

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON WEDNESDAY, 14 SEPTEMBER
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, A L Burlton, A F Dearman,
J Demonti, G L Francis, Mrs M H Goldspink,
J Hedley, 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:

Councillors P R Ballam and Mrs S Newton

OFFICERS IN ATTENDANCE:

| | |
|------------------|---------------------------------------|
| Peter Biggs | - Development Control Manager |
| Michelle Diprose | - Democratic Services Assistant |
| Simon Drinkwater | - Director of Corporate Governance |
| Harvey Fairbrass | - Development Control Manager |
| Andrea Gilmour | - Development Control Manager |
| Neal Hodgson | - Director of Regulatory Services |
| Alison Young | - Enforcement Manager |

305 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors N Burdett, R N Copping and M P A McMullen.

306 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that planning applications 3/05/1349, Potters Green Industrial Park, Dane End Road, Potters Green, Near Dane End and application 3/05/1430/FL, Former Trinity Centre, Fanhams Hall Road, Ware had been withdrawn.

The Chairman announced that Harvey Fairbrass, Development Control Manager was attending his last meeting of the Development Control Committee as he was due to retire on 20 September 2005.

The Chairman stated that Harvey had a vast amount of knowledge in relation to Development Control issues and would be a great loss to the Council. He further stated that Harvey had worked for East Herts for the past eighteen years, and other authorities before that.

The Chairman thanked Harvey for his advice and support since and before he became Chairman of the Development Control Committee. He advised the Committee that there would be a formal farewell to Harvey on Tuesday 20 September 2005, in the Council Chamber from midday. The Committee applauded Harvey for his contribution to East Herts Council.

In response to the Chairman and the Committee's thanks, Harvey stated that it had been a privilege to serve East Herts Development Control Committee and he had hoped that together they had improved the environment.

307 DECLARATIONS OF INTEREST

Councillors M R Alexander, P R Ballam, T Milner and J J Taylor declared a personal and prejudicial interest in respect of applications 3/05/1375/FP and 3/05/1376/LB as they were Town Councillors for Ware. Councillors M R Alexander, P R Ballam, T Milner and J J Taylor left the Chamber prior to the consideration of the application. Councillor M R Alexander and P R Ballam also declared a personal interest in respect of applications 3/05/1052/RP, 3/05/1331/RP and 3/05/1324/FP as Councillor M R Alexander's wife was a Governor, as was

Councillor P R Ballam to the adjacent school to where the proposed development was sited.

Councillor W R Ashley declared a personal interest in respect of application E/04/0014/B as he knew the farmer involved.

Councillor A L Burlton declared a personal interest in respect of application 3/05/1350/FP as he knew the applicants.

Councillor P A Ruffles declared a personal and prejudicial interest in application 3/05/1219/FP as his party political friends were objectors to the application and application 3/05/1491/FN as he had publicly stated his opinion in relation to the application.

Councillor M J Tindale declared a personal and prejudicial interest in respect of application 3/05/0684/FP as he had made comments on the application in support of the application being granted. Councillor M Tindale left the Chamber prior to the consideration of the application.

RESOLVED ITEMS

ACTION

308 MINUTES

It was noted that in respect of the minutes of the meeting held on 17 August 2005, Councillor A L Warman was shown as being present at the meeting and as having submitted an apology for absence. In fact, Councillor A L Warman had not been present at the meeting but did send his apologies. Councillor D R Atkins and B W J Sapsford had also been omitted incorrectly from the list of Members present at the meeting.

RESOLVED – that the Minutes of the meeting held on 17 August 2005, be confirmed as a correct record and signed by the Chairman, subject to the corrections now identified.

ACTION

309 3/05/1297/FP – SUBSTITUTE HOUSE TYPE AND GARAGES ON PLOT B AND GARAGES ON PLOT C INCLUDING AMENDMENTS TO ACCESS ROAD TURNING HEAD

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1297/FP be granted planning permission subject to the conditions detailed below.

RESOLVED – that application 3/05/1297/FP be granted planning permission subject to the following conditions: -

DRS

1. Five year time limit (1T01).
2. Contaminated land survey and remediation (2E33).
3. Complete accordance (2E10).
4. Boundary treatment (2E07).
5. Following demolition of the existing buildings, the site shall be provided with temporary fencing along its western boundary, and on the southern side of FP27, until such time as the permanent boundary treatment, required by virtue of condition 4 above has been provided.

Reason: In the interests of the users of the adjoining site and FP27.

6. Materials of construction (2E11).

ACTION

7. Hard surfacing (3V21).
8. The turning head of the access road as approved hereby shall be delineated by 2 rows of granite setts where it abuts private vehicular areas.

Reason: To ensure adequate room for refuse freighters and other large vehicles to turn within the site.

9. Landscape design works (4P12).
10. Landscape works implementation (4P13).
11. The development hereby permitted shall not be occupied until such time as the non-indigenous evergreen trees, outlined in purple on the plan approved hereby, have been removed, and replaced by trees and/or hedgerows in accordance with condition (9) above.
12. Vehicular use of garages (5U10).
13. Withdrawal of permitted development (Part 1 Classes A-H) (2E23) (development within the curtilage of a dwellinghouse).
14. Withdrawal of permitted development (Part 2 Class A) (2E21) (boundaries)

Directive:

1. Public rights of way (18FD).

ACTIONSummary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan, and in particular policies RA3, BE2 and BE8. The balance of the considerations having regard to those policies, and the grant of permission in respect of applications 3/04/1424/FP and 3/05/0625/FP is that permission should be granted.

b) Withdrawn

310 3/05/1199/FP – CHANGE OF USE FROM A B2 INDUSTRIAL UNIT TO D2 SPORTS HALL, UNIT 3, TWYFORD INDUSTRIAL ESTATE, TWYFORD ROAD, BISHOP'S STORTFORD FOR THE VALDEZ GYMNASTICS CLUB

Some Members felt that this application should be granted planning permission as the reasons for refusal detailed in the report, were weak.

Concerns were raised that one of the reasons for refusal was in relation to operating hours. It was noted that other operators in the vicinity operated long opening hours and application 3/05/1199/FP should not be penalised because it did not state the hours of operation. It was felt that the application should be deferred in order for the Director of Regulatory Services to make further enquiries with the applicant.

