

MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL  
COMMITTEE HELD IN THE  
WAYTEMORE ROOM, BISHOP'S  
STORTFORD ON WEDNESDAY,  
17 AUGUST 2005 AT 7.30 PM

PRESENT: Councillor R Gilbert (Chairman).  
Councillors M R Alexander, W Ashley,  
K A Barnes, S A Bull, A L Burlton, R N Copping,  
A F Dearman, J Demonti, G L Francis, T Milner,  
D A A Peek, D Richards, P A Ruffles, S Rutland-  
Barsby, J J Taylor, A L Warman, M Wood.

OFFICERS IN ATTENDANCE:

Miranda Steward	- Executive Director (Returning Officer)
Michelle Diprose	- Democratic Services Assistant
Simon Drinkwater	- Acting Executive Director
Harvey Fairbrass	- Development Control Manager
Andrea Gilmour	- Development Control Manager
Neal Hodgson	- Director of Regulatory Services
Lorraine Kirk	- Senior Communications Officer

240 APOLOGIES

Apologies for absence were submitted on behalf of  
Councillors N Burdett, Mrs M H Goldspink, M P A  
McMullen and A L Warman.

241 CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Committee that planning applications 3/05/0567/FP and 3/05/0568 had been withdrawn at the applicant's request.

242 DECLARATIONS OF INTEREST

Councillor W Ashley declared a personal and prejudicial interest in respect of application 3/05/0933/FP as the developer was currently undertaking some work for him. Councillor Ashley left the Chamber prior to the consideration of the application.

Councillor D Richards declared a personal interest in Tree Preservation Order (No 12) 2003 P/TPO 510 Title 'No 1 Greenstead, Sawbridgeworth Herts as the Order affected a fellow Town Councillor.

Councillor P A Ruffles declared a personal interest in application 3/05/1219/OP as he knew the objectors who were party political friends. Councillor P A Ruffles also declared an interest in Tree Preservation Order (No 4) 2004 P/TPO 514 Title '14 Morgans Road, Hertford, Herts as the owner of the property was a party political opponent and a personal friend.

Councillor M Wood declared a personal interest in application 3/05/0959/RP as he knew the applicant.

RESOLVED ITEMSACTION243 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 20 July 2005, be confirmed as a correct record of the proceedings and signed by the Chairman.

ACTION

- 244 3/02/2271/FP – DEMOLITION OF NON-LISTED BUILDINGS AND CONSTRUCTION OF RESIDENTIAL APARTMENTS AND HOUSES TOGETHER WITH NEW ACCESS AND DRIVEWAY FROM LONDON ROAD, PROVISION OF PARKING SPACES AND CONVERSION OF EXISTING BUILDINGS TO OFFICE USE – AMENDED SCHEME  
3/02/2326/LB – DEMOLITION OF NON-LISTED BUILDINGS AND CONSTRUCTION OF NEW EXTERNAL RAMP ACCESS, LIFT, ALTERATIONS AND MINOR DEMOLITION TO ENABLE DISABLED ACCESS TO BUILDING FOR ADAPTION TO B1 OFFICE USE.  
BALLS PARK, HERTFORD FOR CITY AND COUNTRY RESIDENTIAL
- 

The Chairman wished it to be noted that his compliments be relayed to the officer responsible for coming to a good conclusion in relation to the final outcome of application 3/02/2271/FP and 3/02/2326/LB.

The Director of Regulatory Services reported that a further four letters had been received from residents of London Road and Mangrove Grove raising concerns of highways issues and loss of trees.

The Director of Regulatory Services gave a brief overview of planning application 3/02/2271/FP and 3/02/2326/LB in relation to access to the sunken garden to Bens Cottage, traffic movements, preservation of trees and access through to Balls Park.

The Director of Regulatory Services stated that if applications 3/02/2271/FP and 3/02/2326/LB were granted planning permission that a further condition be added to state that; -

“Prior to the commencement of development, details shall be submitted to and approved in writing by the local planning authority, of a physical means of preventing traffic from exiting via the entry point from London Road”

ACTION

A concern was raised in relation to the 324 bus service having the only movement through Mangrove Road. Following discussion it was agreed to change the condition to include other bus services as well as the local bus service.

A further concern was raised in relation to the loss of trees, although Members appreciated that some loss would be inevitable on a development of this scale.

It was noted that Hertfordshire Highways had requested a contribution of £35,000 towards the implementation of a traffic regulation order restricting the speed limit on London Road and also to put in place traffic claming measures. A Member stated that he hoped that the contribution was used wisely and hoped that Hertingfordbury and Hertford Heath Parish Council would be consulted.

It was further noted that there were a number of bluebells and snowdrops within the grounds of Balls Park and a suggestion was raised by the Chairman that arrangements be made for the Parish Council to lift them and move them to another location within the town site.

The Committee supported the recommendation of the Director of Regulatory Services, subject to a further condition being included and subject to the signing by the applicant of an Obligation under Section 106 of the Town and Country Planning Act 1990, and subject to the First Secretary of State raising no objections to the development as a departure from the Local Plan following referral in accordance with Section 77 of the Act, that application 3/02/2271/FP and referral in accordance with the section 13 of the Listed Building and Conservation Areas Act and application 3/02/2326/LB be granted planning permission as detailed below.

ACTION

RESOLVED - that (A) following the signing by the applicants of an Obligation under Section 106 of the Town and Country Planning Act 1990 in the following terms: -

1. the provision of a footpath and cycleway system through and around the estate, for use of the general public, prior to the occupation of the 117<sup>th</sup> dwelling;
2. the preparation of a Landscape and Ecology management plan prior to the commencement of development, and its implementation following the first occupation of development, on a continuing basis thereafter;
3. the provision of access to the sunken garden to Bens Cottage for members of Hertford Civic Society and the Hertfordshire Gardens Trust by prior appointment, and to the general public on open days being in total a minimum of 6 occasions per year;
4. the provision of a sum of £50000 towards the improvement of sports facilities, (including the ground, pavilion and car parking), at the adjoining sports ground;
5. the provision of parking spaces alongside the road adjoining the south of the sports ground for use at appropriate times by members of the sports club;
6. the provision of a licence to the County Council for access by staff and children across land within the site to enable access to the adjoining playing fields within the County Council's ownership;

ACTION

7. the restoration of the Grade I listed mansion, the adjoining grade II listed extensions and wings, the grade II listed kitchen garden walls, Red Lodge and Lime Cottage, and the restoration/enhancement and planting of the grade II listed Historic Garden, all on a phased basis prior to the completion/occupation of the n<sup>th</sup> building in accordance with an agreed schedule.
8. the diversion of the local bus service through the site, in both directions, together with suitable infrastructure including bus stops and means to prevent through access for other vehicles.
9. the provision of a sum of £35000 as a contribution towards the implementation of a traffic regulation order restricting the speed limit on London Road B1197 between A414 and Hertford Heath to 40 mph, including traffic calming measures, e.g. road markings, and illuminated flashing speed signs.
10. the creation of additional nature conservation zones within the site to supplement the existing County Wildlife Site, in accordance with a nature conservation/management plan to be drawn up and funded by the applicants and approved in writing by the Local Planning Authority prior to the first occupation of the development.
11. the provision of access to the mansion by the public on at least one weekend (Saturday and Sunday) per annum.

ACTION

(B) subject to the First Secretary of State raising no objections to the development as a departure from the Local Plan following referral in accordance with Section 77 of the Act, the Assistant Director Development Control be authorised to grant planning permission in respect of application 3/02/2271/FP, subject to the following conditions: -

DRS

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

## DEMOLITION AND CONSTRUCTION

3. The existing buildings marked in brown on the plan approved hereby, shall be demolished, and their sites where not being redeveloped, shall be landscaped in accordance with the landscaping scheme required by Condition 39 below.

Reason: To ensure an appropriate appearance to the development in accordance with policies RA2, BE8, BE16 and HERT 14 of the East Herts Local Plan.

4. The existing hardsurfacing, marked in purple on the plan approved hereby, shall be broken out, the material removed, and the sites where not being redeveloped, shall be landscaped in accordance with the landscaping scheme required by Condition 39 below.

