required to secure the removal of the unauthorised advertisement at 1A Froghall Lane, Walkern, Stevenage SG2 7PH.

ALC  
ADC

- 747 3/03/2495/FP – CHANGE OF USE OF AGRICULTURAL LAND TO EQUESTRIAN PADDOCKS AND FORMATION OF MÉNAGE (RETROSPECTIVE) AT LODGE FARM, BROADFIELD, NR COTTERED FOR MR N LAMBERT

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/03/2495/FP be granted planning permission subject to the conditions as detailed below.

RESOLVED - that application 3/03/2495/FP be granted planning permission subject to the following condition:-

ADC

The use of the land for equestrian paddocks and the ménage hereby permitted, shall be used only for the private leisure purposes of the owner of the land, and

ACTION

shall not be used for any commercial activity including hiring, hacking, livery or tuition.

Directive:

You are advised that Road Used as a Public Path (RUPP) 038 crosses the site and this should not be adversely affected, obstructed or altered in any way. For further information regarding the public rights of way please contact the Countryside Access Officer, Environmental Management Group, Hertfordshire County Council.

748 3/99/0693/FP & 3/99/0694/LB – ADAPTIVE RE-USE OF MALTINGS BUILDING FOR RESIDENTIAL PURPOSES AT BARBER’S YARD, OLD CROSS WHARF, HERTFORD – OLD CROSS WHARF DEVELOPMENTS LTD

The Committee supported the recommendation of the Assistant Director (Development Control) that the Assistant Director (Law and Control) in conjunction with the Assistant Director (Development Control) be authorised to take legal action in respect of non-compliance with the requirements of the Section 106 agreement dated 3 May 2001, to carry out and complete the Refurbishment Works to the Kiln to the satisfaction of the Planning Authority’s satisfaction.

The Committee further supported the recommendation of the Assistant Director (Development Control) that in conjunction with the Assistant Director (Law and Control) they be authorised to take Listed Building Enforcement Action and such other steps that may be necessary, with the regard to the failure to meet the requirements of listed building consent 3/99/0694/LB and the carrying out of unauthorised works as detailed below.

ACTION

RESOLVED – that (A) the Assistant Director (Law and Control), in conjunction with the Assistant Director (Development Control), be authorised to take legal action in respect of non-compliance with the requirements of the Section 106 Agreement dated 3 May 2001, to carry out and complete the Refurbishment Works to the Kiln to the Planning Authority's satisfaction prior to the first occupation of any part of the development, and

ALC/ADC

(B) that the Assistant Director (Law and Control), in conjunction with the Assistant Director (Development Control), be authorised to take Listed Building Enforcement Action, and such other steps as may be necessary, with regard to the failure to meet the requirements of listed building consent 2/99/0694/LB, and the carrying out of unauthorised works, in relation to:-

ALC/ADC

- (i) the submission of and compliance with a detailed and full repairs schedule
- (ii) sand blasting of brickwork
- (iii) the replacement of a door in the Tally House
- (iv) the unacceptable standard of brickwork repointing to the Grade II\* listed building
- (v) the unacceptable standard of paving to the courtyard of the group of buildings.

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

The Assistant Director (Law and Control) submitted a report requesting an extension of six months be granted for the completion of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of planning application as detailed in the report. If and

ACTION

when an obligation was complete, the Assistant Director, Development Control should, it was felt be authorised to grant permission in respect to planning applications submitted in the report.

The Committee supported the recommendation of the Assistant Director (Law and Control) that an extension of six months be granted for the completion of planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990 as detailed in the report submitted.

RESOLVED – that (A) an extension of six months from the date of this meeting be granted for the completion of planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of the applications detailed in the report and, if an obligation is completed, the Assistant Director (Development Control) be authorised to grant permission in respect of the planning application reference 04.06.594, and

ALC

B) Assistant Director (Law and Control) report back following the grant of planning permission, or on the expiry of six months period, whichever is sooner.

ALC

The meeting closed at 8.30 pm

NPS\Development Control\04 March 2004\Minutes 04 March 2004

Chairman	.....
Date	.....