Another concern was raised in relation to the site being identified in the East Hertfordshire Local Plan as primarily reserved for employment use. A member stated that Valdez Gymnastics club would employ three to four people for each session and therefore, there was a strong element of employment use.

ACTION

Some Members felt that the proposed use of the redundant site was justified and would be a benefit to children. It was felt that Council policy stopped the Committee from granting applications of this nature, even though it was making good use of the site.

Concern was raised in relation to traffic movements of existing businesses i.e. lorries, and it was felt that there might be a problem with safety issues.

A suggestion was made that temporary permission could be granted to see if any problems occurred and it could be re-presented to the Committee at a future date for a decision to either give full permission or refusal.

The Committee was reminded that each application should be granted on its own merits. Some members felt that this was a prime example where permission should be granted.

Some Members felt that granting temporary permission would have implications for the club as it would need purpose built facilities and would therefore have a financial implication for the owner.

A motion was proposed and seconded to defer application 3/05/1199/FP in order that officers clarify traffic generation and hours of operation

After being put to the meeting, and a vote taken, the Committee agreed to defer application 3/05/1199/FP to allow officers to clarify issues as detailed below.

ACTION

RESOLVED – that application 3/05/1199/FP be deferred for further consideration of the following reasons: -

DRS

- hours of use
- car parking
- pedestrian accessibility
- safety issues
- personal permission to applicant

311 3/05/1350/FP – ADDITIONAL PARKING INCLUDING NEW BOUNDARY WALL, NEW ACCESS ROAD, NEW STRUCTURE FOR AIR CONDITIONING AND CYCLE RACKS AT THORLEY HALL FARM, THORLEY, BISHOP'S STORTFORD FOR MR DAVID TINNEY

The Director of Regulatory Services reported that a letter had been received from Bishop's Stortford Town Council stating it had no objections to application 3/05/1350/FP.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1350/FP be granted planning permission as detailed below.

RESOLVED – that application 3/05/1350/FP be granted planning permission subject to the following conditions: -

DRS

1. Five Year Time Limit (1T01).
2. Complete Accordance (2E10).

ACTION

3. Sample Brickwork Panel (2E35).
4. Prior to the use of the car park, the recommendations as set out in the submitted Green Travel Plan shall be implemented.

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

5. Provision and retention of Parking Spaces (3V23).
6. Tree retention and protection (4P05).
7. Tree protection: Excavations (4P09).
8. Landscape Design Proposals (4P12).
9. Landscape Works Implementation (4P13).
10. Retention of Landscaping (4P21).

Directives:

1. The applicant is advised of the presence nearby of European Protected Species and of the requirements for a licence from Defra should any species be directly affected by the proposed works.
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, Minerals Local Plan, Waste Local Plan and East Herts Local; Plan) and in particular policies RA3, RA11, BE16, BE18 and M8. The balance of the considerations having regard to these policies and the other material considerations in this case is that planning permission should be granted

Plan No's: 0209/35, 0209/36, 0209/37,204094DWCD01.

312 3/05/1133/FP – ERECTION OF REPLACEMENT DWELLING (AMENDED SCHEME) AT LEAFY OAK FARM, HERTFORD ROAD, GREAT AMWELL, WARE FOR MR & MRS MURREL

The Committee supported the recommendation of the Director of Regulatory Services, that application 3/05/1133/FP be granted planning permission as detailed below.

RESOLVED – that application 3/05/1133/FP be granted planning permission subject to the following conditions: -

DRS

1. Five Year Time Limit (1T01).
2. Agricultural Use (5U04).
3. Levels (2E05).
Insert "relative to the rest of the site"
4. Complete accordance (2E10).
5. Samples of materials (2E13).

ACTION

6. Withdrawal of permitted development (Part 1, Class A, B & E) (2E23).
7. Materials arising from demolition (2E32).
8. Wheel washing facilities (3V25).
9. Landscape design proposals (4P12).
(b,e,l,j,k, l)
10. Landscape works implementation (4P13).

Directive:

1. Other legislation (01OL).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East Herts Local Plan and the Local Plan Review, Re-Deposit Version, November 2004) and in particular policies RA23, RA5 and RA12 and Re-Deposit policies GBC3, GBC8 and GBC16a. The balance of the considerations having regard to these policies and the other material considerations in this case is that planning permission should be granted

313 3/05/1189/FP – 28 FLATS WITH ASSOCIATED PARKING AND ANCILLARY WORK, VACANT LAND OPPOSITE 1 - 8 WILLOW VIEW, CRANE MEAD, WARE FOR ALDWYCK HOUSING ASSOCIATION

The Director of Regulatory Services reported that the Environment Agency had withdrawn its objections in relation to application 3/05/1189/FP. The Director of Regulatory Services further reported that he had received correspondence from Network Rail confirming that it did not

ACTION

own any land within the application site.

It was felt by some Members that there was not enough parking and it was less than that of the original scheme.

A Town Councillor for Chadwell addressed the Committee stating she did not wish to overturn the recommendation but had received many concerns from local residents in relation to the proposed development.

The concerns were in relation to design and that it should fit in with what was currently there, and also in relation to the amount of parking facilities. She stated that the parking related to the development should be at the highest level available.

Some Members felt that the proposed development fitted in easily with what was already there and that the Committee could not turn down the application on parking or design grounds.

Following discussion, the Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1189/FP be granted planning permission as detailed below.

RESOLVED – that application 3/05/1189/FP be granted planning permission subject to the following conditions: -

DRS

1. Five Year Time Limit (1T01).
2. Materials of construction (2E11).
3. Cycle Parking Facilities (2E29).
4. Provision and retention of Parking Spaces (3V23).

ACTION

5. Tree retention and protection. (4P05) “The existing plane tree on the south east boundary shall be retained.”
6. Tree protection: Fencing (4P07).
7. Landscape Design Proposals (4P12).
 - (a) Planting plans
 - (b) Schedules of plants
 - (c) Hard Surfacing
8. Landscape Works Implementation (4P13).
9. Prior to commencement of development a soil survey shall be undertaken and a scheme for any necessary decontamination of the site be submitted to and as approved in writing by the local planning authority. The scheme shall be fully implemented and completed before first occupation of the development.