Reason: To ensure an appropriate appearance to the development in accordance with policies RA2, BE8, BE16 and HERT 14 of the East Herts Local Plan.

ACTION

5. Demolition decommissioning, recycling and disposal (2E32).
6. Prior to the commencement of any demolition work, an appropriately fenced and accessed compound for the storage of all materials arising from such demolition shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the demolition to be achieved in an orderly manner, for the re-use and re-cycling of the maximum amount of material on site, without undue detriment to the character and appearance of the Registered Historic Garden in accordance with policy BE16 of the East Herts Local Plan.

7. Prior to the commencement of any building works hereby permitted, an appropriately fenced and accessed compound for the storage of materials to be used in the construction processes shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimize the impact upon the character and appearance of the Registered Historic Garden in accordance with policy BE16 of the East Herts Local Plan.

8. Adequate and appropriately fenced space for the parking of construction vehicles and construction workers vehicles shall be provided within the site, prior to the commencement of demolition works, and the use of such areas shall not interfere with the public highway.



ACTION

Reason: To ensure adequate off-street parking facilities in the interests of highway safety and traffic flows.

9. No works in connection with the construction of any buildings shall be carried out until such time as the new access from London Road has been provided, together with the internal access road, and all access to the site in connection with the construction of any buildings shall be via London Road, with no access via Mangrove Road. Following the construction of the access and access road, all vehicles shall leave the site via Red Lodge and London Road, with no exit via Mangrove Road.

Reason: To ensure an appropriate means of entry and exit from the site, in the interests of highway capacity road safety and environmental amenity.

10. All listed buildings, walls and gates and all hedges, trees and their canopies and rooting systems to be retained, shall be protected from damage, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any demolition work.

Reason: To safeguard the integrity and setting of the buildings and the Registered Historic Garden in accordance with policy BE16 of the East Herts Local Plan.

11. Wheel washing (3V25).

## EXTERNAL WORKS

12. Programme of archaeological work (2E02).
13. Detailed plans, showing the existing levels of the land, any proposed alterations to land

ACTION

levels, and proposed levels of all hard surfaced areas, slab levels and ridge heights, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

Reason: To ensure that the development is properly related to the levels of adjoining development in the interests of amenity.

14. Samples of materials (2E12).
15. Prior to the commencement of the development hereby permitted, details of all materials to be used for the hard surfaced areas within the site, including roads, driveways, parking areas, footpaths and cycleways, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not detract from the appearance of the Registered Historic Garden, in accordance with Policy BE16 of the East Herts Local Plan.

16. Details of all boundary walls and fences (2E07).  
including replacement of the fence between the site and Simon Balle School.
17. Details of refuse storage facilities (2E24).
18. Details of any external lighting, street furniture and signage proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development, and no such facilities shall be provided without such written consent.

ACTION

Reason: In the interests of the visual amenities of the registered Historic Garden, in accordance with policy BE16 of the East Herts Local Plan.

19. Communal TV Facilities (2E28).
20. A CCTV system, covering parking areas, access points, and residential areas shall be installed, together with recording facilities, prior to the first occupation of any part of the development.

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

21. Schedule of repairs.  
The refurbishments and repairs to the Grade I listed Mansion, and all the Grade II listed buildings and structures on the site shall be carried out entirely in accordance with the submitted Schedule of Repairs.

Reason: To ensure the refurbishment of the buildings and structures in accordance with policy BE16 of the East Herts Local Plan.

## HIGHWAYS AND PARKING

22. Prior to the commencement of any works details of the phasing of all highway works shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in a comprehensive manner having due regard for highway safety and capacity.

23. No works of construction shall commence until such time as the London Road B1197 has been widened from its junction with the A414 for a distance of 65m to enable a 2

ACTION

vehicle width of westbound carriageway, and until a new junction into the access site from the London Road B1197 has been constructed including road widening, right turn lane, ghost island markings and kerb radii, in accordance with detailed plans which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate capacity and safety on the adjoining highway network.

24. None of the development hereby permitted shall be occupied until such time as all site access, off-site highway works and internal vehicular access roads have been constructed and surfaced in accordance with detailed plans which shall first have been submitted to and approved in writing by the Local Planning Authority, and the car parking for the relevant development has been similarly constructed and surfaced.

Reason: To ensure appropriate accessibility and parking provision for the development at all times.

25. Bollards and fencing, of a location, height, design and material to be submitted to and approved in writing by the Local Planning Authority, shall be provided on the existing entrance and exit routes onto Mangrove Road, prior to the commencement of the construction of any buildings.

Reason: To ensure that access and egress to the site is restricted to London Road, and to prevent vehicular access through the site, in the interests of highway safety.

26. Provision of parking spaces (3V19).

ACTION

27. No additional parking areas, other than those shown on the plans approved hereby, shall be formed without the prior consent in writing of the Local Planning Authority.

Reason: To ensure an appropriate appearance to the Registered Historic Garden in accordance with policy BE16 of the East Herts Local Plan.

28. Green Travel Plan.

29. Prior to the first occupation of the development hereby permitted, a Green Travel Plan shall be drawn up in relation to the office use, and shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include proposals for all to travel by modes other than the private car for journeys to and from the site, together with ongoing monitoring of the plan.

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

29. Cycle parking facilities (2E29).

30. Detailed plans, showing the bus stop facilities within the site, and the provision of suitable barriers allowing for the passage of buses only, to and from Mangrove Road, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development, and the development shall be carried out in accordance therewith.

Reason: The plans submitted are insufficient for consideration of the details mentioned.

ACTION

## LANDSCAPING

31. Tree Survey (4P01).
32. Historic parks and gardens survey (4P03).
33. Tree retention/protection (4P05).
34. Hedge retention/protection (4P06).
35. Tree protection : no burning (4P08).
36. Tree Protection : excavations (4P09).
37. Tree Protection : earthworks (4P10).
38. Tree Surgery (4P11).
39. Landscape Design Proposals (4P12).
40. Landscape Works Implementation (4P13).
41. Details of earthworks (4P16).
42. Tree protection : access road (4P19).
43. Retention of landscaping (4P21).

## USE AND ONGOING REQUIREMENTS

44. The use of the mansion, its extensions and wings, shall be limited to purposes falling within Class B1(b) (office purposes) of the Town and Country Planning (Use Classes) Order 1987 (as amended) only, and for no other purpose whether within Class B or otherwise.  
  
Reason: To ensure a use appropriate to the character, interior design and integrity of the listed building, in accordance with policy BE16 of the East Herts Local Plan.
45. The use of Red Lodge, Lime Cottage and Ben's Cottage shall be restricted to that of single family dwellinghouses within Class C3, of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for

ACTION

no other purpose whatsoever.

Reason: To ensure a use appropriate to the character, interior design and integrity of the listed building, in accordance with policy BE16 of the East Herts Local Plan.

46. Vehicular use of garages (5U10).
47. Withdrawal of permitted development (Part 1 Class A – alterations and extensions) (2E20).
48. Withdrawal of permitted development (Part 1 Class E – outbuildings) (2E22).
49. Withdrawal of permitted development (Part 2 Class A – fences, walls and enclosures) (2E21 )
50. Prior to the commencement of development details shall be submitted to and approved in writing by the local planning authority, of a physical means of preventing traffic from exiting via the entry point from London Road.

Reason: In the interests of highway safety

### 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 – Adopted and Second Review Re-Deposit Version). In particular the policies set out in those plans, namely Structure Plan 1, 2, 5, 6, 13, 22, 23, 25, 29, 38 and 47; Adopted Local Plan RA2, RA9, RA10, RA11, RA13, BE2, BE7, BE8, BE15, BE16, BE26, H5, L2, M8, M10, M11, DP1 and HERT 14; and Review Local Plan SD1a, SD1, SD4, SD17, SD20, HSG7, HSG8, HSG10, GBC3, GBC7, GBC16b, TR3, TR6, TR12, ENV1a, ENV3, ENV4, ENV5, ENV6, ENV8, ENV16, ENV17, ENV21, ENV23, ENV24, ENV27, BH2, BH3, BH13, BH14, BH15, BH16, BH19, BH20, LRC5, LRC6, LRC11, HE10 and HE20 have been taken into account. The balance of the considerations in this case, having regard to all the above

ACTION

policies, national policies, supplementary and other guidance produced by the Council, and other material considerations in particular the financial considerations relating to the removal and replacement of inappropriate development, the repair and refurbishment of the built and natural environment on the site, and the provision of a new means of ingress and egress to the site, is that planning permission should be granted.

