

MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE WAYTEMORE ROOM,  
COUNCIL OFFICES, THE CAUSEWAY,  
BISHOP'S STORTFORD, ON  
WEDNESDAY, 2 MARCH 2005 AT  
7.30PM

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

OFFICERS IN ATTENDANCE:

|                   |   |
|-------------------|---|
| Peter Biggs       | - Development Control<br>Manager              |
| Simon Drinkwater  | - Assistant Director<br>(Law and Control)     |
| Harvey Fairbrass  | - Development Control<br>Manager              |
| Andrea Gilmour    | - Development Control<br>Manager              |
| Tim Hagyard       | - Planning Officer                            |
| Neal Hodgson      | - Assistant Director<br>(Regulatory Services) |
| Jeff Hughes       | - Head of Democratic<br>Services              |
| Matthew Temperton | - Planning Officer                            |

**631 APOLOGIES**

Apologies for absence was submitted on behalf of Councillors K A Barnes, M P A McMullen and S Rutland-Barsby.

**632 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman drew Members attention to the report in respect of application 3/04/2467/FP. He advised that the report contained reference to an appendix that had not been reproduced as part of the Agenda papers. The Committee noted that this appendix was not essential to the consideration of this application.

The Chairman announced that he had agreed to consider, as an item of urgent business (see Minute 646 below), a report entitled "Affordable Housing Policy and Section 106 Agreements" in order to prevent undue delay in determining the provisions of proposed agreements associated with applications 3/04/2309/FP and 3/04/1892/FP.

The Chairman commented that he had requested a different room layout for this meeting of the Committee. He explained the reasons for the proposed layout. He invited Members to consider any possible solutions that would secure the effective conduct of the Committee's business when it met in the Waytemore Room whilst allowing sufficient space for members of the public to attend. Any suggestions Members may have on this issue should be submitted to the Democratic Services section.

The Chairman reminded Members of the provisions the Council's Code of Conduct in relation to the declaration of personal and prejudicial interest.

**633 DECLARATIONS OF INTEREST**

Councillor S A Bull declared a personal and prejudicial interest in respect of application 3/04/2555/OP as his sister-in-law lived in the vicinity of the application site and the applicant was a colleague. Councillor Bull left the room prior to consideration of this application.

Councillor S A Bull also declared a personal and prejudicial interest in respect of applications 3/05/0105/FP and 3/05/0106/LC as he was a member of the Board of Stort Valley Housing Association. Councillor Bull left the room prior to consideration of these applications.

Councillor A L Warman declared a personal and prejudicial interest in respect of application 3/04/2512/OP as he knew someone who lived in the vicinity of the application site. Councillor Warman left the room prior to consideration of this application.

Councillor T Milner declared a personal and prejudicial interest in respect of application 3/04/2512/OP as he was a Board Member of Stort Valley Housing Association. Councillor Milner left the room prior to consideration of this application.

Councillor A L Burlton clarified that although Stort Valley Housing Association had him listed as a Board Member, he had not attended any meetings of that body for approximately 12 months. Further, he did not believe he was still a Board Member of this Association. Councillor Bull confirmed that he did not believe that Councillor Burlton was a Board Member of the Housing Association.

Councillor A F Dearman declared a personal and prejudicial interest in respect of application 3/05/0028/FP as he was a friend of the applicant and also a Director of the company that would be building the proposed development. Councillor Dearman left the room prior to consideration of this application.

Councillors M R Alexander, A L Burlton, J Demonti, R Gilbert, M H Goldspink, D A A Peek, D Richards and M Wood declared personal interests in respect of applications 3/05/0105/FP and 3/05/0106/LC as they all knew a former District Councillor who lived in the vicinity of the proposed development.

All Members declared personal interests, as friends of Councillor R N Copping, in respect of the item of urgent business detailed at Minute 646 below insofar as it related to application 3/04/1892/FP.

RESOLVED ITEMSACTION634 MINUTES

RESOLVED – that the Minutes of the Development Control Committee meetings held on 20 January and 2 February 2005 be approved as correct records of the proceedings and signed by the Chairman.

