

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON WEDNESDAY, 25 MAY 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,
G L Francis, Mrs M H Goldspink,
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,
A L Warman, M Wood.

ALSO PRESENT:

Councillor Mrs S Newton

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
Andrea Gilmour	- Development Control Manager
Lois Prior	- Head of Communications

47 CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed Members of several provisional dates for the District Tour for Members. The provisional dates were Thursday 9 June 2005 and Tuesday 14 June

2005, although these needed to be confirmed by the Assistant Director (Development Control).

The Chairman further informed Members of a pamphlet called "Planning Simplified" by the Local Government Information Unit that was available for Members at the meeting. The Assistant Director (Law and Control) informed Members that the pamphlet picked up on planning codes developed two years ago and contained clear and concise information in relation to planning issues.

The Assistant Director (Law and Control) advised the Committee of the Member/Officer code of conduct, which allowed Members to speak to officers regarding applications and seek clarification on applications. He further advised Members that they would be encouraged to seek clarification and liaise with Officers on relevant issues.

48 DECLARATIONS OF INTEREST

Councillor M R Alexander declared a personal and prejudicial interest in respect of application 3/05/0311/FP, as he was the Executive Member for Environment Management, which included parking within his portfolio. Councillor M R Alexander left the chamber prior to the consideration of the application.

Councillor D R Atkins declared a personal and prejudicial interest in respect of application 3/05/0552/FP as his wife was involved in the running of a bed and breakfast business in the vicinity. Councillor D R Atkins left the chamber prior to the consideration of the application.

Councillor N Burdett declared a personal interest in respect of application 3/05/0099/FP as she was a Town Councillor for Sawbridgeworth and lived near the site of the proposed development. Councillor N Burdett also declared a personal interest in respect of applications 3/04/2378/FP and 3/04/2379/FP, as her son was a boy scout.

Councillor A McMullen declared a personal interest in respect of applications 3/04/2256/FP and 3/04/2257/LB as he knew Mr N Livings the applicant.

Councillor D Richards declared a personal and prejudicial interest in respect of application 3/04/2379/FP as she had previously commented on the site in relation to the Local Plan. Councillor D Richards left the Chamber prior to the consideration of the application.

Councillor M J Tindale declared a personal and prejudicial interest in respect of application 3/05/0099/FP as an employee of his lived next to the proposed site and he had given guidance in relation to the application. Councillor M J Tindale left the chamber prior to the consideration of the application.

RESOLVED ITEMS

ACTION

49 MINUTES

RESOLVED – that the Minutes of the meeting held on 27 April 2005 be confirmed as a correct record and signed by the Chairman.

50 3/05/0475/FP – MIXED USE AS CAR REPAIR AND SERVICE WORKSHOP INCLUDING MOT BAY AND FOR CAR SALES. UNIT 1 BIRCHANGER INDUSTRIAL ESTATE, STANSTED ROAD, BISHOP'S STORTFORD FOR CHARVILL BROTHERS LTD

The Assistant Director (Development Control) advised the Committee that a further letter from the Agent of the applicant had been received supporting the proposed application.

Clarification was sought and given in relation to traffic movements to and from the site and in relation to parking requirements.

ACTION

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/05/0475/FP be granted planning permission subject to the conditions detailed below.

RESOLVED – that application 3/05/0475/FP be granted planning permission subject to the following conditions: -

ADC

1. Five year time limit (1T01).
2. Personal permission (5U01) Insert “Charvill Brothers Ltd”.

Reason: To ensure the permission is exercised only by the applicant having regard to the personal circumstances of the case, and in order to control any intensification of use and consequent need for additional parking at the site, in accordance with policy M8 of the East Herts Local Plan.
3. Refuse disposal facilities (2E24).
4. No external lighting (2E26).
5. Approved accesses only (3V04).
6. Prior to the first occupation of the development hereby permitted, the areas for staff and customer car parking, service workshop bays, MOT inspection bays and car sales areas shall be laid out to a scheme to be first submitted in accordance with a detailed block plan (1:200 scale) and subsequently agreed in writing with the Local Planning Authority. Such approved details shall thereafter be implemented, retained and maintained unless otherwise agreed in writing with the Local Planning Authority.

ACTION

Reason: In order to control any intensification of use & consequent need for additional parking space at the site, in accordance with policy M8 of the East Herts Local Plan.

7. No external storage of goods, articles or materials of any kind, nor the use of any power tools or repairs, maintenance, servicing or MOT testing of vehicles shall be undertaken anywhere on the site, other than within the confines of the building.

Reason: In order to control any intensification of use and consequent loss of car parking spaces and to safeguard the amenities of adjoining premises, in accordance with policies M8 and BE10 of the East Herts Local Plan.

8. No additional commercial floorspace (5U06)Insert "1750 sq.m."

Reason: In order to control any intensification of use & consequent need for additional parking space at the site, in accordance with policy M8 of the East Herts Local Plan.

9. Cycle parking facilities (2E29).

Directives:

1. Other Legislation (01OL).
2. You are advised that in order to comply with the requirements of condition 7, car parking spaces should be of a minimum dimension measuring 2.4metres x 4.8metres. Spaces 2 and 3 indicated parallel to the fence at the rear of the building and coloured green on drawing no. 2353/2A should be of a minimum

ACTION

dimension of 2.4metres x 6.0metres.

3. This decision notice should be read in conjunction with planning permission 3/04/1298/FP dated 30.07.04 and your attention is drawn to the conditions attached to that permission.

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, Adopted East Herts Local Plan, and Draft Review Local Plan) and in particular policies DP1, BE10, M8 and Appendix IV relating to car parking standards, EMP2 and BS4 of the Adopted Local Plan and EDE1, BIS11, ENV28 and TR6 (including Draft Supplementary Planning Document: Vehicle Provision at New Development - November 2004) of the Draft Review Local Plan. The balance of the considerations having regard to the above policies, and all of the comments received in relation to the application. Including the fact that an implemented permission (LPA Ref: 3/04/1298/FP) exists for a similar proposal (without the MOT facility) is that permission should be granted.

- 51 A) 3/04/2256/FP & B) 3/04/2257/LB – CONVERSION OF AGRICULTURAL BUILDINGS TO FIVE RESIDENTIAL UNITS AND ONE HOLIDAY LET AT MILL FARM, GREAT MUNDEN FOR MR N LIVINGS

The Assistant Director (Development Control) reported that further objections had been received from Great Munden Parish Council raising the same objections to those detailed in the report.

ACTION

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/04/2256/FP be granted planning permission and application 3/04/2257/LB be granted Listed Building Consent subject to the conditions detailed below.

RESOLVED – that (A) application 3/04/2256/FP be granted planning permission subject to the following conditions: -

ADC

1. Five Year Time Limit (1T01).
2. Programme of Archaeological Works (2E02).
3. Boundary Walls & Fences (2E07).
4. Complete Accordance (2E10).
5. Prior to the first occupation of the dwellings hereby permitted, the buildings and caravan indicated to be demolished on drawing no. 1921-07d, shall be demolished and the site shall be cleared of all resultant rubble and debris.

Reason: In the interests of the appearance of the site.

6. Samples of Materials (2E12).
7. Prior to the commencement of development, a survey shall be undertaken to establish whether Bats and Great Crested Newts are present at the site. If these species are found to be present, mitigation measures to protect their habitats shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority.