Directives:

1. The applicant is recommended to contact Thames Water Development Control on 01923 898072 regarding the provision of foul and surface water drainage.
2. Any work affecting any protected species or its habitat may not be undertaken until an appropriate licence has been obtained from Defra, Licensing Manager, European Wildlife Division, Zone 1/8, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6EB Tel 0117 372 8291

(C) subject to the First Secretary of State raising no objection to the works to the Grade I listed building following referral in accordance with the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 Section 13, that application 3/02/2326/LB, be granted listed building consent subject to the following conditions:-

DRS

1. Listed building five year time limit (1T05).
2. Materials of construction (2E11).
3. Detailed plans at a scale of not less than 1:20 of all works of alteration approved hereby, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works.



ACTION

Reason: To ensure the works proposed are appropriate to the integrity of the listed building in accordance with policy BE16 of the East Herts Local Plan.

4. Listed building (new rainwater goods) (8L09).
5. Listed building making good (8L09).
6. Schedule of repairs.  
The refurbishments and repairs to the Grade I listed Mansion, and all the Grade II listed buildings and structures on the site shall be carried out entirely in accordance with the submitted Schedule of Repairs, and the S106 Obligation in relation to the development.

Reason: To ensure the refurbishment of the buildings and structures in accordance with policy BE16 of the East Herts Local Plan.

Summary 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 both Adopted and Second Review Re-Deposit Version) and in particular policies BE16 of the Adopted Local Plan and BH13 of the Review Local Plan. The balance of the considerations having regard to those policies is that consent should be granted.

245 3/05/1034/RP – APPROVAL OF RESERVED MATTERS, FOLLOWING APPROVAL OF OUTLINE REF. 3/04/0755/OP, FOR 13 NEW DWELLINGS AND ASSOCIATED WORKS AT HAMMERSFIELD, STANDON FOR FURLONG HOMES LTD

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The Director of Regulatory Services reported that condition seven should read “limited opening” and not “fixed shut” as stated in the report. He further reported that condition 8 should read “Prior to the first occupation of Plot 2” and not

ACTION

“1 to 4” as stated in the report.

A concern was raised in relation to the siting of the gated entrance on a bend and the possibility of traffic queuing on the hill whilst residents were waiting for the gates to open allowing them access into the development.

The Director of Regulatory Services reported that there were conditions attached to the gated entrance and there was approximately four car lengths between the road and the gates.

The Committee supported the recommendation of the Director of Regulatory Services that reserved matters be approved for application 3/05/1034/RP subject to the conditions detailed below.

RESOLVED - that reserved matters be approved for application 3/05/1034/RP subject to the following conditions: -

DRS

1. Samples of materials (2E12).
2. Boundary Wall & Fences (2E07).
3. Withdrawal of P.D. (Part 2 Class A) (2E21).
4. No further windows (2E17).  
Alter to “...no further windows or openings at first floor level or above shall be inserted in the north facing flank gable end projections of Plots 7 and 11 to 13 without the written permission of the Local Planning Authority.”
5. No further windows (2E17).  
Alter to “...no further windows or openings at first floor level or above shall be inserted in the south facing flank gable end projections of Plots 2, 3, 6 and 10 without the written permission of the Local Planning Authority.”
6. No further windows (2E17).

ACTION

Alter to "...no further windows or openings at first floor level or above shall be inserted in the east facing flank gable end projection to Plot 4, the west facing flank gable end projection to Plot 6 and both flank gable end projections to Plot 5 without the written permission of the Local Planning Authority."

7. The proposed roof lights and window openings as coloured yellow on the drawings hereby approved, shall be both fitted with obscured glass with limited opening, and shall be permanently retained in that condition.

Reason: To safeguard the privacy of occupiers of adjoining properties and the occupants of the proposed new dwellings, in accordance with policy BE2 and Appendix 1 (D) of the East Herts Local Plan.

8. Prior to the first occupation of Plot 2 of the development hereby permitted, all balconies shall be constructed with flank facing 1.8 metre high screens the details of which shall first be submitted to and agreed in writing with the Local Planning Authority. Such approved details shall thereafter be implemented, retained and maintained.

Reason: To safeguard the privacy of occupiers of adjoining properties and future occupants, in accordance with policy BE2 and Appendix 1 (D) of the East Herts Local Plan.

9. Retention of parking space (3V20).
10. Hard surfacing (3V21).
11. Construction parking and storage (3V22).
12. Landscape design proposals (4P12).  
(g), (h), (i), (j), (k), (l)

ACTION

13. Landscape works implementation (4P13).
14. Before any works commence on site, details of advance tree and hedgerow planting shall be submitted to and approved in writing by the Local Planning Authority. Implementation shall be carried out:
  - (a) In advance of any plot reaching its finished slab level; and
  - (b) In accordance with an implementation timetable agreed in writing with the Local Planning Authority.

This planting shall be maintained to encourage its establishment for a minimum of five years following contractual practical completion of the development. Any trees or significant areas of planting which are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period shall be replaced as soon as is reasonably practicable.

Reason: To ensure an appropriate standard of visual amenity in the local area, in accordance with policy BE8 of the East Herts Local Plan.

15. Unless otherwise agreed in writing with the Local Planning Authority, the area of land adjacent to the turning head between Plots 3 & 4 and the area of land adjacent Plot 1 (as hatched in green on the approved layout plan), shall be used as informal open space and shall not be incorporated into any residential curtilage.

Reason: For the avoidance of doubt and in the interests of visual amenity and tree protection in accordance with policies BE1, BE2 and BE8 of the East Herts Local Plan.

ACTION

16. Before the development hereby permitted commences on site, a noise survey shall be undertaken and the results provided to the local planning authority to assess the likely disturbance to occupiers of the proposed dwellings from traffic noise along the A120. The survey shall be taken at such points and to such levels as the local planning authority may stipulate, with any mitigation measures arising being fully implemented and completed before any residential unit hereby permitted is first occupied.

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

Directives:

1. Outline Permission Relationship (07OP)  
Insert “21.02.2005” and “3/04/0755/OP”
2. You are advised to contact this Council’s Environmental Health Unit at Wallfields, Pegs Lane, Hertford, tel: 01279 655261 with regard to discharging condition 16 of the above planning permission.
3. You are advised as the application site falls within the groundwater protection zone of Standon & Thundridge pumping stations, the construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices. For further information on these matters, please refer to CIRIA Publication C532 “Control of water pollution from construction – guidance for consultants and contractors”.

ACTIONSummary 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 Government advice contained within PPS1 - , PPG3 – Housing and policies BE1, BE2 & Appendix I, BE8, BE10, M8 and SP2 of the Adopted East Herts Local Plan 1999 and policies ENV1a, ENV3, ENV5, ENV29, TR6, LRC3 & Appendix IV of the East Herts Local Plan Second Review Re-Deposit Version (November 2004). The balance of considerations having regard to these policies and the granting of outline planning consent 3/04/0755/OP is that planning permission should be granted.

- 246 3/05/1153/FP – RELOCATION AND REPLACEMENT OF DWELLING (AMENDMENT TO APPROVED PLANS 3/04/1887/FP) TO INCLUDE BASEMENT – LITTLE THELE, HERTFORD ROAD, GREAT AMWELL, WARE BY MR G DILETTO

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1153/FP be granted planning permission subject to the conditions detailed below.

RESOLVED - that application 3/05/1153/FP be granted planning permission subject to the following conditions: -

DRS

1. Five Year Time Limit (1TO1).
2. Samples of Materials (2E12).
3. Withdrawal of P.D. (Part 1 Class A) (2E20).
4. Withdrawal of P.D. (Part 1 Class E) (2E22).
5. The existing outbuildings to be retained, shall only be used for a purpose incidental to the enjoyment of the dwellinghouse within the application site and for no other purpose.