635 3/05/0036/FP - ERECTION OF TWO COTTAGES AT HALL COTTAGES, HALL LANE, GREAT HORMEAD FOR MR D WOODCOCK

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The Committee noted that the Assistant Director (Development Control) recommended that application 3/05/0036/FP should be granted planning permission subject to the conditions detailed in the report now submitted.

The Assistant Director confirmed that the recommendation to grant planning permission had been taken in the context of identified special circumstances that existed to warrant departure from the provisions of the Council's Local Plan. The two cottages proposed would help to maintain and encourage, in the Assistant Director's view, a greater variety of mix of dwelling types both within the village and also within this part of the District. The current size of the proposed dwellings reflected building regulation requirements to provide downstairs water closet facilities and also the fact that larger bedrooms were provided in order to make the properties more usable.

The Committee supported the Assistant Director's recommendation.

RESOLVED – that application 3/05/0036/FP be granted planning permission subject to the following conditions:-

ADC

1. Five Year Time Limit (1T01)
2. Samples of materials (2E12)
3. No further windows (2E17)
4. Provision and Retention of Parking Spaces (3V23)

5. Hedge retention and protection (4P06)
6. Landscape design proposals (4P12) (b) (e)
7. Landscape works implementation (4P13)

Directives:

1. Other Legislation (01OL)
2. Street Numbering (19SN)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, East Herts Local Plan and the East Herts Local Plan Second Review Re-Deposit version), and in particular policies RA3, BE1, BE2 and BE18 and review policies GBC5, ENV1a, ENV3 and BH8. The balance of the considerations having regard to those policies is that permission should be granted.

636 3/04/2467/FP – CONSTRUCTION OF 14 NO. 1 BED FLATS AND ASSOCIATED WORKS AT VINE COTTAGE, FRANCIS ROAD, WARE FOR WILSON PROPERTIES (LONDON)LTD

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The Assistant Director (Development Control), in response to Members comments, confirmed that there was a need for one bedroom (as well as two bedroom) properties within the District of East Hertfordshire. The size of the units proposed would, to some extent, mitigate parking concerns identified with this development.

The Committee was reminded that the proposed development was of a similar size and design to a previous proposed development for this site which had been granted planning permission. It would therefore not be appropriate to refuse application 3/04/2467/FP planning permission on design grounds.

The Committee supported the Director's recommendation that application 3/04/2467/FP should be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that application 3/04/2467/FP be granted planning permission subject to the following conditions:-

ADC

1. Five Year Time Limit (1T01)
2. Complete Accordance (2E10)
3. Sample of Materials (2E12)
4. Boundary treatment (2E07)
5. Hard Surfacing (3V21)
6. Provision and Retention of parking spaces (3V23)
7. Tree Retention and Protection (4P05)
8. Landscape Works Implementation (4P13)
9. Prior to the commencement of the development hereby permitted, detailed drawings of the proposed bin stores shall be submitted to and approved in writing by the Local Planning Authority.
10. Landscape Design Proposals (4P12)

Reason: In the interests of the appearance of the development

11. The dwellings hereby permitted shall not be occupied until such time as a footway of a minimum width of 1.8 metres has been provided to the west of the proposed access.

Reason: In the interests of highway safety

12. Before the development is commenced a detailed site investigation shall be carried out to establish if the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for the

pollution of the water environment. The method and extent of this site investigation shall be agreed with the Planning Authority prior to commencement of the work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the Planning Authority before development commences. The development shall then proceed in strict accordance with the measures approved.

Reason: To prevent pollution of the water environment

13. The construction of the surface and foul drainage system shall be carried out in accordance with details submitted to and approved in writing by the Planning authority before the development commences.

Reason: To prevent pollution of the water environment

14. No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby occupied (or commenced) until such infrastructure is in place.

