

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE
WAYTEMORE ROOM, COUNCIL
OFFICES, BISHOP'S STORTFORD ON
WEDNESDAY, 7 DECEMBER 2005 AT
7.30 PM

PRESENT: Councillor R Gilbert (Chairman).
Councillors W Ashley, D R Atkins, K A Barnes,
S A Bull, A L Burlton, R N Copping, A F Dearman,
J Demonti, G L Francis, Mrs M H Goldspink,
M P A McMullen, D A A Peek, P A Ruffles,
S Rutland-Barsby, G D Scrivener, J J Taylor,
M Tindale, A L Warman, M Wood.

ALSO IN ATTENDANCE:

Councillor E J Cain.

OFFICERS IN ATTENDANCE:

Malcolm Amey	- Arboricultural Officer
Peter Biggs	- Development Control Manager
Simon Drinkwater	- Director of Corporate Governance
Andrea Gilmour	- Development Control Manager
Francesca Hill	- Principal Planning Officer
Neal Hodgson	- Director of Regulatory Services
Jeff Hughes	- Head of Democratic Services

486 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors M R Alexander, L O Haysey, D Richards and
B W J Sapsford.

487 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman advised that the items relating to applications 3/05/1829/FP (Piggotts Farm, Albury End) and 3/05/1743/FP (Unit 3 Birchanger Industrial Estate, Bishop's Stortford) had been withdrawn from the agenda.

The Chairman commented that he had recently attended an excellent Development Control training session. Unfortunately, a number of Members of the committee were unable to attend this event. He advised that a similar event may be held in the future.

488 DECLARATIONS OF INTEREST

Councillor R N Copping declared personal interests in respect of applications 3/05/1864/FP and 3/02/2052/FP (and enforcement action reference E/01/0103/A). He stated that in respect of the former application, he knew the applicant. In respect of the latter application, he had his car serviced at this facility.

Councillor M P A McMullen declared a personal and prejudicial interest in respect of application 3/05/1766/FP as he had previously publicly declared his opposition to the proposed development. Councillor McMullen left the room prior to consideration of this application.

Councillor A F Dearman declared a personal interest in respect of application 3/05/1815/FP as his children attended the same school as the applicants' children. Further, the applicants were his nearest neighbours to the north of his property.

Councillor E J Cain declared a personal interest in respect of application 3/05/1815/FP as she was the friend of a friend of the applicants.

Councillor M Tindale declared a personal interest in respect of application 3/05/1815/FP as he knew the applicants' architect.

Councillor D A A Peek declared a personal and prejudicial interest in respect of applications 3/05/1654/FP and 3/05/1664/FP as he was a Member of the Authority's CCTV Steering Group. Councillor Peek left the room prior to the consideration of these applications.

Councillor A L Warman declared personal and prejudicial interests in respect of application 3/05/1743/FP (withdrawn item) and enforcement matter E/04/0190/A. Councillor Warman left the room prior to the consideration of the enforcement matter.

RESOLVED ITEMS

ACTION

489 MINUTES

RESOLVED - that the minutes of the meeting held on 22 November 2005 be confirmed as a correct record and signed by the Chairman.

490 3/05/0341/FP – DEMOLITION OF EXISTING GARAGE BUILDINGS INCLUDING SHOWROOM, SALES KIOSK, FORECOURT CANOPY AND WORKSHOP AND ERECTION OF 13 DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING AT CHARVILLS GARAGE, THUNDRIDGE FOR MR J CHARVILL

The Director of Regulatory Services advised that application 3/05/0341/FP had been considered by the Committee at its meeting held in May 2005 (Minute 158 refers). The Committee noted the decision that it took on this application at that meeting and the reasons why, based on legal advice, the application was now submitted for reconsideration.

The Director confirmed that further consultation on this application had been undertaken in the light of the

ACTION

circumstances now described.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/0341/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED - that application 3/05/0341/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. No further windows (2E17).
5. Obscure glazing (2E18) (all bathrooms).
6. Withdrawal of P.D. (Part 1 Class A) (2E20).
7. Withdrawal of P.D. (Part 2 Class A) (2E21).
8. Withdrawal of P.D. (Part 1 Class E) (2E22).
9. Withdrawal of P.D. (Part 1 Class B) (2E23).
10. Refuse disposal facilities (2E24).
11. Lighting details (2E27).
12. Materials arising from demolition (2E32).
13. Contaminated land survey and remediation (2E33).
14. Approved accesses only (3V04).