ACTION

Reason: To protect the habitats of Bats and Great Crested Newts which are protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with policy RA13E of the East Herts Local Plan.

8. Withdrawal of P.D. (Part 1 Class A/Extensions and Alterations) (2E20).
9. Withdrawal of P.D. (Part 2 Class A/Boundary Treatments) (2E21).
10. Withdrawal of P.D. (Part 1 Class E/Outbuildings) (2E22).
11. Withdrawal of P.D. (Unspecified/Satellite Dishes) (2E23).
Insert Part 1 Class H
12. Refuse Disposal Facilities (2E24).
13. Contaminated Land Survey and Remediation (2E33).
14. Prior to the commencement of development details and location of television reception facilities shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities and rural character of the development.

15. Hard Surfacing (3V21).
16. Landscape Design Proposals (4P12).
Delete a, f, g
17. Landscape Works Implementation (4P13).

ACTION

18. Prior to the commencement of the development hereby permitted, the restoration of the pond to the front of the site shown on drawing no. 1921-07d, shall be carried out in accordance with details submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of maintaining the amenity value of the area, in accordance with policy BE8 of the East Herts Local Plan.

19. Prior to the commencement of the development hereby permitted, the restoration of the moat to the west of the site shall be carried out in accordance with details submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of maintaining the amenity value of the area and preserving a site of archaeological significance, in accordance with policies BE8 and BE15 of the East Herts Local Plan.

20. Agricultural Occupancy (5U05).
Insert 'The occupation of dwellings 4 and 5 hereby permitted'

21. Vehicular use of garages (5U10).

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 RA3, RA5, RA6, RA11, RA13, BE7, BE8, BE15 and BE16 and Re-Deposit policies GBC6, GBC8,

ACTION

GBC10, GBC16a, GBC16b, ENV5, ENV14, ENV23, BH2, BH3, BH13, BH14 and BH15. The balance of the considerations having regard to those policies is that permission should be granted.

(B) the application 3/04/2257/LB be granted Listed Building Consent subject to the following conditions: - ADC

1. Listed Building Five Year Time Limit (1T05).
2. Complete Accordance (2E10).
3. Samples of Materials (2E12).
4. Listed Building (timber structure) (8L01).
5. Listed Building (new timber frame) (8L02).
6. Listed Building (new windows) (8L03).
7. Listed Building (new doors) (8L04).
8. Listed Building (new boarding) (8L07).
9. Listed Building (new rainwater goods) (8L09).
10. Listed Building (making good) (8L10).

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 BE16 and Re-Deposit policies BH13 and BH14. The balance of the considerations having regard to those policies is that permission should be granted

ACTION

52 3/05/0593/FP – ERECTION OF 4 NO. 2 BED FLATS AND
1 NO. 3 BED FLAT PLUS OPEN PARKING FOR 10 CARS AT
22 MAPLE AVENUE, BISHOP'S STORTFORD FOR
CONTEMPORARY INVESTMENTS LTD

The Assistant Director (Development Control) advised the Committee that this application had previously been refused at a meeting of the Development Control Committee in May 2004, and had subsequently gone to appeal.

It was felt by some Members that application 3/05/0593/FP had addressed the issues raised in relation to the previous refusal and those raised by the Inspectorate at appeal.

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/05/0593/FP be granted planning permission subject to the conditions detailed below: -

RESOLVED – that application 3/05/0593/FP be granted planning permission subject to the following conditions: -

ADC

1. Five year time limit (1T01).
2. Levels (2E05).
3. Boundary walls and fences (2E07).
4. Complete accordance (2E10).
add “unless otherwise agreed in writing by the Local Planning Authority”
5. Samples of materials (2E12).
6. Refuse disposal facilities (2E24).

ACTION

7. Materials arising from demolition (2E32).
8. Provision and retention of parking spaces (3V23).
9. Construction parking and storage (3V22).
10. Wheel washing facilities (3V25).
11. Tree retention and protection (4P05).
12. Hedge retention and protection (4P06).
13. Landscape design proposals (4P12).
(a), (c), (d), (e), (f), (i), (j), (k), (l)
14. Landscape works implementation (4P13).
15. Landscape maintenance (4P17).
16. The proposed living room window openings in the north elevation will be non opening and fitted with obscured glass. The proposed study window openings in the north and south elevations will have a restricted opening of a maximum of 100mm and be fitted with obscured glass. All the windows shall be permanently retained in that condition.

Reason: To safeguard the privacy of occupiers of the adjoining properties, and in accordance with Appendix 1 (D) of the East Herts Local Plan.
17. During all demolition and construction works no plant or machinery shall be operated on the premises before 0800hrs on Monday to Saturday, nor after 1800 hrs on weekdays and 1300hrs on Saturdays, or at any time on

ACTION

Sundays or bank holidays.

Reason: To safeguard the amenities of residents of nearby properties, in accordance with Policy BE10 of the East Herts Local Plan.

18. Visibility splays of not less than 2.4m x 3.3m shall be provided, and thereafter maintained, in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 600mm and 2m above the carriageway.

Reason: In the interests of highway safety.

19. Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 600mm x 2m above the carriageway.

Reason: In the interests of highway safety.

20. The applicant is required to seal the site access way for a distance of 6m back from the edge of the carriageway.

Reason: In the interests of highway safety.

Directives:

1. Other legislation (010L).
2. Street numbering (19SN).
3. Disabled access (09DA).

ACTIONSummary of Reason 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 Second Review Re-Deposit Version, November 2004), and in particular policies BE1, BE2, BE8, BE10 and M8 and Re-Deposit policies HSG6, ENV1a, ENV3, ENV5 and TR6. The balance of the considerations having regard to those policies and APP/J1915/A/04/1151027 is that permission should be granted.

53 E/05/0149/A – ERECTION OF BUNGALOW NOT IN ACCORDANCE WITH PLANNING PERMISSION GRANTED UNDER 3/04/1801/FP REAR OF 30 BULLFIELDS, SAWBRIDGEWORTH

The Assistant Director (Development Control) reported that the neighbour of 30 Bullfields, would withdraw their objections that had previously been submitted, if a two-metre wall was built on the boundary. The Agent of the applicant had also submitted a letter to state that the two-metre wall would overcome the problems of overlooking to adjoining properties.

The Assistant Director (Development Control) asked the Committee to consider the recommendation before it, in order that enforcement action was in place whilst negotiations took place with neighbouring residents.

The Committee supported the recommendation of the Assistant Director (Development Control) that enforcement action under Section 172 of the Town and Country Planning Act 1990 and any other steps as may be necessary be taken to remedy this breach of planning control as detailed below.

ACTION

ADC/ALC

RESOLVED – that the Assistant Director (Development Control), in consultation with the Assistant Director (Law and Control) be authorised to take enforcement action under Section.172 of the Town and Country Planning Act 1990 and such further steps as may be necessary to remedy this breach of planning control for the following reasons: -

The levels of construction of the building, and its resultant height above ground level, results in an unacceptable degree of overlooking of adjoining properties and a consequential loss of privacy to nearby residents. Furthermore, the building appears unduly prominent and overbearing in the surrounding area.

