

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON WEDNESDAY, 2 FEBRUARY 2005
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,
Mrs M H Goldspink, J Hedley,
M P A McMullen, T Milner, D A A Peek,
D Richards, P A Ruffles, S Rutland-Barsby,
B W J Sapsford, J J Taylor, M J Tindale, M Wood.

OFFICERS IN ATTENDANCE:

Miranda Steward	- Executive Director
Peter Biggs	- Development Control Manager
Michelle Diprose	- Democratic Services Assistant
Simon Drinkwater	- Assistant Director (Law and Control)
Harvey Fairbrass	- Development Control Manager
Andrea Gilmour	- Development Control Manager

551 APOLOGIES

An apology for absence was submitted on behalf of
Councillor G L Francis.

552 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that in relation to enforcement action
E/04/0350/A - unauthorised erection of a 1.8m fence at 35
Station Road, Sawbridgeworth, a planning application had
now been received. He advised that members might wish
to consider deferring this report to a future meeting.

553 DECLARATIONS OF INTEREST

Councillor Mrs M H Goldspink declared a personal and prejudicial interest in respect of application 3/04/2343/OP, as she knew one of the objectors to the application, and her house was within the Warwick Road Environmental Zone. Councillor Mrs M H Goldspink left the chamber prior to the consideration of the application.

Councillor P A Ruffles declared a personal and prejudicial interest in respect of application 3/04/2437/FP as he lived in the vicinity of the proposed application. Councillor P A Ruffles left the chamber prior to the consideration of the application.

RESOLVED ITEMSACTION554 MINUTES

RESOLVED – that the Minutes of the meeting held on 5 January 2005 be confirmed as a correct record and signed by the Chairman.

555 3/04/2405/FP – ERECTION OF B1/B2/B8 UNIT WITH ASSOCIATED OFFICES AND WELFARE WITH SERVICE YARD AND CAR PARKING AT BUNTINGFORD BUSINESS PARK, BALDOCK ROAD, BUNTINGFORD FOR OLD ENGLISH (FURNITURE) LTD

The Assistant Director (Development Control) reported that correspondence had been received from Aspenden Parish Council stating that it did not have any concerns on the proposed application. Correspondence had also been received from Buntingford Town Council stating that it had no specific objection, except in relation to screening. The Assistant Director further advised that correspondence had been received from Buckland and Chipping Parish Council raising concerns in relation to access to the site and over development of the site.

ACTION

Councillor S A Bull, Buntingford Town Councillor stated that the Town Council was concerned that as the application had been received over the Christmas period, it had not had time to comment on the application. Clarification was sought in relation to the height of the proposed development and vehicle movement in and around the site.

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/04/2405/FP be granted planning permission subject to the conditions detailed below.

RESOLVED – that application 3/04/2405/FP be granted planning permission subject to the following conditions:-

ADC

1. Five year time limit (1T01)
2. Boundary walls and fences (2E07)
3. Complete accordance (2E10)
4. Samples of materials (2E12)
5. Cycle parking facilities (2E29)
6. Completion of roads (3V13)
7. Construction of parking and storage (3V22)
8. Lighting details (2E27)
9. Retention of parking space (3V20)
10. Tree retention and protection (4P05)
11. Hedge retention and protection (4P06)

ACTION

12. Tree/natural feature protection (4P07)
13. Tree protection: no burning (4P08)
14. Tree protection: excavations (4P09)
15. Tree protection: earthworks (4P10)
16. Landscape design proposals (4P12)
(e, i, j, k, l)
17. Landscape works implementation (4P13)
18. Landscape maintenance (4P17)
19. Retention of landscaping (4P21)
20. No additional commercial floor space (5U06)
Insert 1911 square metres
21. No external storage (5U07)
22. Prior to the use of the development hereby permitted a Green Transport Plan shall be drawn up by the occupiers of the employment accommodation and approved in writing by the Local Planning Authority, such plan to include proposals for staff to travel by modes other than the private car for journeys to and from work.

Reason: To promote the use of non car modes of transport in accordance with national guidance in PPG13.