ACTION

15. Sight lines (3V08) (2.4m x 40m).
16. Pedestrian visibility splays (3V10)
(insert 2m x 2m)
17. Hard surfacing (3V21).
18. Construction parking and storage (3V22).
19. Provision and retention of parking spaces
(3V23).
20. Wheel washing facilities (3V25).
21. Tree Survey (4P01).
22. Tree retention and protection (4P05).
23. Tree/ natural feature protection: Fencing
(4P07).
24. Tree protection: Excavations (4P09).
25. Tree protection: Earthworks (4P10).
26. Landscape design proposals (4P12).
27. Landscape works implementation (4P13).
28. Landscape maintenance (4P17).
29. Retention of landscaping (4P21).

ACTION

30. Vehicular use of garage (5U10).
31. The existing northern boundary wall as indicated by the colour green on the approved plan no. 6888/P/006A shall be retained but reduced in height to 2 metres (measured from the 21 Cambridge Road and The Old School).

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

32. In connection with all site preparation, demolition and construction works no plant or machinery shall be operated on the premises before 0730 hrs on Monday to Saturday, nor after 1830 hrs on weekdays and 1330 hrs on Saturdays, nor at any time on Sundays or bank holidays

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

33. The construction of the foundations and the surface and foul 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 prevent pollution of the water environment.

ACTION

34. No soakaways shall be constructed in contaminated land.

Reason: To prevent pollution of groundwater.

Directives:

1. Other legislation (01OL).
2. Party Wall Act (24PW).
3. The site is located within the groundwater protection zone of Musley Lane pumping station. The construction works and operation of the proposed development should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the ground water pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

For further information please refer to CIRIA Publication C532 'Control of water pollution from construction- guidance for consultants and contractors'.

Summary of Reason for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan and the Local Plan Second Review Re-Deposit Version, November 2004), and in particular policies RA3,

ACTION

RA9, BE2, BE8, BE10, BE18 and M8 and Re-Deposit policies GBC5, GBC6, HSG8, TR6, ENV1A, ENV5, ENV14, ENV16, ENV28, BH8, and OSV2.

The development proposed does not comply with the above Structure or Local Plan policies.

However, other material considerations exist in this case relating to the existing intrusive appearance of the site and its impact on neighbouring residential properties. The proposed development will not result in an incursion into the countryside nor will it be harmful to the rural character of the area and therefore on the balance of consideration permission should be granted.

491 3/05/1864/FP– NURSERY PRODUCTION/RETAIL AREA AT FORMER BENGEO GARDEN CENTRE, SACOMBE ROAD, BENGEO FOR MAJOR HENRY WILLIAM SHEPHERD

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1864/FP be refused planning permission for the reasons detailed in the report now submitted.

RESOLVED - that application 3/05/1864/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 Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No special circumstances have been demonstrated to justify the retailing (A1) element of the scheme and the proposal would therefore be contrary to policy RA2 of the Local Plan.

ACTION

2. The proposed development is situated in open countryside wherein permission will not normally be given for garden centres, nurseries or similar substantial horticultural land uses. The proposal would have a significant detrimental impact on the open rural character of the area and is therefore contrary to policy SH10 of the East Herts Local Plan
3. Landscape Conservation Area – Detriment (R111) insert 'by reason of its scale, materials of construction, large area of car parking, loss of trees and inadequate space for new tree planting.
4. The proposal by reason of its scale, materials of construction, large area of car parking, loss of trees and inadequate space for new tree planting would be detrimental to the character and appearance of Hertford Conservation Area which adjoins the site, contrary to Policy BE18 of the East Herts Local Plan
5. The proposal would be likely to result in a the loss of a number of trees and other existing landscape features to the detriment to the character and appearance of the area and contrary to policy BE8 of the East Hertfordshire Local Plan.
6. The application lacks sufficient information regarding the issue(s) of traffic impact to enable the Local Planning Authority to properly consider the planning merits of the application.

ACTION

7. The application lacks sufficient information regarding the existing trees on and adjacent to the site to enable the Local Planning Authority to properly consider the planning merits of the application contrary to Policy BE8 of the East Hertfordshire Local Plan.