Reason: In the interests of the suitability of the site for residential occupation.
10. Prior to the first occupation of the development works for the disposal of surface and foul water shall have been provided on site in accordance with details first submitted to and as approved in writing by the local planning authority.

Reason: In the interests of securing the satisfactory drainage of the site.

ACTIONSummary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local; Plan) and in particular policies EMP2, BE2 and Appendix I. The balance of the considerations having regard to these policies, extant planning permissions and the planning permission granted by the Inspector's decision letter dated 31 January 2003 is that planning permission should be granted.

Plan No's. 0445wd2.02, 0445wd2.03, 0445wd2.05, 0445wd2.06.

- 314 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 informed the Committee that application 3/05/1219/OP had been deferred at a previous meeting of the Development Control Committee due to late representations from the Highways Authority. He further informed the Committee that investigations were now complete and the Highways comments were set out within the report now submitted.

Councillor J J Taylor stated that she had felt the previous application was not suitable and felt exactly the same with the one before the Committee now.

She raised concern not to the amount of development but in relation to health and safety of the access road that was not designed sensibly for access. The Highways Authority had stated that the access road would not be suitable for adoption.

It was stated that the occupier of 69 North Road, Hertford having received a plan of the new access road, had not

ACTION

reached any agreement with the developer.

Concern was raised that Highways had acknowledged problems with the access road and had stated that it could not be suitably developed for adoption.

The Member further read out letters that she had received from the Highways Authority and concerned residents. The Committee noted that the land on which the development was proposed, was not in fact owned by the developer. The developer was waiting to purchase land dependant on planning permission being granted.

It was felt by some Members that the proposed dwellings would be overbearing and overlooking on surrounding properties. Also, because of the concerns in relation to traffic movements, the application should be refused planning permission.

Other Members raised concern in relation to the gradients of the access road and stated that they had experienced difficulty in accessing the site. Many Members had visited the site and felt the gradients in relation to 69 North Road and other properties in the vicinity were extreme and the proposed development would have an impact on neighbouring properties.

Members raised concern that the Highways Authority raised no concerns in relation to access from the site onto North Road.

Many Members felt that application 3/05/1219/OP should be refused planning permission.

Further discussion took place in relation to the density of the proposed dwellings. It was noted that the proposed development was adjacent to a site with a similar amount of

ACTION

semi-detached dwellings, but on a smaller site.

A Member suggested the following reasons for refusing the application: -

- Highways issues in relation to access road;
- Overlooking and overbearing to neighbouring properties;
- Over development of the site;
- Dominating to surrounding areas;
- Out of keeping;
- Detrimental to neighbouring properties;
- Loss of privacy to neighbouring properties; and
- Exceeding parking requirements.

The Director of Regulatory Services reminded the Committee that the Highways Authority had not objected to the proposed development, and had not stated that it was unsafe because it was not to adoptable standards. He further stated that the access onto North Road would result in four dwellings and no. 69 having access to the road and reiterated that the Highways Authority had not stated that the access point was unsafe. He gave an overview of the current access arrangements and stated that the proposals would be safer than what was currently there now.

The Director of Regulatory Services stated that Members would be entitled to refuse application 3/05/1219/OP on highways issues, but felt that if the application went to appeal, the Council would lose on the grounds that the Highways Authority had not objected, the amount of development was similar to an adjoining site, and all properties in the vicinity were on rising ground.

The Director of Regulatory Services informed the Committee that it might be possible to add conditions to ensure there was no provision above first floor.

Clarification was sought and given in relation to the implications if the Committee was to refuse application

ACTION

3/05/1219/OP permission on highways grounds.

Following very lengthy discussions a motion to refuse application 3/05/1219/OP was proposed and seconded. After being put to the meeting, and a vote taken, the Committee agreed to refuse application 3/05/1219/OP planning permission as detailed below.

RESOLVED – that application 3/05/1219/OP be refused planning permission for the following reasons: -

DRS

1. Loss of privacy (BO23).
2. The proposed development by reason of its location on the hillside in relation to existing adjoining properties would have an overbearing and overshadowing effect on those properties to the detriment of the residents thereof and would thereby be contrary to Policy BE2 of the East Herts Local Plan.
3. Overdevelopment (B021).
4. Out of keeping
The proposal would result in development out of keeping with the character of existing development in the area and would thereby be contrary to Policies BE1 and BE2 of the East Herts Local Plan.
5. Detrimental to amenities
The proposed development by reason of its siting in relation to adjoining properties would result in detriment to the amenity of the residents thereof and would thereby be contrary to policy BE2.

ACTION6. Parking

The proposed development would result in over provision of parking contrary to the principles of sustainable development contained in PPG3 Housing.

Directive:

The applicant's attention is drawn to concern about the safety implications of the access road within the site in relation to its gradient during inclement weather conditions.

315 3/05/1568/FP RETROSPECTIVE APPLICATION FOR A CONSERVATORY ON REAR ELEVATION AT 9 THE HYDE, WARE FOR MR AND MRS HUDSON

It was noted that application 3/05/1568/FP had been presented to the Development Control Committee for determination because the intending purchaser was the Development Control Manager. The Development Control Manager, Peter Biggs left the Chamber prior to the consideration of the application.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1568FP be granted planning permission as detailed below.

RESOLVED – that application 3/05/1568/FP be granted planning permission subject to the following conditions: -

DRS

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 and Local Plan

ACTION

Review, Re-Deposit Version, November 2004) and in particular Adopted Local Plan policy BE5 and Re-Deposit Local Plan policies ENV9 and ENV10. The balance of the considerations in this case is that planning permission should be granted.

- 316 (A) 3/05/1375/FP – DEMOLISH EXISTING OFFICE, MEETING ROOM AND STORE ROOM AND ERECT NEW MEETING ROOM AND COMMUNITY FACILITY BUILDING.
 (B) 3/05/1376/LB – DEMOLITION OF EXISTING PRIORY ANNEXE BUILDING AND STORE ROOM. WARE PRIORY, HIGH STREET, WARE FOR WARE TOWN COUNCIL ACTING AS TRUSTEES OF WARE PRIORY
-

The Director of Regulatory Services reported that correspondence had been received objecting to the closure of access routes on the grounds of access to cyclists. A further letter had been received from the Highways Authority stating it wanted to specify the size of the parking spaces.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1375/FP be granted planning permission and application 3/05/1376/LB be granted listed building consent as detailed below.