Time period for compliance: 2 months

54 E/04/0177/A – UNAUTHORISED ERECTION OF NEW BOUNDARY FENCE ADJACENT TO HIGHWAY AT 5 CUTFORTH ROAD, SAWBRIDGEWORTH FOR MR P. ELS

The Committee supported the recommendation of the Assistant Director (Development Control) that enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such steps as may be required to secure the removal of the unauthorised fencing at 5 Cuthforth Road, Sawbridgeworth be authorised as detailed below.

RESOLVED – that the Assistant Director (Law and Control), in consultation with the Assistant Director (Development Control) be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such steps as may be required to secure the removal of the unauthorised fencing at 5 Cutforth Road, Sawbridgeworth for the following reasons: -

ALC/ADC

ACTION

Reason why it is expedient to issue an enforcement notice:

The fencing by reason of its height, siting and materials of construction appears unduly dominant and conspicuous within the street scene, and would thereby be detrimental to the character of the street scene. The development is thereby contrary to Policy BE2 of the East Herts Local Plan.

Period of compliance: 1 month

55 3/05/0609/FP ERECTION OF FRONT PORCH AT 37 GILPIN ROAD, WARE FOR MR S ANDREWS

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/05/0609/FP be granted planning permission as detailed below: -

RESOLVED – that application 3/05/06/09/FP be granted planning permission subject to the following conditions: -

ADC

1. Five Year Time Limit (1T01).
2. Complete Accordance (2E10).
3. Samples of Materials (2E13).
4. No further windows (2E17).

Directives:

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

ACTIONSummary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan and East Herts Local Plan and Local Plan Review, Re-Deposit Version, November 2004) and in particular Adopted Local Plan policies BE2 and BE5 and Re- deposit Local Plan policies ENV1a, ENV9 and ENV10. The balance of considerations having regard to these policies and the other material considerations in this case is that planning permission should be granted.

- 56 3/05/0466/FP – ERECTION OF FIVE, 6 BEDROOM, ACCOMMODATION UNITS FOR CHILDREN AGED 16-19 YEARS OLD AND A 6 CLASS BASE LEARNING CENTRE WITH COMMON ROOM, STAFF ACCOMMODATION AND TOILET FACILITIES AT THE ST ELIZABETH'S SCHOOL AND HOME, SOUTH END, MUCH HADHAM, HERTS, FOR ST ELIZABETH'S CENTRE

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/05/0466/FP be granted planning permission as detailed below: -

RESOLVED – that application 3/05/0466/FP be granted planning permission subject to the following conditions: -

ADC

1. Five year time limit (1T01).
2. Levels (2E05).
3. Boundary walls and fences (2E07).
4. Samples of materials (2E12).
5. Landscape design proposals (4P12).

ACTION

6. Lighting details (2E27).
7. Parking provision (servicing & parking) (3V18).
8. Hard surfacing (3V21).
9. Tree retention and protection (4P05).
10. Landscape design proposals (4P12).
a, b, d, e, i, j, k, l
11. Landscape works implementation (4P13).

Directives

1. Other legislation (01OL).

The applicant needs to contact Transco (Licensed Gas Transporters), which has plant in the vicinity of the site, at 1-3 Strand, London, WC2N 5EH, to provide further details of the scheme before commencing work on the site.

57 3/05/0302/FP – TWO STOREY REAR EXTENSION AT 7 ELTON ROAD, HERTFORD FOR MR G MURPHY

Councillor Mrs S Newton, speaking as a local Member raised concerns on the scale of the proposed development at 7 Elton Road in relation to overbearing, loss of light and the character of the building in a conservation area. Councillor Mrs S Newton circulated a photograph in relation to what the occupier at Number 5a Elton Road thought the impact would potentially be.

Councillor Mrs S Newton also stated that the neighbours would have to suffer more noise as a result of the proposed development. She asked the Committee to consider refusing the application until the relevant monitoring and assessments had been carried out, and to review the application once this

ACTION

action had been taken.

Clarification was sought and given in relation to the loss of light. The Assistant Director (Development Control) confirmed that there would be no loss of light to 5a Elton Road, as the position of the extension would only impact very early in the morning at the height of the Summer and daylight would reach the window at 5a Elton Road without being impeded by the proposed development. In relation to overlooking, the Assistant Director (Development Control) advised the Committee that there would be no overlooking as the proposed dwelling would equalise the same as number 5a Elton Road.

The Assistant Director (Development Control) stated that although the noise would increase, which was inevitable when building works were being carried out, it was not a consideration to refuse the application.

Discussions took place in relation to the proposed development and the Committee agreed with the report before it, and felt that the proposed development was in keeping with the dwellings already sited and it did not feel that it would be overbearing to the neighbour at 5a Elton Road. The Committee further agreed that the proposed dwelling would only equalise the same as at number 5a Elton Road.

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/05/0302/FP be granted planning permission as detailed below.

RESOLVED – that application 3/05/0302/FP be granted planning permission subject to the following conditions: -

ADC

1. Five Year Time Limit (1T01).
2. Samples of Materials (2E12).

ACTIONSummary 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 BE5 and BE18 and Re-Deposit policies ENV9, ENV10 and BH7. The balance of the considerations having regard to those policies is that permission should be granted.

58 3/05/0350/FP – CONVERSION OF REDUNDANT FARM BUILDINGS TO CONTAIN SCAFFOLDING & OFFICE. OWLES FARM, OWLES LANE, BUNTINGFORD FOR C & Y SCAFFOLDING

The Assistant Director (Development Control) reported that a further seven letters had been received from residents of Owls Lane raising the same concerns as those detailed in the report.

The Assistant Director (Development Control) further reported that letters had been received from Buntingford Town Council and Hertfordshire Highways raising concerns over traffic movements and requesting further conditions in relation to restrictions of traffic movements being imposed.

The Assistant Director (Development Control) further clarified, that in respect of condition five, a condition of passing bays be included.

Members raised concerns in relation to the size of the road and the width of the lorries.

A Member requested that Hertfordshire Highways be approached in relation to the installation of cautionary signage for traffic speeds.

ACTION

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/05/0350/FP be granted planning permission subject to the conditions as detailed below.

RESOLVED – that application 3/05/0350/FP be granted planning permission subject to the following conditions: -

ADC

1. Five year time limit (1T01).
2. Personal permission (5U01) Insert “C & Y Scaffolding”.
3. Refuse disposal facilities (2E24).
4. No external lighting (2E26).
5. No external loudspeakers (2E35).
6. Prior to the first occupation of the development hereby permitted, the areas for staff car parking and access to the site shall be laid out to a scheme to be first submitted in accordance with a detailed block plan (1:500 scale) which shall include parking bays where appropriate and subsequently agreed in writing with the Local Planning Authority. Such approved details shall thereafter be implemented, retained and maintained unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to control any intensification of use & consequent need for additional parking space at the site, in accordance with policy M11 of the East Herts Local Plan.

7. No external storage of goods, articles or materials of any kind, nor the repair,

ACTION

maintenance or servicing of vehicles shall be undertaken anywhere on the site.

Reason: In order to control any intensification of use and consequent loss of car parking spaces and to safeguard the amenities of adjoining property, in accordance with policies M11 and BE10 of the East Herts Local Plan.

8. No additional commercial floorspace (5U06).
Insert "748sq.m."

Reason: In order to control any intensification of use & consequent need for additional parking space at the site, in accordance with policy M11 of the East Herts Local Plan.