492 3/05/1859/OP – ERECTION OF A GARDEN CENTRE WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING ON LAND AT LONDON ROAD/PIG LANE, BISHOP'S STORTFORD FOR THE FAIRFIELD PARTNERSHIP

The Director of Regulatory Services reported representations received from the Environment Agency. The Committee noted that the agency had withdrawn its objections subject to a condition being imposed on the grant of any application as now detailed.

The Director of Regulatory Services also reported upon the content of letters received from the applicant in relation to reasons 5 and 6 put forward as a basis to refuse the application planning permission.

The Director of Regulatory Services also reported the content of a letter from the Highways Authority relating to its proposal for a sum of money to be obtained to fund future schemes/measures arising from the Bishop's Stortford Transport Study. The Committee noted that the Highways Authority had only received confirmation of an offer of £25,000 from the applicant.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1859/OP be refused planning permission for the reasons detailed in the report now submitted.

ACTION

RESOLVED - that application 3/05/1859/OP be refused planning permission for the following reasons:

DRS

1. Within Metropolitan Green Belt (R021).
2. The proposed development due to the scale and siting of the new building, the scale and extent of the car parking and vehicle service yard and measures for the provision of highways access including tree and hedge removal, will be harmful to the openness and visual amenity of the Metropolitan Green Belt and contrary to national planning advice in PPG2.
3. The application fails to meet the adopted local plan policy criteria for Garden Centres or demonstrate the very special circumstances required to justify a retailing (A1) operation which otherwise constitutes inappropriate development within the Green Belt. The proposal is thereby contrary to Policy SH10 of the East Herts Local Plan and national planning advice in PPG2.
4. The proposal would result in the loss of a number of attractive trees, which are the subject of a Tree Preservation Order, established hedgerows and woodland to the detriment of the character and appearance of the area, and contrary to policies RA9 and BE8 of the East Hertfordshire Local Plan.
5. The application lacks sufficient information regarding the issue(s) of flooding and biodiversity to enable the local planning authority to properly consider the planning

ACTION

merits of the application.

6. The application fails to provide a sustainable approach to transport planning. Local traffic congestion and conditions for pedestrians and cyclists would deteriorate and generate additional car borne traffic would result. This approach is contrary to advice in national guidance in PPG13.
7. The proposed service yard by its size and location would result in unacceptable noise and disturbance detrimental to the amenity of residents in nearby dwellings in Proctors Way contrary to Policy BE10 of the East Herts Local Plan.

493 3/05/1796/FO – RETROSPECTIVE APPLICATION TO RETAIN THE RICKSIDE AS RESIDENTIAL ANNEXE TO THE RICK WITHOUT COMPLIANCE WITH CONDITION NO. 7 OF 3/98/0822/FP AT THE RICK AND RICKSIDE, NETHER STREET, MUCH HADHAM FOR MARKWELL INVESTMENT LIMITED

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1796/FO should be granted planning permission subject to the applicant entering into a planning obligation in respect of the matter now detailed. The Committee also supported the proposed conditions to be attached to the planning permission.

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

DCG
DRS

ACTION

the building (C) shall be used solely as ancillary accommodation in connection with the residential occupancy of the adjoining dwelling known as The Rick (Building B) and not as a separate independent or unrelated dwelling,

the Director of Regulatory Services be authorised to grant planning permission in respect of application 3/05/1796/FO, subject to the following condition:

DRS

The use hereby permitted relates solely to the use of the building as an annexe to the adjoining residential property and it shall not be used as a separate residential dwelling.

Reason: To ensure the Local Planning Authority retains control over any future development in accordance with Policy RA3 of the East Herts Local Plan.

494 3/05/1680/FP – ERECTION OF A SINGLE STOREY GARAGE AT 54 PRESTWICK DRIVE, BISHOPS STORTFORD MR R WILSON

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1680/FP be granted planning permission subject to the following conditions.

RESOLVED - that application 3/05/1680/FP be granted planning permission subject to the following conditions:-

DRS

1. Three Year Time Limit.
2. Matching materials (2E13).
3. Vehicular Use of Garage (5U10).

ACTIONDirective:

Other legislation (01OL).

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 BE2 and BE5 and Re-Deposit Local Plan policies ENV1(a), ENV9 and ENV10. I therefore consider that permission should be granted.