RESOLVED – that (A) application 3/05/1375/FP be granted planning permission subject to the following conditions: -

DRS

1. Five year time limit (1T01).
2. Programme of archaeological work (2E02).
3. Boundary walls and fences (2E07).

ACTION

4. Samples of materials (2E12).
5. New doors and windows (2E34).
6. Sample brickwork panel (2E35).
7. Refuse disposal facilities (2E24).
8. Lighting details (2E27).
9. Provision and retention of parking spaces (3V23).
10. Hard surfacing (3V21).
11. Tree survey (4P01).
12. Tree retention and protection (4P05).
13. Landscape design proposals (4P12).
14. Landscape works implementation (4P13).
15. Submission of Green Travel Plan (3V27).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertford County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies BE2, BE8, BE9, BE15, BE16, BE18, SH2 and M8 of the Adopted Local Plan and ENV1a, ENV5, ENV8, ENV25, ENV26, BH2, BH3, BH6, BH8, BH15, TR4, TR6, STC1 and LRC14 of the Review Local Plan. The balance of the

ACTION

considerations having regard to those policies and all other material considerations relevant in this case is that permission should be granted.

Directives:

1. The proposed works are situated within a Scheduled Ancient Monument. No works of excavation may be undertaken until the necessary scheduled monument consent has been obtained from English Heritage.
2. The applicant is advised to contact Richard Baker, third party works engineer 020 7985 7268 at British Waterways, to ensure that any necessary consents are obtained from British Waterways, and that works are compliant with "Code of Practice³ for Works affecting British Waterways".
3. The consent of East Herts Council as Land Drainage Authority is necessary for any works affecting the culvert prior to 1 April 2006. After that date, the consent of the Environment Agency should be obtained.

(B) application 3/05/1376/LB be granted listed building consent subject to the following conditions: -

DRS

1. Listed building five year time limit (1T05).
2. Clearance of site (8L13).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertford County Structure Plan and East Herts Local Plan) and in particular

ACTION

policy BE16 of the Adopted Local Plan and policy BH12 of the Review Local Plan. The balance of the considerations having regard to those policies is that consent should be granted.

317 3/05/1442/FP – ERECTION OF 10 NO. 2 BED HOUSES PLUS CART LODGES FOR 10 CARS & PARKING FOR 12 CARS, AT 194 – 196 STANSTED ROAD, BISHOP'S STORTFORD FOR THE CROFT GROUP LTD

The Director of Regulatory Services reported that five further letters and had been received objecting to the demolition of two family homes and the density of the proposed development. He reported that an e-mail had been received from the Highways Authority requesting a contribution of £57,500 for primary care and school development. He further reported that a letter had been received from the applicant confirming that the ditch within the site would be retained.

Concern was raised by Members in relation to highways issues and over development of the site although the Committee noted that similar applications had been granted previously for other sites around the town.

Some Members felt it was a pleasant development and not over developed and should be granted planning permission.

A motion was proposed and seconded to refuse application 3/05/1442/FP planning permission. After being put to the meeting, and a vote taken, the motion was lost.

After being put to the meeting, and a vote taken, the Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1442/FP be granted planning permission as detailed below.

ACTION

Councillor G L Francis wished that it be recorded that he was against the granting of planning permission for application 3/05/1442/FP.

RESOLVED – that (A) application 3/05/1442/FP be granted planning permission subject to the following conditions: -

DRS

1. Five Year Time Limit (1T01).
2. Samples of Materials (2E12).
3. No Further Windows (2E17).
4. Obscured glazing (2E18) “..in the flank elevations of units 1, 3, 5, 6,7, 8 and 10”.
5. Withdrawal of P.D.(Part 2 Class A)(Fences, Walls) (2E21).
6. Refuse Disposal Facilities (2E24)
“...including plans to show a turning facility for refuse vehicles accessing the site”.
7. External lighting details (2E27).
8. Provision and retention of Parking Spaces (3V23) “The cart lodges shall remain available for vehicle parking and shall not be used for storage or fitted within any enclosing doors or other barriers that shall restrict such parking.”
9. Tree retention and protection (4P05).

ACTION

10. Tree protection: Excavations (4P09).
11. Tree Surgery (4P11).
12. Landscape Design Proposals (4P12).
13. Landscape Works Implementation (4P13).
14. Landscape Maintenance (4P17).
15. Retention of landscaping (4P21).
16. Prior to the commencement of development details of Sustainable Drainage Systems shall be submitted, to include such measures as permeable surfaces, rainwater harvesting, soakaways. The details shall be as approved in writing by the local planning authority.

Reason: In the interests of reducing storm water flows and lessening the impacts on existing mains sewer systems in accordance with Environment Agency advice and government advice in PPG25.
17. Existing access closure (3V05) "...to No 196 Stansted Road".
18. Sight Lines (3V08) ".....2.5 m x 30m to the south and 2.5m by 45m to the north".
19. Pedestrian visibility splays (3V10) "2m x 2m".
20. Construction parking and storage (3V22).

ACTION

21. Wheel washing facilities (3V25).
22. Prior to commencement of works the approved vehicular access shall be marked out and within 14 days of that marking out shall be constructed to base course level for 10 metres from the highway boundary into the site.

Reason: To provide a satisfactory access into the site for construction traffic, in the interests of highway safety.

23. No gates or barriers shall be erected across the approved vehicle access.
24. To avoid vehicles parking near to the road junction, improve ease of access into the site by all transport modes and in the interests of the safe and convenient use of the highway.

Directives:

1. 01OL Other Legislation.
2. 02OW Ownership.
3. 05FC Highway Works.
4. 19SN Street Numbering.
5. The applicants are reminded of the requirements for a habitats license under the Wildlife and Countryside Act 1981, in the event of any protected species being found at the site, in which case they should

ACTION

immediately contact English Nature.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local; Plan) and in particular policies BE1 ,BE2 ,BE8 , DP1 and M8. The balance of the considerations having regard to these policies and the considerations of national planning guidance in PPG3 to secure the best use of urban land is that planning permission should be granted

318 3/05/1224/FP – ERECTION OF 1 NO. DETACHED DWELLING AND GARAGE AT LAND ADJACENT TO FOX & HOUNDS PH, HIGH STREET, HUNSDON FOR BLERIOT CONSTRUCTION LTD

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1224/FP be granted planning permission as detailed below.