9. Hours of use (5U08).
07.00 to 17.30 Monday to Friday only and not at all on Bank Holidays.
10. The development hereby permitted shall not be commenced until appropriate signage has been provided along Owles Lane warning of pedestrians within the carriageway, details of which shall have previously been submitted to and agreed in writing by the Local Planning Authority unless otherwise agreed in writing.

Reason: In the interests of highway safety.

Directives:

1. Other Legislation (01OL).
2. Public Rights of Way (18FD).

ACTIONSummary 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, Adopted East Herts Local Plan, and Draft Review Local Plan) and in particular policies RA3, RA6, M11 and EMP5 of the Adopted Local Plan and GBC5, GBC6, GBC9, GBC10, GBC11 and TR21 of the Draft Review Local Plan. The balance of the considerations having regard to the above policies, and all of the comments received in relation to the application is that permission should be granted.

- 59 A) 3/04/2303/FP - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF FORMER AGRICULTURAL LAND TO ENLARGE RESIDENTIAL CURTILAGE
 B) 3/04/1047/FP - RETROSPECTIVE APPLICATION FOR THE CREATION OF LAKE AND MOUNDING
 C) E/03/0081/A - CHANGE OF USE OF FORMER AGRICULTURAL LAND TO ENLARGE RESIDENTIAL CURTILAGE, CREATION OF LAKE, REMOVAL OF ANCILLARY BUILDINGS, REMOVAL OF ACCESS ROAD, REMOVAL OF GARAGE REFUSED UNDER REFERENCE 3/04/2278/FPAT PRIMROSE COTTAGE, HIGH WYCH ROAD, SAWBRIDGEWORTH FOR MRS S ASHLEY
-

The Assistant Director (Development Control) reported that a letter from Hertford Planning Service had been received in relation to application 3/04/2303/FP asking for consideration of the application to be deferred.

Following clarification from the Assistant Director (Law and Control), Members were advised that refusal of application 3/04/2303/FP could still be given by the Committee, as there had been no reasons given by Hertford Planning Service as to why the Committee should defer the application.

ACTION

The Committee supported the recommendation of the Assistant Director (Development Control) that applications 3/04/2303/FP, and 3/04/1047/FP be refused planning permission for the following reasons, and that the Assistant Director (Development Control) in consultation with the Assistant Director (Law and Control) be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such steps as necessary to secure the unauthorised works at Primrose Cottage, High Wych Road, Sawbridgeworth as detailed below.

RESOLVED – that (A) application 3/04/2303/FP be refused planning permission for the following reasons: - ADC

1. Within Metropolitan Green Belt (R021).
2. Extension of residential curtilage (B063).

(B) subject to no significant new material issues arising between now and the expiry of the press notice by 9 June 2005, application 3/04/1047/FP be refused for the following reasons: - ADC

1. Within Metropolitan Green Belt (R021).
2. The lake by virtue of its design and appearance represents an incursion into the countryside, contrary to policy RA2 and BE6 (IV) of the East Hertfordshire Local Plan.

(C) subject to no significant new material issues arising from application 3/04/1047/FP between now and the expiry of the press notice by 9 June 2005, the Assistant Director (Development Control), in consultation with the Assistant Director (Law & Control), be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the following: - ADC/ALC

ACTION

- i) The cessation of the use of the land as residential curtilage.
- ii) The infilling of the lake.
- iii) The removal of the roadway, tracks and footpaths.
- iv) The removal of the builders compound, buildings, structures and fences.
- v) The removal of the caravan power points.
- vi) The restoration of the land to its former agricultural appearance.

Period for compliance: 5 months

Reasons why it is considered expedient to issue enforcement notices:

1. Within Metropolitan Green Belt (R021)
2. The lake and mounding, road, associated buildings and structures, and unauthorised use of the agricultural land as residential curtilage, represent incursions into the countryside, contrary to policies RA2 and BE6 (IV) of the East Hertfordshire Local Plan

60 3/05/0099/FP – DEMOLITION OF EXISTING GARAGE BUILDINGS AND RESIDENTIAL DEVELOPMENT PROVIDING 15 X 1 BEDROOM AND 25 X 2 BEDROOM FLATS, ACCESS ROAD AND CAR PARKING AT SAWBRIDGEWORTH MOTOR COMPANY LTD, LONDON ROAD, SAWBRIDGEWORTH FOR SHARPE LIMITED

The Assistant Director (Development Control) advised the Committee that the scheme that was now before them was a revised scheme that was previously presented to the

ACTION

Development Control Committee in September 2004, which had been refused. The Assistant Director further advised the Committee that the height of this scheme had been adapted in accordance with the previous refusal reasons.

The Assistant Director (Development Control) reported that the Environment Agency had withdrawn its objection that had been submitted. The Assistant (Development Control) further reported that an e-mail had been received from Hertfordshire County Council requesting that if application 3/05/0099/FP was granted planning permission that a contribution from the applicant of sixty five thousand pounds be sought for highways, schools and emergency services.

It was felt by the Committee that as this request from Hertfordshire County Council had only just been received, it should not be complied with.

Some Members raised concerns in relation to the traffic movements along the A1184 if the proposed development was to be granted permission.

Some Members agreed with the proposed development and felt that the applicant had addressed the points in relation to the previous reasons for refusal. Members felt that it was a good development and was what Sawbridgeworth needed.

The Committee supported the recommendation of the Assistant Director (Development Control) that subject to the applicants entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, application 3/05/0099/FP 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 matters: -

ADC

1. The provision of a minimum of 16 units for affordable housing, to be secured through a

ACTION

Registered Social Landlord, such units to be of an agreed mix and form.

2. The provision of off site highway works in the form of a right hand turn lane on London Road, the detailed layout of which will first be agreed in writing by the Local Planning Authority. This will be provided prior to the first occupation of any units.

The provision of £20,000 which shall be used as a contribution towards sustainable transport measures within the East Hertfordshire Area Plan (Sawbridgeworth Transportation Plan). -

application 3/05/0099/FP be granted planning permission subject to the following conditions: -

1. Five year time limit (1T01).
2. Levels (2E05).
3. Boundary walls and fences (2E07).
4. Samples of materials (2E12).
5. Refuse disposal facilities (2E24).
6. Lighting details (2E27).
7. Cycle parking facilities (2E29).
8. Materials arising from demolition (2E32).
9. Existing access closure (3V05).
10. Sight lines (3V08) (4.5m x 90 m to the south west and 3.1 m x 90 m to the north east).

ACTION

11. A visibility splay of minimum 9m x 90m in both directions especially to the north along the site boundary at the London Road / Brook Road junction, must be maintained. Such visibility shall not be obstructed by any fencing or proposed development or landscaping under the control of the applicant, between a height of 0.6 m and 2.0 m above the carriageway.

Reason: In the interests of Highway safety and efficiency.

12. Pedestrian visibility splays (3V10) (2m x 2m).
13. Prior to the commencement of development the access shall be constructed and surfaced to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate vehicular and pedestrian access is provided to serve the development, in accordance with Appendix 1(C) of the East Herts Local Plan.

14. Turning space (3V17).
15. Completion of roads (3V13).
16. Hard surfacing (3V21).
17. Construction parking and storage (3V22).
18. Provision and retention of parking spaces (3V23).
19. Wheel washing facilities (3V25).
20. Tree Survey (4P01).