ACTION

23. The construction of the foul and surface water discharge drainage system shall be carried out in accordance with the details submitted to and approved in writing by the Local Planning Authority before the development commences.

Reason: To prevent pollution of the water environment.

24. No soakaways shall be constructed in contaminated ground.

Reason: To prevent pollution of groundwater.

Directive: 1. Other legislation (01OL)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies BUNT3 and EMP2. The balance of the considerations having regard to these policies, together with policies EDE1 and BUN5 of the East Herts Local Plan Second Review Re-Deposit version and the other material considerations in this case is that planning permission should be granted.

556 3/04/2380/FP – DEMOLITION OF EXISTING PROPERTIES AND ERECTION OF 10 NO. 2 BED FLATS AND 2 NO.1 BED FLATS AT 30-34 ELIZABETH ROAD, BISHOP'S STORTFORD FOR LAKEMOUNT PROPERTIES LTD

Following discussion and clarification given, the Committee noted that application 3/04/2380/FP would not have an impact in relation to the adjacent land at The Havers Infant and Nursery School that had previously been granted outlining planning permission.

ACTION

The Committee supported the recommendation of the Assistant Director (Development Control) that planning application 3/04/2380/FP be granted planning permission subject to the conditions detailed below.

RESOLVED – that the Assistant Director (Development Control) be authorised to grant application 3/04/2380/FP planning permission, subject to the following conditions:-

ADC

1. Five year time limit (1T01)
2. Sample of Materials (2E12)
3. No further windows (2E17)
alter “flank” to “west and south elevations”
4. Refuse disposal facilities (2E24)
5. No external lighting (2E26)
6. Pedestrian visibility splays (3V10)
Amend to “2.0 x 2.0 metres”
7. Provision and retention of parking spaces (3V23)
8. Wheel washing facilities (3V25)
9. Hedge retention and protection (4P06)
10. Landscape design proposals (4P12)
amend to a), b), c), d), e), i), j), k) and l)
11. Landscape works implementation (4P13)
12. Hours of working, plant and machinery (6N05)

Directives: 1. Other Legislation (01OL)

ACTION

2. There are public sewers crossing the site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a building over application form or other information relation to your building/development work, please contact Thames Water on 0845 8502777.
3. With regard to water supply, this comes within the area covered by the Three Valleys Water Company. For your information the address to write to is – Three Valleys Water Company, P.O. Box 48, Bishops Rise, Hatfield, Herts, AL10 9AL Tel – (01707) 268111.
4. Street Numbering (19SN)

Summary of Reason for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan), and in particular policies BE1, BE2 and M8 of the Adopted East Herts Local Plan. The balance of the considerations having regard to those policies is that permission should be granted.

557 E/04/0350/A – UNAUTHORISED ERECTION OF A 1.8M FENCE AT 35 STATION ROAD, SAWBRIDGEWORTH

The Assistant Director (Development Control) reported that he was now in receipt of a planning application in relation to the unauthorised 1.8m fence at 35 Station Road, Sawbridgeworth, and advised that the normal consultation process to determine the application would take place.

ACTION

The Assistant Director (Development Control) further advised that if a decision for enforcement action was taken now, this could be held in abeyance until the planning application had been determined.

Following discussion, a motion was proposed and seconded, for enforcement action E/04/0350/A to be deferred until determination of the current planning application. The Committee agreed that enforcement action E/04/0350/A, be deferred to a future meeting for the reasons now detailed.

RESOLVED – that consideration of enforcement action E/04/0350/A be deferred until the current planning application was determined.

ADC

558 3/041508/FP – REPLACING EXISTING FARM BUILDINGS AND UPGRADING EXISTING RESIDENTIAL PROPERTIES, WOODCOCK FARM, TYLERS CAUSEWAY, NEWGATE, EPPING GREEN FOR MR B BARRATT

The Assistant Director (Development Control) recommended that application 3/02/1508/FP be refused planning permission for the reasons detailed in the report now submitted.

Following discussion, some Members felt the proposed buildings were a good replacement for the existing buildings that were considered to be ugly.

Some Members felt that the proposed building was larger than the existing building and although keen to improve the green belt, developments needed to be modest.