RESOLVED - that application 3/05/1224/FP be granted planning permission subject to the following conditions: -

DRS

1. Within 2 months of the date of this decision notice and prior to their erection, details of all boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. All such approved means of enclosure shall be erected prior to the first occupation of any dwellings commensurate therewith, and shall thereafter be retained to the satisfaction of the Local Planning Authority.

ACTION

Reason: In the interests of privacy and visual amenity, in accordance with Appendix 1(D) of the East Herts Local Plan

2. Within 1 month of the date of this notice, samples of the external materials of construction for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and, shall be carried out in accordance with the approved details.

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

3. No further windows (2E17).
4. Withdrawal of P.D. (Part 1 Class A) (2E20).
5. Withdrawal of P.D. (Part 1 Class E) (2E22).
6. Within 2 months of the date of this notice, all materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas shall be approved in writing by the Local Planning Authority, and shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not detract from the appearance of the locality, and in accordance with Appendix 1(D) of the East Herts Local Plan.

7. Within 1 months of the date of this notice, wheel washing facilities shall be established

ACTION

within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such facilities, shall be established prior to the commencement of demolition or construction and shall be kept in operation at all times during demolition and construction works.

Reason: To prevent the tracking out of materials onto the highway in the interests of highway safety.

8. Tree retention and protection (4P05).
9. Within 2 months of the date of this notice, full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Proposed finished levels or contours (b) Means of enclosure (c) Planting plans (d) Written specifications (including cultivation and other operations associated with plant and grass establishment) (e) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (f) Implementation timetables

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy BE8 of the East Herts Local Plan.

10. Landscape works implementation (4P13).

ACTIONDirectives:

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

Summary of Reason for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure 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 RA3, RA9, BE2, BE8, BE18 and M8 and Re-Deposit Local Plan policies GBC5, GBC6, TR6, ENV1A, ENV5, ENV14, BH8, and OSV1. The development proposed does not comply with the Council's in principle Adopted Local Plan Rural Area policy. However, other material considerations that exist in this case are that the proposed development will not result in an incursion into the countryside and will not be harmful to the rural character of the area. The proposed development also complies with Policy OSV1 of the Redeposit Local Plan which allows limited infilling within the village. Therefore taking these other material factors into account, on the balance of consideration permission should be granted.

- 319 3/05/0684/FP – ERECTION OF NEW DWELLING IN PLACE OF EXISTING AGRICULTURAL BUILDING AT LAND ADJACENT TO TODDLERS HALL, ALBURY END, ALBURY FOR MR WEAVER

The Director of Regulatory Services reported that correspondence had been received from the agent and a third party. The agent had written with further representation in relation to the applicant's personal circumstances. The representation stated that the

ACTION

applicant had explored other options and it was felt that the impact would be minimal.

The Director of Regulatory Services stated that he had also received further objections from neighbouring properties in relation to the relocation of the power lines that supplied electricity to one of the properties and the other objection in relation to the size of the proposed dwelling alongside the objector's boundary.

Other objections were received in relation to the same objection listed in the report and a further objection from the Ramblers' Association.

A Member stated that he had sympathy with the applicant who had lived there for over forty years and informed the Committee that the existing building could not be converted as it was a listed building. He stated the applicant had agreed to pay £48,000 to have the existing overhead power lines relocated. He further stated there were 11 letters of support and further support from the local ward Member and a County Councillor.

The Committee noted Mr Weaver's exceptional health reasons, but recalled that a similar application had been refused at the last Development Control Committee meeting for the same reasons.

It was further noted by the Committee that the officers' recommendation for refusal were based on clear policy reasons.

Following further discussion, the Committee supported the recommendation of the Director of Regulatory Services that application 3/05/0684/FP be refused planning permission as detailed below.

ACTION

RESOLVED - that application 3/05/0684/FP be refused planning permission for the following reasons: -

DRS

1. Within Rural Area – EHLP (R031).
2. Insufficient justification in Rural Area (R032).
3. Landscape Conservation Area – Detriment (R111).

320 E/04/0014/B – UNAUTHORISED CHANGE OF USE OF LAND TO CREATE A HARD STANDING FOR VEHICULAR PARKING AND ASSOCIATED OFFICES, WELFARE FACILITIES AND DIESEL TANK AT FOXHOLES FARM, LONDON ROAD, HERTFORD

A Member raised a concern in relation to insufficient time before enforcement action was taken. He stated that the coach company provided a wonderful service locally and the owner had had to leave Mead Lane following the Development Brief. The area that the coaches were parking presently was on a temporary basis and the owner was desperately trying to find alternative accommodation.

The Member asked the Committee to consider six or ten months to allow the owner to seek alternative accommodation.

Following discussion the Committee agreed to increase the time span for enforcement action to be taken to six months.

The Committee supported the recommendation of the Director of Regulatory Services that in consultation with the Director of Corporate Governance, enforcement action under Section 172 of the Town and Country Planning Act

ACTION

1990 be authorised and any such steps as may be required to secure the cessation of the use of the unauthorised hard standing 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 such other steps as may be required to secure the cessation of the use of the unauthorised hard standing for vehicle parking and associated offices, welfare facilities and diesel tank and the cessation of the use of land for vehicle parking not associated with agriculture. For the following reasons: -

DRS

Period of Compliance: 6 months

Reasons why it is expedient to issue an Enforcement Notice:-

The site lies within the Metropolitan Green Belt as defined in the East Hertfordshire local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for minimal extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case and the use is contrary to policy RA2 of the Local Plan.

The use results in additional heavy goods vehicle and passenger service vehicle traffic on the rural road system, contrary to policy 29 of the Hertfordshire County Structure Plan, policy M11 of the Adopted East Herts Local Plan and policy TR8 of the Re-Deposit version of the Review Local Plan. The use is detrimental of conditions of road safety and the rural environment of the locality.

ACTION

The use results in the use of RUPP43, a defined public footpath, by an increased number of large vehicles to the detriment of the safety and enjoyment of persons using the footpath, contrary to the provisions of policy M11 of the East Herts Local Plan.