494 3/05/1654/FP – ERECTION OF 6M BLACK CCTV HERITAGE COLUMN WITH DOME SHAPED CCTV CAMERA. REPLACEMENT OF EXISTING SIGNAGE COLUMN OUTSIDE 24/26 ST ANDREWS STREET, HERTFORD FOR P GRIFFIN, EAST HERTS COUNCIL

The Director of Regulatory Services reported the details of a further letter of representation on this application from a local resident.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1654/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED - that application 3/05/1654/FP be granted planning permission subject to the following conditions:-

DRS

1. Three Year Time Limit (1T12).
2. Materials of Construction (2E11).

ACTION

Alter “building works” to “development” and
“building” to “CCTV column and camera”

3. Following completion of the operations for which consent is hereby granted, all 'making good' of the existing footpath shall be carried out in materials, which closely match those used in the existing footpath to the satisfaction of the Local Planning Authority.

Reason: To ensure the historic and architectural character of the locality is properly maintained, in accordance with policy BE18 of the East Herts Local Plan.

Directives:

1. Other legislation (01OL).
2. Highway Works - 05FC.

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 East Herts Local Plan Second Review Re-Deposit Version November 2004 including Pre-Inquiry Changes, and in particular Adopted Local Plan policies BE2, BE16, BE18, BE21 and BE27 and Re-Deposit Local Plan policies ENV1(a), BH8, BH10, BH15 and ENV7. The balance of the considerations having regard to those policies is that permission should be granted.

ACTION

494 3/05/1664/FP – ERECTION OF 6M BLACK CCTV HERITAGE COLUMN WITH DOME SHAPED CCTV CAMERA AT RIVERSIDE, OPPOSITE RIVERSIDE WALK, BISHOPS STORTFORD FOR EAST HERTS COUNCIL

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1664/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED - that application 3/05/1664/FP be granted planning permission subject to the following conditions:-

DRS

1. The CCTV column and camera shall be removed on or before 31 January 2007, and the land shall be reinstated to the satisfaction of the Local Planning Authority.

Reason: The development is expedient only.

2. Materials of Construction (2E11).
Alter “building works” to “development” and “building” to “CCTV column and camera”
3. Following completion of the operations for which consent is hereby granted, all 'making good' of the existing footpath shall be carried out in materials, which closely match those used in the existing footpath to the satisfaction of the Local Planning Authority.

Reason: To ensure the historic and architectural character of the locality is properly maintained, in accordance with policy BE18 of the East Herts Local Plan.

ACTIONDirectives:

1. Other legislation (01OL).
2. Highway Works - (05FC).

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 East Herts Local Plan Second Review Re-Deposit Version November 2004 including Pre-Inquiry Changes, and in particular Adopted Local Plan policies BE2, BE18, BE21 and BE27 and Re-Deposit Local Plan policies ENV1(a), BH8, BH10, BH15 and ENV7. The balance of the considerations having regard to those policies is that permission should be granted.

495 3/05/1779/FO – REMOVAL OF CONDITION 4 ATTACHED TO PLANNING PERMISSION 3/02/2646/OP, FOR THE DEMOLITION OF TWO COMMERCIAL BUILDINGS AND CONSTRUCTION OF NEW FARMHOUSE, CONNAUGHT HOUSE, ELBOW LANE, HERTFORD HEATH, FOR MR J C BURKE

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1779/FO seeking a removal of condition 4 attached to planning permission 3/02/2646/OP should be approved.

RESOLVED - that Condition 4, attached to planning permission 3/02/2646/OP be removed.

DRS

ACTIONSummary of Reason for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan), and in particular policy RA5 of the Adopted Local Plan and GBC8 and GBC8(a) of the Second Review Local Plan Re-deposit Version (incorporating Pre-Inquiry Changes). The balance of considerations having regard those policies and guidance contained in PPS7, and that there is not a justified need for the imposition of condition 4 attached to planning permission 3/02/2646/OP, is that the condition be removed.

496 3/05/1815/FP – CHANGE OF REDUNDANT AGRICULTURAL BUILDINGS TO 4 NO. HOLIDAY COTTAGES AND ALTERATIONS, QUINBURY FARM, HAY STREET, BRAUGHING FOR MR AND MRS G LANGLEY-JONES

The Director of Regulatory Services advised that a further letter of representation had been received from the applicants in respect of this application. The Committee noted the detail of the further representations made by the applicant.