Reason: To prevent pollution of the water environment

#### Directives

1. The developer should contact Hertfordshire Highways, Rotunda House, Old London Road, Hertford, with regard to the highways works.
2. Street numbering (19SN)

#### Summary of Reasons for Decision

The proposal has been considered with regard to the

policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan and the Local Plan Review Re-Deposit Version November 2004), and in particular policies BE1, BE2, BE8, BE18, H4 and M8 and Re-Deposit policies HSG6, HSG12, TR6, ENV1a, ENV3, ENV5 and BH8. The balance of the considerations having regard to those policies and the grant of permission for development on the site in May 2004 (ref. 3/04/0151/FP) is that permission should be granted.

637 3/04/2555/OP – NEW VEHICLE TYRE AND EXHAUST CENTRE AND MOT TESTING FACILITIES BUILDING AT LAND ADJACENT TO BP SERVICE STATION, BALDOCK ROAD, BUNTINGFORD FOR ADAM AND EVE SERVICE STATION LTD.

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The Committee noted the recommendation of the Assistant Director (Development Control) to refuse application 3/04/2555/OP planning permission on the basis of policy RA3 of the Adopted Local Plan.

The Assistant Director stated that the main determining issue in relation to this application related to whether the proposal was appropriate within the Rural Area beyond the Green Belt where the aims and objectives of policy were placed firmly on growth restraint. Additionally, consideration needed to be given to any adverse impact on the amenities of nearby residential properties on such an activity as was proposed and highway safety and parking.

The Committee considered that the site effectively formed part of the Buntingford urban area. The Committee did not consider the proposed development to be harmful to the character of the rural area. Further, it felt that the proposal would not impact detrimentally on the adjoining properties in terms of noise/disturbance.

The Committee noted the comments of a Planning Inspector in relation to an appeal against refusal of planning permission for petrol filling station on adjoining land. The Inspector had commented that this particular area did not contribute to the rural setting of Buntingford.



The Assistant Director (Development Control) clarified that the appeal decision now referred to had been made on the basis that the site was then within an allocated area for housing.

The Committee considered, on balance, that the proposed development would not prove harmful to the rural area given its location and adjoining development. Further, it would provide a local amenity and would also generate employment opportunities in this area of the District.

The Committee agreed to grant application 3/04/2555/OP planning permission subject to no objections being raised by the Secretary of State following the referral of the application to him as such a grant of permission involved departure from the Development Plan. The Committee further agreed that the grant of planning permission should be subject to appropriate conditions as detailed below.

RESOLVED – that subject to no objections being raised by the Secretary of State following referral to him as an application involving a departure from the Development Plan, application 3/04/2555/OP be granted planning permission subject to the following conditions:

ADC

1. Outline submission of details (2E01)  
(delete siting and the means of access)
2. Outline permission time limit (1T03)
3. Sight lines (3V08)  
(4.5m x 70m)
4. Access width and kerb radii (3V07)  
(5.5m and 10.5m)
5. Hours of working (6N05)
6. No external working (6N06)
7. Construction parking and storage (3V22)
8. Wheel washing facilities (3V25)
9. Provision and retention of parking spaces

(3V23)

Prior to the commencement of development hereby permitted spaces shall be provided within the application site for the parking of cars for staff, customers and collection as shown on plans to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure adequate off street parking provision for the development, in the interests of highway safety, in accordance with policy M8 and Appendix IV of the East Herts Local Plan.

10. Landscape design proposals (4P12)
11. Landscape Implementation (4P13)
12. Landscape maintenance (4P17)
13. Refuse disposal facilities (2E24)

Directive

You are advised to contact the Environmental Health Unit to discuss your proposals regarding the design of the building and any noise attenuation measures required prior to submission.

Summary of Reasons of Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan, East Herts Local Plan and East Herts Local Plan Second Review Re-Deposit Version) and in particular policies RA3 and BE10 of the East Herts Local Plan and policies GBC5, GBC6, ENV28 and EDE9 of the East Herts Local Plan Second Review Re-Deposit Version. The development proposed does not comply with the above Structure or Local Plan policies. However, other material considerations exist in this case relating to the need for this facility in Buntingford and the fact that the proposed development will not be harmful to the rural character of the area and therefore on the balance of consideration permission should be granted.