- 321 3/05/1491/FN – RENEWAL OF PLANNING PERMISSION
3/99/1945/FP FOR RACQUETS AND FITNESS CLUB,
GOLF DRIVING RANGE, PARKING AND ASSOCIATED
FACILITIES. LAND WEST OF SELE FARM ESTATE,
WELWYN ROAD, HERTFORD FOR NEXT
GENERATION CLUBS LTD
-

Councillor Mrs S Newton, local ward member addressed the Committee with concerns in relation to the renewal of planning permission.

She stated that it had been four years since the original permission had been granted and development work had not yet been undertaken. She asked the Committee to consider that if it was minded to grant renewal permission, that a time span of three years be imposed as a condition.

Members agreed that the site was in poor condition and used by bikers. It regularly had Police attendance and it made the Bridleway use dangerous because of the activities that took place on the land. It was suggested that research into a Section 215 in order to enforce development be carried out.

The Director of Regulatory Services informed the Committee that the original approval was given by the Secretary of State and may need to be referred back. He felt that to grant the planning renewal for three years would be acceptable.

ACTION

Following further discussion, the Committee agreed to grant the renewal application for a further three years and also requested that the Director of Regulatory Services investigate the use of a Section 215 agreement.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1491/FN upon signing by the applicants of an obligation under Section 106 of the Town and Country Planning Act 1990, be granted renewal of planning permission as detailed below.

RESOLVED - that upon the applicant signing by the applicants of an obligation under Section 106 of the Town and Country Planning Act 1990, in respect of the following matters: -

DRS

1. The provision, prior to the commencement of any works on the site, of the following highway related matters:-
 - (a) Widening of Welwyn Road at the proposed vehicular access to provide a right turning lane, pedestrian refuge islands, and appropriate white line markings.
 - i. Provision of a shared use cycle/pedestrian way alongside Welwyn Road from the point of access into the development to the western end of the existing footway and, the widening and conversion of the existing footway for shared use between its western end and Windsor Drive including all administrative and legal costs of that conversion.

ACTION

- ii. Provision of streetlighting on Welwyn Road from the western end of the existing streetlighting to a point just west of the access junction improvement mentioned at (a) above.
 - iii. The bearing of all costs by the developer of introducing a 30 mph speed limit over a length of Welwyn Road from the westernmost point of the new streetlighting (point (c) above) to the start of the existing 30 mph limit near Thieves Lane together with such other highway warning signage as appropriate.
 - iv. The provision of a bus stop and shelter on the northern side of Welwyn Road at least 120m east of the proposed junction, and the provision of a bus stop, shelter and section of footway on the southern side of Welwyn Road together with green carriageway surfacing. Neither shelter to have any illuminated advertisements.
2. The provision and dedication of footpaths within the site, linking Sele Farm estate with BR11 and FP61.
3. The provision and implementation of a landscaping scheme, together with a scheme of management for the landscaping of the whole site, including the retention of the public open space, and the public recreation areas as such, with a commitment that such land will be safeguarded against the

ACTION

provision of any further building.

4. The provision of a community package providing free and/or reduced cost access for schools and the local community to the club facilities.

application 3/05/1491/FP be granted renewal planning permission subject to the following conditions: -

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: In order to prevent land banking by the developer and to encourage an early commencement to the development of this neglected site.

2. Prior to the commencement of any development, detailed plans shall be submitted to and approved in writing by the Local Planning Authority, showing the existing and proposed levels of the driving range, the recreational area, the bunding, the courts, the slab levels of the buildings, and the car park.

Reason: To ensure that the development is carried out at appropriate levels in all its elements.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, drawings and specifications.

ACTION

Standard Reason (2E10)

4. Details of all fencing, including boundary, catch and security fencing, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development. All such approved means of enclosure shall be erected prior to the first use of that part of the site commensurate therewith, and shall thereafter be retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of safety and visual amenity.

5. Prior to any building works being commenced, the external materials of construction for the building hereby permitted shall be approved in writing by the Local Planning Authority.

Standard Reason (2E11)

6. With the exception of the lighting shown on the plan approved hereby, no further external lighting shall be provided without the prior written permission of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

7. Details of the proposed cycle parking facilities for a minimum of 25 cycles shall be submitted to and approved in writing by the Local Planning Authority, prior to the

ACTION

commencement of development.

Reason: To encourage the use of cycles as a means of transport.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no access, either vehicular or pedestrian shall be formed onto the highway other than those shown on the plans hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Standard Reason (3V04)

9. Prior to the first occupation of the development hereby permitted, the existing vehicular access shall be permanently closed and the kerbs and the (footway/verge) reinstated to the satisfaction of the Local Planning Authority.

Standard Reason (3V05)

10. Details of the location, design and means of operation of any vehicle or other access barrier, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

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

11. Prior to the commencement of development, detailed plans showing the proposed junction access arrangements, and the internal vehicular areas, shall be submitted to and

ACTION

approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved plans, and in the case of the works for the access junction, shall be provided prior to the commencement of any further works on the site.

Reason: In order to ensure adequate highway arrangements for the development at all times.

12. Prior to the first occupation of the development hereby permitted, details of a phased parking scheme shall be submitted to and approved in writing by the Local Planning Authority. Spaces shall be provided within the application site for the parking of cars in accordance with the approved scheme and such spaces shall be retained at all times for use in connection with the development hereby permitted.

Standard Reason (3V23)

13. Prior to the commencement of the development hereby permitted all materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas shall be approved in writing by the Local Planning Authority.

Standard Reason (3V21)

14. All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning

ACTION

Authority in accordance with relevant British Standards (e.g. BS 5837:1991), for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Standard Reason (4P05)

15. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site to the satisfaction of the Local Planning Authority in accordance with relevant British Standards (BS 5837:1991). Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable, and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as

ACTION

may be agreed with the Authority.

Standard Reason (4P06)

16. No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate.
- (a) Proposed finished levels or contours
 - (b) Means of enclosure
 - (c) Car parking layouts
 - (d) Other vehicle and pedestrian access and circulation areas
 - (e) Hard surfacing materials
 - (f) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
 - (g) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc)
 - (h) Planting plans
 - (i) Written specifications (including

ACTION

cultivation and other operations associated with plant and grass establishment)

- (j) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- (k) Implementation timetables

Standard Reason (4P12)

17. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Standard Reason (4P13)

18. Notwithstanding the submitted plans, landscaped mounding shall be provided in the areas indicated by green lines on the plan approved hereby in accordance with details

ACTION

which shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development. Such details, and the implementation of the works, shall otherwise comply with the requirements of conditions 16 and 17 above.