The Director advised that, based on further representations from the Hertfordshire Biological Record Centre, the proposed reason for refusal relating to the protection of bats could be discarded.

With the permission of the Chairman, Councillor E J Cain addressed the meeting in support of granting this application planning permission.

Councillor W Ashley proposed and Councillor S A Bull seconded a motion to grant application 3/05/1815/FP planning permission. Councillor Ashley advised that he

ACTION

believed that the existing buildings were of sufficiently sound construction to be in accordance with Policies RA3, RA6A and RA6B of the Authority's Adopted Local Plan. He further believed that the proposed alterations to the existing buildings to enable the change of use proposed would be sympathetic to their rural character and appearance.

Councillor Ashley further outlined why he believed sufficient justification had been submitted by the applicants to demonstrate how the proposal was intended to support the continuation of the farm enterprise. Councillor Ashley highlighted the work that the applicants had undertaken in order to secure "DEFRA funding".

The Committee supported Councillor Ashley's motion and agreed to grant application 3/05/1815/FP planning permission subject to appropriate conditions relating to the matters now identified.

RESOLVED - that application 3/05/1815/FP be granted planning permission subject to the following conditions:-

DRS

1. Three Year Time Limit (1T121).
2. Complete Accordance (2E101).
insert "unless otherwise agreed in writing by the LPA"
3. Samples of Materials (2E122).
4. Protection of bats (2E192).
5. Lighting details (2E271).
6. Hard surfacing (3V212).

ACTION

7. Provision & retention of parking spaces (3V233).
8. Landscape design proposals (4P123).
9. Landscape works implementation (4P132).
10. Restriction on Use (buildings) (5U021).
insert "The parts of the converted barn outlined in red on the approved 1:100 proposed ground floor plan shall be used solely for short term holiday let accommodation limited to a maximum stay of 3 weeks and for no other purpose whatsoever, including Class C3 of the Town and Country Planning Use Classes Order 2005, as amended".
11. Prior to the commencement of the development hereby permitted detailed survey drawings, indicating the parts of the buildings to be retained, together with a written schedule of works for the development hereby permitted, shall be submitted to, and approved in writing to the Local Planning Authority. Thereafter, the works shall be carried out in complete accordance with the approved drawings.

Reason: To ensure the development is carried in accordance with the permission hereby granted and to for the avoidance of doubt as to what is permitted.

ACTIONSummary

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, Local Plan Review Re-Deposit Version November 2004 including Pre-Inquiry changes), and in particular policies RA3, RA6, RA11, BE2, L6 and Re-Deposit policies GBC5, GBC6, GBC9, GBC10, GBC11, ENV1a, LRC12. The balance of the considerations having regard to those policies, and having regard to the Governments objectives concerning sustainable development in rural areas and farm diversification as set out in PPS7, is that permission should be granted.

- 497 3/04/1748/FN – RENEWAL OF PLANNING PERMISSION GRANTED 3/95/0908/FP FOR CHANGE OF USE OF AGRICULTURAL LAND (SET ASIDE) AND THE ERECTION OF A GOLF ACADEMY TO INCLUDE DRIVING RANGE, RECEPTION BUILDING AND 9 HOLE, PAR 3, GOLF COURSE AT CAFÉ FIELD, ON LAND AT JUNCTION OF A10 AND A120, PUCKERIDGE FOR SUNLAND NOMINEES
-

The Committee supported the recommendation of the Director of Regulatory Services that application 3/04/1748/FN be refused planning permission for the reasons detailed in the report now submitted.

RESOLVED - that application 3/04/1748/FN be refused planning permission for the following reasons:-

DRS

1. The change in circumstances as compared with the situation pertaining at the time of determination of application 3/95/0908/FP is such that inadequate proposals and assessments have been submitted to fully