638 A) 3/05/0079/AD AND B) E/04/0413/B – SIGNAGE TO ENTRANCE GATE RETROSPECTIVE AT MANOR WOOD, PEMBRIDGE LANE, WHITE STUBBS, BROXBOURNE BY MR AND MRS M SPIRES

The Committee supported the recommendation of the Assistant Director (Development Control) to refuse application 3/05/0079/AD planning permission for the reasons detailed in the report now submitted.

The Committee further supported the recommendation of the Assistant Director that legal proceedings should be instituted under the provisions of the Town and Country Planning Act 1990 and such other steps as may be required to remove the unauthorised sign at the entrance gate to Manor Wood, Pembridge Lane, White Stubbs, Broxbourne.

RESOLVED – that (A) application 3/05/0079/AD be refused planning permission for the following reason:- ADC

The proposed sign, by reason of its size and siting would be detrimental to the visual amenities and character of the area, and would thereby be contrary to policy BE24 of the East Hertfordshire Local Plan, and

(B) the Assistant Director (Law and Control) in consultation with the Assistant Director (Development Control), be authorized in accordance with Section 224 of the Town and Country Planning Act 1990, to institute legal proceedings and such other steps as may be required for the removal of the sign, at Manor Wood, Pembridge Lane, White Stubbs, Broxbourne. ADC/ALC

639 3/05/0028/FP – CONSTRUCTION OF 4 NO. NEW DWELLINGS AND GARAGES IN ADDITION TO 4 NO. DWELLINGS APPROVED UNDER REF. 3/04/1261/FP AT STORTFORD PARK COTTAGES, BISHOP'S STORTFORD FOR KX HOWARD LIMITED

The Assistant Director (Development Control) reported the content of further representations received from Hertfordshire County Council and from a local resident of

Woodpecker Close in respect of application 3/05/0028/FP.  
The Committee noted the nature of the representations now reported.

In response to questions from Members, the Assistant Director clarified that bridleway 12 abutted and led to the site and that the access track itself was crossed by public rights of way. Further, the access track to the site also formed a pedestrian route to a school.

The Committee supported the Assistant Director's recommendation that the application should be refused planning permission for the reasons detailed in the report now submitted.

RESOLVED – that application 3/05/0028/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 wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case, and the proposal would therefore be contrary to policy RA2 of the East Herts Local Plan.
2. In seeking to address safety concerns a segregated 1.5 metre path is proposed alongside the existing bridleway. This encourages vehicular priority of an existing non vehicular right of way which runs through an area of open space and landscaping. The alterations proposed, in addition to the increase in traffic using the access would therefore be detrimental to the open rural character of the area and the amenity of users of the open space, contrary to policy RA2, BE2 and BS2 (III) of the East Herts Local Plan.

640 3/04/2464/FP – USE OF BUILDINGS AND LAND FOR  
 MANUFACTURE, STORAGE AND DISTRIBUTION OF  
 TIMBER PRODUCTS AND ANCILLARY GOODS.  
 RETROSPECTIVE APPLICATION AT BRIGGENS PARK,  
 STANSTEAD ABBOTTS FOR ANGLO LTD

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The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/04/2464/FP should be refused planning permission for the reasons detailed in the report now submitted. Further, the Committee authorised enforcement proceedings under the provisions of the Town and Country Planning Act 1990, and such other steps as may be required, to secure the cessation of unauthorised activities and removal of unauthorised structures at Briggens Park, Stanstead Abbots.

RESOLVED – that (A) application 3/04/2464/FP be refused planning permission for the following reasons:- ADC

1. The proposed use of the buildings includes large areas of outside storage and the creation of a visually distinct display area which would be out of keeping with and detrimental to the open rural character of the area. If permitted the development would thereby be contrary to Policies RA2 and RA6 of the East Hertfordshire Local Plan.
2. The application site lies within the Metropolitan Green Belt where the reuse of buildings for business, leisure, tourism, community and other uses compatible with the rural area are considered to be appropriate. The retail element of the proposal is not considered to be an appropriate use within the rural area and this use, in addition to its associated display areas, would be detrimental to the open rural character of the area. If permitted the development would thereby be contrary to Policies RA2 and RA6 of the East Herts Local Plan.