Reason: In the interests of visual amenity.

19. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, the areas shown for landscaping on the plans approved hereby shall be retained and maintained as open landscaping, and shall not be developed enclosed or used in any way that is detrimental to that character.

Standard Reason (4P21)

20. Any external lighting shall not be switched on before 1300 hours on any day. The external lighting of any sports facilities shall be switched off by 2230 hours, and any lighting to the parking areas shall be switched off by 2359 hours on any day. No lighting shall be brought into operational use until such time as appropriate hooding and shielding has been installed to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenities of nearby residents.

21. Details of any external plant, or external ducts and extractors, including location, design and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority, prior to the

ACTION

commencement of development. There shall be no occupation of any part of the development for its permitted use prior to the implementation of noise abatement measures that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of nearby residents.

22. Access to and egress from the site for works in relation to the development approved hereby, shall only be obtained from the approved access as shown on the plan approved hereby.

Reason: To ensure a satisfactory access for the construction traffic.

23. Wheel washing facilities shall be established within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such facilities, shall be established prior to the commencement of any earth works or construction, and shall be kept in operation at all times during such works.

Standard Reason (3V25)

24. Adequate space for the parking of construction workers vehicles, and for the delivery and storage of materials, shall be provided within the site, prior to the commencement of construction works, and the use of such areas shall not interfere with the public highway.

ACTION

Standard Reason (3V22)

25. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority, of proposed measures for controlling dust arising from the carrying out of development. Such measures shall be in operation during the whole of the period when works in connection with the development are being undertaken.

Reason: In the interests of the amenities of nearby residents.

26. A green transport plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development, or any phase of the development, for its permitted use.

Reason: To minimise the reliance upon private car transport in accordance with policy 22 of the Hertfordshire County Structure Plan.

27. The green transport plan shall be implemented and retained in force as approved.

Reason: To minimise the reliance upon private car transport in accordance with policy 22 of the Hertfordshire County Structure Plan.

28. There shall be no occupation of any part of the development for its permitted use prior to

ACTION

the provision of an illuminated footpath link not exceeding 400m in overall length between the existing bus stop in Bentley Road and the entrance of the indoor tennis club building. Where the footpath link crosses the land marked yellow on the plan approved hereby it shall have a minimum width of 2m and shall be dedicated as a public highway. The whole footpath link shall not be constructed other than in accordance with plans which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the reliance upon private car transport in accordance with policy 22 of the Hertfordshire County Structure Plan.

29. The function room and restaurant shall be vacated by patrons by 2359 hours on any day.

Reason: In the interests of the amenities of the residents of nearby properties.

30. Before 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 Local Planning Authority prior to commencement of the work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the

ACTION

Local Planning Authority before development commences. The development shall then proceed in strict accordance with the measures approved.

Standard Reason (2E33)

31. No soakaways shall be constructed in contaminated ground.

Reason: To prevent pollution of the water environment.

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

Reason: To ensure appropriate means of drainage of the site.

33. No works or development shall take place until full details of a scheme for the construction of a cycleway and footway in front of Nos. 6 to 10 and 12 to 16 Welwyn Road has been submitted to and approved in writing by the Local Planning Authority. No building within the development is to be occupied until the cycleway and footway has been constructed in accordance with the details agreed in writing, and shall thereafter be retained to the satisfaction of the Local Planning Authority.

Reason: To minimise the reliance upon private car transport in accordance with

ACTION

policy 22 of the Hertfordshire County
Structure Plan.

- 322 A) 3/05/1052/RP – ERECTION OF 95 DWELLINGS,
ACCESS ROADS, GARAGES, PARKING AREAS,
OPEN SPACES, PATHS AND ANCILLARY WORKS
B) 3/05/1331/RP – ERECTION OF 6 NO. 2 STOREY
DWELLINGS AND ANCILLARY WORKS.
C) 3/05/1324/FP – ERECTION OF 6 NO. 2.5 STOREY
DWELLINGS AND ANCILLARY WORKS

LAND AT FORMER TRINITY CENTRE, FANHAMS HALL
ROAD, WARE FOR DAVID WILSON HOMES.

A Member expressed his disappointment in relation to the proposals before the Committee and felt that the applications 3/05/1052/FP and 3/05/1331/RP for approval of reserved matters and application 3/05/1324/FP did not reflect the previously agreed outline planning permission.

He raised concerns that it appeared from the Development Brief that the housing development would be in the region of seventy-five properties. The application before the Committee was asking for approval for one hundred and one, a twenty-five percent increase to that suggested in the Development Brief. He also raised concerns in relation to the proposed 2.5 storey dwellings.

Councillor M R Alexander gave an overview of the original Development Brief highlighting that considerable consultation had taken place with local residents in relation to what was acceptable. Clarification was sought and given relation to the size of the land and the particular site.

The Director of Regulatory Services informed the Committee that the Development Brief was not a descriptive document and did not specify a certain amount of dwellings.

ACTION

Another local member for Ware stated that the final version of the Development Brief was acceptable and local members and residents were pleased with the outcome. He further made it known that he was disappointed with the 2.5 storey buildings that the Committee was now being asked to consider.

Other Members raised concern that it seemed that another document had been given outline permission and once planning applications were put before the Committee, they were not near expectations.

The Director of Regulatory Services clarified the applications.

It was suggested that a reason for refusal could be that in line with Government policy, public consultation had been carried out thoroughly with local residents, stakeholders and businesses and they were happy to accept a maximum of seventy dwellings.

The Director of Corporate Governance reiterated that the Development Brief did not specify maximum numbers and only gave examples. It was not realistic to expect a maximum or minimum number of dwellings.

Following further discussions, many Members stated their dissatisfaction in relation to all of the applications in relation to the Development Brief.

Some Members stated that they refused to agree or disagree to applications 3/05/1052/FP, 3/05/1331/RP and 3/05/1324/FP.

Following further consideration, the Committee agreed that applications for reserved matters for applications 3/05/1052/RP and 3/05/1331/RP be approved and

ACTION

planning application 3/05/1324/FP be refused planning permission as detailed below.