ACTION

Reason: To ensure the Local Planning Authority retains control over any future development.

6. Construction Parking & Storage (3V22).
7. Tree Retention and Protection (4P05).
8. Hedge Retention and Protection (4P06).
9. Landscape Works Implementation (4P13).
10. Prior to the first occupation of the dwelling hereby permitted, the existing dwelling and outbuildings, shown for demolition on drawing 958/A1, 958/B, 958/C and 958/D, shall be demolished in their entirety, all resultant rubble and debris removed from the site, and the site reinstated where necessary in accordance with details pursuant to condition 9 of this permission

Reason: In the interests of the character and appearance of the area, in accordance with policy RA2 of the East Herts Local Plan.

11. Materials Arising from Demolition (2E32).
12. Prior to the first occupation of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of the location for deposit of the excavated spoil from the formation of the basement.

Reason: In the interests of the rural character of the area, in accordance with policy RA2 of the East Herts Local Plan.

Directive:

1. Other legislation (01OL).

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 and East Herts Local Plan and the East Herts Local Plan Second Review), and in particular policies RA2, RA12, BE2, BE8 and BE10 and review policies GBC2, GBC3, HSG13, ENV1a, ENV5 and ENV28. The balance of the considerations having regard to those policies is that permission should be granted.

247 3/05/0932/FP – TEMPORARY PERMISSION FOR THE CHANGE OF USE OF LAND AND ERECTION OF TIMBER STRUCTURES FOR OUTDOOR PAINTBALL GAMES – RETROSPECTIVE APPLICATION AT HIGH WOOD, HERTFORD HEATH FOR NIGEL LACEY

The Director of Regulatory Services reported that a letter had been received from Environmental Health raising concerns about the environmental impact of noise, random noise of the paintball participants whilst engaging in the activity and the hours of operation.

The Director of Regulatory Services further reported that paragraph 5.4 should read “the site is identified as a Wildlife site and is covered by a Tree Preservation Order”.

Members raised concern in relation to the effect to the Neighbouring Amenity and felt that a further reason for refusal should state that it would be a noise nuisance to residential amenity.

The Committee supported the recommendation of the Director of Regulatory Services that subject to a further reason for refusal being added, that application 3/05/0932/FP be refused planning permission and that enforcement action under Section 172 of the Town and Country Planning Act 1990 be authorised and any such steps as may be required to secure the cessation of the unauthorised use of the land and the removal of the unauthorised structures.



ACTION

RESOLVED - that (A) application 3/05/0932/FP be refused planning permission for the following reasons: -

DRS

1. The application site lies within the Metropolitan Green Belt as defined in the East Herts Local Plan wherein permission for development will not be given other than in certain specific circumstances. The erection of the proposed wooden structures and fencing will detract from the essential openness of the Green Belt in this vicinity. If permitted the proposal will be contrary to Policy RA2 of the Adopted Local Plan.
2. The site is located within a Landscape Conservation Area as defined in Policy RA11 of the East Herts Local Plan. If permitted the development would have a visually detrimental effect on this area of historic and landscape significance contrary to the provisions of that policy.
3. Ecological detriment (R131).  
Location 'High Wood' and 'Wildlife Site'.
4. Noise detriment to residential amenity (B101).

Directive:

1. Insufficient information has been submitted with the application regarding the exact location of the activity within the site; the impact of the activity on the Protected Species on the site; and the management of the woodland.

ACTION

(B) the Director of Regulatory Services, in consultation with the Director of Corporate Governance, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such other steps as may be required to secure the cessation of the unauthorised use of the land for more than 28 days per annum; and the removal of the unauthorised structures.

DRS

Period for compliance: 28 days

Reasons why it is expedient to issue an Enforcement Notice:

1. The site lies within the Metropolitan Green Belt as defined in the East Herts Local Plan wherein there is a presumption against inappropriate development than otherwise accords with policy RA2 of the East Herts Local Plan. The structures are detrimental to the openness of the Green Belt in this location.
2. The site is located within a Landscape Conservation Area as defined in Policy RA11 of the East Herts Local Plan. The development has a visually detrimental effect on this area of historic and landscape significance contrary to the provisions of that policy.
3. The development is having an adverse effect upon the ecology of High Wood, which is a Wildlife Site as indicated in the East Herts Local Plan and is contrary to policy RA13 of the Local Plan.

ACTION

248 3/05/0713/FN – RENEWAL OF PERMISSION GRANTED UNDER LPA REF: 3/02/0132/FP FOR THE RETENTION OF A MOBILE HOME AT HADHAM MILL EQUESTRIAN CENTRE, WIDFORD ROAD, MUCH HADHAM FOR MISS C. DUDLEY

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The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/0713/FN be granted planning permission as detailed below.

RESOLVED - that application 3/05/0713/FN be granted planning permission subject to the following conditions: -

DRS

1. The mobile home hereby granted shall be removed from the site on or before 18/08/08 and the land shall be reinstated in accordance with details to be agreed in writing by the Local Planning Authority.  
Reason: The mobile home is a temporary expedient only, having regard to the amenities of the area.
2. The siting of the mobile home shall fully accord with the details indicated on drawing number 1154/B approved herewith and the permission granted conveys no consent to re-site the mobile home or alter its size or nature without the prior written permission of the Local Planning Authority.  
Reason: To ensure that the development does not detract from the rural appearance and character of the area, in accordance with policies RA3 and RA11 of the East Herts Local Plan.
3. The existing evergreen hedge positioned on the northern side of the mobile home shall be maintained at a minimum height of 4.0

ACTION

metres.

Reason: To ensure the maintenance of screening to the site and to protect the appearance and character of the area, in accordance with policies RA3 and RA11 of the East Herts Local Plan.

4. This permission shall inure solely for the benefit of the applicant, Miss Claire Dudley, and for no other person or persons.

Reason: To ensure the permission is exercised only by the applicant having regard to the personal circumstances of the case.

5. The use of the mobile home hereby permitted shall be limited to residential purposes associated solely with the operation of Hadham Mill Equestrian Centre as a riding school/livery yard and for no other purpose.

Reason: To restrict the use of the mobile home to one compatible with the surrounding rural area.

Directive:

1. Other legislation (01OL).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure 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 & RA11 and Re-Deposit policies GBC5, GBC6, GBC8, GBC16a & GBC16b. The proposal is considered to be a departure to Development Plan policy, however the balance of the considerations having regard to other material considerations including the previously approved planning application ref: 3/02/0132/FP, sufficient justification as to the need for the accommodation, and the minimal impact of the development on the landscape, is that permission should be granted.

ACTION

249 3/05/1120/FP – TWO STOREY SIDE EXTENSION AT  
OLD STATION HOUSE, ST MARYS LANE,  
HERTINGFORDBURY BY MR & MRS FOLEY

Councillor S Rutland -Barsby spoke on the application as the local ward member. She gave an overview of Mr Foley's condition of health and the sleeping conditions of the family. She stated that Mr Foley would need permanent residence downstairs as the future prognosis was not good and this was the reason for the application.

Councillor S Rutland-Barsby also gave clarification to the Committee in relation to previous applications, some of which had been approved and implemented and some that had been refused, as detailed in the report.

Some Members felt that the application should be granted as they felt the appearance of the building was not detrimental to the existing building.

The Director of Regulatory Services clarified the reasons for refusal, stating that it was within the Metropolitan Green Belt and also because of the cumulative effect of extensions. He advised the Committee that personal circumstances were not other than in the most exceptional circumstances a reason for granting permission.

A motion was proposed and seconded for granting application 3/05/1120/FP planning permission. The Chairman advised Members that unless a planning reason was noted in any proposal for changing the recommendation, the proposal could not be taken unless the reasons for granting permission could be agreed.

The Committee was unable to determine any planning reasons to grant application 3/05/1120/FP permission and therefore, supported the recommendation of the Director of Regulatory Services that application 3/05/1120/FP be refused planning permission as detailed below.