A motion was proposed and seconded, to grant application 3/04/1508/FP planning permission. After being put to the meeting, and a vote taken, the motion was declared lost.

ACTION

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/02/1508/FP be refused planning permission as detailed below.

RESOLVED – that application 3/02/1508/FP be refused planning permission for the following reasons:-

ADC

1. Within MGB (R021)
2. The demolition and replacement of the existing bungalow by a building of substantially greater floorspace and height would be contrary to the provisions of Policy RA2 (II) of the East Herts Local Plan.
3. The construction of substantial extensions, to enable the retention and conversion of existing agricultural buildings to residential use, would be contrary to the provisions of Policy RA6A(I)(c).

559 3/04/2437/FP – FULL PERMISSION FOR 15 RESIDENTIAL FLATS PLUS PARKING AT WAREHAMS LANE, HERTFORD FOR LAWLOCK LTD

The Assistant Director (Development Control) reported that a letter had been received from the Environmental Agency suggesting further conditions if application 3/04/2437/FP was granted planning permission.

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/04/2437/FP be refused planning permission as detailed below.

RESOLVED – that application 3/04/2437/FP be refused planning permission for the following reasons:-

ADC

ACTION

1. The proposal would result in the loss of land allocated and available for employment purposes in Hertford contrary to Policies EMP2 and HERT2 of the adopted East Herts Local Plan.
2. The proposed residential development would not achieve a satisfactory standard of accommodation having regard to the exposure of the site to noise and disturbance from traffic and industry and the poor outlook across adjacent industrial areas. The proposal is thereby contrary to Policies BE21 and BE10 of the adopted East Herts Local Plan.
3. Insufficient information has been provided on the question of contaminated land to establish whether the site can be remediated to make it suitable for residential use.

Plan Nos: Location 6340.P.01A, 6340.P.02A,
6340.P.03

560 3/04/2343/OP – OUTLINE PERMISSION FOR 2
DWELLINGS AT 69 WARWICK ROAD, BISHOP'S
STORTFORD FOR THE EXECUTORS OF THE ESTATE
C/O PHILIP LIVINGS

The Assistant Director (Development Control) reported that three further letters of objection had been received raising the same concerns as those detailed in the report.

Councillor M Wood, speaking as a local ward member, raised the issue that the Town Council was one of the main objectors to the proposed dwellings. It felt that it was detrimental to the street scene and out of keeping with the character of the road. He further raised concerns in relation to the Cypress tree that was located at the front in the proposed access way.

ACTION

The Committee noted that the application before it was for outline planning permission. Members raised concerns in relation to adjoining sites and what the impact would be once the development was built. It was further noted by Members that detailed plans would be submitted before them for the Committee to agree at a future date.

Following further discussion, the Committee asked that an additional condition be imposed for no access through Wayletts Drive to the proposed dwellings.

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/04/2343/FP be granted planning permission as detailed below.

Councillor M Wood requested that his dissent from the decision to grant planning permission be recorded.

RESOLVED – that application 3/04/2343/FP be granted planning permission subject to the following conditions:-

ADC

1. Outline Permission Time Limit (1T03)
2. Outline – submission of details (2E01)
“Design, access, external appearance”
3. No access to site (3V03) Wayletts Drive
4. The dwellings shall be sited with flank elevations set back a distance of no less than 2 metres from the common boundaries of Nos. 67a and 71 Warwick Road.

Reason: To ensure the retention of side spaces and boundary hedging in the interests of retaining the character of the site and its surroundings and in accordance with Policy BE2 and Appendix 1 of the East Herts Local

ACTION

Plan and the considerations of Policy BIS22 of the East Herts Local Plan Second Review Re-Deposit Version.

5. Samples of Materials (2E12)
6. Withdrawal of P.D. (Part 1 Class A) (Extensions and alterations) (2E20)
7. Provision and retention of Parking Spaces (3V23)
8. Tree retention and protection (4P05)
9. Landscape Design Proposals (4P12)
10. Landscape Works Implementation (4P13)
11. Vehicular use of Garage (5U10)

Directive: 1. This consent gives no approval to the elevations in the indicative street elevation as design and appearance is a reserved matter.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies DP1, BE2 and BE8. The balance of the considerations having regard to these policies and the considerations in the East Herts Local Plan Second Review Re-Deposit Version is that planning permission should be granted.