Directive: Should you wish to re-submit a revised planning application, it should include detailed information regarding the proposed use of the entire application site, in addition to the areas of land already in operation, and

ACTION

(B) the Assistant Director (Law and Control), in consultation with the Assistant Director (Development Control) be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990, and any such steps as may be required, to secure the cessation of unauthorised activities and removal of all unauthorised structures at Briggens Park, Stanstead Abbots.

ADC/ALC

Period of compliance: 6 months.

641 3/04/2444/FP ERECTION OF 2 NO. FLATS, 5 NO. MAISONNETTES AND 2 NO. SHOP UNITS AT 1-6 HAVERS PARADE, BISHOP'S STORTFORD FOR MR T DEAN

The Assistant Director (Development Control) submitted a report recommending that application 3/04/2444/FP should be granted planning permission subject to the conditions now detailed. A motion was proposed (and duly seconded) that this application should be refused planning permission on the basis of inadequate car parking provision and the loss of a retail unit. This motion, having been put to the vote, was declared lost.

The Committee expressed concern over the potential loss of a post office facility at this site during any construction work. The Assistant Director clarified that it was not appropriate to impose a condition on the grant of any planning permission to require the provision of a post office during construction works (and in any subsequent completed development).

The Committee supported the Assistant Director's recommendation to grant application 3/04/2444/FP planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that application 3/04/2444/FP be granted planning permission subject to the following conditions:-

ADC

1. Five year time limit (1T01)
2. Boundary walls and fences (2E07)
3. Samples of materials (2E12)
4. Refuse disposal facilities (2E24)
5. Lighting details (2E27)
6. Materials arising from demolition (2E32)
7. Hard surfacing (3V21)
8. Construction Parking and Storage (3V22)
9. Provision and Retention of Parking Spaces (3V23)
10. Wheel washing facilities (3V25)
11. Tree retention and protection (4P05)
12. No external storage (5U07)
13. Hours of Working – Plant and Machinery (6N05) (during all demolition and construction works)
14. The width of the rear access road shall be a minimum of 4.1 metres wide at the junction with Norfolk Way.

Reason: In the interests of highway safety.

15. Surface and foul water drainage shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To prevent the increased risk of flooding and to improve water quality.

Directive: 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 and East Herts Local Plan) and in particular policies BE1, BE2, BE8, M8 and SH5. The balance of the considerations having regard to those policies and the considerations of the East Herts Local Plan, Second Review, Re-Deposit Version and advice contained in PPG 3 'Housing' and PPG13 'Transport' is that permission should be granted.

(Note: Councillors G L Francis and Mrs M H Goldspink requested that their vote against the decision detailed at Minute 641 above be recorded in the Minutes).

642 3/04/2512/OP – OUTLINE PERMISSION FOR RESIDENTIAL DEVELOPMENT, LAND AT CANNONS MILL LANE, BISHOPS STORTFORD FOR NETWORK HOUSING GROUP AND HERTFORD INVESTMENT PROPERTIES LTD

The Assistant Director (Development Control) reported upon further representations received in respect of application 3/04/2512/OP from the Environment Agency and three local residents. The Committee noted the nature of the representations now detailed.

The Committee supported the recommendation of the Assistant Director that application 3/04/2512/OP should be refused planning permission for the reasons detailed in the report now submitted.

RESOLVED – that application 3/04/2512/OP be refused planning permission for the following reasons:-

ADC

1. The proposed development of the site will result in the loss of a distinctive and attractive river landscape, an area of public access and amenity, and be detrimental to the character and appearance of the locality, as also determined by the Council and previous Planning Inspectors considering proposals for this site and this part of the River Stort area. The proposal is therefore



contrary to Policy BE1 of the adopted East Herts Local Plan 1999 and the considerations of Policy GBC3 and LRC1 of the emerging second review East Herts Local Plan, Re-deposit Version November 2004.