ACTION

RESOLVED - that application 3/05/1120/FP be refused planning permission for the following reasons: -

DRS

1. RO21 – Within Metropolitan Green Belt.
2. BO62 – Cumulative Effect of Extensions.

250 3/05/1094/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 Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1094/FP be granted planning permission as detailed below.

RESOLVED - that application 3/05/1094/FP be granted planning permission subject to the following conditions: -

DRS

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).

ACTION

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:

1. Other Legislation (01OL).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure 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.

251 3/05/0734/FP – CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC CURTILAGE (RETROSPECTIVE); RETENTION OF DRIVEWAY AND ERECTION OF 2 BAY CARPORT AND LOG STORE, BURY FARM COTTAGE, LITTLE HORMEAD FOR MR AND MRS R WADE

Some Members stated that they did not agree with the recommendation for refusal of application 3/05/0734/FP and felt that planning permission should be granted, as it

ACTION

would enhance the area.

It was also felt that it would be a considerable benefit in relation to car parking and highways issues and would not be detrimental to the rural character and appearance to the area.

A motion was proposed and seconded to grant application 3/05/0734/FP planning permission.

Clarification was sought and given as to the reasons for granting planning permission and why this application could be voted on and the previous application could not.

Following a vote being taken, the motion was declared lost.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/0734/FP be refused planning permission as detailed below.

RESOLVED - that application 3/05/0734/FP be refused planning permission for the following reasons: -

DRS

1. The proposed garage by reason of its siting would appear unduly prominent and would result in the loss of an existing open space between Bury Farm Cottage and St Mary's Church. The proposal would thereby be detrimental to the rural character and appearance of the area contrary to policies RA3 and BE6 of the East Herts Local Plan
2. The proposed extension of the curtilage of the dwelling represents an incursion into the countryside, and would be contrary to policy BE6 (IV) of the East Herts Local Plan



ACTION

252 3/05/0983/FP – DEMOLITION OF EXISTING BARN AND  
ERECTION OF DETACHED DWELLING AT CHERRY  
GREEN BARN, CHERRY GREEN, WESTMILL FOR  
WOOD BROS (FARM) LTD

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A Member felt that application 3/05/0983/FP should be granted planning permission as it was a good development and the barn was redundant as farming did not take place in this location.

It was noted by the Committee that similar applications to the one before the Committee now, had been refused planning permission at previous meetings.

The Committee further noted that although the proposed development would enhance the existing development, if granted planning permission, it would set precedence and was also contrary to East Herts Local Plan Policy.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/0983/FP be refused planning permission as detailed below.

RESOLVED - that application 3/05/0983/FP be refused planning permission for the following reasons: -

DRS

1. The application site lies within the Rural Area, as defined in the East Hertfordshire Local Plan where development will only be allowed for certain specific purposes. There is insufficient justification for the proposed building and its erection would be contrary to the aims and objectives of policy RA3 of the East Hertfordshire Local Plan. If approved the application would set a precedent for similar types of development, which would result in sporadic development separate from any centre of population, to the detriment of

ACTION

the character of the rural area.

- 253 3/05/1219/OP – DEMOLITION OF EXISTING DWELLINGS & OUTBUILDINGS & ERECTION OF 5 NO. DETACHED HOUSES, ASSOCIATED ACCESS ROAD & LANDSCAPING – 65-67 NORTH ROAD, HERTFORD BY THINKLOGIC LIMITED

The Director of Regulatory Services requested that the Committee consider deferring application 3/05/1219/OP as he had received further observations from Hertfordshire Highways, which were different from those previously supplied and he needed time to consider them in relation to the application.

The Director of Regulatory Services also stated that he wanted to allay residents' fears that their views would not be ignored and all that observations and views would be taken into account.

The Committee supported the recommendation that application 3/05/1219/OP be deferred to a future meeting to enable further consideration.

RESOLVED - that application 3/05/1219/OP be deferred for further consideration.

DRS

- 254 3/05/1113/FP – DEMOLITION OF EXISTING BUILDINGS & ERECTION OF 24NO. 2 BEDROOM UNITS, NEW ACCESS ONTO LONDON ROAD, PARKING AND LANDSCAPING OF SITE AT 2/2A THORLEY HILL & 156A/158 LONDON ROAD, BISHOP'S STORTFORD FOR CHANTRY DEVELOPMENTS (UK) LTD.

The Director of Regulatory Services reported that a letter had been received from Bishop's Stortford Town Council supporting the recommendation for refusal for the same reasons to those listed in the report.

The Committee supported the recommendation of the Director of Regulatory Services that application

ACTION

3/05/1113/FP be refused planning permission as detailed below.

RESOLVED - that application 3/05/1113/FP be refused planning permission for the following reasons: -

DRS

1. The proposal would result in overdevelopment of the site by virtue of its size, height, scale, lack of landscaping and amenity space and its cramped and congested layout, which is unsympathetic to the context of the site and its surroundings. The proposal would thereby be detrimental to the character and appearance of the area, contrary to policies BE1, BE2 and BE8 of the East Hertfordshire Local Plan.
2. The proposal would be likely to result in the loss of a significant number of existing landscape features, with insufficient provision being made to ensure their retention and/or replacement. The proposal is therefore contrary to policy BE8 of the East Hertfordshire Local Plan.
3. The proposed development, by virtue of its height and depth, would be overbearing and detrimental to the amenities of the adjoining dwelling, no. 6 Thorley Hill, contrary to policy BE2 and Appendix 1 of the Local Plan.
4. The proximity of the car parking spaces to the boundary of no. 156 London Road, would be detrimental to the amenities of the residents thereof, contrary to policy BE2 and Appendix 1 of the Local Plan.

ACTION

255 3/05/1154/FP – DEMOLITION OF EXISTING AGRICULTURAL BUILDINGS; CONVERSION OF EXISTING AGRICULTURAL BUILDINGS; ALTERATIONS AND EXTENSIONS TO EXISTING BUNGALOW; ALTERATIONS, EXTENSIONS AND CONVERSION OF A PAIR OF SEMI-DETACHED HOUSES TO A SINGLE HOUSE. WOODCOCK LODGE FARM, TYLERS CAUSEWAY, EPPING GREEN FOR MR B BARRETT

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1154/FP be refused planning permission as detailed below.

RESOLVED - that application 3/05/1154/FP be refused planning permission for the following reasons: -

DRS

1. The construction of substantial extensions, to enable the retention and conversion of existing agricultural buildings to residential use, would be contrary to the provisions of policy RA6A(1)(C) of the East Herts Local Plan.
2. The proposed extensions to the existing bungalow and pair of semi-detached houses, would be of excessive size in relation to the existing dwellings, and out of keeping with their modest character and size. If permitted, the development would be contrary to policy BE6 of the East Herts Local Plan.
3. The proposals, by virtue of the excessive size of extensions proposed, amount to inappropriate development within the Green Belt, which by definition is harmful to the character of the Green Belt. No very special circumstances have been put forward which would warrant the grant of consent, and the

ACTION

development is therefore contrary to PPG2 “Green Belts”, policy RA2 of the East Herts Local Plan, and the decision of the Inspector on 18 July 2005 in dismissing the appeal against the refusal of application 3/04/1508/FP.

256 E/04/0114/B – CREATION OF AN UNAUTHORISED ACCESS AND PARKING AREA TO LAND OFF ST MARY’S LANE, HERTINGFORDBURY, HERTS

The Committee supported the recommendation of the Director of Regulatory Services that enforcement action under Section 172 of the Town and Country Planning Act 1990 be authorised and any such steps as may be required to secure the removal of the unauthorised access and parking area to land off St Mary’s Lane, Hertingfordbury, Herts as detailed below.

RESOLVED - that the Director of Regulatory Services, in consultation with the Director of Corporate Governance, 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 access, parking area, structures, containers and portable buildings for the following reasons: -

DRS

Reason why it is expedient to issue an enforcement notice:

1. The Council considers that the unauthorised access, parking area, containers, portable building and other structures are not required for genuine agricultural purposes on the site. No justification has been provided for the need for such a development nor were there any very special circumstances apparent in this case. The developments are thereby contrary to Metropolitan Green Belt policy as expressed in PPG2 and also to policy RA2 of

ACTION

the adopted East Herts Local Plan.