ACTION

- address the highways, access and car parking implications of the proposed development and its surroundings in accordance with recommended standards, contrary to national guidance in PPG13: Transport and to policies BE2 and Appendix I, L7 and M11 of the East Herts Local Plan and policies LRC8, TR3b and TR21 of the East Herts Local Plan Second Review Re-Deposit Version November 2004.
2. Part of the site is located in Flood Zone 3, which is a high risk zone and liable to flooding. Insufficient information has been provided which fully addresses the risk of flooding to the site. Moreover as the proposal involves development in close proximity to the Puckeridge Tributary, the development would be likely to prejudice flood defence interests and adversely affect the character of the watercourse. The proposal is contrary to national guidance in PPG25: Development and Flood Risk and to Policy BE9 of the East Herts Local Plan and Policy ENV25 of the East Herts Local Plan Second Review Re-Deposit Version November 2004.
 3. Insufficient information has been provided regarding the ecological implications of the proposals to be properly assessed in regards to the flora, fauna and habitats contained within the site. As such the proposal is considered contrary to Policies L7 and RA14 of the East Herts Local Plan and Policies LRC8 and ENV24 of the East Herts Local Plan Second Review Re-Deposit Version November 2004.

ACTION

4. Insufficient information has been provided regarding the impact of the proposed floodlighting upon the residential amenities of existing and proposed residential properties in the vicinity of the site. As such the proposal is considered contrary to Policy BE2 and Appendix I of the East Herts Local Plan and Policy ENV27 of the East Herts Local Plan Second Review Re-Deposit Version November 2004.

498 3/05/1766/FP – ERECTION OF A 30M SLIMLINE LATTICE MAST AND ASSOCIATED TELECOMMUNICATIONS DEVELOPMENT, IN A 6M X 6M COMPOUND, WITH ADJACENT LANDSCAPING – TEWINBURY FARM, NR WELWYN, HERTFORDSHIRE BY ORANGE PCS LTD

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1766/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED - that application 3/05/1766/FP be granted planning permission subject to the following conditions:-

DRS

1. Three year time limit (1T12).
2. Tree retention and protection (4P05).
3. Tree/natural feature protection (4P07).
4. Landscape design proposals (4P12).
Insert "(a) Means of enclosure, (b) Planting plans, (c) Schedule of plants, noting species,

ACTION

sizes and proposed numbers/densities where appropriate (d) Implementation timetables” after “...as appropriate” only.

5. Landscape works implementation (4P13).
6. All equipment hereby permitted shall be removed and the site reinstated in accordance with details to be first agreed in writing by the Local Planning Authority, in the event of the equipment becoming obsolete.

Reason: In the interests of the appearance of the area, and in accordance with policy BE14 of the East Hertfordshire Local Plan.

Directives:

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

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 and East Herts Local Plan’ and the ‘East Herts Local Plan Second Review Re-Deposit Version November 2004 including Pre-Inquiry Changes), and in particular adopted policies RA2, RA11, BE8 and BE14 and review policies GBC2, GBC3, GBC16b, ENV5 and ENV34. The balance of the considerations having regard to those policies is that permission should be granted.

ACTION

499 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

The Director of Regulatory Services reported on a further two conditions that should be attached to any grant of planning permission in respect of application 3/05/1199/FP. These conditions related to the hours of use of the premises and external details of extraction equipment.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/05/1199/FP be granted planning permission subject to the conditions detailed in the report now submitted and the further conditions now proposed.

RESOLVED - that application 3/05/1199/FP be granted planning permission subject to the following conditions:-

DRS

1. Temporary Permission (7th December 2010) (1T09).
2. Refuse Disposal (2E24).
3. No External Lighting (2E26).
4. No Access to Site (Twyford Road) (3V03).
5. Retention of Parking Space (3V20).
6. Personal Permission (Holly Thompson) (5U01).
7. No External (5U07).

ACTION

8. Hours of use (5U08).
insert 7.30am – 7.30pm Mondays to Fridays,
7.30 – 1.30 on Saturdays, and not at any
time on Sundays or public holidays.
9. External details of extraction equipment
(2E37).

Summary of Reason for Decision

The proposal has been considered with regard to the policies of the Development Plan (Herfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan), and in particular policies EMP2 and BS4 of the Adopted Local Plan. The proposal is a departure to the Council's Local Plan policies EMP2 and BS4, however there are significant other material considerations that need to be taken into account, such as the provision of a facility that cannot be appropriately located within an alternative location, and the proposal will employ staff and will not generate an unacceptable level of traffic, is that on the balance of considerations is that permission should be granted.