ACTION

21. Tree retention and protection (4P05).
22. Tree/ natural feature protection: Fencing (4P07).
23. Tree surgery (4P11).
24. Landscape design proposals (4P12).
25. Landscape work implementation (4P13).
26. Landscape maintenance (4P17).
27. Listed building (new windows) (8L03)
Amend reason to read: - 'In the interests of the appearance of the development, in accordance with Appendix 1 (D) of the East Herts Local Plan'.
28. Listed building (new doors) (8L04) Amend reason to read: - 'In the interests of the appearance of the development, in accordance with Appendix 1 (D) of the East Herts Local Plan'.
29. Noise attenuation (road traffic) (6N01).
30. Hours of working – plant and machinery (6N05) amend to read: - 'During all demolition, preparation and construction works...'
31. Prior to the commencement of the development hereby permitted, a scheme evaluating which of the Noise Exposure Categories detailed in the Planning Policy Guidance Note 24 the development falls within, including any necessary mitigation required, shall be submitted to and agreed in writing by the Local Planning Authority. Any

ACTION

necessary mitigation of these noise sources should be incorporated into the final design of the development prior to the first occupation of the development levels permitted.

Reason: In the interests of the amenity of future occupants, in accordance with policy BE10 of the East Herts Local Plan.

32. Prior to the commencement of development a scheme for the remediation of land shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination, the measures to be taken to avoid risk and a timetable for their implementation. The approved scheme shall then be undertaken to the satisfaction of the Local Planning Authority.

Reason: To ensure that the land is suitable for residential use in accordance with national guidance in PPG23

33. Prior to the commencement of development, the applicant shall enter into a contractual agreement with the contractors for the site works requiring that drivers visiting the site in connection with the site construction or demolition works, enter and leave the site via London Road/ Brook Road and not via Vantorts Road/ East Drive/ Brook Road, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents, in accordance with Appendix 1 of the East Hertfordshire Local Plan.

ACTION

34. The proposed window openings as indicated by the colour green on plan no. 23880.14B will be fitted with obscured glass and shall be permanently retained in that condition.

Reason: To safeguard the privacy of occupiers of the adjoining properties, and in accordance with Appendix 1 (D) of the East Herts Local Plan.

Directives:

1. Other legislation (010L).
2. Street numbering (19SN).
3. Disabled access (09DA).

Summary of Reason 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 Second Review Re-Deposit Version, November 2004), and in particular policies BE1, BE2, BE8, BE9, BE10, H5 and M8 and Re-Deposit policies HSG7, ENV1a, ENV3, ENV5, ENV26, ENV28 and TR6. The balance of the considerations having regard to those policies and 3/02/2596/FP and the advice contained in PPG 3 'Housing' and PPG13 'Transport' is that permission should be granted.

ACTION

- 61 3/05/0311/FP – FOR SHOPPERS TO USE EXISTING CAR PARK FACILITY MONDAY TO FRIDAY 7AM UNTIL 7PM ON A PAY & DISPLAY 3/04/2369/FP AT BUSINESS PARK AND RIDE CAR PARK, WOODSIDE, DUNMOW ROAD, BISHOPS STORTFORD FOR DAVID HARRIS, M&D DEVELOPMENTS LTD
-

The Committee welcomed the application for the variation to the Section 106 agreement for the Business Park and Ride Car Park to be open to short stay car park users. The Committee hoped that by agreeing to the variation of the Section 106 agreement, it would meet the concerns of Bishop's Stortford traders, shop owners and also that of residents.

Clarification on signage was sought and given in relation to the Business Park and Ride.

The Committee supported the recommendation of the Assistant Director (Development Control) that the variation to Section 106 planning obligation for LPA ref 3/05/0311/FP be granted subject to the conditions detailed below.

RESOLVED – that the variation to Section 106 planning obligation for LPA ref 3/05/0311/FP be amended subject to the following conditions: -

ADC

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 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 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

ACTION

management strategy. The management strategy shall include details of the following:

- i. Priority shall be given to business user tickets at all times.
 - ii. Business user spaces will be clearly marked out making the remainder of the site available for valid short stay parking ticket holders.
 - iii. Details of how the park and ride facility will be controlled and access to site restricted outside the permitted hours of use.
3. Prior to the variation of the use set 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.
 4. Prior to the variation of the use set out in this deed or within a timetable to be agreed with the Local Planning Authority, to provide directional signage to the combined site, details of which shall have previously have been agreed in writing by the Local Planning Authority.
 5. Prior to the variation of the use set out in this deed or within a timetable to be agreed with the Local Planning Authority to provide a bus shelter within the combined site, details of which shall previously have been agreed in writing by the Local Planning Authority.

ACTION

- 62 3/05/0276/FP – INSTALLATION OF 2 NO. NEW 70,000 LITRE AND 1 NO. 20,000 LITRE UNDERGROUND FUEL TANKS. EXCAVATE AND REMOVE EXISTING TANK FARM. INSTALL NEW ACO DRAINAGE CHANNEL TO EXISTING TANKER DELIVERY STAND AT SHELL OAKLANDS PARK, STANSTEAD ROAD, BISHOP'S STORTFORD FOR SHELL UK LTD.
-

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/05/0276/FP be granted planning permission subject to the conditions detailed below: -

RESOLVED – that application 3/05/0276/FP be granted planning permission subject to the following conditions: -

ADC

1. Five year time limit (1T01).
2. Samples of materials (2E12).
3. Materials arising from demolition (2E32).
4. Wheel washing facilities (3V25).
5. Hours of working plant and machinery (6N05).
6. 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,

ACTION

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.

7. The construction of the foul and surface discharge 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.

8. No soakaways shall be constructed in contaminated ground.

Reason: To prevent pollution of groundwater.

Directives:

1. Other Legislation (01OL).
2. You are advised that all works undertaken by site staff must comply with the Health and Safety at Work Act 1976 and associated Regulations and Codes of Practice.

Summary of Reasons for Decision

The proposal has been considered with regard to policies of the Development Plan (East Herts Local Plan and the Local Plan Review Re-deposit Version November 2004), and in particular policies DP1 and BE10 of the Adopted East Herts Local Plan and

ACTION

policy ENV32 of the Re-deposit Local Plan. The balance of the considerations having regard to those policies is that permission should be granted.

63 3/05/0495/FP – DEMOLITION OF EXISTING CAR SHOWROOM & ERECTION OF 20 NO. FLATS AND 3 NO. HOUSES WITH CAR PARKING AT 123/127 SOUTH STREET, BISHOP'S STORTFORD FOR CROFT HOMES LTD

The Committee raised concerns in relation to size being overbearing to the neighbouring properties, the lack of a proper flood risk assessment and no adjacent amenity land or open space.

Some Members felt that the flood risk assessment had been undertaken and that the Development Control Committee had, in the past, approved planning applications with the same conditions as those stated within the report for this application. It was also felt that the issues for previous refusal had been addressed.

The Assistant Director reminded the Committee that the application before them was a redesign of a previous scheme that had been approved. However, the previous design of the proposed development did not impact on neighbours as application 3/05/0495/FP did.