2. The unauthorised developments are visually intrusive from the adjoining bridleway and are out of keeping with and detrimental to the character and appearance of the surrounding rural area.

Period for compliance: a) 2 months

b) 1 month

c) 1 month

257 E/04/0408/B – UNAUTHORISED CHANGE OF USE FROM RETAIL TO NON-RETAIL IRONING SERVICE USE AT 82 HIGH STREET, WARE

A Member raised concern that the report did not state that Ware Town Council had responded by stating that the Ironing Service at 82 High Street, Ware was a good retail service. The shop was kept clean and tidy and there was nothing detrimental to the appearance of the town.

The Director of Regulatory Services informed the Committee that the matter of the unauthorised use at 82 High Street, Ware was brought to East Herts Council's attention by Ware Town Council. He further clarified the uses for retail provision and recommended that take action be taken so that East Herts' policies were adhered to.

Some Members felt that the current use as a non-retail ironing service was not detrimental to the vitality and viability of Ware Town Centre and felt that it was a good location for the shop. Members felt that it was an enterprising business and should be allowed to trade as an ironing service.

Some Members felt that they would rather see an ironing shop than an empty shop.

ACTION

Clarification was sought and given in relation to the selling of ironing related products.

Clarification was also sought and given as to why a dry cleaning shop across the road from 82 High Street, Ware could trade and the one at 82 High Street, Ware could not.

The Director of Regulatory Services gave clarification of the uses of A1 and A2 usage and reminded the Committee that these policies were clearly set out within the Local Plan and the Planning Authority should determine applications in relation to them.

A Member suggested that a solution to this particular application might be to defer the application and encourage the applicant to apply for a change of use to the premises, which could then be considered under special circumstances.

Some Members acknowledged that the Committee must adhere to the policies of East Herts Council.

Following a very lengthy discussion Councillor Peek expressed dismay that the Committee was only concerned about Regulation, and felt the Committee had lost its reason for being and would be raising the issues at the next Council meeting. He stated that the restrictions were in place fifteen months ago and the Committee needed to look at what was done presently. He further stated that the Local Plan Executive Panel needed to look at the wider context, and consider current local interest and issues. He further stated that all the Ware Town Councillors that were present as Development Control Committee Members had spoken against enforcement action being taken in relation to application E/04/0408/B and it was clear that residents wanted the service.

A Member reminded the Committee that it was Ware Town Council that had brought the unauthorised use of 82 High Street, Ware to the District Council' attention and that

ACTION

this should be taken into consideration.

A vote was taken in relation to the recommendation of the Director of Regulatory Services to take enforcement action for the unauthorised use at 82 High Street, Ware. After being put to the vote, the recommendation was declared lost.

It was therefore decided that no action would be taken in relation to the use of 82 High Street Ware for non-retail ironing services.

RESOLVED - that no action be taken.

258 E/04/0495/A – UNAUTHORISED ROLLER SHUTTERS  
FITTED TO THE FRONT ELEVATION OF 12 STATION  
ROAD, BISHOPS STORTFORD

Concern was raised by some Members that the reason for refusal was because it was out of keeping with and detrimental to the character and appearance of the surrounding Conservation area.

It was felt by the Committee that there should be a specification of what types of shutters were allowed.

It was noted by the Committee that the shop at 12 Station Road, Bishop's Stortford had been requested to fit roller shutters to the premises within thirty days by the Insurance Company, as tobacco and wine etc, were sold from the premises.

It was reported by one Member that the applicant was waiting for officers to visit him to give advice on the type of shutters that would be appropriate.

It was also noted that permission had been granted on vulnerable shops previously. It was suggested that this application be deferred to allow officers to liaise with the owner at 12 Station Road, Bishop's Stortford on suitable



ACTION

roller shutters for the premises.

The Director of Regulatory Services reminded members of the advice note on Shopfront Security published by the Local Planning Authority.

RESOLVED - that application E/04/0495/A be deferred to allow officers to liaise with the owner at 12 Station Road, Bishop's Stortford in relation to suitable roller shutters for the premises.

DRS

259 E/05/0142/A – UNAUTHORISED ENCLOSURE AND CHANGE OF USE OF AMENITY LAND TO RESIDENTIAL GARDEN AND THE ERECTION OF A GARDEN SHED AT 50 WILSON CLOSE, BISHOPS STORTFORD

The Committee supported the recommendation of the Director of Regulatory Services that enforcement action under Section 172 of the Town and Country Planning Act 1990 be authorised and any such steps as may be required to secure the cessation of the use of the amenity land to residential garden and the removal of the unauthorised garden shed at 50 Wilson Close, Bishop's Stortford, for the reasons as detailed below.

ACTION

DRS

RESOLVED - that the Director of Regulatory Services, in consultation with the Director of Corporate Governance, 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 cessation of the use of the amenity land as garden land; the re-siting of the fence to its original approved location; the reinstatement of soft landscaping on the amenity strip; and the removal of the unauthorised garden shed for the following reasons: -

Period of Compliance:

- i) 2 months in respect of the cessation of the use, the moving of the fence and the removal of the garden shed
- ii) 7 months in respect of the landscaping

Reasons why it is expedient to issue an Enforcement Notice:

The enclosure of the amenity strip adjacent to this footpath and its incorporation into the garden area of the property is detrimental to the open, landscaped character of the surrounding area. It is thereby contrary to policy BE7 (III) of the adopted Local Plan.

260 E/05/0034/A – UNAUTHORISED DISPLAY OF ADVERTISEMENT SIGNS ON THE FRONT AND SIDE ELEVATIONS OF THE WATERHOUSE, WATER LANE, BISHOPS STORTFORD

The Committee supported the recommendation of the Director of Regulatory Services that the issue of a listed building notice under Section 38 of the Planning (Listed Building and Conservation Area) Act 1990, and/or a discontinuance notice under Regulation 8 of the Town and Country Planning (Control of Advertisements) Regulations 1992 be authorised and any such steps as may be

ACTION

required to secure the removal of the unauthorised advertisements signs on the Grade II listed building at The Waterhouse, Water Lane, Bishop's Stortford.

RESOLVED - that the Director of Regulatory Services, in consultation with the Director of Corporate Governance, be authorised to issue a listed building notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and/or a discontinuance notice under Regulation 8 of the Town and Country Planning (Control of Advertisements) Regulations 1992, and any such other steps as may be required to secure the removal of the unauthorised advertisements on the Grade II listed building for the following reasons: -

DRS

Reason why it is expedient to take enforcement/discontinuance action:

The advertisements, by reason of their design and siting are out of keeping with, and detrimental to, the historic and architectural character and appearance of this Grade II listed building, contrary to policy BE16 of the adopted Local Plan. They are, as a result, visually intrusive and detrimental to the character and appearance of the surrounding Conservation Area as a whole, contrary to policy BE25 of the adopted East Herts Local Plan.

261 3/04/2218/FP – CHANGE OF USE OF AGRICULTURAL BUILDING TO SECURE FILE STORAGE USE. EAST END GREEN FARM, EAST END GREEN, HERTFORD FOR MR F FORSYTH

The Director of Regulatory Services gave an overview of the application that was approved by the Development Control Committee in February 2005. He reported that a condition of the previous approval was for four passing bays to be constructed prior to any other development taking place.

The Director of Regulatory Services reported that subsequent to the previous decision, the Council had been

ACTION

subsequent to the previous decision, the Council had been approached by two land owners stating that the land in question was not in the ownership of Mr Forsyth.

The agent acting for Mr Forsyth had now submitted accurate plans, which showed the possibility of only two passing bays being constructed.

The Director of Regulatory Services advised Members that in light of the corrected information in relation to application 3/04/2218/FP, the application should now be refused, as the previous decision was invalid because the application had been invalid.

A proposal to take no further action was made as it was felt that officers should have checked that the land was in the ownership of the applicant.

It was felt that if the applicant was to agree an arrangement with the landowners then the development could take place. Concern was raised that the application existed and could not be implemented, but could be in future, if agreement was made with the landowner.

Clarification was sought and given by the Director of Corporate Governance in relation as to why the ownership certificate for the application was now invalid.