- 500 A) 3/02/2052/FP – USE OF LAND FOR CAR
PARKING/STORAGE (RETROSPECTIVE APPLICATION) AT
LAND NORTH OF 120A CAMBRIDGE ROAD,
SAWBRIDGEWORTH FOR LASER MOTOR COMPANY LTD
B) E/01/0103/A – UNAUTHORISED PARKING AND
STORAGE OF VEHICLES AT LAND NORTH OF 120A
CAMBRIDGE ROAD, SAWBRIDGEWORTH FOR LASER
MOTOR COMPANY LTD
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The Chairman ruled a motion proposed by Councillor Copping and seconded by Councillor Scrivener to be out of order as no reasons were put in support of the proposal to grant application 3/02/2052/FP planning permission.

ACTION

The Committee supported the recommendation of the Director of Regulatory Services that application 3/02/2052/FP should be refused planning permission for the reasons detailed in the report now submitted.

The Committee also supported the enforcement action recommended by the Director of Regulatory Services, as detailed in the report now submitted, in respect of the unauthorised parking and storage of vehicles at this site.

RESOLVED - that (A) retrospective planning permission in respect of application 3/02/2052/FP be refused for the following reasons:-

DRS

1. Within MGB — EHLP (R021).
2. The already extended car parking/storage area, and associated wire mesh fencing by reason of both their size, position and prominence are visually harmful to the openness and character of this green belt location and is therefore contrary to national guidance in PPG2 Green Belts, policy RA2 of the East Hertfordshire Local Plan and to policies GBC5 and GBC6 of the East Herts Local Plan Second Review Re-Deposit Version November 2004.

(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 to take such other steps as may be required to secure the cessation of use of the land for the parking/ storage of vehicles, the removal of all unauthorised means of enclosure and to seek the restoration of the land to its original condition at 120A Cambridge Road, Sawbridgeworth.

DRS
DCG

ACTION

Period for compliance: 2 months.

Reasons why it is expedient to take enforcement action:-

1. Within MGB — EHLP (R021).
2. The already extended car parking/storage area, and associated wire mesh fencing by reason of both their size, position and prominence are visually harmful to the openness and character of this green belt location and is therefore contrary to national guidance in PPG2 Green Belts, policy RA2 of the East Hertfordshire Local Plan and to policies GBC5 and GBC6 of the East Herts Local Plan Second Review Re-Deposit Version November 2004.

501 E/040190/A UNAUTHORISED WORKS TO A LISTED BUILDING TO INCLUDE THE PART DEMOLITION OF THE BUILDING WITH THE REMOVAL OF DOORS, WINDOWS, ROOF, STRUCTURAL AND NON STRUCTURAL TIMBERS, WEATHER BOARDING AND BRICK CHIMNEY AND THE CONSTRUCTION OF A NEW UNAUTHORISED BUILDING AT THE COTTAGES, CRADLE END, LITTLE HADHAM, WARE, HERTS

The Committee supported the recommendation of the Director of Regulatory Services that various legal proceedings be commenced and enforcement action taken under the provisions of the Planning (Listed Buildings and Conservation Area) Act 1990 and Town and Country Planning Act 1990 in respect of unauthorised works to a listed building and the construction of a new unauthorised building at The Cottages, Cradle End, Little Hadham, Ware.

ACTION

RESOLVED - that the Director of Regulatory Services, in consultation with the Director of Corporate Governance be authorised to commence:-

DRS
DCG

(A) legal proceedings under Section 7 of the Planning (Listed Buildings and Conservation Area) Act 1990 for the unauthorised works to the listed building, including its part demolition,

(B) to issue and serve an Enforcement Notice under s.172 of the Town and Country Planning Act 1990 and/or a Listed Building Enforcement Notice under s.38 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and to take any such other steps as may be required to secure (i) the demolition of the unauthorised new build structure and the removal of the resultant materials from the site and (ii) the retention, on site, in a safe and protected manner, the remaining part of the listed building,

(C) to issue, if necessary, a Stop Notice under s.183 of the Town and Country Planning Act 1990, to prevent further works on site,

at The Cottages, Cradle End, Little Hadham.

Period of Compliance: 1 month.

Reasons why it is expedient to issue an Enforcement Notice:

1. The part demolition of this listed building seriously harms the historic character and setting of the building and the surrounding area. Policy BE16 of the East Herts Local Plan clearly states that the council will not permit the demolition of a listed or other historic building unless it is satisfied that there

ACTION

are very exceptional circumstances as to why the building cannot be retained and reused.