Following lengthy discussion, a motion was proposed and seconded to defer application 3/05/0495/FP in order for Members to review this application alongside the previous application. After being put to the meeting, and a vote taken, the motion was declared lost.

A motion was proposed to agree the recommendation as detailed in the report. After being put to the vote the Committee agreed to refuse application 3/05/0495/FP planning permission as detailed below.

ACTION

RESOLVED – that application 3/05/0495/FP be refused planning permission for the following reasons: -

ADC

1. Inadequate provision is made within the site for the parking of vehicles generated by the development, in an area with existing on street parking problems. The proposal would therefore be contrary to the provisions of PPG3 'Housing' and policies BE2 and M8 of the Adopted East Herts Local Plan.
2. The proposed development would result in detriment to the amenities of the residents of properties in Stort Road, by reason of its massing and overbearing nature. If permitted it would be contrary to policy BE2 of the Adopted East Herts Local Plan.
3. The proposed development, by virtue of its height and massing would be out of keeping with the streetscene in Stort Road contrary to policy BE2 of the Adopted East Herts Local Plan.
4. A full and proper flood risk assessment has not been undertaken in accordance with the requirements of PPG25.

64 3/04/2378/FP – ERECTION OF NEW SCOUT HUT, STORE, ASSOCIATED PARKING AND LANDSCAPING AT LAND ON THE CORNER OF CUTWORTH ROAD AND BULLFIELDS, SAWBRIDGEWORTH FOR MAVRASTAR LTD

Councillor A D Dodd, who was a local Ward Member for Sawbridgeworth, stated that he was in favour of the proposal, but asked officers if the proposed development could be sited on the south-east corner of the Greenland instead of the suggested south-west side as detailed in the report, as he felt

ACTION

by siting the Scout Hut on the south-east it would help alleviate parking pressures.

The Assistant Director (Development Control) reported that a letter had been received from the Chairman of the Scout Group supporting the proposed development, and in response to Councillor A D Dodd's suggestion, he advised the alternative suggested location would be detrimental to nearby residents. Also, the land currently housed two football pitches, and if the proposed development was placed to the southeast it would result in only one pitch being usable.

Discussions took place in relation to the siting of the proposed development and concerns over the potential risk of vandalism.

The Committee was informed that the ground was given to the Town Council for the recreation of Youth provision, and it was felt by some Members that the site would be an ideal location for the Scout Hut.

Clarification was sought and given as to why the proposed development could not be attached to the existing pavilion.

Following discussion on the issue of security, Members felt that there should be additional lighting to help alleviate security problems in relation to vandalism and asked for this to be a further condition. The Committee supported this.

The Committee supported the recommendation of the Assistant Director (Development Control) that application 3/05/0495/FP be granted planning permission 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 3/04/2378/FP be granted planning permission subject to the following conditions: -

ADC

ACTION

1. Five year time limit (1T01).
2. Levels (2E05).
3. Boundary walls & fences (2E07).
4. Samples of materials (2E12).
5. External timberwork (2E16).
6. Refuse disposal facilities (2E24).
7. Approved accesses only (3V04).
8. Gates/Carriageway (3V14).
9. Hardsurfacing (3V21).
10. Provision and retention of parking (3V23).
11. Wheel washing facilities (3V25).
12. Landscape design proposals (4P12).
13. Landscape works implementation (4P13).
14. External lighting shall be provided in accordance with details to be submitted and approved in writing by the Local Planning Authority prior to the commencement of development.

Directives:

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

ACTIONSummary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan and East Herts Local Plan), and in particular policies RA2, RA12, BE8, L1 and M8 of the Adopted East Herts Local Plan 1999, and policies GBC2, GBC3, ENV5, TR6, LRD1 and LRC14 of the East Herts Local Plan Second Review Re-Deposit Version (November 2004). The development proposed does not comply with Policy RA2. However, it is considered that the significant benefit that this proposal would bring in terms of providing an important new community/leisure facility within the local area provides sufficient justification to grant planning permission.

- 65 3/04/2379/FP – ERECTION OF 5 DETACHED DWELLINGS, ASSOCIATED GARAGES, PARKING, LANDSCAPE WORKS AND AMENDMENTS TO ACCESS AT THE SCOUT LAND, SPRINGHALL ROAD, SAWBRIDGEWORTH FOR MAVRASTAR LTD

The Assistant Director (Development Control) reported that a letter had been received from Hertfordshire Highways commenting on the access to Springhall Lane, which required the widening of the road before any works to the proposed development could take place.

Discussions took place in relation to the bridleway and actions that were needed to widen it.

A motion was proposed and seconded to defer application 3/04/2379/FP for further discussions in respect to access. The Committee agreed to defer application 3/04/2379/FP to a future meeting for the reasons now detailed.

ACTION

RESOLVED - that application 3/04/2379/FP be deferred to a future meeting of the Development Control Committee in order for further discussion to take place in respect of access.

ADC

66 E/04/0450/B - DORMER WINDOW, BALCONY AND PARAPET WALL ON REAR DORMER – 56 RIVERSMEET, HERTFORD

The Committee supported the recommendation of the Assistant Director (Development Control) that 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 to take such other steps as may be required for the removal of the unauthorised works at 56 Riversmeet, Hertford, as detailed below.

RESOLVED - that 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 to take such other steps as may be required to secure the following:

ALC/ADC

1. Removal of the unauthorised dormer window, balcony and parapet wall on rear elevation.

Period for Compliance: 3 months

Reasons why it is expedient to issue an Enforcement Notice:

The dormer window, balcony and parapet wall which have been constructed adversely affect the character and appearance of the building and surrounding street scene by reason of its size, siting, design and prominence. The development is contrary to Local Plan policy BE5, and harmful to the visual amenities of the area.

ACTION67 3/05/0552/FP – PROVISION OF 4 BED AND BREAKFAST UNITS 6 HIGH OAK ROAD, WARE FOR R.M. TRUTT

Concern was raised by local Members that the site for the proposed development already suffered greatly from parking problems. Also the increase in intensity of use of the site to provide four bed and breakfast suites would represent an over intensive use of the site.

Following discussions, a motion was proposed and seconded to refuse application 3/05/0552/FP planning permission. After being put to the meeting, and a vote taken, the Committee agreed that planning application 3/05/0552/FP be refused planning permission for the reasons detailed below.

RESOLVED – that application 3/05/0552/FP be refused planning permission for the following reasons: -

ADC

1. The increase in intensity of use of the site, to provide four bed and breakfast suites in addition to the applicant's accommodation within The Barn, would represent an over intensive use of the site, detrimental to the amenities of nearby residents by reason of increased noise and general disturbance.
2. The requirement to provide a minimum of four parking spaces in addition to the garage would result in additional hard surfacing and additional parked vehicles, to the detriment of the visual amenity of the Conservation Area.

ACTION

- 68 A) 3/04/2535/FP – RESIDENTIAL DEVELOPMENT COMPRISING 1 X STUDIO, 18 X 1 BEDROOM, 30 X 2 BEDROOM APARTMENTS, TOGETHER WITH 8 X 1 BEDROOM, 12 X 2 BEDROOM AFFORDABLE HOUSING UNITS, WITH CAR PARKING AND AMENITY AREAS.
 B) 3/04/2536/LC – DEMOLITION OF EXISTING BUILDINGS LAND AT JUNCTION OF STAR STREET AND BOWLING ROAD, WARE FOR THE ANDERSON GROUP
-

The Committee sought clarification on the need for CCTV in this location and raised the question of who would be responsible for its monitoring . The Assistant Director (Development Control) advised that the parking for this proposed development was beneath a podium and the owners, developers and the monitoring body, would carry out monitoring of security. The Committee further sought a further condition asking for the monitoring arrangements of the CCTV to be agreed with the Council.