A motion was proposed to approve the recommendation as detailed in the report.

Councillor D A A Peek wished that it be noted that he refused to take part in further discussions or the consideration of application 3/04/2218/FP.

The Committee supported the recommendation of the Director of Corporate Governance that application 3/04/2218/FP be refused planning permission as detailed below.

ACTION

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

DRS

- a) That for the reasons set out in the report, the decision of 2 February 2005 granting planning permission be deemed invalid.
- b) That the Council acknowledges that the misleading completion of a certificate indicating that the applicant owned land on which passing bays were to be constructed was inadvertent rather than deliberate, and that accordingly no action in accordance with Section 68 of the Act be taken.
- c) That there being no valid decision in relation to application 3/04/2218/FP, the application be re-considered and that it be refused for the following reasons: -
  1. The proposal is contrary to policy RA6A of the Adopted East Herts Local Plan in that the existing building is not of a form, bulk, general design or materials of construction that is in keeping with the character of the Conservation Area within which it is situated; the proposed use will require alteration to the appearance of the building to enable the secure storage of files which will further detract from the rural character and appearance of the area; or that the use can be adequately constrained to obviate inappropriate traffic generation.
  2. Access to the site is only obtainable via extremely narrow, winding country lanes. Implementation of the proposed use would be likely to result in a level of traffic generation which would be detrimental to the rural character of the road, and lead to an increased risk of accidents to pedestrians,

ACTION

cyclists and other road users. Moreover, one of the passing place proposed to overcome the acknowledged inadequacy of carriageway width is on land immediately adjoining the site of the building, and will thus be of negligible effect. Further, the construction of the other passing bay as proposed would lead to the loss of existing hedgerow and detriment to the rural character of the road. The proposal would therefore be contrary to policy 29 of the Hertfordshire Structure Plan Review, Adopted 1998, and policies M11 and RA8 of the Adopted East Herts Local Plan.

262 3/05/0662/FP – SINGLE STOREY SIDE/REAR EXTENSIONS AT 1 LITTLE HENLEYS, HUNSDON, FOR MR AND MRS T ALLIGAN

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/0662/FP be granted planning permission subject to the reason detailed below.

RESOLVED - that application 3/05/0662/FP be granted planning permission subject to the following conditions: -

DRS

1. Five year time limit (1T01).
2. Complete accordance (2E10).
3. Matching materials (2E13).
4. No further windows (2E17).  
Alter to "...shall be inserted in the west and south elevations of the development..."
5. Obscure Glazing (2E18).  
Alter to "window opening in the west elevation of the development hereby permitted facing 1 Little Henleys..."

ACTIONDirective:

1. Other Legislation (01OL).

Summary of Reasons for Decision

The proposal has been considered with regard to policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan), and in particular Policies RA3, BE2 and BE6 of the Adopted Local Plan, and Policies GBC6, ENV1a and ENV11 of the Re-Deposit Local Plan Second Review. The balance of the considerations having regard to those policies is that permission should be granted.

263 3/05/0933/FP –REPLACEMENT HOUSE, INCLUDING BASEMENT, AND GARAGE AT HIGH MEADOW, CHURCH END, ALBURY FOR PELHAM STRUCTURES LTD

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The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/0933/FP be granted planning permission subject to the conditions detailed below.

RESOLVED - that application 3/05/0933/FP be granted planning permission subject to the following conditions: -

DRS

1. Five year time limit (1T01).
2. Levels (2E05).
3. Samples of materials (2E12).
4. Withdrawal of P.D. (2E23) (Part 1 Class A, B, & E).
5. Materials arising from demolition (2E32).
6. Wheel washing facilities (3V25).
7. Tree retention and protection (4P05).

ACTION

8. Tree/natural features protection and fencing (4P07).
9. Tree protection: and restrictions on burning (4P08).
10. Tree protection: Excavations (4P09).
11. Tree protection: Earthworks (4P10).
12. Landscape design proposals (4P12).  
(d) (e) (i) (j) (k) (l)
13. Landscape works implementation (4P13).
14. Vehicular use of garage (5U10).
15. The excavated spoil from the formation of the basement hereby permitted shall be removed from the application site, and deposited in a location which shall have been previously approved in writing by the local planning authority, prior to the first occupation of the dwelling hereby permitted.

Reason: in the interests of the appearance of the site, and in accordance with policy RA3 of the East Herts Local Plan.

Directives:

1. Other Legislation (01OL).

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 RA3, RA11 and BE15 and Re-Deposit Policies GBC6, GBC16b and BH1. The balance of considerations having regard to those policies is that permission should be granted.



ACTION

264 3/05/0824/RP – APPROVAL OF RESERVED MATTERS FOR THE ERECTION OF 130NO. APARTMENTS, AT 95 LONDON ROAD, BISHOP’S STORTFORD FOR ALLIED PROPERTY AND LEISURE LTD

The Director of Regulatory Services reported that a letter had been received from the applicant clarifying a few points within the report.

Some Members stated that they were against application 3/05/0824/RP being granted planning permission because they proposed five storey buildings.

Councillor G L Francis wished it to be noted that he was against the original application and he was still opposed to the application before him.

The Committee supported the recommendation of the Director of Regulatory Services that reserved matters for application 3/05/0824/RP be approved as detailed below.

RESOLVED - that reserved matters be approved for application 3/05/0824/RP subject to the following conditions: -

DRS

1. Samples of materials (2E12) delete “Prior to any building works being commenced” Add “Prior to the commencement of the development above ground level”.
2. Landscape design proposals (4P12).  
(g), (h), (i), (j), (k), (l)  
delete “No works or development shall take place until” Add “Prior to the commencement of the development above ground level”.
3. Landscape works implementation (4P13)  
amend “the timetable agreed” to “a timetable to be first agreed in writing”.
4. Landscape maintenance (4P17).

ACTION

5. No further windows (2E17) after “doors” Add “, roof lights” Delete “the flank elevations” Add “any elevation of roof form”.
6. Prior to the commencement of the development above ground level, detailed drawings at a scale of 1:20 for the following items shall be submitted to and agreed in writing with the Local Planning Authority:
  - (a) details of decorative relief panels to include sections, position in relation to the face of the wall, depth of reveal, a precise specification and description of brickwork along with a range of the colour and texture of the brick - together with a specification of the mortar mix, pointing profile and finish, jointing width and the bond of the brickwork;
  - (b) detailed specifications of all structural supports, external metalwork and glazing units to all curtain walls, including sections and their methods of joining to the building and with each other;
  - (c) details of new external rendering or plastering - including decorative panels or patterns, methods of jointing areas against brickwork and/or concrete - and detailed specification of the number of coats, mix and surface finish;
  - (d) details and specifications of all external roof lights, windows and doors including glazing bars and frame moulding (if applicable), which it is proposed to install, clearly showing the arch and sill detail;

ACTION

- (e) details of external roof valleys and a precise specification and description of lead work to include sections and their methods of joining to the building and with each other;
- (f) details of all external rainwater goods to include sections and their methods of joining to the building and with each other;
- (g) details and specifications of external balustrades, bin enclosures and cycle storage facilities;
- (h) details and specifications of all external lighting.

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

Reason: In the interests of the appearance of the development, in accordance with policy BE2 of the East Herts Local Plan.

- 7. Levels (2E05).
- 8. Retention of parking space (3V20).
- 9. Hard surfacing (3V21).
- 10. Completion of roads (3V13).
- 11. 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

ACTION

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.

12. Boundary walls/ fences (2E07) delete “Prior to any building works being commenced” Add “Prior to the commencement of the development above ground level”

Directives:

1. Outline permission relationship (07OP). Insert “15 April 2005” and “3/04/0657/OP”
2. You are advised to contact this Council’s Environmental Health Unit at Wallfields, Pegs Lane, Hertford, tel: 01279 655261 with regard to discharging condition 11 of the above planning permission.