2. The site is situated within the functional flood plain and as such is liable to flooding. The Council is not satisfied from the submitted information that development of the site would not result in an undue risk of flooding to the new dwellings. Moreover by obstruction of the flow of floodwaters and a reduction in the capacity of the flood plain there would be a likely consequent increase in the threat of flooding elsewhere. The proposal is contrary to national guidance in PPG25 for functional floodplains and to Policy BE9 of the East Herts Adopted Local Plan 1999 and Policy ENV25 of the emerging second review East Herts Local Plan Re-deposit Version November 2004.
3. Inadequate proposals have been submitted to fully address the highways and access implications of the proposed development of the site and to provide for access to the site and surroundings in accordance with recommended standards, contrary to Policy BE2 and Appendix 1 of the Adopted East Herts Local Plan and Policy TR3a of the emerging Second Review East Herts Local Plan Re-deposit Version November 2004.
4. Insufficient information has been provided regarding archaeological information to determine whether the development of the site can be acceptable having regard to the need to preserve material in situ if necessary contrary to advice in PPG16, Policy BE15 of the East Herts Adopted Local Plan 1999 and Policies BH1 and BH2 of the emerging Second Review East Herts Local Plan Re-deposit Version.

643 (A) 3/05/0105/FP AND (B) 3/05/106/LC– DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 33 NO AFFORDABLE HOUSING FLATS AT HURST CLOSE, BISHOP’S STORTFORD FOR STORT VALLEY HOUSING ASSOCIATION

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The Committee recalled that a previous application for the erection of 35 affordable housing flats (application reference 3/04/1731/FP) had been refused planning permission at its December 2004 meeting on the grounds of: overdevelopment; poor relationship to adjacent buildings; overbearing impact on the street scene; conservation area and Hadham Road zone due to its bulk and height; its likely result in on-street parking/obstruction to traffic; unacceptable overlooking and loss of privacy to adjoining residents. A further application for the demolition of the existing buildings on the site was refused Conservation Area Consent for the reasons now detailed (application reference 3/04/1732/LC).

The Committee noted that, subsequently, officers had entered into further discussions with the applicant in respect of the issues which were the main reasons for the refusal of permission.

The Assistant Director advised that the latest applications had been submitted to overcome the concerns previously expressed by Members. As a consequence, there had been:

- a reduction in the number of units from 35 to 33,
- a reduction in the length of the larger block of flats by 10 metres,
- a reduction in block 2’s height, bulk and mass,
- changes to the design, form and articulation of the development, including gable end projections, dormer windows, balustrades and fenestration,
- re-organisation of parking arrangements.

The Assistant Director confirmed that the development now proposed was set further back within the site than the original proposal.

A motion was proposed (and duly seconded) to refuse the applications planning permission and conservation area consent respectively for the reasons previously given (subject to an amendment to reflect that the refusal was based on the number of habitable bedrooms rather than number of units). The motion, on being put to the meeting, was declared lost following the casting vote of the Chairman.

The Committee agreed to grant the applications planning permission and conservation area consent respectively, subject to the conditions detailed in the report as submitted.

RESOLVED – that (A) subject to the applicants, within six months of the date of this resolution, entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of the following matter: -

ADC/ALC

the development shall be constructed and occupied as affordable housing by or on behalf of Stort Valley Housing, or such other registered Social Landlord as may be agreed by the Council,

the Assistant Director, Development Control, be authorised to grant planning application 3/05/0105/FP planning permission, subject to the following conditions:-

ADC

1. Five Year Time Limit (1TO1)
2. Samples of materials (2E12) delete “Prior to any building works being commenced” Add “Prior to the commencement of the development above ground level”
3. No further windows (2E17)  
after “inserted in the”... add “roof form or any elevations of the flats”
4. Materials arising from demolition (2E32)
5. Approved accesses only (3V04)
6. Sight lines shown on plans (3V09)

7. Provision and retention of parking spaces (3V23)
8. Wheel washing facilities (3V25)
9. Hard surfacing (3V21)
10. Construction Parking and Storage (3V22)
11. Tree Retention and Protection (4P05)
12. Hedge Retention and Protection (4P06)
13. Tree protection: Earthworks (4P10)
14. Tree Protection: Restrictions on Burning (4P08)
15. Landscape design proposals (4P12)  
(a,b,c,d,e,f,g,h,i,j,k,l) delete "No works or development shall take place until full details of both hard and soft landscape proposals have been". Add "Prior to the commencement of the development above ground level, further details of both hard and soft landscape proposals shall be"
16. Landscape works implementation (4P13)
17. No works of site preparation or construction of the development hereby permitted shall take place outside the hours of 07:30 – 18:00 hours Mondays to Fridays; 07:30 – 13:00 Saturdays. No works shall take place on Sundays or Public Holidays.  
  