The Committee supported the recommendation of the Assistant Director (Development Control) that subject to the applicants, within six months of the date of this resolution, entering into an agreement under Section 106 of the Town and County Planning Act 1990, that application 3/04/2535/FP be granted planning permission and application 3/04/2536/LC be granted conservation area consent subject to the conditions as detailed below.

RESOLVED – that subject to the applicants, within six months of the date of this resolution, entering into an Agreement under Section 106 of the Town and County Planning Act 1990, in respect of the following matters: -

ADC

1. The provision of 20 dwelling units as affordable housing, including 3 lifetime houses, through a registered social landlord.
2. The provision of a sum of £41,000 as a contribution towards transport measures

ACTION

within the Lea Valley Area Plan (Hertford Transportation Plan) including inter alia; bus infrastructure, cycling facilities, parking measures, pedestrian facilities, safe routes to school and traffic management.

that (A) application 3/04/2535/FP be granted planning permission subject to the following conditions: -

1. Five year time limit (1T01).
2. Programme of archaeological work (2E02).
3. Before the development is commenced a detailed Remediation Strategy and Method Statement shall be submitted giving details of appropriate measures to deal with and counteract all contamination of the site and prevent pollution of groundwater and surface water, including suitable provision for monitoring surface and groundwater where appropriate and remedial target values shall be submitted to, and approved in writing by the Local Planning Authority. A detailed treatability study, site specific working plan, and contingency arrangements shall be agreed prior to remedial work commencing.

A final Remediation Validation Report shall be submitted detailing the final remedial target values and any variance in actual soil contamination concentration. Any accedences in target values should be justified within the report. The development shall then proceed in strict accordance with the measures approved.

Reason: To prevent pollution of the water environment.

ACTION

4. No development shall be carried out until details of on and off site foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and no works which result in the discharge of foul or surface water from the site shall be commenced until the drainage works have been completed.

Reason: To prevent pollution of the water environment.

5. The design and construction of the site foundations shall be carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To prevent pollution of groundwater.

6. No soakaways shall be constructed in contaminated ground.

Reason: To prevent pollution of groundwater.

7. Materials arising from demolition (2E32).

8. No works of demolition, contamination remediation or construction shall be carried out, other than in cases of emergency, before 0730 hrs on Monday to Saturday, nor after 1800 hrs on weekdays or 1300 hrs on Saturdays, nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of residents of nearby properties in accordance with policy BE10 of the East Herts Local Plan.

ACTION

9. Wheel washing facilities (3V25).
10. Construction parking and storage (3V22).
11. Prior to the commencement of any works on the site, and until such time as the construction works have been completed, the developers shall have in force a contract with all companies and their drivers visiting the site, requiring that HGV's arrive at and leave the site, via Star Street, Bridgefoot, Viaduct Road and London Road.

Reason: To minimise the effects of HGV traffic on the local road network.

12. Complete accordance (2E10).
13. The finished floor level of the ground floor residential units shall be 33.45m AoD, and the thresholds to the parking areas shall be no lower than 33.27m AoD.

Reason: To prevent the risk of flooding in accordance with policy BE9 of the East Herts Local Plan.

14. Boundary walls and fences (2E07).
15. Hard surfacing materials (3V21).
16. Lighting details (2E27).
17. CCTV coverage facilities together with arrangements for monitoring of the cameras, of the enclosed and open parking areas, and the communal open space, shall be provided prior to the first occupation of the development in accordance with plans to be submitted to and approved in writing by the

ACTION

Local Planning Authority prior to the commencement of development.

Reason: In the interests of security in accordance with policy BE26 of the East Herts Local Plan.

18. Communal TV facilities (2E28).
19. Sight lines shown on plans (3V09).
20. Kerb radii (3V06).
insert 4.5m
21. Existing access closure (3V05).
accesses plural
22. Provision and retention of parking spaces (3V23).
23. Landscape design proposals (4P12).
a, b, c, d, e, f, i, j, k, l
24. Landscape works implementation (4P13).
25. Prior to the commencement of development, detailed plans at a scale of not less than 1:20 of windows, doors, arches, corbels, string courses and dentil courses, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance therewith.

Reason: In the interests of the appearance of the development and in accordance with policies BE2 and BE18 of the East Herts Local Plan.

26. Bat survey (2E41).

ACTIONDirectives:

1. Planning obligation (08PO).
2. Street numbering (19SN).

(B) that conservation area consent be granted to application 3/04/2536/LC subject to the following conditions: -

1. Listed building five year time limit (1T05).
2. Conservation Area (demolition) (8L12).
3. Conservation Area (clearance of site) (8L13).

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

- 69 (A) 3/05/0508/FP & (B) 3/05/0509/LB – PARTIAL DEMOLITION, EXTENSIONS AND ALTERATIONS TO HOTEL TO PROVIDE ADDITIONAL BEDROOMS, LEISURE AND CONFERENCE FACILITIES, CAR PARKING AND DETACHED GOLF CHANGING ROOM, AT BRIGGENS HOUSE HOTEL, BRIGGENS PARK, STANSTEAD ROAD, STANSTEAD ABBOTTS FOR MENTMORE HOTELS AND LEISURE (HERTFORDSHIRE) LIMITED AND CORUS HOTELS PLC
-

The Assistant Director (Development Control) reported that letters of objection had been received from English Heritage and the Georgian Group raising concerns over the proposed building works at Briggens House Hotel.

The Assistant Director (Development Control) further reported that a letter had been received from Hertfordshire County Council regarding the Green Travel Plan, in relation

ACTION

to disposal of condition 31.

The Committee supported the recommendation of the Assistant Director (Development Control) that subject to the referral to the Secretary of State as a departure application to the Development plan, application 3/05/0508/FP be granted planning permission, and application 3/05/0509/LB be granted listed building consent subject to the conditions detailed below.

RESOLVED - that subject to the application being referred to the Secretary of State as a departure application to the Development Plan and demolition works to a Grade II listed building, and subject to the applicants within six months from the date of the resolution of the Secretary of State entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of the following matters: -

ADC

1. The implementation of an agreed schedule of repairs to Briggens House in accordance with a timetable to be agreed by the Local Planning Authority and in compliance with the 'Historic Building Audit' document.
2. The implementation of a programme of landscape enhancements relating to:
 - listed kitchen garden wall
 - implementation of detailed landscaping proposals adjacent to approved development
 - restoration to historic Edwardian pleasure garden and terraces to the south east of the Hotel
 - implementation of scheme of planting over parkland area to replicate the avenue as detailed on the Ordnance Survey map (1920)
 - strengthening the avenue approach to the

ACTION

- Briggens House from the North
- enhancements to views of the canal to the west of the site, the canal basin and Briggens Home Farm in accordance with a timetable to be agreed by the Local Planning Authority.
3. The implementation of an agreed schedule of repairs to the Ice House in accordance with a timetable to be agreed by the Local Planning Authority.
 4. The implementation of an agreed schedule of repairs to the Victorian Walled Garden in accordance with a timetable to be agreed by the Local Planning Authority and in compliance with the 'Victorian Walled Garden Report'.
 5. Programme of long term maintenance of the buildings in the form of management agreement, in accordance with the principles of the English Heritage document – "Developing guidelines for the management of listed buildings".