2. The new building being constructed does not accord with the planning permission granted under reference 3/04/2162/FP which only permitted the conversion of the original listed building into two separate cottages, and did not permit the construction of a new building. The site is within the Metropolitan Green Belt wherein Policy RA2 is applicable. This policy states that, except in special circumstances, permission will not be given for the construction of new buildings or for changes of use for purposes other than mineral extraction, agriculture or forestry, and essential small scale facilities for outdoor sports or recreation.

502 OUTBUILDINGS WITHIN RESIDENTIAL CURTILAGES IN THE RURAL AREA

The Director of Regulatory Services submitted a report on the proposed "Residential Outbuildings in the Rural Area Guidance Note".

The Director advised that the guidance note had been written as a result of increasing numbers of applications being submitted to the Local Planning Authority. It aimed to inform householders of the issues considered when determining planning applications for outbuildings within residential curtilages in the rural area.

The Director tabled a revised copy of the guidance note.

The Committee noted that the note had been revised to provide further clarification on a number of issues and to reorder narrative to make its content clearer.

The Committee approved the publication of the guidance

ACTION

note.

RESOLVED - that the "Residential Outbuildings in the Rural Area Guidance Note", giving advice to householders on appropriate outbuildings in the rural area, be approved for publication.

DRS

503 CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER (NO 4) 2005 P/TPO 519 "LAND TO THE WEST OF GREENWAYS, BUNTINGFORD, HERTS"

The Director of Direct and Contract Services submitted a report advising that a Tree Preservation Order had been made to protect trees on land to the west of Greenways, Buntingford.

The Committee noted the background leading to the making of the order, the trees it covered and details of an objection to its confirmation.

The Committee supported the Director's recommendation that the order should be confirmed as an opposed order and brought into operation.

RESOLVED - that Tree Preservation Order (No 4) 2005 be confirmed as an opposed order and the Director of Regulatory Services be authorised to bring it into operation.

DDCS

504 CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER (NO 5) 2005 P/TPO 520 "1 BURY GREEN COTTAGES, BURY GREEN, LITTLE HADHAM, HERTS"

The Director of Direct and Contract Services submitted a report advising that a Tree Preservation Order had been made to protect trees at 1 Bury Green Cottages, Bury Green, Little Hadham, Herts.

ACTION

The Committee noted the background leading to the making of the order, the trees it covered and details of an objection to its confirmation.

The Committee supported the Director's recommendation that the order should be confirmed as an opposed order and brought into operation.

RESOLVED - that Tree Preservation Order (No 5) 2005 be confirmed as an opposed order and the Director of Regulatory Services be authorised to bring it into operation.

DDCS

505 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 the planning applications detailed in the report now submitted. If and when an obligation was completed, the Director of Regulatory Services should, it was felt, be authorised to grant permission in respect of the planning applications submitted in the report.

The Committee supported the recommendation of the Director that an extension of six months be granted for the conclusion of planning obligations detailed in the report now submitted.

RESOLVED - that (A) 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 following applications and, if an obligation is completed, the Director of Regulatory Services be authorised to grant permission in respect of the following planning

DCG
DRS

ACTION

applications:-

<u>Planning Reference</u>	<u>Site and Proposals</u>
1. 04.06.592	Dolphin Yard, Bull Plain, Hertford. New build of 6 x 2 bed flats; 10 x 2 bed maisonettes and public library.
2. 04.06.653	Gilston Park Farm, Gilston, near Harlow. Construction and operation of Cattery.

(B) the Director of Corporate Governance report back following the grant of planning permission, or on the expiry of the six months period, whichever is the sooner.

DCG

506 ITEMS FOR REPORT AND NOTING

RESOLVED - that the following reports be noted:-

- (A) Appeals against refusal of planning permission/non determination,
- (B) Planning Appeals Lodged, and
- (C) Planning Statistics.

- (Note: 1. In relation to planning appeals, Members supported a suggestion by the Chairman that they receive 'e'-mail summaries of the results of appeals as and when received.
2. In relation to planning statistics, the Committee confirmed that it no longer wished to receive this information in bar chart form. Details of performance figures would be sufficient.

ACTION

3. In relation to Members' accessibility to information on planning applications, the Committee noted that, in future, software upgrades would allow Members to access information by use of addresses.)

The meeting closed at 9.12 pm.