Reason: In the interests of residential amenity, in accordance with Policy BE10 of the East Herts Local Plan.
18. All new residential units shall be designed in a way that provides acceptable internal noise levels. Such levels and the method of achieving these shall first be submitted prior to the commencement of the development above ground level and shall be agreed in writing by the Local Planning Authority. Such approved details shall thereafter be implemented,

maintained and retained unless otherwise agreed in writing.

Reason: In the interests of residential amenity, in accordance with Policy BE10 of the East Herts Local Plan.

19. Prior to the first occupation of the development hereby permitted, all highway and associated works shown in principle on drawing no H00299/E/01A shall be constructed and completed unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to promote the use of sustainable forms of transport in accordance with Hertfordshire Structure Plan policies 1v), 2 and 23, and guidance within Hertfordshire County Council's document titled "Roads in Hertfordshire - A Guide for New Developments" and Planning Policy Guidance Note 13.

20. Boundary walls and fences (2E07)  
delete "prior to the commencement of any development" Add "prior to the commencement of the development above ground level"
21. Development shall not commence until details of on and off site drainage works have been submitted to, and approved by the Local Planning Authority. No works which result in the discharge of foul or surface water from the site shall be commenced until the off-site drainage works referred to above have been completed.

Reason: To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system.

22. Prior to the commencement of the development above ground level, detailed drawings and specifications of the balustrades, glazed stairway panels, external entrance doors, external windows, bin / cycle stores and storage shed hereby permitted shall be submitted to and

approved in writing with the Local Planning Authority. Such approved details shall thereafter be implemented, retained and maintained unless otherwise agreed in writing.

Reason: In the interest of the appearance of the development, and in accordance with policies BE2, BE18 and Appendix 1(D) of the East Herts Local Plan.

#### Directives

1. Other Legislation (01OL)
2. Ownership (02OW)
3. Street numbering (19SN)
4. 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.
5. You are advised that any increase in the volume of sewage effluent discharge must be within the scope of any existing discharge consent.
6. 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.
7. Disabled Access (09DA)
8. The applicant's attention is drawn to adopting methods relating to the best practicable means to ensure dust and noise is kept to a minimum during demolition and construction works. Further advice on this matter can be obtained by contacting the Council's Environmental Health Section on 01279 655261.
9. Planning obligation (08PO).

Summary of reason for decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure and East Herts Local Plan), and in particular PPG1, PPG3, and PPG13; policies 1, 2, 10, 25, 29, and 39 of the Hertfordshire Structure Plan Review Adopted 1998; policies BE1, BE2, BE9, BE10, BE18, BE26, M8, H5 and BS17, of the Adopted East Hertfordshire Local Plan (December 1999); ENV1, ENV2, ENV26, ENV28, TR6, BH8, HSG7, HSG8, TR14 and BIS22 of the Re-Deposit Copy East Hertfordshire Local Plan Second Review (November 2004). The balance of the considerations having regard to those policies is that planning permission should be granted, and

(B) the Assistant Director (Development Control), ADC  
be authorised to grant application 3/04/1732/LC  
Conservation Area Consent, subject to the following  
conditions:-

1. The works to which this consent relates shall be begun not later than the expiration of five years beginning with the date on which this consent is granted.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. Conservation Area (demolition) (8L12).
3. Conservation Area (clearance of site) (8L13).