Plan No's: P7504R

ACTION

561 3/04/2218/FP – CHANGE OF USE OF AGRICULTURAL BUILDING TO SECURE FILE STORAGE USE, EAST END GREEN FARM, EAST END GREEN, HERTFORD FOR MR F FORSYTH

The Committee considered a report of the Assistant Director (Development Control) recommending refusal of application 3/04/2218/FP for the reasons detailed in the report now submitted.

Councillor Mrs S Rutland-Barsby highlighted that it was Council policy to assist farmers with farm buildings that were no longer a viable business in relation to farming matters, and could see no reason as to why this application be refused planning permission.

It was highlighted by several members of the Committee that the report referred to access to the site, which was a highways issue, yet the Highways Authority had made no objections to the application.

Some Members felt that the reasons for refusing planning application 3/04/2218/FP were not sustainable reasons to refuse permission, as the use would be within the curtilage of the building. It was also felt that if the application was refused planning permission the building would become dilapidated.

Following a lengthy discussion, some Members felt that planning application 3/04/2218/FP should be granted planning permission as the proposal was acceptable and would be low key.

Other Members disagreed and felt that the proposal was contrary to the RA6A Policy of the Adopted East Herts Local Plan, and the change of use and proposed works would not be an improvement to the existing building.

ACTION

It was noted that a letter sent to all Development Control Committee Members stated that all building changes would be for the interior of the building.

Following further discussion a motion was proposed and seconded to grant application 3/04/2218/FP planning permission. After being put to the meeting and a vote taken, the Committee agreed that application 3/04/2218/FP be granted planning permission subject to the conditions detailed below.

RESOLVED – that application 3/04/2218/FP be granted planning permission for the following reasons:-

ADC

1. Five year time limit (1T01)
2. Restriction on use (5U02)
insert
secure file storage as described in the application
3. The use hereby permitted shall not be implemented until such time as passing bays shown on drawing 202269/1A have been constructed in accordance with details of size, materials and landscaping which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure provision of appropriate upgrading of the means of access to the site, in accordance with Policy M11 of the East Herts Local Plan.

4. The use of the premises for the deposition or removal of items of storage shall be limited to the hours of 0800 to 1800 on Mondays to Fridays and 0800 to 1300 on Saturdays, and at no time on Sundays or Bank Holidays.

ACTION

Reason: In the interests of the amenities of the residents of properties in East End Green Lane.

5. No alterations shall be made to the external appearance of the building without the prior written consent of the Local Planning Authority.

Reason: In the interests of the rural appearance of the area in accordance with Policy RA11 of the East Herts Local Plan.

Directive: You are advised that the consent of the Highway Authority under Section 278 of the Highway Act is necessary in relation to the proposed passing bays.

- 562 (A) 3/04/2128/FP – BUSINESS PARK AND RIDE – WEEKLY TICKETS FOR BUSINESS USE 52 WEEKS OF THE YEAR AND PERMISSION FOR USE FOR CHRISTMAS SHOPPERS ANNUALLY FOR A 3 WEEK PERIOD 10 DECEMBER – 4 JANUARY
 (B) 3/04/2369/FP – USE OF BUSINESS PARK AND RIDE FACILITY ON SATURDAYS BETWEEN 7AM AND 7PM ON A 'PAY AND DISPLAY' BASIS FOR SHOPPERS/BUSINESS VEHICLES AT BUSINESS PARK AND RIDE CAR PARK, WOODSIDE, DUNMOW ROAD, BISHOP'S STORTFORD FOR DAVID HARRIS, M & D DEVELOPMENTS LTD
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The Committee considered a report of the Assistant Director (Development Control) recommending refusal of applications 3/04/2128/FP and 3/04/2369/FP for the reasons detailed in the report now submitted.