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 PPS1 and PPG3; Policies BE1, BE2 & Appendix I, BE3, BE7, BE8, BE10, M6, M8, and H5 of the Adopted East Hertfordshire Local Plan (December 1999); Policies ENV1a, ENV3, ENV5, ENV6, ENV14, ENV27, ENV29, TR5, TR6, TR14, HSG7, HSG8, BIS2 and BIS18a of the East Hertfordshire Local Plan Second Review Re-Deposit Version (November 2004). The balance of the considerations having regard to these policies and the granting of outline planning consent 3/04/0657/OP is that planning permission should be granted.

ACTION

265 3/05/0959/RP – APPROVAL OF RESERVED MATTERS FOLLOWING APPROVAL OF OUTLINE REF. 3/04/0179/OP, FOR DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES, REMOVAL OF STORAGE BAYS AND REDEVELOPMENT OF BUILDER’S MERCHANTS YARD FOR 12 NO. RESIDENTIAL APARTMENTS (9 NO. 2 BEDROOM AND 3 NO. 1 BEDROOM) WITH AMENITY AREAS, CAR AND BICYCLE PARKING AT LEWIS PEASLEY YARD, STORTFORD HALL PARK, BISHOP’S STORTFORD, FOR PINEVIEW LTD

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A Concern was raised by a ward Member in relation to highways issues and to hours of operation.

The Committee supported the recommendation of the Director of Regulatory Services that reserved matters be approved for application 3/05/0959/RP as detailed below.

RESOLVED - that reserved matters be approved for application 3/05/0959/RP subject to the following conditions: -

DRS

1. Samples of materials (2E12).
2. Boundary wall and fences (2E07).
3. No further windows (2E17).  
Delete to “the flank elevations” Insert “any elevation or the roof form”
4. Retention of parking space (3V20).
5. Prior to the commencement of works, a schedule of the means of access to the site for demolition/construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for demolition/construction traffic, details of the times of use of the access, the routing of demolition/construction traffic to and from the

ACTION

site, construction workers parking facilities and the provision, use and retention of adequate wheel washing arrangements within the site. Unless otherwise agreed in writing by the Local Planning Authority all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: In the interests of the amenities of adjoining properties, in accordance with Appendix 1 (B) of the East Herts Local Plan.

6. Landscape design proposals (4P12).  
(a), (e), (g), (i), (k), (l)
7. Landscape works implementation (4P13).
8. Lighting details (2E27).
9. Communal TV facilities (2E28).
10. Before the development hereby permitted commences on site, a noise survey shall be undertaken and the results provided to the Local Planning Authority to assess the likely disturbance to occupiers of the proposed development from adjacent industrial units to the rear of the site. The survey shall be taken at such points and to such levels as the Local Planning Authority may stipulate, with any mitigation measures arising being fully implemented and completed before any residential unit hereby permitted is first occupied.

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

ACTIONDirectives:

1. Outline Permission Relationship (07OP).  
Insert "31.04.2004" and "3/04/0179/OP"
2. You are advised to contact this Council's Environmental Health Unit at Wallfields, Pegs Lane, Hertford, tel: 01279 655261, with regard to discharging condition 10. of the above planning permission.

Summary of Reason for Decision

The proposal has been considered with regard to policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular PPG1 - , PPG3 - Housing and policies BE1, BE2 & Appendix I, BE8, BE10, M8 and DP1 of the Adopted East Herts Local Plan 1999 and policies ENV1a, ENV3, ENV5, ENV27, ENV29 and TR6 of the East Herts Local Plan Second Review Re- Deposit Version (November 2004). The balance of consideration having regard to these policies and the granting of outline planning consent 3/04/0179/OP is that reserved matters should be granted.

266 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 SHARDE LIMITED

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The Committee supported the Director of Regulatory Service's recommendation to amend condition 11 of planning application reference 3/05/0099/FP as detailed below.

ACTION

RESOLVED - that condition 11 of planning application reference 3/05/0099/FP be amended to read "A visibility splay of minimum 9m x 90m 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" for the following reason: -

DRS

Reason: In the interests of highway safety and efficiency.

267 CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER (NO. 12) 2003 P/TPO 510 TITLE 'NO 1 GREENSTEAD, SAWBRIDGEWORTH, HERTS

The Committee supported the Director's recommendation that Tree Preservation Order (No 12) 2003 be confirmed as an un-opposed Order and that the Director of Regulatory Services be authorised to bring it into operation.

RESOLVED - that Tree Preservation Order (No 12) 2003 be confirmed as an unopposed Order and that the Director of Regulatory Services be authorised to bring it into operation.

DRS

268 CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER (NO. 1) 2004 P/TPO 511 TITLE 'LAND TO THE WEST OF ORCHARD COTTAGE, WOOD END, ARDELEY, STEVENAGE, HERTS

The Committee supported the Director's recommendation that Tree Preservation Order (No 1) 2004 be confirmed as an opposed Order and that the Director of Regulatory Services be authorised to bring it into operation.



ACTION

RESOLVED - that Tree Preservation Order (No 1) 2004 be confirmed as an opposed Order and that the Director of Regulatory Services be authorised to bring it into operation.

DRS

269 CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER (NO. 2) 2004 P/TPO 512 TITLE '135 WARE ROAD, HERTFORD, HERTS

The Committee supported the Director's recommendation that Tree Preservation Order (No 2) 2004 be confirmed as an un-opposed Order and that the Director of Regulatory Services be authorised to bring it into operation.

RESOLVED - that Tree Preservation Order (No 2) 2004 be confirmed as an unopposed Order and that the Director of Regulatory Services be authorised to bring it into operation.

DRS

270 CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER (NO. 3) 2004 P/TPO 513 TITLE 'ARDELEY LODGE, ARDELEY BURY, ARDELEY, HERTS

The Committee supported the Director's recommendation that Tree Preservation Order (No 3) 2004 be confirmed as an un-opposed Order and that the Director of Regulatory Services be authorised to bring it into operation.

RESOLVED - that Tree Preservation Order (No 3) 2004 be confirmed as an unopposed Order and that the Director of Regulatory Services be authorised to bring it into operation.

DRS

271 CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER (NO. 4) 2004 P/TPO 514 TITLE '14 MORGANS ROAD, HERTFORD, HERTS

The Committee supported the Director's recommendation that Tree Preservation Order (No 4) 2004 be confirmed as

ACTION

that Tree Preservation Order (No 4) 2004 be confirmed as an un-opposed Order and that the Director of Regulatory Services be authorised to bring it into operation.

RESOLVED - that Tree Preservation Order (No 4) 2004 be confirmed as an un-opposed Order and that the Director of Regulatory Services be authorised to bring it into operation.

DRS

272 CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER (NO. 5) 2004 P/TPO 515 TITLE 'LAND ADJACENT TO PUMPHILL COTTAGE, BRENT PELHAM, HERTS

The Committee supported the Director's recommendation that Tree Preservation Order (No 5) 2004 be confirmed as an opposed Order and that the Director of Regulatory Services be authorised to bring it into operation.

RESOLVED - that Tree Preservation Order (No 5) 2004 be confirmed as an unopposed Order and that the Director of Regulatory Services be authorised to bring it into operation.

DRS

273 CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER (NO. 1) 2005 P/TPO 516 TITLE 'ESTCOURT VILLAS, AMWELL LANE, STANSTEAD ABBOTTS, HERTS

The Committee supported the Director's recommendation that Tree Preservation Order (No 1) 2005 be confirmed as an un-opposed Order and that the Director of Regulatory Services be authorised to bring it into operation.

RESOLVED - that Tree Preservation Order (No 1) 2005 be confirmed as an un-opposed Order and that the Director of Regulatory Services be authorised to bring it into operation.

DRS

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274 CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER (NO. 2) 2005 P/TPO 517 TITLE 'TALL TREES, MEDCALF HILL, WIDFORD, WARE, HERTS

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The Committee supported the Director’s recommendation that Tree Preservation Order (No 2) 2005 be confirmed as un-opposed Order and that the Director of Regulatory Services be authorised to bring it into operation.

RESOLVED - that Tree Preservation Order (No 2) 2005 be confirmed as an un-opposed Order and that the Director of Regulatory Services be authorised to bring it into operation.

DRS

275 ITEMS FOR REPORT AND NOTING

RESOLVED - that the following reports be noted:

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

The meeting closed at 9.54 pm.

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