Directives:

1. Other Legislation (01OL)
2. Ownership (02OW)

Summary of reason for decision

The proposal has been considered with regard to policies of the Development Plan (Hertfordshire County Structure and East Herts Local Plan), and in particular, policy BE18 of the Adopted East Herts

Local Plan and BH6 of the Re-deposit Copy East Hertfordshire Local Plan Second Review (November 2004). The balance of considerations having regard to those policies is that consent should be granted.

#### 644 BURY GREEN FARM PLANNING BRIEF

The Assistant Director (Development Control) submitted a report inviting the Committee to consider a draft Planning Brief for the Bury Green Farm site.

The Committee noted that the Brief would be considered in the near future by the Council's Executive. The Brief, once approved, would be used for Development Control purposes and would be a material consideration in any planning proposals for the site.

The Assistant Director commented that the key principles of the Brief were:

- continued employment use of majority of the site,
- demolition of vacant redundant farm buildings within Conservation Area for new residential development,
- new open space and enhanced landscaping,
- mix of new housing including affordable housing provision,
- permanent closure of accesses from facility to Village Green.

The Assistant Director drew Members' attention to the content of the proposed Brief, as appended to the report now submitted. Also appended were details of the responses received during the consultation process of the proposed Brief.

As a consequence of the consultation exercise, a number of amendments to the draft Planning Brief originally produced in August 2004 had been made and these were highlighted.

The Committee noted the detail of the main changes proposed to the Brief as a consequence of the consultation exercise. Additionally, a number of minor changes had



also been made, particularly in relation to updating the proposed document references to enable the Brief to be more sensitive in its language regarding the established use of the site.

The Committee agreed to note the representations and recommended changes to the Bury Green Farm Planning Brief. The Committee further agreed to request the Executive to approve formally the Brief as a document to be used for Development Control purposes and as a material consideration of any future planning proposals at the site.

RESOLVED – that (A) the representations and recommended changes to the Bury Green Farm Planning Brief, as now detailed be noted, and

APP

(B) the Planning Brief referred to (A) above together with the proposed changes, be referred to the Council's Executive for formal approval as a document to be used for Development Control purposes and as a material consideration on any future planning proposals at the Bury Green Farm site.

#### 645 ITEMS FOR REPORT AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of Planning Permission/Non Determination,
- (B) Planning Appeals Lodged,
- (C) Planning Statistics.

#### 646 AFFORDABLE HOUSING POLICY AND SECTION 106 AGREEMENTS

The Assistant Director (Development Control) tabled a report reminding the Committee that Council, at its meeting held on 23 February 2005, had adopted a new affordable housing supplementary planning document. Its terms required developments above the threshold size to provide a minimum of 40% of dwellings as affordable dwellings.

The Committee noted that a number of planning applications had been granted planning permission on the basis of the applicants entering into a Section 106 Agreement requiring the provision of an amount of affordable dwellings. The Section 106 Agreements had now reached a stage where they were yet to be signed. Consequently, planning permission had yet to be granted in respect of the associated developments.

The Committee was invited by the Assistant Director to consider the Council's new affordable housing policy in relation to two applications, as now detailed, where the related Section 106 Agreements would likely be ready for signing before the next meeting of the Committee on the 30 March 2005.

The Committee noted the details of the proposed 106 Agreements in relation to applications 3/04/2309/FP and 3/04/1892/FP.

The Assistant Director confirmed that, in respect of each of these applications, there had been no delays in the progress of the Section 106 Agreements which could be attributable to the applicant/developer.

The Committee supported the Assistant Director's recommendation that the original decision with regard to the affordable housing to be provided as part of each of the developments now detailed should be re-affirmed.

RESOLVED – that the original decisions with regard to the percentage of affordable housing to be provided as part of each of the following developments, as detailed in the report now submitted, be re-affirmed: ALC/ADC

(A) 3/04/2309/FP – Erection of 112 flats and underground parking at Mill Road Depot, Mill Road, Hertford.

(B) 3/04/1892/FP – Demolition of existing greenhouse, erection of 87 dwellings, community building (comprising doctor's surgery and parish hall) and associated roads at Sanville Gardens, Hoddesdon Road, Stanstead Abbots.

The meeting closed at 9.16pm

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| Chairman ..... |
| Date .....     |

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