Councillor W Ashley requested that it be recorded that he had supported the granting of application 3/05/1324/FP.

RESOLVED - that (A) reserved matters for application 3/05/1052/RP be approved subject to the following conditions: -

DRS

1. Materials of construction (2E11).
2. Boundary walls and fences (2E07).
3. Hard surfacing (3V21).
4. Retention of existing trees (4P05).
5. Retention of existing hedgerows (4P06).
6. Landscape design proposals (4P12).
7. Landscape works, Implementation (4P13).
8. Vehicular use of garages (5U10).
9. Withdrawal of permitted development rights (Part 1 Class A – extensions) (2E20)
10. Withdrawal of permitted development rights (roof alterations and dormer windows) (2E23)
11. Sight splays 2.4m x 70m (west) and 2.4m x max (east) shall be provided at the junction of

ACTION

the access to plots 90-101 with Tower Road.

Reason: In the interests of highway safety.

12. Completion of roads (3V13).
13. The footpath/cycle link, the two children's play areas and the public open space shall be provided prior to the first occupation of any of the dwellings approved hereby, and/or as a result of any permission granted in respect of application 3/05/1324/FP or 3/05/1331/RP.

Reason: To ensure a timely provision of amenities in relation to the residential development.

14. Details of the means of management and maintenance of all communal areas within the site, shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of any dwellings.

Reason: To ensure an appropriate long term regime of maintenance in the interests of visual amenity.

Directives:

1. The developer is reminded of the need to comply with all of the requirements of the conditions attached to the grant of outline planning permission 3/02/1725/OP granted 23 February 2005, and its accompanying Section 106 Agreement, of the same date.

ACTION

2. Street naming and numbering (19SN).
3. The applicant is referred to CIRIA Publication C532 "Control of water pollution from construction – guidance for consultants and contractors"

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 in particular policies BE2 and BE8. The balance of the considerations having regard to those policies and the grant of outline planning permission 3/02/1725/OP is that permission should be granted.

(B) reserved matters for application 3/05/1331/RP be approved subject to the following conditions: -

DRS

1. Materials of construction (2E11).
2. Boundary walls and fences (2E07).
3. Hard surfacing (3V21).
4. Landscape works implementation (4P13).
5. Vehicular use of garages (5U10).
6. Withdrawal of permitted development rights (2E20).
7. Withdrawal of permitted development rights (roof alterations and dormer windows)

ACTION

(2E23).

Directives:

1. The developer is reminded of the need to comply with all of the requirements of the conditions attached to the grant of outline planning permission 3/02/1725/OP granted 23 February 2005, and its accompanying Section 106 Agreement, of the same date.
2. Street naming and numbering (19SN).
3. The applicant is referred to CIRIA Publication C532 "Control of water pollution from construction – guidance for consultants and contractors"

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 in particular policies BE2 and BE8. The balance of the considerations having regard to those policies and the grant of outline planning permission 3/02/1725/OP is that permission should be granted.

(C) application 3/05/1342/FP be refused
planning permission for the following reasons: -

DRS

1. The proposed development by reason of its two and a half storey height would result in an overbearing and overdominating effect on the properties in Coltsfoot Road to the detriment of the amenities of the residents thereof and is therefore contrary to Policy

ACTION

BE2 of the East Herts Local Plan.

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

The Director of Corporate Governance 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 completed, the Director of Corporate Governance should, it was felt, be authorised to grant permission in respect of planning applications submitted in the report.

The Committee supported the recommendation of the Director of Corporate Governance 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 an extension of six months from the date of this meeting be granted for the completion of planning obligations 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 was completed, the Director of Corporate Governance be authorised to grant permission in respect of the following planning applications: -

DCG

| <u>Planning Reference</u> | <u>Site and Proposals</u> |
|---------------------------|--|
| 1. 04.06.568 | Barn at Judd's Farmhouse, Great Hornead. Barn conversion to granny annexe |
| 2. 04.06.594 | Lamb & Flag Public House, Colliers End. Raising level and |

ACTION

- hard surfacing land to provide additional car parking (retrospective).
3. 04.06.637 Hole Farm, Old Hall Green, Nr Ware. Demolition of dilapidated farm buildings, erection of six staff/keyworker dwellings.
4. 04.06.655 Former Pines JMI School Devot Place, Hertford. 26 dwellings.

324 ENFORCEMENT POLICY FOR DEVELOPMENT CONTROL

The Director of Regulatory Services presented a report in relation to the draft enforcement policy for Development Control.

The purpose of the report was to consult Members on the draft enforcement policy prior to its referral to the Executive.

The Committee noted that the production of the enforcement policy contributed to the Council's objectives as follows: -

- To improve standards of neighbourhood management in our towns and villages;
- To protect and provide support to the most vulnerable, in partnership with others; and
- To preserve the unique mix of rural and urban communities, ensuring economic opportunities are generated for the benefit of all.

ACTION

The Director of Regulatory Services reported that the Council had published its corporate enforcement policy in February 2004, and each service within the authority was required to produce its own service specific policy.

The Committee noted that following on from the Best Value Review of Development Control, a detailed evaluation of the Development Control process had been carried out. This had resulted in the formulation of the draft enforcement policy.

The Director of Development Control reported that the draft policy had been circulated to Town and Parish Council in the District and a selection of planning agents and stakeholders seeking their views on the policy.

The enforcement policy covered the following areas: -

- The scope of Development Control enforcement;
- The principles of good enforcement – policy;
- The enforcement process in Development Control;
- Targets;
- Enforcement Options;
- Approval and review;
- Access to the policy
- Implementation of the enforcement policy; and

ACTION

- Contact details for informing of a breach of control.

The Committee noted the Enforcement Policy and undertook to forward any comments or concerns it had to the Director of Regulatory Services by 27 September 2005.

RESOLVED – that the Committee noted the Enforcement Policy and undertook to forward any comments it had to the Director of Regulatory Services by 27 September 2005.

DRS

325 ITEMS FOR REPORT AND NOTING

The Committee expressed its compliments to officers in the Development Control section for the continuous service improvements.

RESOLVED – that the following reports be noted.

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

The meeting closed at 10.41 pm

| | |
|----------|-------|
| Chairman | |
| Date | |