That (A) application 3/05/0508/FP be granted planning permission subject to the following conditions:-

1. Five year time limit (1T01).
2. Boundary walls and fences (2E07).
3. Samples of materials (2E12).
4. Hard surfacing (3V21).
5. Levels (2E05).

ACTION

6. Protection of bats (2E19).
7. Refuse disposal facilities (2E24).
8. Prior to the commencement of the development hereby permitted a plan showing the parking layout for the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure the setting of the Grade II listed building is preserved, in accordance with Appendix 1(D) and policy BE16 of the East Herts Local Plan.

9. Retention of parking space (3V20).
10. Construction parking and storage (3V22).
11. Tree survey (4P01).
12. Full survey (4P02).
13. Ecological survey (4P04).
14. Tree retention and protection (4P05).
15. Tree Protection : No Burning (4P08).
16. Tree Protection : Excavations (4P09).
17. Tree Protection : Earthworks (4P10).
18. Tree surgery (4P11).
19. Landscape design proposals (4P12).
(a, b, c, d, e, f, g, h, i, j, k,l)

ACTION

20. Landscape works implementation (4P13).
21. Tree planting (4P15).
22. Details of Earthworks (4P16).
23. Landscape Maintenance (4P17).
24. Tree Protection : From Foundation (4P20).
25. Listed Building (new windows) (8L03).
26. Listed Building (new doors) (8L04).
27. Listed Building (new external rendering) (8L08).
28. Conservation Area (demolition) (8L12).
29. Prior to any building works being first commenced, detailed drawings of the rainwater goods shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the historic and architectural character of the building is properly maintained.
30. Programme of Archaeological Work (2E02).
31. Prior to the first occupation of the development hereby permitted a Green Travel Plan shall be drawn up and approved in writing by the Local Planning authority such plans to include proposals for all to travel by modes other than the private car for journeys to and from the site. The approved travel plan shall be implemented thereafter.

ACTION

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

32. Cycle parking facilities (2E29).
33. Prior to the commencement of the development hereby permitted, detailed scaled plans and specification drawings of the informal area within the kitchen walled garden shall be submitted to and approved in writing by the Local Planning Authority, and shall be carried out in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the setting of the listed wall, in accordance with Policy BE16 of the East Herts Local Plan.

34. Prior to the commencement of the development hereby permitted detailed scaled specification drawings of the parts of the wall surrounding the kitchen walled garden to be rebuilt shall be submitted to and approved in writing by the Local Planning Authority, and shall be carried out in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance and setting of the listed wall, in accordance with Policy BE16 of the East Herts Local Plan.

ACTIONDirectives:

1. Other Legislation (01OL).
2. You are advised that in the event of bats being found, work must stop immediately and English Nature informed. They can be contacted on (01206) 796666.
3. Before any work affecting bats or roosts starts, a Habitat Regulations Licence must be applied for and obtained from: Department of Environment, Food and Rural Affairs, European Wildlife Division, Zone 1/08, Kite Wing, Temple Quay House, 2 The Square, Bristol, BS1 6EB. Tel no. (0117) 372 8182.
4. You should be aware that the site is located within the groundwater protection zone of Roydon pumping station. This is a public water supply comprising a number of chalk boreholes operated by Three Valleys Water.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction – guidance for consultants and contractors".

ACTION

5. To enable fire appliances to gain access to all buildings and structures under possible emergency conditions, hard standing access should be provided in accordance with Regulation B5 of the Building Regulations 1991 as detailed in Approved Document B2000.

6. Fire hydrants should be provided throughout the entire development and conform to BS 750 fed from a minimum 100mm main.

Hydrants should be a maximum of 300m apart.

7. The plans have been examined and it is noted they are such as to attract the need for the Local Authority to consult with the County Council's Fire and Rescue Service, when they are submitted for approval under the Building Regulations comments will therefore be reserved until such time as this mandatory consultation occurs.

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 Second Review Re-deposit Version, November 2004), and in particular Adopted Local Plan policies RA2, RA8, RA12, RA13, BE8, BE15, BE16, L6, M8, and M10; and Re-deposit policies SD20, GBC2, GBC3, TR3, TR3b, TR4, TR6, TR12, TR13, TR18, ENV1(a), ENV3, ENV5, ENV18, ENV20, BH1, BH2, BH3, BH13, BH15, BH20, and LRC12. The proposed development is a departure to the Council's in principle Green Belt policy. However, the proposal would result in significant

ACTION

improvements to the Grade II listed buildings and surrounding grounds, would result in encouraging tourism within the District in compliance with policy L6 of the Adopted Local Plan; and, there is a previous permission granted on the site for a similar development. The balance of the considerations having regard to those policies and other material considerations is that permission should be granted.

(B) that application 3/05/0509/LB be granted listed building consent subject to the following conditions: - ADC

1. Listed building five year time limit (1T05).
2. Listed building (new windows) (8L03).
Add: "Doors, balconies, handrails and steps"
"Such windows as may be approved by the Local Planning Authority shall be installed and permanently so retained in all details, including size and shape of window opening and materials of construction."
3. Listed Building (new doors) (8L04).
Add: "Such doors as may be approved by the Local Planning Authority shall be installed and permanently so retained in all details, including size and shape of window opening and materials of construction."
4. Listed Building (making good) (8L10).
5. Complete Accordance (2E10).
6. Listed building (new boarding) (8L07).
Change "weatherboarding" to "timber cladding"
7. Listed building (new brickwork) (8L06).
8. Prior to any building works being first

ACTION

commenced, detailed drawings showing the construction and finish of the roof shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the historic and architectural character of the building is properly maintained.

Directive

1. Listed Building advice (25LB).

Summary of Reason 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 the Local Plan Second Review Re-deposit Version, November 2004), and in particular Adopted Local Plan policy BE16 and Re-deposit policy BH13, BH15, and BH20. The balance of the considerations having regard to those policies and other material considerations relating to the restoration and preservation of the Grade II listed building and its setting, is that permission should be granted.

70 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

ACTION

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 following planning applications: -

ALC/ADC

Planning ReferenceSite and Proposals

- | | | |
|----|------------|---|
| 1. | 04.06.540. | Adoptive reuse of Maltings building for residential purposes at Barber's Yard, Old Cross Wharf, Hertford and proposed residential development for 6 No dwellings at Hertford Haulage Yard, Old Cross, Hertford. Demolition of boundary wall and garage/store in connection with the erection of six houses. |
|----|------------|---|

ACTION

2. 04.06.592. Dolphin Yard, Bull Plain, Hertford. New build of 6 x 2 bed flats; 10 x 2 bed maisonettes and public library

3. 04.06.653. Gilston Park Farm, Gilston, near Harlow. Construction and operation of Cattery.

(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

71 ITEMS FOR REPORT AND NOTING

RESOLVED – that the following reports be noted. ADC

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

The meeting closed at 10.20 pm

Chairman
Date