The Assistant Director (Development Control) reported that correspondence had been received from the Town Centre Management Board wishing to support the application due to high level of parking need for town centre workers and shoppers. It had commented that it believed it would ease traffic movements and congestion on the town centre

ACTION

streets. It was also concerned that with the loss of Jackson Square Multi-story car park, use of the park and ride would be vital.

The Assistant Director (Development Control) further reported that comments had been received from the Bishop's Stortford Chamber of Commerce stating it considered the parking was required during the town centre development.

The Assistant Director (Development Control) reported that he had not received any correspondence from the applicant in support of application 3/04/2128/FP and 3/04/2369/FP, and therefore what was before him lacked justification for granting permission.

Some Members raised concern at the possibility of the park and ride also accommodating parking for the airport. Some Members noted that the park and ride facility operated from 7 am until 7 pm, and therefore felt it unlikely that the site would be used for airport parking.

Clarification was sought and given in relation to the position the Council would find itself in, if the variation to the Section 106 obligation was approved.

Some Members felt that variations to the Section 106 obligations for applications 3/04/2128/FP and 3/04/2369/FP should be granted in order for the town to survive. By refusing variation to the Section 106 agreement, and with the loss of the multi-storey car park, the town could be faced with a problem that it would lose shoppers if they did not have anywhere to park.

Following lengthy discussion in relation to airport parking, loss of long stay car parking, installation of pay and display meters and the possibility of enforcement for overnight parking, a motion was proposed and seconded to approve variation to the Section 106 agreements for applications 3/04/2128/FP and 3/04/2369/FP. After being put to the meeting, and a vote taken, the Committee considered that

ACTION

there were very special circumstances in this instance to grant the variation of the Section 106 agreement, and agreed that applications 3/04/2128/FP and 3/04/2369/FP be granted permission for the variation to the Section 106 obligation as detailed below.

RESOLVED – that (A) variation to Section 106 planning obligation for LPA ref 3/04/2128/FP be approved subject to the following clauses:-

ADC

1. Not to permit any part of the combined site to be used for the parking of any vehicles without a valid season ticket or valid weekly ticket for business use.
2. Not to permit any part of the combined site to be used for the parking of any vehicles without a valid short stay parking ticket during 10 December to 4 January each year.
3. Prior to the variation of the use set out in this deed, to submit details of a management strategy to prevent the use of the site for Stansted Airport related parking and detailing how the park and ride facility will be operated, to the Local Planning Authority for its approval, and thereafter to be carried out in accordance with the approved management strategy.

(B) that variation to the Section 106 planning obligation for LPA ref 3/04/2369/FP be approved subject to the following clauses:-

1. Not to permit any part of the combined site to be used for the parking of any vehicles without a valid short stay parking ticket during Saturdays between 7am and 7pm.
2. Prior to the variation of the use set out in this deed, to submit details of a management strategy to prevent the use of

ACTION

the site for Stansted Airport related parking and detailing how the park and ride facility will be operated, to the Local Planning Authority for its approval, and thereafter to be carried out in accordance with the approved management strategy.

3. Prior to the variation of the use set out in this deed, to submit details of the 'pay and display machines' to the Local Planning Authority for its approval, and to ensure that it shall be operational prior to the commencement of the use of the park and ride facility.

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

The Assistant Director (Law and Control) submitted a report requesting 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, in respect of planning applications as detailed in the report. If and 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

ALC

ACTION

Assistant Director, (Development Control) be authorised to grant permission in respect of the following planning applications: -

<u>Planning Reference</u>	<u>Site and Proposals</u>
1. 04.06.594	Lamb & Flag Public House, Colliers End. Raising level and hardsurfacing land to provide additional car parking (retrospective).
2. 04.06.624	92-96 South Street, Bishop's Stortford. Demolition of existing building and erection of 44 No. 1& 2 bed flats and 4 No. ground floor retail units.
3. 04.06.647	Hammersfield, Standon. Demolition of existing dwellings and erection of 13 new dwellings and associated access.

(B) the 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

564 ITEMS FOR REPORT AND NOTING

RESOLVED – that the following reports be noted.

ADC

- (1) Appeals against refusal of Planning Permission,
- (2) Planning Appeals Lodged,
- (3) Appeals Statistics.

The meeting closed at 9.15 pm